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THE EMERGING ROLES OF THE POLICE AND OTHER LAW ENFORCEMENT
AGENCIES, WITH SPECIAL REFERENCE TO CHANGING EXPECTATIONS
AND MINIMUM STANDARDS OF PERFORMANCE

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GENERAL CONSIDERATIONS

1. The role of the police and other law enforcement agencies has not been examined in detail by previous United Nations Congresses on the Prevention of Crime and the Treatment of Offenders. The subject is included on the agenda of the Fifth Congress partly as a result of representations by law enforcement participants in the Fourth Congress held at Kyoto, Japan in 1970 and partly as a result of a survey of opinion conducted by the United Nations Secretariat among participants in the previous Congress in preparations for the Fifth Congress.

2. The title of the agenda item, "The emerging roles of the police and other law enforcement agencies, with special reference to changing expectations and minimum standards of performance", was chosen at a special preparatory meeting of chiefs of police from various countries who recognized that the functions of law enforcement agencies had reached a critical stage in their development in a rapidly changing world. Despite many differences between police forces in various regions, two problems in particular seem to be common to them all. The first is the new universal ambivalence in what the public expects the police to do. The desire for law and order, on the one hand, and human rights consideration, on the other, vie for balance in the equal demands of the public for police efficiency and police restraint. The second problem is the concern demonstrated by the police themselves through new efforts to achieve professional recognition by promoting the evaluation of their own performance and encouraging positive efforts to meet higher standards in order to cope with the complexities of modern law enforcement. In some countries, this trend has been reinforced by a feeling of inadequacy on the part of the police in the face of rising criticism of the manner in which they have performed their duties. Both problems have led to a preoccupation with the standards of performance that should reasonably be expected from any police service.

3. Internationally, the situation is complicated as much by the diversity of police systems as by the varying interpretation of the police function itself, as a result of cultural, traditional, geographical and administrative differences. ^{1/} In regard to the over-all legal structure of police systems, the divergencies may be less pronounced since, in the world as a whole, there are probably only two or at most three types of police systems, corresponding to the common law, the civil law and the patterns of law and procedure in the socialist States of Eastern Europe and the Union of Soviet Socialist Republics. It may not be unfair to consider the socialist system and the civil law framework as roughly comparable since they have a number of substantive and procedural similarities. However, the law enforcement matrix within each type of legal framework is relatively intricate, and hardly any two countries show the same pattern. Each system has its local differences and local traditions which affect the relationships between the public and the police and help to determine the status and precise function of the police under given circumstances - that is, how a crime prevention responsibility will be interpreted, how much time will be devoted to the investigation and prosecution of crime

^{1/} See S. Arcand and Y. Brillon, "Comparative criminology: Africa", *Acta Criminologica*, vol. 6 (1973), pp. 199-217.

as opposed to the time allocated to functions more generally oriented to public service, and to what extent the police will depend on local co-operation or on instilling public fear for the effective control of deviant behaviour.

4. There appears to be no international consensus (and in some cases no national agreement 2/) as to what the policeman's role should be. Differences of opinion are rife among the police, the community and the authorities regarding the exact operational role of the police as an agency within society. For example, there are many instances of the police being used not only to maintain order but also to serve some political cause. There are also many examples of the police devoting a high percentage of their time to community service in addition to maintaining order, particularly in developing countries where the policeman is often closely associated with social and community functions, including the duties of licence-issuer, building and sanitation inspector, and census taker. In one socialist State of Eastern Europe, the task of the police is defined as that of protecting the person and rights of citizens, promoting the prevention and restriction of crime and educating people to observe the rules of socialist community coexistence and to achieve civic discipline. 3/

5. The prevention and control of crime cannot be achieved without an honest, well-trained and efficient law enforcement agency operating with the co-operation and support of the citizens it serves. At best, the task of the police is difficult and, while there are many instances where police are performing creditably under difficult conditions, there are also many regions where law enforcement efforts are thwarted or dulled by poor or inefficient administration, inadequately trained personnel, jurisdictional conflicts, overlappings or limitations and, in some cases, political interference. Because the world now faces a future of accelerated social change and increasing impermanence, the role of the police must be adapted to meet these changes. The effectiveness of such adaptation will be crucial in ensuring an acceptable level of public tranquillity and common justice.

6. Crime is largely an urban phenomenon related to the sense of anonymity engendered by city life, the breakdown of family units, changing social and moral values, the fragmentation of the community, problems of the disadvantaged, poor housing and other factors which lower the quality of life. It can be said that the police also are very largely an urban phenomenon because policing in rural areas has changed little over many centuries while the complexities and problems of crime control in the cities have added to the numbers of police and to the many-faceted problems of police administration. More importantly, the sophistication of crime in the cities demands a matching sophistication of police methods. Crime is a

2/ Thomas A. Johnson, "Police-citizen encounters and the importance of role conceptualization for police relations", in James T. Curran, Austin Fowler and Richard H. Ward, eds., Police and Law Enforcement 1972 (New York, AMS Press, 1973), p. 205.

3/ Information transmitted to the Secretariat by a consultant, György Rudas, Hungary.

manifestation of a wide variety of social and economic problems which exist, to varying degrees, in most developed and developing countries. In addition, history has shown that there is a connexion between crime and other factors such as the homogeneity or heterogeneity of a nation's population and deep-rooted national traits or traditions.

7. While the police - perhaps by definition - are inevitably in the forefront of crime prevention and control, they are by no means able to cover the whole area of crime prevention and detection and are in no position to discharge their responsibilities for the maintenance of law and order without reference to the total socio-economic situation. In some respects they are inevitably involved in the political developments which give rise to various forms of protest and disruptive behaviour on the part of the public. The police are only part of the total structure which an organization or society develops against the forms of deviation it considers necessary to control.

8. Without community acceptance of the fact that crime prevention, in both the short and the long term, is everybody's responsibility, only marginal improvements can be achieved in police effectiveness. To turn this moral acceptance of responsibility into practical endeavours, constance and imaginative attention and efforts by police administrators and their subordinates will be required.

9. With the rapid development of technology, particularly in the fields of transportation, communication and computer science, crime has assumed greater international dimensions. The ease and speed with which criminals are now able to travel from one region of the world to another presents a new challenge to police forces which must prepare to meet and deal effectively with emerging forms of criminality. In recent years, there has been an alarming increase in various forms of international crime such as the sale of fraudulent securities or other negotiable instruments, the distribution of counterfeit currency, illegal transactions involving precious metals, the theft of cultural treasures and the ever present illegal traffic in drugs. Many regions have been plagued with crimes of violence involving bombings, kidnappings and sky-jackings which are often committed by persons who are citizens of countries other than those in which the crimes occur. The emergence of this new type of criminal requires concurrent efforts on the part of the police to improve their effectiveness through an expansion and refinement of their technical capabilities and through the training of their personnel in such subjects as commerce, accounting, computer science and international law. The success of the police in dealing with these problems will depend to a great extent upon international co-operation and a free and continuous flow of relevant information between police agencies in all regions where such situations exist. ^{4/} The International Criminal Police Organization (INTERPOL) has recently expanded its communications facilities and co-ordinates the flow of crime-related information among more than 115 countries. The aims of INTERPOL are to promote mutual assistance on the widest possible basis between all criminal police authorities

^{4/} See K. Schaeffer, "Verbrechensbekämpfung--ein allgemeiner Beitrag auf nationalem Hintergrund", Polizei (Cologne), vol. 64, No. 8 (1973), pp. 225-229.

within the limits of the laws existing in different countries and in the spirit of the Universal Declaration of Human Rights, and to establish and develop all institutions likely to contribute effectively to the prevention and suppression of common crimes. Other international organizations, such as the International Association of Chiefs of Police (IACP), are striving to broaden their operations through the international exchange of ideas and information relating to such subjects as police ethics, standards of performance, operational techniques and training methods. The activities of such organizations should be encouraged in an effort to promote greater understanding between police forces in all countries for the purpose of improving police effectiveness in dealing with international crime.

10. Although it has long been recognized in many regions that the primary mission of the police is crime prevention, over the years there has been a tendency on the part of the police to become preoccupied with crime-solving and law enforcement, while giving a lower priority to the preventive aspects of their activities. Recently, there has been an increase in public concern and awareness of the fact that the police may not be devoting sufficient effort in this direction. This concern is undoubtedly justified in some countries and can be attributed in part to police policies, manpower limitations, poor manpower deployment and, in some cases, to inadequate police training programmes which fail to place sufficient emphasis on the preventive aspects of police activities. Few will deny the potential benefits to be derived from effective crime-prevention programmes. However, to produce the desired results, they should be carefully planned and directed towards the areas of greatest need. Essentially, most such programmes are offence-oriented, victim-oriented or offender-oriented. Offence-oriented programmes generally involve manpower deployment and patrol systems organized in relation to the incidence of crime. This necessitates constant analysis by the police to establish when and where crimes are being committed with the greatest frequency. The victim-oriented approach, which will be discussed elsewhere in this paper (see para. 83), entails public-education programmes aimed at improving business and residential security, reducing opportunities for crimes against the person, and familiarizing the public with the methods employed by those criminals who specialize in fraud and other crimes involving misrepresentation. The last, but certainly not the least important means by which the police can prevent crime, is the offender-oriented approach, which perhaps offers the greatest challenge. While patterns of criminality vary from region to region, evidence suggests that everywhere more and more crimes are being committed by extremely youthful offenders. Most supporters of the preventive role of the police agree that much can be done by all segments of society, in particular the police, to dissuade young citizens from turning to a life of crime. Most adolescents are somewhat impressionable and are certainly vulnerable to external influences, by they good or bad. In many large urban centres, there are youths who have never met or associated socially with a policeman; consequently, their impressions of the police are often based on conversations with friends or on what they view on television or in the cinema. It is suggested that a greater effort should be made to develop a dialogue between such persons and the police so that they may have an opportunity to know policemen as individuals who are concerned with the welfare of young citizens, who are quite

human and not the repressive servants of the establishment they had perhaps imagined. 5/ The emphasis of these programmes has been directed mainly at the youthful members of society, because the results of past efforts by the police to influence the deviant behaviour of hardened, professional criminals have been extremely discouraging in most cases. This is not intended to imply that the police should not make every effort to influence and encourage the rehabilitation of all criminals. However, it seems that youth programmes offer greater potential for success and more satisfying rewards. Another form of offender-oriented crime control involves directing police attention to known criminals or criminal groups, particularly those connected with so-called organized crime, violent motor cycle gangs and the like. Towards this end, many police agencies have established criminal intelligence units or other specialized squads whose purpose is to maintain discreet surveillance of the activities of these individuals or groups and, in addition, to gather as much information as possible from all available sources regarding their movements and plans. The effectiveness of the police in combating this form of criminality often depends on the efficiency of such information-gathering units. A factor contributing to this efficiency is the degree of freedom in the flow of information between police agencies in all parts of a country, particularly in view of the present mobility of the criminal element in the course of its illegal activities. Police forces in many regions have achieved considerable success through the establishment of units that deal primarily with major crimes. The procedures for exchanging relevant information on crimes with international characteristics could and should be encouraged and expanded. INTERPOL has traditionally fulfilled this function.

11. While there are many ways in which the police can prevent crime and deter offenders, there are also crimes which the police alone can do little to prevent without the co-operation of the business community. For example, the "self-service" merchandising techniques utilized by many shops and department stores constitute a serious problem for the police. Such techniques contribute substantially to the increase in property crime in many regions, but have been given little public attention. The manner in which such businesses display their wares, coupled with the inadequacy of staffing, invite and even encourage the crime of shop-lifting. It is estimated that losses by such means have reached staggering proportions in some countries. In many cases, shop-keepers are reluctant to prosecute offenders for fear of adverse publicity. Another equally disturbing situation that receives relatively little attention from the public is the widespread fraudulent use of credit cards, which are often distributed by banking or business organizations, in some cases with little or no background investigation of the persons to whom they are issued. As a result, many offences of fraud are perpetrated not only by legitimate card-holders but also by those persons whose criminal activities are concentrated on the theft of such cards for fraudulent purposes. Many of these offences are committed across national and international boundaries and are usually not brought to the attention of the police until many months after the commission of the offences. The financial losses suffered as a result of these illegal activities are estimated in millions of dollars, but it is

5/ See G. Thorne, "Juvenile liaison--start when they're young", Police Review (London), vol. 81, No. 4196 (1973), pp. 849-850.

the public that eventually must suffer through increased prices. In addition, most credit organizations spend substantial sums on hiring private investigators to trace those persons who commit such frauds. The extent to which the police can discourage such illegal activities is limited. However, this is an area in which greater international co-operation is necessary.

12. The aim of all countries is to reduce the incidence of crime through effective law enforcement practices while at the same time protecting the individual rights and freedoms of their citizens. There is considerable evidence, in the form of rising crime rates in many regions, that this aim is not being achieved and, therefore, much must be done by Governments - particularly through their criminal justice departments and the police - and the public as a whole before significant improvement can be expected.

13. While most will agree that the police function must be considered in conjunction with the over-all criminal justice system, there is much the police can do to improve their performance through higher recruitment standards, better basic and in-service training programmes, more efficient manpower deployment, improved management procedures and greater efforts to establish effective community relations in order that law enforcement agencies may receive the public support they need.

I. HISTORICAL BACKGROUND

14. No society has existed without controlling the behaviour of its members. Early peasant and nomadic societies depended for their survival on land or livestock but, to ensure protection, they enshrined social relationships in carefully observed contracts whose infringement was sometimes punished by vendettas or vengeance killings, such as those which occurred in the history of the Mediterranean and the Middle East. Each class or family shared the police function. As society diversified and became more complex, the police role became more demanding and, as a result, the ordinary citizen did not have the time, the inclination or, in many cases, the opportunity to police his neighbour.

15. The word "police" is derived from the Greek polis, meaning the internal government of the state. It appears that prior to the seventeenth century, the term "police" was used to describe all state or government functions other than those of an ecclesiastical nature. Subsequently, foreign military and economic affairs were separated and departmentalized, and the term became synonymous with internal administration. ^{6/} Only in comparatively recent history has the word "police" been associated with the function of the maintenance of order and law enforcement.

16. As time passed, crime control and law enforcement became a state function and essentially two different types of systems developed. Since these have affected a

^{6/} Raymond B. Fosdick, European Police Systems (Montclair, N. J., Patterson Smith, 1969), p. 23.

large number of countries through colonial administrations and the incorporation of "borrowed" systems by rapidly industrializing countries, it is important to examine them here.

A. Common law system

17. The British Parliament's Metropolitan Police Act of 1829, the Municipal Corporations Act of 1835 and the County and Borough Police Act of 1856 established the British police system which, with minor modifications, still exists in the United Kingdom of Great Britain and Northern Ireland and, with variations, in many other regions of the world at the present time. These Acts were passed with little opposition, despite many years of public criticism of the concept of a professional police. The main reason for the earlier resistance in England to the "new police" idea was the fear that such a force would tip the balance of power in favour of the executive branch of government, leading ultimately to the suppression of civil liberties. In particular, the continental type of police system then operating in France was regarded as being incompatible with the well-established principles of British liberty.

18. The new English system was based on two philosophies: that the prosecution of crime was a local responsibility and that policemen were to be treated as ordinary citizens. From this approach, the following important characteristics have evolved through legal decision, custom and convention. A constable's authority is original (whether or not it comes from citizenship or statute), not delegated, and is exercised at his own discretion by virtue of his office. The constable is a ministerial officer exercising statutory rights independently of contract. The essential difference is that his relationship to the Government is not that of servant to master. If he exceeds or abuses his powers he is personally liable to be sued by the victim.

19. In a number of "decided cases", English courts have suggested that, in exercising his original powers, a constable should act according to his own judgement and not according to the instructions of the authority that employs him. This doctrine has been extended to apply to the commanders of a police force as a whole and thus provides the legal foundation of the theory of police independence. Chief constables are considered to be independent in matters of law enforcement and their independence derives from their status as constables. In discussing the position of the Metropolitan Police Commissioner, in the Blackburn case, Lord Denning is reported as saying: "I have no hesitation in holding that, like every constable in the land, he should be, and is independent of the executive ... he is not the servant of anyone, save the law itself". 7/ This theory of the

7/ Regina v Commissioner, Metropolitan Police, ex.p. Blackburn 1968
All E.R. 763. See also Halsbury, Laws of England, vol. 30, pt. sect. 1, p. 43:
"In essence a police force is neither more nor less than a number of individual constables whose status derives from the common law, organized together in the interests of efficiency."

independence of police commissioners and chief constables follows the traditional Anglo-Saxon approach that law enforcement should be carried out in a manifestly impartial manner and shielded from even the appearance of politically motivated interference.

20. The extent to which this doctrine and the rest of the English police system were adopted by former British colonies depended partly upon the date at which they established their own police forces and the nature of the colonial territory. Some former British possessions such as India and parts of Africa rejected the English system as a model in favour of the Royal Irish Constabulary system of pre-1921 days. The Royal Irish Constabulary was centrally controlled, had an officer cadre, provided quasi-military training and had a code of discipline considered more suitable for those territories.

21. In the United States of America, the first modern police department was created in 1844 by the State of New York for the City of New York in accordance with the recommendations made by a committee that had been sent earlier to London to examine the English model. Other American cities, such as Chicago (1851), Cincinnati and New Orleans (1852), Philadelphia and Boston (1854), and Newark and Baltimore (1851) quickly followed with their own forces similarly copied from London, although older forms of law enforcement continued in the United States of America, notably the office of sheriff.

22. From this account it will be seen that the common law system, with a few modifications, has prevailed as a relatively effective law enforcement tool over the past 150 years in England as well as in other countries with similar cultural backgrounds.

B. Civil law system

23. On the continent of Europe, the civil law system, as exemplified by the Code pénal of Napoleon, created a legal context for police work that was strikingly different from the pattern generated by common law. There were other codes arising largely from the legal reform movement initiated by the eighteenth-century Italian economist, jurist and criminologist, Beccaria. Leopold II of Tuscany enacted a code in 1786 and Joseph II of Austria in 1787. There was also the Bavarian Penal Code and the Prussian Code of 1813. Yet it was the French approach which gave impetus to codification. The revolution in France at the end of the eighteenth century was a critical break with the past and made codification both feasible and necessary. The revolution had done away with feudal laws, had eliminated many local interests obstructing the unification of the legal system, and had strengthened the national consciousness of the people. 8/

24. Moreover, the revolution itself was an off-shoot of the Enlightenment of the eighteenth century with its essential belief in natural law and the importance of

8/ R. B. Holtman, The Napoleonic Revolution (Philadelphia, J. B. Lippincott, 1967), p. 88.

reason. 9/ The trend was therefore towards an ordered and systematized pattern of law derived from an established code rather than from precedents or custom. From this developed the Napoleonic Code pénal of 1810, which was a mixture of Roman law, canon law and custom 10/ and which inspired and formed (directly or indirectly) similar codifications not only for Europe but for the Middle East, Africa, Latin America and parts of Asia. 11/

25. A central penal code of this type depended upon strong central control and a form of law enforcement mainly directed from the centre. This is not to suggest that it did not represent both the interests and the support of local people. Whether central or local authority represents most adequately the wishes of the people depends on the way the authority is conferred (by vote or by appointment) and on the use of that authority by the administration at its several levels. It may be that in practice a well-organized and efficient central administration could be more sensitive to local needs than a purely local - and perhaps disconnected - authority. On the other hand, decentralization is often an ideal both of those who seek more local contact and of those seeking to make a centralized authority more responsive. Whatever its merits, most continental Governments were based on central control. The police, being one of the many branches of government, developed in a similar fashion and its functions were clearly defined by a central penal code. Thus the police, as well as other government departments, represented central power to the local people.

26. Long before the Code pénal, the ancien régime in this part of the world had given rise to centralized power. The Kings of France appointed police to keep order. They were originally described as gens d'armes and quickly became known as gendarmerie. Historically, the gendarmerie were groups of armed soldiers furnished by the fief. They were replaced in 1439 by compagnies d'ordonnance of gendarmes consisting of soldiers and military officers who were spread throughout the land to preserve order and maintain the authority of the King (Charles VII). The Compagnies d'ordonnance were disbanded by Louis XVI in 1787, and subsequently all institutions of the monarchy were swept away by the revolution. The gendarmerie were re-established at the end of the eighteenth century as a national paramilitary police force to watch over public safety, to keep order and to enforce the execution of the law.

27. After the implementation of the French Penal Code in 1810, it was necessary to provide a means for its enforcement and thus the police judiciaire was created, whose members were appointed by the national Government and whose powers and duties were firmly entrenched in the Code of Criminal Procedure itself, in sharp contrast to those of common law constables. The police judiciaire today perform their duties with a national mandate, they are under the general supervision of the

9/ Ibid.

10/ Gerhard O. W. Mueller, ed., The French Penal Code (South Hackensack, N.J., Fred B. Rothman, 1960).

11/ R. B. Holtman, The Napoleonic Revolution (Philadelphia, J. B. Lippincott, 1967), pp. 96-97.

procureurs généraux and are involved in criminal investigation at the national, regional, and community level under the direction of the public prosecutors and examining judges.

C. Socialist System

28. The policing systems of the USSR and Eastern European socialist States differ in some respects from one country to another, but they display a general uniformity of purpose and practice. In these countries, the police function, for the most part, is not primarily based on historical traditions but is a relatively new system which has been deliberately and consciously organized fairly recently as an integral organ of the socialist State. It is centrally directed, reaches down to the local areas and is linked at every level with the political organization of the State in order to provide it with a basis of public support.

29. A study of the police in Hungary shows that it has the following structural principles: (a) a high degree of centralization (organic unity); (b) an arrangement for efficiency at different vertical levels; and (c) harmony between the police, the state and the administration of justice. 12/

30. As far as the system of policing in the USSR is concerned, a decree issued on 19 November 1968 determines the principal functions of the militia. The term "militia" in the Soviet Union may be taken as equivalent to the police in Western Europe and North America. One writer states: "The principle of democratic centralism in regard to the militia's activities means general government, exercised by superior organs of the Ministry of Internal Affairs (of which the militia is a part), combined with wide-scale organizational independence and the initiative with which it is entrusted. The militia's dual subordination is expressed by its being under the authority of a higher organ of internal affairs and at the same time under a local soviet of working people's deputies and its executive committee. Thus, on the one hand, there is a guarantee that the militia's activities comply with the law, while on the other hand, local authorities are permitted to administer the militia, to exercise control over its activity and to maintain its authority and contact with inhabitants". 13/

31. To summarize, it can be said that while the legal structures are few, the systems of law enforcement throughout the world are many, with local conditions and circumstances affecting the interpretation and the administration of justice. In some areas, the police forces are fragmented and dispersed among local authorities with little central control; in others, there is a national authority for the police; and in federal systems there are federal law enforcement agencies as well as state or provincial police forces and city police departments.

12/ Information transmitted to the Secretariat by a consultant, György Rudas, Hungary, for the purposes of this paper.

13/ I. I. Karpets, "Principal directions and forms of activities of militia in the Soviet Union", to be published in International Review of Criminal Policy, Issue 33.

32. Yet, however varied the types of police organization and structure are, there are some features common to all such police forces, the more important of which are the responsibility for the preservation of order, the protection of life and property, the prevention and detection of crime and such related tasks as the control of traffic and the provision of assistance to citizens in emergency situations. While police powers vary from country to country, most police officers possess the authority to deprive a citizen of his liberty for cause and to use necessary force to achieve this objective. It is the concern of the public and the police themselves that agents of the law be controlled in such a way that this authority is not abused. In a rapidly changing world, with crime developing alongside technology, police forces must themselves progress similarly and therefore can benefit from an exchange of information regarding experiences and approaches to their common problems.

II. EXPECTATIONS AND LEVELS OF PERFORMANCE

33. The problem of the discrepancy between public expectations and police levels of performance to a great extent concerns the precise role of the police within the political and social structure. In some areas of the world this role is ideologically defined and unmistakable. Legal, economic and social rights and wrongs are commonly understood and there is no conflict with regard to them. In such situations, public expectations and levels of performance would ideally coincide. There are other areas of the world, however, where this coincidence of function and expectation has been disrupted by social and economic change or merely by the erosion of older systems of values. Sometimes the political situation places police forces in direct confrontation with large sections of the public that are seeking to change the status quo. This is to say that the harmonization of police activities and public expectations may, and in fact should, depend on factors outside the control of the police forces themselves.

34. The report of the Committee on Crime Prevention and Control on its third session contains the following statement:

"Too often the police have been a kind of scapegoat required to deal with the working out of deeper social, economic and political problems. As a last resort for the maintenance of public order, it is obvious that the police must act to control populations in their public interactions. But probably no country has a police force of a size adequate to maintain order against the will of the people and therefore the question of a public consensus on the basic values to be protected by law is important, not only to reduce potential offences and offenders to proportions manageable by the police, but equally to ensure to the police forces that amount of public co-operation in the prevention and control of offences without which the police cannot be efficient or unrepresive" (E/CN.5/516 - E/AC.57/21/Rev.1, para. 102).

The need for a population to determine its basic values lies at the core of the conflict between public expectations and police performance. Such a conflict does not arise in countries which have already achieved agreement regarding those values or in those which have had such a consensus for a very long period of their history.

/...

But where religious standards have declined, where there is a conflict regarding moral values, or where there is no agreement on political principles, it is essential to understand that those who maintain the rule of law will tend to find themselves in a dilemma between protecting human rights at all costs and in all circumstances, and maintaining order at all times and in all circumstances. The maintenance of order without discretion can lead to tyranny, just as the absolute protection of human rights in all situations can lead to anarchy. A stable society must find a balance between these two extremes and the only way in which it can do this is to specify by law the values which it deems worthy of careful protection. Then it must combine clear instructions to the police with adequate supervision of any discretion to be exercised and perhaps with a general bias towards protecting the rights of the individual, so that the innocent are less likely to be subjected to control and to arbitrary arrest than are the guilty to go free. There will always be some mistakes made even in the best of systems. But where the criminal justice system can provide for the correction of mistakes, for the full investigation of all the circumstances, and for the police to be given not only the necessary support but also the necessary scrutiny of their actions so as to serve the public good, it should be possible to achieve a balance. ^{14/} Obviously this balance will not be continuous. There will be times when there is a lack in one direction or in another, but on the whole a corrective mechanism needs to be provided in normal circumstances by the freely-elected representatives of the public, determining on behalf of their constituents the kind of society to be achieved. While respect for human rights remains pre-eminent, an important task for police management is to develop and maintain organizational structures and policies that will be responsive to changing public expectations at the local and national levels. In view of the rapid social changes taking place throughout the world, police agencies must be prepared to adjust and adapt their methods and attitudes quickly in order to cope with such developments.

35. In this sense, the expectations of the public are related to the levels of police performance. It is possible to imagine a situation in which police brutality might be condoned by large sections of a public determined to enforce its values upon a minority. It is also possible to envisage a situation in which the police had little or no public support and became relatively ineffective in maintaining order and despised by those wielding the real authority in the community. To avoid both these extremes, it is essential to ensure that in setting the standards of performance for the police an attempt is made to anticipate the real wishes of the general public. This is not easy to do, but already steps have been taken to establish basic standards for police performance, examples of which will be found further on in this paper. (see paras. 113-114 and annexes I, II, and III.) Most societies in the past have not accorded the police a professional role or, more importantly, professional recognition and have regarded them only as civil servants of the Government with power to enforce laws. While the police must

^{14/} Several such correctives have been employed by various systems - for example, the protection of law enforcement officers for reasonable mistakes made in good faith by granting them immunity against prosecution or civil action or the exoneration of innocent victims of the criminal justice system, as well as monetary compensation for unjustly-suffered arrest or pre-trial detention.

remain accountable to legislative authority, many police professionals feel that they should possess limited freedom to act on their own discretion, fairly and impartially without inappropriate political or other external interference. While the exercise of police discretion exists in most countries, there are some people who oppose even limited police autonomy on the grounds that it may encourage excesses or at least make them easier to perpetrate.

36. The time may have come in some countries for a change in the conception of the police role. From a conception of their role as purely that of an instrument of a power elite (popularly referred to as the "establishment") within society, the trend is now towards a desire that the police should serve all segments of the community by demonstrating a greater responsiveness to the needs and problems of all citizens, particularly those who may be less privileged or advantaged. In many areas this desire is shared by police as well as the public. The police in many regions already perform their duties in such a manner. However the extent to which any police force can itself adopt either position (that is, that of serving a special group within society or society as a whole) is a question of perspective and interpretation involving many social and historical factors.

III. COMMON FEATURES AND PROBLEMS

37. Nearly all police systems share patterns of organization, administration and practice which affect the level and quality of their activities. ^{15/} Some of these are dealt with below.

A. Recruitment and retention of personnel

38. All police administrators are faced with the challenge of attracting well-qualified persons as police officers and, equally important, of retaining such personnel so that they may make a positive long-term contribution to the organization. In view of the broad powers entrusted to the police, it is essential that such powers be placed only in the hands of officers who possess sufficient intelligence, who are educationally qualified, capable of exercising sound judgement, impartial and emotionally stable and, above all, whose honesty and integrity are beyond reproach. This is particularly difficult in regions where other careers are found to be more attractive because of better salaries or better conditions of service. In some countries, police are recruited through the military, while in others a civil service commission may supervise their hiring. When policemen are hired to serve at lower levels, academic and other qualifications at times have been considered second in importance to physical prowess; police officials recruited for higher administrative positions and specialized criminal investigation duties have been inducted laterally at a level higher than the patrol corps. This practice prevails in many developing countries today and is current in Pakistan, for example, where police officers are recruited at three separate

^{15/} See M. Le Clère, La police, (Paris, Presses Universitaires de France, 1972).

levels: that of assistant superintendent of police, that of assistant inspector of police and that of patrol constable. While the first and second levels require formal education and administrative ability, applicants for the third or lowest level need only be literate and physically fit, on the premise that there is little likelihood of their progressing to higher rank or responsibility. ^{16/} In many countries where the standard of living is relatively low, police recruits are attracted by offers of traditional prerequisites in the form of free uniforms, inexpensive housing, food rations and special allowances to compensate them for the type of service they are expected to provide, which often extends over a 24-hour day. However, in most developed and industrialized regions, the 40-hour work week is becoming quite common and few of these prerequisites are offered to police candidates.

39. The level of recruitment varies with the economic situation prevailing in a given country and is affected by the relative social status of the police. Characteristically, the recruitment of police has improved during times of depression when job opportunities are limited and when many persons, including those with high qualifications, seek the security and status of a police career. Despite relatively high economic standards in most countries and high or certainly adequate police salaries, pensions and other benefits, there is a tendency for well-qualified and capable police officers to leave the police service and move to teaching, private security or administrative positions in the private sector. However, recent experiments (for example, in police recruitment and development programmes in the United States of America) have demonstrated that even in times of prosperity appeals to idealism may attract highly-qualified entrants into the system from population groups that normally would not contribute to the police manpower pool.

40. There is ample evidence to suggest that the move away from police work is related to the police "image" and the public attitude towards police service. At times of political protest or community division, police operations are easily stigmatized as being partisan and, as a result, a negative public attitude is fostered by at least one of the parties to the conflict. At such times it seems that the more sensitive personnel begin to examine their own individual reputations and tend to move into less vulnerable positions. Regrettably, many police forces lose valuable and well-qualified members in this manner; and it seems that the possession of improved educational qualifications by many police officers accelerates rather than retards this movement out of the police since such qualifications make it possible for more and more policemen to find outside positions. This situation may well be more of a problem in some countries than in others, but there is little information of a comparative nature. For many countries, the difficulty is that of improving the educational levels of police to keep pace with rising national educational standards and at the same time retaining highly qualified persons in the police service where they are so badly needed.

41. Many well-educated and desirable candidates are discouraged by antiquated and

^{16/} Information transmitted to the Secretariat by a consultant, Hafiz S. D. Jamy, Pakistan, for the purpose of this paper.

unimaginative police organizational systems which offer little or no challenge. To attract, and equally important, to retain such individuals, police agencies should strive to adopt a more professional attitude in meeting their obligations and should be prepared to introduce new and innovative programmes that are consistent with current and future needs. If the police hope to recruit competent personnel, it is essential to create a working climate that will prove attractive and challenging to the professional practitioner. Such a working climate should be created for policemen working at the field level, where most officers are employed, and should not be confined to those groups responsible for management and supervision. 17/ Unfortunately, some law enforcement organizations lose personnel at the peak of their productivity and usefulness through relatively early retirement programmes. The departure of such officers represents a great loss of talent and resources and it is said that some police departments simply provide a training ground for persons who wish to enter other careers outside the field of law enforcement. This problem is not as prevalent in countries where police officers are required to serve until they are 60 or 65 years of age, regardless of the length of their service, before qualifying for full pension privileges. There are those who feel that rather than being encouraged to retire early, policemen of proved ability should be provided with an incentive to remain in the service where their talents are so badly needed.

42. The recruitment process is critical to the establishment of an effective, ethical and responsive police organization, and many police forces have experimented with different techniques for screening candidates. One police force has used the polygraph to examine potential recruits, 18/ while others have developed sophisticated psychological tests and examinations to evaluate police applicants. Most police agencies, however, prefer to rely on thorough background investigations through interviews of relatives, associates, former teachers, employers and members of the community at large to determine a candidate's suitability for police service.

43. In one Latin American country, a team of psychologists is responsible for screening and examining all police applicants. Such examinations are designed to determine each candidate's intelligence quotient, his general knowledge of the police function, his psycho-physical characteristics and his degree of social adaptability. The team not only examines potential recruits, but also carries out periodic re-assessments of serving policemen in order to determine the causes of any adverse changes in their behavioural patterns. 19/

17/ See J. R. Tjepkema, "Promotion in operative work", Abstracts on Police Science, vol. 2, No. 6 (Deventer, Netherlands, Criminologica Foundation, November/December, 1974), pp. 361-364.

18/ William E. Barber, "Polygraph screening of police applicants", paper presented to the Third National Workshop on Polygraph Procedures, Delta College, University Center, Michigan, United States of America, 2 May 1973.

19/ "Venezuela: psychological testing of metropolitan police recruits", International Criminal Police Review, (St.-Cloud, France), No. 270, September, 1973, pp. 233-234.

44. There is a different approach in one Asian country (Sri Lanka) where the police, in the recruitment process, place great emphasis on the morality of the candidate for police service as well as on ensuring that his parents and family are in no way connected with crime and vice and have no history of mental illness. Recruits are engaged at three levels, depending upon their educational qualifications. Applicants with university degrees are enlisted initially as assistant superintendents, high school graduates as probationary sub-inspectors and those with junior school certificates as constables. In contrast with prevailing opinion in most regions of the world, the "inspectorate" is considered to be the backbone of the police service. 20/

45. The minimum level of educational achievement which should be required of police recruits has been the subject of debate for many years. There has been considerable pressure in some countries, notably in the United States of America, for police candidates to possess a college degree. While such a goal is unquestionably desirable and possibly achievable in a country where more than 50 per cent of college-age citizens do attend college, such a standard would be unrealistic in other regions where the national level of education is much lower and there are fewer facilities for higher learning. However, there are indications to the effect that an over-educated (that is, close to 100 per cent college-graduate) police force is not necessarily superior in efficiency and humanity of approach to an otherwise comparable but less educated police corps. While many college graduates have proved to be effective police officers, there is no assurance that this attribute alone will guarantee either efficiency or suitability. In 1972, a Task Force for the Policing of the Province of Ontario, Canada, recommended the selection of police recruits "to approximately reflect, above minimal standards, the educational make-up of the community" and, in addition, suggested that police personnel should be culturally and ethnically representative of the population.

46. While it is desirable to recruit well-educated or educable police officers, it would seem that to impose the college or university level as an arbitrary minimum standard of education may in some cases effectively exclude individuals who, while not college graduates, may well have the potential to develop into capable policemen. One solution to this problem has been for police organizations to provide opportunities for police officers who possess college or university entrance qualifications to continue their studies on a full-time or part-time basis, adjusting their work schedules accordingly.

47. Lateral recruitment to police agencies from the public sector or from other law enforcement organizations has been practised in many countries for some time, although such a method of recruitment has been resisted in some regions where only top-level administrators are hired from outside the organization. Such resistance stems from the fact that many policemen, as well as the unions or associations which represent them, fear that lateral recruitment would reduce

20/ A. Fariello, "Organization of crime prevention in cities", International Criminal Police Review (St.-Cloud, France), No. 255, pp. 37-38.

promotional opportunities for those already serving in the force and thus morale would be adversely affected. It is possible that such fears are, to some degree, exaggerated and could be dissipated, particularly if lateral recruitment between police departments were to become common practice, as is the case in some parts of the world. In many North American police forces, pension plans are not designed to accommodate new members inducted at intermediate levels. In other areas, however, this problem does not exist to the same extent, because the police are structured and organized by a central authority with the result that pension schemes and other terms of employment are readily convertible. Where lateral recruitment has been utilized, there are many instances in which it has proved beneficial both to the organization and to the individual. The former can benefit from the inductee's experience and expertise in a specialized field, while the latter may benefit from greater career opportunities which may not have existed in his former position. While lateral recruitment may well assist in elevating the calibre of a police force, it should be considered as a complementary measure to normal recruiting methods. If it were to be over-emphasized, it might discourage those at lower echelons from seeking advancement within the force through self-education and in-service training programmes. The latter should be actively encouraged so that serving members can be properly prepared to accept additional responsibility and hence earn promotion within the existing organizational structure. However, lateral recruitment could be a useful tool in smaller police departments that lack the services of an experienced officer highly trained in a specific field.

48. Minority recruiting can introduce complications, and problems in this area are quite topical. There are regions with highly heterogeneous populations where the ratio of police officers drawn from minority ethnic groups is substantially lower than the ratio of these persons in the population as a whole. Perhaps this has been more publicized in the United States of America than elsewhere in recent years, but it is a more widespread problem. In the United Kingdom, large numbers of citizens from former British possessions have recently emigrated to England and have, for the most part, settled in large urban centres. In some of the industrialized countries of Europe, large numbers of "guest" workers have migrated from nearby regions and have significantly affected the ethnic population balance in some cities. Similar population divisions exist in Asia, the Middle East and elsewhere. Occasionally, these minority groups are more than proportionately represented in the number of persons arrested or held in prison - a fact that increases the need for members of these minorities to be more proportionately represented in police forces. It is reasonable to argue that the ethnic composition of any police force should reflect the ethnic make-up of the population as a whole. There seems to be a tendency for ethnic minority groups to settle in concentrated districts for a variety of reasons, mainly cultural and economic. There have been many examples of inharmonious, if not explosive, situations developing as a result of friction between these persons and the police, particularly when the latter is not staffed with persons of ethnic origin similar to that of the minority. At this point, no information is available on the use of members of significant so-called migratory labour groups as officers of any police department. Research in this regard is needed, especially since many such groups have become relatively permanent settlers in the host country.

49. A major problem in minority recruiting has been the lack of qualified applicants. Unfortunately, many minority group citizens are among the less-privileged and less-educated segments of society and, consequently, often fail to meet the standards required by most police departments. The problem facing the police therefore is two-sided. On the one hand, there is the need to recruit policemen from minority groups. This may involve the changing or, in some cases, the lowering of standards to ensure the representation of minorities that might be excluded by the maintenance of existing entry standards. On the other hand, the police are being expected to maintain and, in many areas, to raise their standards to keep pace with a higher level of education in the community as a whole. To exacerbate this situation, the accommodation of minority applicants by changing standards for them only, excludes others who may be better qualified. Discrimination could, therefore, be argued both ways, and the solution is often political rather than purely rational. This is not only a police problem; it applies to a number of public services operating in pluralistic societies, but its public impact may be more in evidence in the way it affects the police.

B. Women in policing

50. Although women have been employed by police departments in many regions of the world for some time, 21/ the full responsibilities of regular police officers have rarely been delegated to them. They have been used primarily in clerical positions or as "police matrons" to guard and handle female or juvenile offenders. Many police services began by using women in such limited roles. Gradually, however, the policewoman's function has been expanded to include a certain number of patrol duties for the purpose of dealing with minor traffic violations, traffic control, so-called social offences (prostitution, sale of cigarettes and liquor to minors and so on) and juvenile delinquency infractions. While the role played by women in the total police operation is still restricted in many areas to rather routine, monotonous and non-dangerous duties, law enforcement agencies in some countries have accepted the contention that no distinction should be made, that women are as capable as men and, in some cases, may be more capable of performing most day-to-day police duties. 22/

51. This change in attitude has come about as a result of a number of factors. First, women themselves have expressed in no uncertain terms their wish to become more involved in the law enforcement function on an equal basis with men, and this desire has been supported and encouraged by recent legislation in various countries which forbids discrimination in hiring practices on the basis of sex. Secondly, there has been a dearth of qualified male police applicants in some regions; and thirdly, there are those who suggest (although as yet without proof)

21/ See Peter Horne, Women In Law Enforcement (Springfield, Illinois, Charles C. Thomas, 1975).

22/ See Lewis J. Sherman, "A psychological view of women in policing", Journal of Police Science and Administration, vol. 1, No. 4, (Chicago, Illinois, Northwestern University School of Law, 1973).

that women tend to take a more personal and humanistic attitude in dealing with the public and that the public would respond favourably to such an approach. The opinion has also been expressed that women could cope adequately with crisis situations involving family or marital disputes and would perhaps provoke less hostility on the part of the disputants.

52. The entry of women into regular police service at all levels and on all duties has, however, met with opposition in some quarters. In one city, for example, patrolmen have expressed alarm and doubt that a female patrol partner would be capable of reacting effectively to a potentially violent situation. This view is shared by the wives of many policemen who are employed in large cities where the police are frequently threatened with personal injury or death. To date, there is no clear evidence to support these fears, and it may be some time before concrete evidence supporting either view is available.

53. Virtually all police forces in the United Kingdom employ policewomen whose training, duties and powers are identical to those of men. Female police officers are used extensively in the Federal Republic of Germany, Guyana, Israel, Japan, New Zealand, Sweden and the United States of America. Women are also used to a limited extent in many other countries including Austria, Australia, Canada, Denmark, France, Norway, Poland and elsewhere. 23/ Policewomen in Japan and the Scandinavian countries are used for such specialized tasks as interviewing female victims in auto accident and assault cases, for youth work and regular detective duties. 24/ Many police departments in the United States of America use policewomen to interview rape victims and, as a result, the latter have shown a greater willingness to report such crimes to the authorities. Most city police forces in Canada have used the services of female police officers in a variety of investigative and patrol duties for many years, and in 1974 the Royal Canadian Mounted Police followed the trend by accepting female applicants as regular members with responsibilities equal to those of men. In 1972, a study of the role of policewomen in the United States of America by the Police Foundation produced the following conclusions: (a) United States police departments are turning away many qualified women, including women from minority groups, even though they are having difficulty recruiting qualified men, especially men from minority groups; (b) the majority of policewomen hired by United States police departments are not being used to their fullest potential; (c) most policewomen accept the status quo and are not going to seek change actively; (d) male social attitudes have been the most severe obstacles to women seeking careers in law enforcement; and (e) there have been significant break-throughs in federal law since 1971 involving sex discrimination by law enforcement agencies and equal-employment opportunity standards which require that women be considered on an equal basis with men. 25/

23/ Ibid.

24/ George Berkley, "The European police: challenge and change", Public Administration Review, (Washington, D.C.), vol. 28, No. 5, 1968.

25/ Catherine Milton, Women in Policing, (Washington, D.C., Police Foundation, 1973).

C. Training

54. In keeping with the general rise in educational standards and requirements, all police forces provide for the training of recruits. This training aims at improving the competence of the police and making them more responsive to local needs. Exactly what this means must depend upon the police function which, in turn, depends upon the role allocated to the police by the society.

55. Police have the responsibility of maintaining order within the legal limits laid down by the community, and training problems may arise when the community does not agree on what constitutes order or justice. This subject is dealt with elsewhere in this paper (see para. 141) and is mentioned here only to focus its effect on police training. For training to be effective, there needs to be a clear understanding by community and police alike, of both the role and purpose of the latter in the society.

56. In addition to coping with current conditions, police training programmes are beginning to prepare law enforcement officers to deal with the foreseeable future problems of a rapidly changing society. Although this presupposes a great degree of flexibility, one of the problems encountered in the police training programmes of some regions is the reluctance of the police themselves to break with older traditions. There are countries in which police training programmes have been described as fragmented, sporadic and sometimes inadequate. ^{26/} Large federated countries often provide a contrast in the sizes and standards of police forces involved. The United States of America, as already indicated, has more than 40,000 police forces, if all city and rural districts are taken into account. Even if large forces are abstracted, these amount to 55 different authorities and some 38,000 departments staffed with less than 10 sworn officers. Many of these police forces provide lengthy, comprehensive and highly professional training-courses for their recruits. But a number of the smaller police departments, due to financial and organizational limitations, can offer little or no training. Unless these departments amalgamate their training programmes with those of larger organizations, they are forced to depend primarily upon in-service practical experience and guidance from their superiors. These problems are not as pronounced in unitary or centrally organized states and, as a result, most police agencies in Europe, Asia and elsewhere, although in many cases locally controlled, send their police to centrally established and financed schools for training. This practice ensures that all police recruits receive the basic minimum training that authorities in each country deem to be necessary.

57. In European police departments, the length and type of training given to police officers vary widely. In some cases, the level of entry to the police service governs the kind of training given. For instance, in France, the training of a Commissaire de police lasts for two years, whereas training for subordinate

^{26/} United States of America, President's Commission on Law Enforcement and Administration of Justice, Task Force Report: The Police, (Washington, D.C., Government Printing Office, 1967).

ranks extends over a shorter period. While most European police training programmes are centrally administered and tend to be lengthier than those found in some parts of North America, there have been some interesting changes in content. 27/ In most regions of Europe, there is a greater concern for the social education of police officers than was once customary. Nearly 25 per cent of the training class hours of a police recruit in the Federal Republic of Germany is devoted to such subjects as psychology, history and government, while Sweden focuses a good deal of the police trainee's time on the mastery of such subjects as social studies, psychology, civil liberties and minority rights. A police training course in France entitled Morale, instruction civique et éducation professionnelle, teaches recruits, among other things, that they are citizens first, civil servants second and policemen third. 28/

58. In the USSR and socialist countries of Eastern Europe, training is uniform and usually centralized. The People's Republic of Hungary requires that all police appointees undergo a 10-month basic training course, while subofficers receive an additional 10 months of instruction. Senior police officers in Hungary attend a three-year advanced training school at a Police Officers' College. 29/

59. In recent times, the changing influences of home, school, religion and social environment have produced societies which are less conformist and more questioning of authority of all kinds, particularly in the more industrialized nations. As a result of these changes, policemen can no longer rely upon automatic recognition of the traditional authority projected by their uniform and position, and they must become capable of establishing their personal authority whenever the need arises. These conditions place a greater psychological burden on the policeman and, consequently, a greater weight of responsibility on police training. To be adequate, such training can no longer focus primarily on improving the technical efficiency of the individual officer, but must also provide him with the basic knowledge that will give him a better understanding of human behaviour. In 1969, the International Association of Chiefs of Police (IACP), an organization based in the United States of America, stated in their report to the Presidential Commission on Crime: "It is nonsense to state or assume that the enforcement of law is so simple that it can best be done by those unencumbered by the study of liberal arts. Courses such as English, sociology, psychology, political science, logic and history are the very foundations of a law enforcement body of knowledge."

27/ George Berkley, "The European police: challenge and change", Public Administration Review, (Washington, D.C.), vol. 28, No. 5, 1968.

28/ Ibid.

29/ Information transmitted to the Secretariat by a consultant, György Rudas, Hungary, for the purposes of this paper.

60. Of course, given its role in public service as well as in education and crime prevention, the police function can be interpreted so widely as to require extensive educational and social qualifications. To say that the police must be trained to the highest possible levels still means that the police function must be interpreted in accordance with prevailing standards of general education and the availability of resources. Here, the needs of larger, complex and diverse or divided societies may differ from those of societies that are smaller, less complicated and endowed with fewer financial resources. There are regions where crime rates are so low and social controls are so strong that crime control is not the major function of the police. In such areas, police training should be geared to local needs, and there could be danger and unnecessary expense in copying too closely the training schemes devised for larger and more crime-ridden societies.

61. In most urban environments, policemen are faced with increasingly complex tasks and are required to act as "social surgeons" in their attempts to resolve crisis situations by "instant street therapy". The most difficult street decisions are usually made by policemen at the constable or patrolman level, often without the benefit of guidance or instruction from more experienced supervisors and without the time to consult with such persons. Police training programmes should be designed with such situations in mind in order to prepare patrolmen to acquit themselves effectively and in the best interests of the public. Many police forces are now basing their training programmes more on the skills deemed necessary to perform the duties of the actual position than on the traditional curriculum - that is, they are stressing crisis-intervention, hostage negotiation, riot control and the like. Some police forces have adopted a policy of reducing the length of basic training in its initial stages and placing recruits into field conditions under the direct supervision of an experienced officer, thus providing recruits with an early opportunity to practise what has been imparted to them in the class-room and, at the same time, to develop a better understanding of the theories upon which practical law enforcement principles are based. Following a limited period of such field training, the recruit returns to the training academy to conclude his basic course.

62. While the importance of basic police training cannot be over-emphasized, equally important are the continuing in-service training programmes provided by many police forces for law enforcement personnel at all levels of responsibility and at all stages of their careers to keep them abreast of rapid social and technological changes. Most countries maintain police academies that provide specialized training courses for all levels of police personnel and cover a wide variety of practical and technical subjects. In addition, advanced courses are offered for those preparing to occupy senior administrative positions. Many such national colleges invite the attendance of police officers from other countries and, as a result, a useful exchange of information concerning police problems and techniques takes place in an international context. These programmes should be encouraged and expanded.

63. Although there are differences between individual police organizations whether centrally or locally controlled, the centrally established state or national police systems appear to offer many advantages. Police training schools

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operated under such systems normally receive adequate funding and are thus in a position to provide better facilities, better qualified instructors and a more consistent calibre of training that is often beyond the capacity of smaller police agencies with limited resources. While there are unquestionably many advantages to be gained through centralized training, nevertheless care must be taken to ensure that the policies and content of such training curricula are not based solely on the views and policies of the central authority. In view of the diversity of conditions which often exist within some countries, police agencies that use central training facilities should participate in the formulation of training programmes and policies, in order to ensure that such programmes satisfy particular local needs.

64. Adequate training is crucial to any attempt by the police either to meet public expectations or to develop professional standards. Training will vary according to resources, local crime problems and the quality of police officer required; according to the political, economic and social needs of any country, and according to the level of priority accorded to the police within the total system. The principles of training need to be defined with clarity and precision in order to ensure that graduates respond to the society's needs and expectations.

D. Utilization of personnel

65. In all police forces the quality of law enforcement and the discretion of the police regarding where to apply the full force of supervision and surveillance or provide the best protection from crime depends, to a great extent, on the deployment of personnel. According to the number of officers and their abilities, each force has to establish the pattern of distribution and deployment which is most likely to respond effectively to public needs and expectations, whether for the prevention and detection of crime, the provision of services for the maintenance of public order or for a combination of these purposes. ^{30/} In some areas, the police officer is also expected to involve himself with prosecutions, from the serving of summonses to the actual prosecution of the case before a tribunal, and subsequently to escort the offender to a correctional institution. There are also places where the police are required to supervise persons released from correctional institutions or subjected to a suspended sentence by a court. Nearly everywhere the police are concerned with traffic control and the guarding of special buildings. All these activities, as well as the increased paper-work generated by management co-ordination and reporting systems, absorb manpower to an extent that nearly always has an adverse effect upon the work of crime prevention. Long-term and short-term objectives have to be balanced - for example, concentrated attempts to prevent crime by allocating policemen to lecture at public schools, make neighbourhood visits and undertake community liaison work have to be assessed in terms of their manpower requirements as against the need for men to police the streets and to carry out complicated investigations.

^{30/} See N. R. Lenton, "Staff allocations within the force", Australian Police Journal, 1972, 26/3, pp. 216-223.

Police authorities reveal their understanding not only of trends in crime but also of the role of the police by the way they allocate their manpower.

66. Police patrol strategies have always been based on two unproved but widely accepted hypotheses: first, that a visible police presence prevents crime by deterring potential offenders; and secondly that the public's fear of crime is diminished by the presence of police. While this seems reasonable - and undoubtedly a policeman positioned at every corner must deter offenders - it is impossible to provide enough personnel for such intensive patrolling. It is noteworthy that at least one experiment suggests that routine preventive patrols may not be as effective as many persons believe. The results of an experiment sponsored by the Police Foundation of the United States of America and conducted during 1972/73 in Kansas City, Missouri, tend to challenge the traditional assumption that routine police patrols reduce crime. The experiment was carried out under carefully controlled conditions over a period of one year and involved the creation of three similar patrol zones. In one zone, no preventive police patrols were conducted and the police only responded to calls for assistance; in the second zone, patrols were maintained at the normal level; in the third zone, patrols were increased to two to three times the normal level. At the conclusion of the experiment, an analysis of data revealed no significant increases or decreases in the level of crime and no change in citizens' attitudes towards police service, in citizens' fear of crime or their satisfaction with police response-time in any of the three zones.

67. With rapid urbanization, the traditional capacity of neighbourhoods to maintain an atmosphere of neighbourliness and to exercise community control has diminished. The police themselves have been caught up in these societal changes. As most police departments have increased in size, there has been a tendency to centralize and specialize police operations. However, as a result of the general sense of anonymity felt by inhabitants of the larger cities, police administrations are realizing that such centralization and specialization further discourage and reduce personal contacts between the police and the citizens they are expected to serve and protect. As a result, some law enforcement agencies are reappraising their patrol techniques. 31/

68. In the past, policing was carried out on foot in urban areas, and policemen were responsible for all crime-related activities in a relatively small district. In most developed countries, this style of law enforcement has gradually given way to greater centralization, particularly with the introduction of the automobile, telephone, two-way radio and other innovations of the modern era. There were also cities where patrolmen on foot were more susceptible to personal assaults, particularly if they were patrolling alone. Initially, this centralized system worked reasonably well, but as police departments increased in size there was a tendency for policemen to lose personal contact with members of the

31/ See J. van der Meer and J. H. Karel, "Surveillance-planning op basis van informatieverwerking", Algemeen Politieblad van het Koninkrijk der Nederlanden (The Hague), part 1, vol. 122, No. 18 (1973), pp. 424-433; and part 2, vol. 122, No. 19 (1973), pp. 466-473.

community. The so-called "beat constables" disappeared in many areas and were replaced by policemen in patrol cars who, because of their increased mobility, were held responsible for larger and larger districts. As a result, the human interaction that had been the hallmark of an effective and responsive police system became subordinate to efficiency and uniformity. 32/

69. Many police administrators now think that any isolation of the police from the community makes crime control and prevention more difficult by lessening the opportunities for that co-operation between police and citizens that is fundamental to both the prevention and detection of crime. A number of police agencies are experimenting with decentralized command and patrol systems, variously referred to as "team policing", "community policing" or "neighbourhood policing". Basically, these systems are designed to place more responsibility on the individual patrolmen by assigning them to a team of 10 or 15 officers that is responsible for crime prevention and control in a relatively small district. It is argued that such patrol techniques enable the policemen to identify more closely with the citizens of a particular neighbourhood, to become more familiar with the various problems that exist in their area and more actively involved in solving them. Team policing, as envisaged by some police administrators, should give the individual patrolman who is a member of a team more responsibility for the investigation of crime and for the formulation of policies to improve conditions in the district for which he and other members of his team are responsible. Supporters of this approach feel that the patrolmen so assigned will derive greater satisfaction from their work and, as a result, perform more effectively and at the same time be in a better position to assess the results of their efforts.

70. Community policing in a somewhat different form has been practised for some time in the larger cities of Japan. Policemen are assigned to specific urban neighbourhoods, where they actually live in a small "police box" on a temporary basis while on duty. Such policemen may remain at this type of post for 24 hours or more, sharing their duties with others. At least one officer is always available to conduct preventive patrols in the immediate neighbourhood or respond to calls for assistance. When not on duty, a policeman assigned to a police box may rest or sleep in a section of the box which is equipped for this purpose. Police constables so employed patrol either on foot or by scooter and would normally summon assistance from a roving motor patrol in the event of an emergency.

71. The "team policing" concept has encountered some opposition. Under such systems, more responsibility has been shifted to the patrolmen for investigations that were previously considered the exclusive preserve of the detectives. As a result, certain frictions have developed in some departments where responsibilities are divided. However, inherent in a modern urban police system is the contradiction between the demand for more qualified officers and the concurrent reduction of the responsibilities of the majority of policemen usually assigned to patrol duties. As a result of the creation of new specialized departments for which the patrolman is sometimes expected to act only as an agent, the better qualified officer is satisfied with neither his status nor his job when he is

32/ Calgary City Police, Annual Report, 1973 (Calgary, Canada, 1974).

assigned to street patrol duty. Every police service that recruits more highly qualified men is therefore confronted with the problem of determining a precise balance between the demands of increasing specialization and the essential dependence upon citizen contact of those patrol officers who are becoming more and more capable of discharging greater responsibilities. This situation affects both the responsiveness of a police service to public expectations and the hopes of achieving a better level of police performance. Whether a case should be entrusted to the patrol officer or referred immediately to a specialized unit will affect the issue of police/public relations. The economic situation will also play a part here, since fully qualified and highly trained officers for all types of work may be a luxury that the country cannot easily afford. As a result, some countries recruit specialized personnel at a higher level than regular patrolmen.

72. In an effort to place policemen in more useful and challenging positions, many police forces have assigned civilian employees (for example, radio communication operators, clerks, laboratory technicians, computer operators) to perform jobs which do not require fully trained police officers although they may have been performed by them in the past. Some police forces recruit less qualified "special constables" to perform such routine duties as escorting prisoners and driving prison vans. Nevertheless, there are still many police departments that employ fully trained, highly paid and often highly qualified officers on many tasks which could be effectively performed by civilians at considerably less cost. Once again, the decision regarding the precise duties to be discharged by qualified, trained police officers and those better assigned to police aides or to civilians depends on the conception of the police function and the place occupied in society by the police officer, and these are often not clearly defined.

73. Similarly, the official or public idea of the police role and function will have its effect on the internal administration of the police. There are countries in which police units are expected to be fully attuned to political issues and responsive to political needs in conformance with the way in which these issues and needs are interpreted by the authorities. In other areas, the police seek political neutrality and are prepared to serve the publicly elected officials of any political persuasion. These situations will affect not only the distribution of manpower but also the recruitment and training of suitable officers.

74. Another aspect of the optional utilization of manpower concerns the way in which a police force is organized in terms of supervisory and administrative personnel. If a force is divided by its recruitment policies into better educated and less educated cadres, then the tasks to be performed will be determined partially by the capabilities of the policemen themselves. Where recruitment is carried out at only one level, the grades of supervision and the allocation of responsibilities will be developed over time through promotion and delegation of powers. Either way, the result is a pyramid of responsibilities, current or potential, that determines the use of manpower to a very large extent and affects both relations with the public and levels of performance. The situation appears more complicated if we also take into consideration the unionization of staff and the resulting demands on the organization.

75. In most European countries, police unionism is highly developed. Virtually all policemen in the Scandinavian countries, the Federal Republic of Germany, France, England and several other parts of Europe belong to a police union or association. On the other hand, the unionization of the police has not been found necessary or, for that matter, desirable in many African and Asian countries, including Japan and Pakistan where there is a continuing liason between employee and employer for the purpose of improving salaries and working conditions in the police service. In North America, most members of large police forces maintain membership in police unions or associations, although the structure of these collective bargaining units may vary from region to region. In the view of many people, police unions or associations play a valuable role, not only in seeking improvement in the working and economic conditions of their members but also in facilitating and encouraging greater employee participation in making decisions, and in providing a legitimate means of airing grievances and proposing new ideas for improving efficiency. Many police employee groups, whether unions or associations, have made positive contributions to the professionalization of the police, the introduction of improved training standards and techniques, the establishment of more humane procedures and the encouragement of greater responsiveness to public expectations. In regions where unions exist, the improvements they seek with respect to the working conditions of members may sometimes affect the allocation of manpower within a police department and may help to determine the number of supervisory posts. In some quarters, there is apprehension that union pressure on management may adversely affect the capacity of a police department to provide effective law enforcement. Efficiency and self-interest are not always reconcilable. Thus, while many police unions and associations support and promote programmes designed to improve the educational and training standards of police as well as the quality of law enforcement generally, the traditionalists insist on promotion based on seniority rather than merit, resist lateral recruitment into police departments, and influence manpower deployment in a manner which may not always be in the best interests of the public or of efficiency. Occasionally, in order to support their demands, police unions have taken strike action and have withdrawn police service from the community. Since the police are now unionized in many areas of the world, the question is not whether they should belong to a union, but rather what form such a union should take. It is essential that the members of such organizations recognize their duties and obligations to the citizens whom they serve and conduct themselves in a responsible manner when negotiating collective bargaining agreements with police or government administrations. The latter also have a duty to negotiate in good faith and to ensure that reasonable solutions are found to problems before the question of a work stoppage becomes an issue.

76. Unionization is not the only type of vested interest affecting the allocation of manpower. In some areas there are special minority needs that require provisions to ensure community representation in the police force, even if this means lowering entry qualifications. The need to avoid all forms of discrimination between men and women (and perhaps between other special groups in the population) will affect decisions on the deployment of available personnel resources. Sometimes the use and deployment of personnel is not simply a rational choice between available options but is affected by the need for compromise with existing interest groups, such as unions or associations, or with the requirements of minority groups or manpower restrictions imposed by economic considerations.

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IV. POLICE AND THE PUBLIC

77. On the theory that effective crime prevention and law enforcement cannot be achieved without the support and active co-operation of the majority of the population, many police departments are endeavouring to encourage such co-operation through a variety of community relations programmes. The police/community relationship, according to one author, is "the relationship between members of a police force and the community as a whole and includes human, race, public and press relations. These relations can be bad, indifferent or good, depending upon the attitude, action and demeanour of every member of the police force, both individually and collectively". ^{33/} Another writer defines police/community relations as the "sum total of the many and varied ways in which it may be emphasized that the police are a part of, and not apart from, the communities which they serve". ^{34/}

78. In discussing the present and future role of the police, there are those who suggest that policemen should not be required to perform duties that are essentially service-oriented and are not directly related to law enforcement and that such tasks could best be handled by other specialized agencies. On the other hand, it is contended that the performance by the police of many non-enforcement duties contributes significantly to an improved dialogue between the police and the public and thus helps law enforcement officers to fulfil their primary function. In order to build up a significant relationship between the police and the public, police officers should become more involved, formally or informally, in the entire spectrum of community activities. The public would then have the opportunity of seeing the policeman as a fellow human being, concerned with the welfare of the community rather than as a repressive or authoritarian representative of the criminal justice system. ^{35/} For the most part, policemen throughout the world who are performing their duties in small urban communities or in rural areas are, as a matter of course, involved in many community, church, recreation or civic activities, not primarily as policemen but as citizens.

79. The problem is vastly different in large, densely populated urban centres where many persons scarcely know their neighbours. It is in such areas that the police have the greatest difficulty in establishing a personal relationship with members of the community. In many instances, policemen do not live in the neighbourhoods they serve and, consequently, they tend to become anonymous representatives of the law who occasionally pass by in patrol cars or respond to calls for help from people in trouble.

80. There is a danger that policemen may confuse the term "community relations" with the expression "public relations", and many agree that "public relations" is

^{33/} Raymond M. Momboisse, Community Relations and Riot Prevention (Springfield, Illinois, Charles C. Thomas, 1967), p. 97.

^{34/} Louis Radelet, "Police-community programs - nature and purpose", Police Chief (Washington, D.C.) vol. 32, No. 3, March, 1965.

^{35/} See J. Susini, "L'homme dans la police. Sélection, sous-culture ou conscience responsable", Revue de Science criminelle et de Droit comparé (Paris), No. 3 (1973), pp. 756-768.

a poor substitute for true "community relations", since the latter implies more human and individual relationships. Most public relations programmes are designed to project a favourable image of a product, organization or public figure and, as a result, should have only limited application for the police. The object of an effective police/community relations programme should be to foster a shared, co-operative approach to the task of crime prevention and law enforcement. To be effective, this aim should be actively supported by all ranks and levels of a police organization and, more importantly, there should be a personal commitment to such a programme on the part of each individual officer.

81. Essentially, there are three levels at which police/community relations can be promoted. The first and most obvious of these is the policeman's performance of his everyday duty of enforcing laws, investigating offences, preventing crime and maintaining informal contacts with citizens. In this connexion, an officer's personal attitude, manners, demeanour and appearance play a major role. The second level involves specific programmes designed to familiarize the public with the role of the police. For example, policemen may give informal talks and lectures to youth and civic groups and organize and participate in youth activities, and other programmes such as those concerning traffic safety, the dangers of drug abuse and so on. The third and perhaps most important level is the involvement of the policeman as a citizen in community activities, in interaction with other citizens at all social levels. This has the effect of demonstrating in the best possible way that policemen really are private citizens and that as members of the community they have the same civic responsibilities as all other citizens.

82. Most police agencies support the concept of police/community relations programmes and some have created special units to promote these efforts. Such units may be necessary in very large police departments, but their role should be primarily to direct and co-ordinate the efforts of all rank-and-file policemen in developing closer relations with the public and not to confine such activities simply to the special unit. Should these units assume too great a responsibility for promoting community relations, the result could be more of a "public relations" effort than a truly community-oriented programme. Furthermore, the average policeman at the patrol level might be tempted to take the attitude that since the community relations of the force were being handled by the specialized unit, he need not concern himself with them.

83. Public support is essential if a police organization is to carry out its duties with any degree of efficiency. However, public support of the police is not the only means by which members of the community can help to control crime. Citizens should and can, with little inconvenience to themselves, reduce the opportunities available to potential criminals by taking common-sense precautions to protect their persons and property. Police in many regions have developed public-education programmes that encourage citizens to install more effective locking devices on their homes, to mark their personal property so that it can be identified if found, to notify the police or a neighbour if they are going to be absent for an extended period and so on. Where street crimes such as assaults and robberies are common, the police usually encourage citizens, particularly the elderly, to avoid public parks and unlit streets in high-crime areas during the hours of darkness.

84. In many countries the police and the public actively collaborate in crime control by creating auxiliary police or neighbourhood patrols that maintain surveillance on shops, apartments, housing developments and playgrounds and subsequently report any suspicious activity. The United Kingdom, for example, maintains police reserve organizations consisting of citizen volunteers who are called upon during emergencies or on special occasions to assist in the control of traffic and crowds. In other areas, members of amateur short-wave radio clubs and taxi operators have placed their communications facilities at the disposal of the police to assist in searches for lost children, missing persons or escaped criminals. Such public co-operation not only aids the police in the performance of their functions but also fosters better relations between the police and the community.

85. While the above-mentioned examples of public co-operation are laudable and should be encouraged wherever possible, there is an unfortunate tendency on the part of many citizens to avoid involvement in the law enforcement function, sometimes because of apathy or a disinclination to inconvenience themselves in any way and sometimes because of fear that they may have to testify as witnesses. There are tragic examples of such public indifference where the screams of a murder victim have been ignored by neighbours and passers-by or where witnesses to serious crimes have failed to provide evidence to the police. This attitude seems to be more prevalent in the large urban centres of the more developed countries where the social contacts between members of the community are fewer. Another reason for such apathy is the cumbersome, and, according to many people, ineffectual criminal justice system that exists in some countries, where it takes months and even years to dispose of criminal cases. Witnesses are often called to testify on three, four or more occasions, only to be told that the proceedings have been postponed. The cost to such witnesses in time, inconvenience and income can be substantial and, as a result, they become extremely reluctant to co-operate. Many victims simply do not bother to report criminal offences because they have lost faith in the judicial system. Others fail to do so through fear of reprisals. This is an area in which the police themselves can have little influence on public attitudes; the problem must therefore be faced by all segments of society in order that public fears may be allayed not only through effective law enforcement, but also through more efficient judicial procedures and more effective treatment and rehabilitation of offenders by courts and correctional institutions.

86. In a complex and impersonal urban society, mass media such as the press, radio and television, and in particular the latter, are likely to be a critical influence in shaping public conceptions of crime and of the response of law enforcement officials to crime. In recent years, by their almost instantaneous world-wide coverage of criminal events via satellite, the media have become an increasingly important social force in mobilizing public support or opposition to the issues relating to crime. Regrettably, people tend to be more interested in the highly dramatic or violent crimes. At the same time, less dramatic events are often given less publicity and coverage even though they may be equally important. The media can influence public opinion through selective coverage, emphasis and mode of presentation.

87. The importance of the media in familiarizing the public with the true role of the police is acknowledged by most persons connected with law enforcement. 36/ Unfortunately, there is a tendency to depict the police officer as a crime fighter and law enforcer constantly caught up in danger and intrigue rather than to show him doing the work that occupies the bulk of his time, namely, that of a community social helper carrying out duties that are unconnected with the solving of crime.

88. While the police in some areas must, on occasion, contend with unfair and perhaps biased reporting of their work by the media, of at least equal concern are the instances where police performance is affected by irresponsible journalism or other media coverage which may hamper or interfere with an ongoing investigation or may prejudice the rights of an accused citizen through excessive pre-trial publicity. On the other hand, there are many examples of good police/media relations, and these have usually resulted from a recognition on the part of both the police and the media of the rights and responsibilities of each group to the other and to the general public. In Europe, North America and elsewhere, there have been outstanding examples of successful collaboration between the police and the media in the presentation through television, radio or the press of the facts relating to major unsolved crimes. As a result, public co-operation has been effectively mobilized and many criminals have been brought to justice.

89. The police should be prepared to accept criticism when it is warranted, but they should also be entitled to receive credit for duties well performed, often in extreme adversity and sometimes grave danger. Few will deny that the press, radio and television have a serious responsibility for keeping the public informed of all newsworthy events, and the activities of the police in some regions quite frequently occupy a prominent position in current affairs. If the police adopt a hostile attitude towards the media, they are unlikely to achieve success in making clear to the public their true role in crime prevention and law enforcement.

36/ See K. Müller, "Polizei und Massenmedien, Gedanken zum Verhältnis Presse zur Polizei", Kriminalistik (Hamburg), vol. 27, No. 11 (1973), pp. 519-520.

V. ETHICAL STANDARDS

90. The modern preoccupation of the police with ethical standards derives from two sources. On the one hand, there is the long-standing concern of policemen to raise their occupation to the level of a profession. On the other hand, from countries where there has been criticism of abuses of police power and where corruption has reached a menacing level for the country as a whole, comes the demand for improved police standards. This double concern is not peculiar to the police. Practitioners of all kinds, wishing to establish a good reputation and to improve standards within their profession, are usually concerned both with levels of recognition and with the curbing of internal abuses which might lead to a loss of public confidence.

A. Professionalism

91. In the past, police work may have been regarded as a form of public service carried out by persons of adequate physique and reasonable intelligence. But the development of the law, the increasing awareness by the public of their own civic rights under laws and constitutions, and the increasing sophistication of the techniques of forensic science have combined to require the services of police officers who may need years of training and experience to attain both the judgement and efficiency that are appropriate to their task. One of the marks of true professional work is the inherent need for value judgements and for the exercise of discretion based on professional competence. It is therefore not unrealistic to believe that police work properly performed should be regarded as a profession in much the same way as the services provided by doctors and lawyers.

92. The need for a professional attitude to police work is also emphasized by the fact that discretion must always be vested in police services. ^{37/} The effective administration of criminal law involves the balancing of conflicting principles of order and legality. This inevitably involves a measure of choice in deciding where to act, when to act and how to act. While there are those who oppose any delegation of discretionary powers to the police, the issue reduces itself to whether there should be a tightening or loosening of restraints on the decisional latitude of the police. Police may not be given specific discretionary powers by law; nevertheless such powers are exercised both inside and outside the criminal justice system by the police in most countries. There are many reasons why law enforcement officers must exercise discretion. ^{38/} First, their responsibilities often are not clearly defined by the law; secondly, they are frequently called upon to act in situations and respond to demands which exceed their authority, resources and time. There are many occasions when the police face unique and unpredictable situations and are

^{37/} See J. W. Cooley, "Police discretion", Abstracts on Police Science, vol. 2, No. 3 (Deventer, Netherlands, Criminologica Foundation, May/June 1974).

^{38/} See C. J. C. F. Fijnaut, "Police discretion", Abstracts on Police Science, vol. 1, No. 2 (Deventer, Netherlands, Criminologica Foundation, May/June 1973), pp. 81-92.

compelled to use their own judgement to cope reasonably with problems. In another sense, the police exercise discretion in deciding how they will devote their time on patrol, how much time they will spend in a given area, how they will allocate their efforts in crime prevention and protection, how they will deal with a specific complaint and what complaints should receive priority. The police themselves often decide which laws to enforce, and when and how to enforce them. While some of these decisions are made by police administrators, many are made by the individual policeman on the street during his tour of duty. It is only recently that public attention has been focused on such powers, and that considerable interest has arisen concerning the way in which police discretion should be structured, directed and controlled in a manner appropriate to the exercise of authority in a free society. 39/

93. Assuming that limited discretionary powers rest with the police, it is incumbent upon police administrators to provide clear policy guidelines in order to assist the individual officer in the exercise of such discretion. For the most part, discretionary decisions are made at the field level (that is, by the constable on patrol) and therefore it should be the responsibility of police management not only to define guidelines and the limits of discretion but to ensure that such policies are communicated to their subordinates in the clearest of terms. 40/ In 1973 the United States National Advisory Commission on Criminal Justice Standards and Goals-Police recommended that police executives "should establish policy that guides the exercise of discretion by police personnel in effecting arrests, conducting investigations and providing routine peace-keeping services". The effect of this procedure, if properly instituted, monitored and controlled, would be to provide fair and non-discriminatory enforcement of the law.

94. In the effort to raise police work to the level of a profession, many police officers have become lawyers or have qualified in law. This is like an architect becoming qualified in accounting in order to conduct his business: it is useful but not wholly relevant. For the policeman, law is an important related field but not the only one in which he must work. The range of sociological and psychological subjects now being taught in police colleges shows wider concern. There would appear to be a case, therefore, for the professionalism of police work and for training policemen not only in law but in various other subjects which are essential to the adequate performance of their task. In the same context, it is essential that a professional law enforcement agency should adequately supervise its own members so that they do not fall below certain specified levels of performance. There are some countries where the police take their basic standards from the general civil service. In others, a desire has been expressed for the police to become a separate institution. This is particularly true of common law countries where the burden of responsibility placed upon the individual policeman makes it difficult for him to be treated as an ordinary civil servant and, as a result,

39/ D. M. McIntyre, H. Holdstein and D. L. Skoler, Criminal Justice in the United States (Chicago, American Bar Foundation, 1974), p. 7.

40/ See: Brian A. Grosman, Police Command-Decisions and Discretion (Toronto, Canada, Macmillan of Canada, 1975).

standards of performance become extremely important. It is mainly these countries that have shown the greatest interest in the development of minimum standards for the police and in the recognition of police work as a profession.

95. The Hippocratic oath and the professional standards set for the established professions provide patterns that policemen of some countries are seeking to follow in setting out basic minimum standards for their own performance. The professionalization of police work demands therefore not only a wider recognition of police science and acknowledgement of its academic respectability but also the development of standards of police performance that can be nationally accepted and internationally shared. In view of the growing professional competence of the police and the need for integrated planning and reform of the criminal justice system, it should be recognized universally that the views of the police must be taken into account whenever legislation affecting the police function is being considered.

B. Accountability and corruption

96. Any police force that is appointed and given special powers to maintain order and apply the law has an obligation to meet standards of integrity that are higher than those expected of the average citizen. On the other hand, it cannot be assumed that simply because policemen are recruited from the community and given uniforms they will necessarily measure up to this higher standard. A corrupt society may well deserve a corrupt police force, and it is very difficult for police services to maintain a standard higher than that set for them by the political authorities controlling their activities. When corruption occurs in high places, it is a problem for those who are expected to keep order to maintain standards different from those respected by their superiors. For this reason, corruption within the police depends largely upon the influence, guidance and interest of the total society on the police. Nevertheless, it is still true that a police force is in a unique position and a police officer cannot be regarded simply as an ordinary citizen in so far as his conduct is concerned. By virtue of his appointment, he is expected to behave in a manner that is at least one level higher than that of most persons. No matter how well-educated or well-trained members of a police force may be, their collective efforts in crime prevention and law enforcement are likely to fail if they do not command the respect of the public. Dishonesty or unethical conduct within a police department will destroy public respect and trust more rapidly than any other factor and, unfortunately, once lost, such respect cannot be easily or quickly regained.

97. Where political or public corruption exists, the police may find it desirable to chart an independent course by adopting policies that will, despite external influences, ensure the integrity of members of the force and at the same time promote confidence. Such a goal may be extremely difficult to achieve. However, it has been suggested that most police activities and policies should be open to public review and debate and that greater efforts could be made to familiarize the public with law enforcement problems and methods. With respect to citizens' complaints, one commission investigating police corruption recommended that citizens who had

complained of police misconduct should be informed promptly of the final disposition of their complaints and even suggested that the police should regularly provide the media with statistics concerning internal disciplinary actions taken as a result of complaints of improper police conduct. ^{41/} The question is really to what degree police activities, particularly those of an internal nature, can be publicized without hindering ongoing investigations or adversely affecting police morale and the law enforcement function.

98. Police corruption is a complex matter and may be the result of a variety of factors that relate not only to the character of the police and their training and supervision, but also to the quality of the immediate and wider systems within which they must operate. There are both internal and external aspects which require careful consideration in any attempt either to understand or correct the situation. One aspect that has been mentioned earlier concerns the social standards (or lack of standards) that prevail within a community and may influence the authorities administering the police. If these authorities are venal or apt to use the police for unlawful or unethical purposes, the organization is open to misuse, abuse and corrupt practices. Conversely, there are internal and structural factors which must be considered. The efficiency and integrity of police administrations themselves greatly influence the quality of policing and the attitudes of their members. Neglect or indifference on the part of police administrators or middle-level supervisors can be as weakening as actual corruption among administrators or supervisors.

99. It has been suggested that in modern society with its diverse values, the police service develops into a clique that is not only self-protective but which seeks to influence the policies of society generally. Members of such a closely knit fraternity, supporting each other against outsiders, have their own values, principles and unwritten code of conduct. This is typical of any professional group, but is regarded by some as menacing when it affects those entrusted with authority and responsibility for law enforcement. The practice of mutual support among colleagues can be particularly difficult to deal with if it extends to those who are guilty of wrongdoing. It then leads to a "code of silence" which makes it hard for anyone, including superior officers of the police department itself, to investigate corrupt practices. To offset such trends, the police of several countries have established special "internal affairs" units staffed by policemen not involved in regular enforcement duties, which investigate complaints against police officers.

100. Police corruption has been recognized as an actual or potential problem in most countries, and law enforcement agencies should exercise constant vigilance to deny it a foothold whenever and wherever its presence threatens. Corruption is akin to cancer: lacking preventive measures and treatment, it will spread rapidly and permeate an entire organization. The first and most obvious means of deterring

^{41/} Knapp Commission Report, "Summary and principal recommendations", in James T. Curran, Austin Fowler and Richard H. Ward, eds., Police and Law Enforcement 1972 (New York, AMS Press, 1973).

corruption is the thorough screening and evaluation of police recruits, followed by adequate training and the development of a sense of pride in the service. Secondly, police administrations must be responsible only to the law and insulated from the influence of pressure groups of all kinds. Thirdly, police organizations should be so structured as to institute standards of accountability at all levels, thus minimizing the opportunities for corrupt or unethical conduct.

101. To maintain the standards of performance expected by the public, police departments and, sometimes, other competent authorities usually formulate and enforce internal rules and regulations governing the conduct of police officers. It is doubtful if there are any police agencies which do not have such internal regulations, and it therefore becomes a question of the means by which a police service ensures compliance with them.

102. In the opinion of some police administrators, a different and more rigid form of accountability should be applied within the police system, whereby all officers would be held accountable for the actions of their subordinates, whether or not such actions were taken in the presence or with the knowledge of the officer. While the superior would not necessarily be deemed guilty of an illegal act committed by a subordinate, he would nevertheless be held accountable for that act in the sense that he had failed to provide adequate supervision and guidance to the subordinate. Such expectations may seem rather high but many police administrators and, for that matter, policemen in general, feel that accountability of this type is necessary to ensure the integrity of a police organization. For example, the regulations of one police department contain the following directive: "Members shall report to a superior officer details of any instances where other members perform acts or conduct themselves in a manner which will, or is likely to, bring discredit on the reputation of the force." ^{42/} Another police force expresses such a requirement as follows: "It is the duty and responsibility of every officer and of every person in charge of a post to ensure that there is at all times strict observance of the law, compliance with the rules of discipline and the proper discharge of duties by all members of the force." ^{43/} One Asian country's police regulations governing discipline require that: "If an officer finds that any other officer working under him is guilty of any breach of General Orders (which includes all forms of dishonest conduct) the first-mentioned officer shall forthwith report to his next senior officer or the Head of Department. Failure to do so shall deem the first-mentioned officer himself guilty of inefficiency and renders him liable to disciplinary action." ^{44/}

^{42/} Canada, Metropolitan Toronto Police Department, "Rules, regulations and procedures", 26 November 1970.

^{43/} "Regulations respecting the organization, discipline and administration of the Royal Canadian Mounted Police", Ottawa, Canada, 1 January 1973.

^{44/} Malaysia, "Public officers (conduct and discipline)", Regulations (Kuala Lumpur, Government Printer, 1969), chap. D, General orders.

103. A commission which investigated police corruption recommended that, in addition to command accountability, as many as possible of the situations that expose policemen to corruption should be eliminated, that temptation to engage in corrupt practices be reduced by exposing those so tempted to a significant risk of detection and punishment, that incentives for meritorious police performance be increased and, most essentially, that a climate of reform be supported by the public. 45/

104. There are many causes for police corruption and many means have been proposed to deal with it. However, there are those who feel that until all policemen exhibit pride in and loyalty to the true law enforcement function and until these sentiments transcend loyalty to individual colleagues, corruption and unethical behaviour will never be completely eliminated within the police departments where they now exist. However, corruption exists as a basic human frailty and therefore it would seem that the problem is not one of eliminating corruption entirely but of controlling it through sound management practices.

C. Discretionary use of firearms

105. The authority to use force in securing compliance with the law is basic to the role of the police in maintaining public order. However, this awesome but essential authority carries with it a responsibility on the part of the policeman to use only such physical force as is considered reasonable and necessary on any particular occasion to achieve a lawful objective. Firearms are the ultimate physical force at most policemen's disposal, and the question of how and when these weapons should be used affects the standards of police performance. While police constables in the United Kingdom, for example, do not ordinarily carry firearms in the course of their duties, law enforcement officers in most other countries of the world are armed. The circumstances and conditions under which policemen can fire their weapons vary not only from country to country but also between individual police forces within some nations.

106. Although unambiguous statistics on the subject for most regions are meagre, there is abundant evidence relating to the illegal use of firearms in the United States of America. In that country, it has been an historical tradition that citizens, with few exceptions, have the right to possess arms for the purpose of protecting themselves and their property. Controls over such firearms vary from state to state, being more stringent in some than in others. Under such conditions, weapons of many types are in the possession of honest citizens and criminals alike. As a result, serious problems have developed over the years, as is graphically illustrated in the Federal Bureau of Investigation's 1973 Uniform Crime Reports. For example, 19,510 homicides were reported in the United States of America during 1973, of which 67 per cent involved the use of firearms. There were 416,270 aggravated assaults reported, 26 per cent of which involved firearms; and 382,680 robberies, 66 per cent of which were committed with the use of firearms. During

45/ Knapp Commission Report, "Summary and principal recommendations", in James T. Curran, Austin Fowler and Richard H. Ward, eds., Police and Law Enforcement 1972 (New York, AMS Press, 1973).

the same period, 127 law enforcement officers were killed in the line of duty. Of these, 120 died from gunshot wounds. More recent statistics suggest that crimes of this type continue to increase. In contrast, 396 homicides (including murder, manslaughter and infanticide) were reported in England and Wales during 1973. Of these, only 29, or 7.3 per cent, involved the use of firearms. ^{46/} In Canada, 474 murders were reported during 1973, with 214, or 45.1 per cent involving firearms while, in the same year, five policemen died as a result of criminal action in which firearms were used. ^{47/} In terms of homicides per 100,000 inhabitants, Canada reported 2.2 (1971), the United States of America 9.3 (1973) and England and Wales 1.04 (1973). A 1973 Government of Japan White Paper on Crime reported that 2,188 homicides were committed or attempted throughout that country in 1972, and that during the same year three policemen were killed by deadly weapons in the line of duty. The following year only one policeman died by such means.

107. Such conditions must affect the outlook and attitudes both of the public and of police officers, particularly in regions where firearms are frequently used by criminals. In such an atmosphere of suspicion and mistrust, tensions between the police and the criminal or would-be criminal often escalate to the point where there is a tendency on the part of each to over-react, resulting in the needless deaths of officers, criminals and even innocent citizens. There are tragic cases of mistaken identity in emotionally charged situations where persons not involved in criminal activities have been the victims of gunfire. As a result, in some cases, the police, rightly or wrongly, are subjected to adverse criticism by the public and the media.

108. No police officer is free to use his firearm wherever and whenever he wishes. The criminal law in many countries specifically authorizes a police officer to use force in the execution of his duty, but usually imposes certain limitations. The Canadian Criminal Code states: "A person is not justified in using force that is intended or is likely to cause death or grievous bodily harm unless he believes on reasonable and probable grounds that it is necessary for the purpose of preserving himself or any one under his protection from death or grievous bodily harm." This restriction is modified somewhat by the following provision:

"A peace officer who is proceeding lawfully to arrest, with or without a warrant, any person for an offence for which that person may be arrested without a warrant [indictable offence or felony] and every one lawfully assisting the peace officer, is justified, if the person(s) to be arrested takes flight to avoid arrest, in using as much force as is necessary to prevent the escape by flight, unless the escape can be prevented by reasonable means in a less violent manner."

Despite this authority, Canadian law stipulates: "Every one who is authorized by law to use force is criminally responsible for any excess thereof according to the

^{46/} Home Office, Criminal Statistics - 1973 - England and Wales.

^{47/} Statistics Canada, Crime Statistics, 1971 (Ottawa, Canada).

nature and quality of the act which constitutes the excess." It can be seen in the Canadian example that although the law deals with the application of force in relatively specific terms, it is still the responsibility of the policeman or citizen to decide, on the basis of existing conditions, what degree of force is "reasonable" and what "less violent" options are available to him.

109. Regulations governing the use of firearms vary between police departments: some clearly prohibit the firing of warning shots, while others permit their staff to fire warning shots providing certain conditions are met. Likewise, there are conflicting regulations relating to firing at a moving vehicle, bearing in mind the potential danger to innocent bystanders. One writer reports that in Scandinavia, France and Italy, a policeman may fire his gun only to preserve life, while in other regions regulations are somewhat less stringent. 48/

110. In view of the weighty responsibility given policemen by the community, through the law, of deciding when to use force in the performance of their duties, such officers must be highly qualified, responsible and stable individuals who are well trained in the handling and use of firearms and who uphold a code of conduct that governs and restricts the use of force in specific terms. In this context, standards of police performance are of critical importance and should meet prevailing public expectations.

D. International Code of Police Ethics

111. A generation ago, the world community reached a stage at which it became possible and necessary to define and uphold human rights. The progress of society to this point was reflected in the promulgation of the Universal Declaration of Human Rights and, later, the International Covenant on Civil and Political Rights. The world community has given specific application to these broad standards, for example, in the Standard Minimum Rules for the Treatment of Prisoners. Some time ago, the need was felt for a similar definition of world standards of decency in law enforcement, so as to translate the expectations of the layman into more specific ethical standards of police conduct. Exacting ethical standards are perhaps more essential for the police than for any other segment of society. Yet this important problem had previously received little attention in an international context. The Sub-Commission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights considered the matter and, subsequently, the Economic and Social Council adopted resolution 1794 (LIV), requesting the Committee on Crime Prevention and Control to consider the question of preparing an international code of police ethics. The Committee on Crime Prevention and Control has not had the opportunity to conduct a thorough study of this subject, but doubtless will be in a position to do so after the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders has examined the broader issues arising from the international discussion of the role

48/ George Berkley, "The European police: challenge and change", Public Administration Review (Washington, D.C.), vol. 28, No. 5, 1968.

of the police in the prevention and control of crime. The General Assembly recognized the significance of the subject and in its resolution 3218 (XXIX) requested

"the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, under item 3 of its agenda, taking into account the consideration given to the question by the Committee on Crime Prevention and Control in pursuance of Economic and Social Council resolution 1794 (LIV), to give urgent attention to the question of the development of an international code of ethics for the police and related law enforcement agencies".

General Assembly resolution 3218 (XXIX), which is sometimes referred to as the "anti-torture resolution", expresses the conviction that "because of the increase in the number of alarming reports on torture, further and sustained efforts are necessary to protect under all circumstances the basic human right to be free from torture and other cruel, inhuman or degrading treatment or punishment". In view of the fact that the police function involves the arrest and detention of persons accused of criminal acts, the relationship between the need to prevent any form of torture or cruel and degrading treatment in law enforcement, on the one hand, and the establishment of a general code of police ethics, on the other, becomes only too apparent. Consequently, any international code of police ethics should contain a provision that clearly requires police authorities to use humane methods in dealing with persons in custody and to refrain from all treatment which may be considered oppressive or inhuman. In addition to the provisions of the recent General Assembly resolution dealing with torture, the rights of individuals to protection from inhuman treatment has long been prescribed by article 5 of the Universal Declaration of Human Rights.

112. The Economic and Social Council, in its resolution 624 B (XXII) of 1 August 1956, approved as a subject for special study by the Commission on Human Rights, the right of everyone to be free from arbitrary arrest, detention and exile. Subsequently, a Committee, appointed by the Commission, prepared a set of draft principles on this subject in compliance with a request contained in the Commission on Human Rights resolution 2 (XVII) of 14 March 1961. The Commission, at its eighteenth session, decided to transmit these draft principles to member States. ^{49/} Therefore, in preparing any international code of police ethics, it would seem appropriate that these principles should be considered, inasmuch as arrest and detention in most instances involve the police function.

113. In many regions, the police themselves have expressed a desire that their conduct and performance be regulated in an even stricter way than is customary for ordinary citizens. For example, in 1957 the International Association of Chiefs of Police, a non-governmental organization in consultative status with the Economic and Social Council, adopted a law enforcement code of ethics (annex I) which is recognized by most police forces in the United States of America and by some police

^{49/} See Study of the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile (United Nations publication, Sales No. 65.XIV.2).

agencies elsewhere. In a somewhat different context, other organizations have expressed concern with ethical standards for the police. 50/

114. In many parts of the world, it has been the practice for standards of police performance and conduct to be included in the regulations governing law enforcement agencies while, in others, the law of criminal procedure itself contains provisions to control police conduct. For example, in the USSR, the Procurator's Office exercises supervision over the observance of laws by officers of the militia, whether in the implementation of their functions in the administrative sphere or in the prevention of crime. Such supervision is designed to ensure that the militia officer's actions are based on the law and kept within legal boundaries. The system in France is similarly designed to guard against police excesses. There, police investigations are carefully supervised by the public prosecutor and the examining magistrate. Officers of the judicial police are required to inform the public prosecutor, without delay, of any violations of which they have knowledge. At the conclusion of their investigations they must deliver directly to the public prosecutor the original as well as a certified copy of the official reports they have prepared. The police within the French system are also part of the civil service and are therefore subject to administrative law. Complaints against the police may be made in the same manner as those against other civil servants who exceed their powers or who act in any way contrary to law. Similarly, in the common law systems, the powers of the police are carefully defined either by statute or by precedent, and a police officer exceeds these powers at his peril since he can be held personally responsible to the citizen whose rights he may have violated. Unhappily, such citizens' suits against police officers have rarely been successful, with the result that, in the United States of America, in order to curb police abuse, courts have had to resort to such methods as the so-called "exclusionary rules of evidence". Under these rules, evidence obtained by an officer in violation of constitutional rules may not be used in a trial. It can therefore be seen that, in nearly all systems, the seeds of a code of conduct are already contained in the present law or the regulations governing police activities.

115. In recognition of the importance of agenda item 3 of the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, a preparatory meeting of police experts from various regions of the world was held at Warrenton, Virginia, United States of America, between 6 and 10 January 1975. The participants in this meeting not only represented different geographical areas, but also divergent legal and police systems. The meeting had a three-fold purpose: first, to review the preliminary draft of this paper; secondly, to produce a study draft of an international code of police ethics that would form a basis for discussion among participants in the Congress; and, thirdly, to suggest

50/ In 1973, the Law Enforcement Association on Professional Standards, Education and Ethical Practice, St. Louis, Missouri, United States of America, suggested a series of principles (some of which are included in annex II) designed to encourage higher standards of conduct and performance by law enforcement personnel.

topics which should receive priority consideration by the Congress in relation to the police role, present and future. In preparing the draft of the international code of police ethics, the participants at the meeting not only considered the code currently used by the International Association of Chiefs of Police (annex I), but also the statutes and regulations that at present govern the activities of law enforcement personnel in Canada, Denmark, the Federal Republic of Germany (especially the state of Bavaria), Malaysia, the United Kingdom and the United States of America. In addition, the experts were provided with related material dealing with police conduct and performance in Egypt. They also examined the Standards Relating to the Urban Police Function drawn up in the course of a study sponsored by the American Bar Association of the United States of America and entitled "Project on standards for criminal justice", and they reviewed the principles relating to police standards as proposed by the Law Enforcement Association on Professional Standards (annex II). The expert group produced a study draft of an international code of police ethics (annex III) for consideration by the Fifth Congress in Toronto. The working group of experts was of the opinion that any code of ethics approved by the Congress should represent (a) a set of United Nations principles to be recommended to Governments of Member States for adoption, (b) a model code for the internal use of the police and other law enforcement agencies and (c) a set of standards to be made known to the general public in all Member States.

116. As international crime increases, so does the need for international police co-operation. However, police forces with varying ethical standards may have difficulty in understanding, sympathizing with or supporting each other's methods. To avoid conflicts, there should be an international consensus on acceptable police standards, particularly with respect to ethical conduct. It is not easy to say how far it may be possible to develop these standards, but the appeal for an international code of police ethics made by the General Assembly and, before that, by the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the Commission of Human Rights, indicates the degree of international concern. The meeting of the group of police experts revealed a considerable degree of agreement among specialists from many different regions and systems. This leads to the expectation that, while it may not be possible to gain universal agreement immediately on such a code, the objective can be actively and fruitfully pursued. It may be necessary to develop national and international standards on a regional basis. Subsequently, such standards could be considered in a broader context and progress could be made towards general acceptance by the world community. While such a code might be rather general in nature, it should nevertheless prohibit police excesses and specifically those which involve the use of torture, brutality, degrading treatment, the denial of individual rights and, of course, any form of corruption.

VI. PRIVATE SECURITY GUARDS AND INVESTIGATORS

117. The growth of private security guard organizations in some countries where crime rates have been rising in recent years has been so rapid that there are nations where the number of persons employed by such organizations actually exceeds

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official law enforcement personnel. This reflects not only the seriousness of the crime problem in many areas but also the manpower limitations of regular police in this respect. Private security organizations operate in many countries, both developed and developing. In the United States of America, 290,000 persons were employed in the private security field in 1969 compared with 395,000 in the public law enforcement sector. 51/ In the same year, the funds appropriated by local governments in the Philippines for the operation of 1,478 police departments amounted to some 70 million pesos or \$US .30 per capita of the population. (By comparison, the per capita expenditure for public law enforcement in the United States of America in 1964 was \$US 13.52.) 52/ The lack of funds for policemen obliged the Government of the Philippines to permit the establishment of private security agencies to perform special guard duties for business and industrial organizations. Within a short time there were 350 private security groups operating for private enterprise at a cost of 93 million pesos annually. 53/

118. While such organizations are undoubtedly necessary in some countries because of the escalating rate of crimes involving private property, they, like the regular police, should be properly controlled by law and the jurisdictional limit of their activities should be clearly defined. Such controls might include licensing and the establishment of minimum qualifications for and thorough background investigations of persons recruited by those organizations. In addition, well-conceived national or international standards of performance and codes of ethics should apply to private security guard and investigation companies as well as to the public police. The Committee on Crime Prevention and Control at its third session made the following comment concerning private police forces:

"The development of private law enforcement very often introduced an inequality of protection, since the richer groups in the society could afford additional security services while the poorer sections were left to manage with whatever services the State could provide. In a modern complicated society private services might be required, but they should be carefully supervised by the official police and standards should be established by Governments for their recruitment and performance. Too much private security, favouring some groups against others, could foster insecurity on a large scale" (E/CN.5/516-E/AC.57/21/Rev.1, para. 108).

51/ James S. Kakalik and Sorrel Wildhorn, Private Police in the United States: Findings and Recommendations volume 1; R-869-DOJ (Santa Monica, California, United States of America, Rand Corporation, 1971).

52/ United States of America, President's Commission on Law Enforcement and Administration of Justice, Task Force Report: The Police (Washington, D.C., Government Printing Office, 1967).

53/ "Report on the Asian Regional Preparatory Meeting of Experts on the Prevention of Crime and Treatment of Offenders: Note by the Secretary-General" (A/CONF.56/BP/1).

119. Many persons fear that if private security guard organizations are permitted to operate without proper public control, they may be tempted to mete out their own forms of justice rather than invoking the formal and legal processes of the criminal justice system. In general, private security personnel are not intended to be an instrument of repression or of law enforcement under the control of politicians or private interest groups. Their major functions are to prevent, detect and report to the public police criminal acts involving private property, to guard against loss from fire, and to control access to private property in compliance with the wishes of their employer. As private security guards are essentially only answerable to their employers, the public police should retain the responsibility of maintaining public order, enforcing laws, investigating crime and, in most instances, apprehending offenders. (Exceptionally, a private security guard, exercising the authority of a private citizen, could arrest a culprit found committing a criminal offence.)

120. In those countries where private security guards are permitted to use force, the question of force becomes even more crucial than in cases when this power is in the hands of the regular police, since the regulations and restraints imposed on the latter may not apply so directly to personnel of private security guard companies. These regulations and controls could be extended, in whole or in part, to include private organizations, but presumably the question of the training and qualifications of personnel serving such organizations would also have to be resolved with respect to the use of firearms.

121. In the past, when crime rates were much lower, the public police were better able to provide adequate protection against property offences. However, property crime has now reached such alarming proportions in many regions that some commercial institutions have found it necessary to seek protection from sources other than the regular police in order to guard their buildings and facilities on a 24-hour basis. The regular police in any country could not be expected to provide such protection to the exclusion of the needs of the community as a whole and, as a consequence, private security companies fill this need. There are cities in North America and elsewhere where regular policemen are permitted, during their off-duty hours, to accept private employment for such purposes as crowd control and other security services at public functions. While this is a relatively common practice in some regions, there are those who feel, with some justification, that regular police officers should not be permitted to accept employment in the private sector, as such activities might have an adverse effect on the performance of their regular duties. With few exceptions, properly trained private security guards are capable of carrying out these tasks.

122. Most private security agencies are staffed at the administrative level by well-trained and well-qualified persons, many of whom are former police officers. However, the field personnel of many private agencies receive only limited training in the specific duties they are expected to perform. They seldom receive, and do not generally require, the lengthy, comprehensive training of most police officers. Furthermore, private security guards are usually paid considerably less than fully qualified public policemen.

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123. The majority of private security guard organizations restrict their operations to the physical protection of property. However, some offer wide-ranging private investigative services that may involve background inquiries regarding potential employees of private companies, internal investigations relating to alleged misconduct on the part of company employees and investigations to determine an individual's credit rating or character. While such inquiries may be justified and carried out in a legal manner, there is always the possibility that some overzealous investigators may infringe on the privacy or constitutional rights of individuals or groups. It is, therefore, essential that private security or investigation agencies should be subjected to appropriate governmental regulation.

124. Public police in most countries are moving towards the establishment of ethical codes and standards of performance and training that will satisfy public expectations. Perhaps private security guard organizations, both national and international, should do likewise. In view of the nature of the tasks performed by most private security groups, their entry qualifications and the level of their training, it would seem unlikely and even unreasonable to expect or demand that public police standards be applied to private security personnel in most regions. An alternative would be for the private agencies to establish their own standards and ethical code to ensure integrity, quality of service and adequate control of their activities. Currently, the Law Enforcement Assistance Administration of the United States Department of Justice is considering a uniform model code which, if found acceptable, would be state-regulated and would deal with such subjects as the definition of private security, minimum qualifications, training standards, operational regulations and sanctions.

125. Many countries have considered this problem and regulate private police organizations through licensing, background screening and the establishment of minimum entry qualifications in an effort to ensure that those organizations do not abuse their position and that they provide a service which is in the best interests not only of their employers but also of the public at large.

VII. FUTURE ROLE OF THE POLICE

126. According to estimates submitted by the United Nations Secretariat in August 1974 to the World Population Conference held at Bucharest, Romania, the population of the world will increase from 3,621 million in 1970 to an estimated 6,407 million by the year 2000. This increase will be more pronounced in the developing regions, where the population is expected to increase from 2,536 million to approximately 5,039 million during the same period. Of greater significance, perhaps, is the fact that 36.3 per cent of the world's people now reside in urban areas, with the ratio being 63.9 per cent in more developed regions and 24.5 per cent in less developed regions. This is expected to increase to 50 per cent by the year 2000, with 81.8 per cent of the population in more developed regions residing in urban areas and, in less developed regions, 41.4 per cent of the people. According to present predictions, the urban population ratio in North American countries between 1970 and the year 2000 will increase from 74.2 per cent to 86.4 per cent, while in Europe it will increase from 61.9 per cent to 76.6 per cent during the same period.

127. Should these projections prove accurate, there will be a significant increase in the size and population density of most urban centres, while rural populations will decrease. Consequently, unless greater progress is made in alleviating the serious social problems which at present exist in many large and sometimes overcrowded cities and which contribute in no small measure to the high incidence of crime, the police of the future will face a difficult challenge in responding to public expectations in the field of law enforcement and the maintenance of order. This shift towards greater urbanization will be more pronounced in the developed regions of Europe and North America where, coincidentally, crime problems are most acute. The ratio of policemen per 1,000 inhabitants varies throughout the world; however, in most regions fewer policemen are needed to maintain order in rural districts than in large urban centres. While statistics can at times be deceiving, there seems to be evidence in some regions that as the population of a city increases, the ratio of police to population increases at a higher rate than in the population as a whole. In the United States, for example, the average number of policemen required in cities with a population of 100,000 to 250,000 is 2.2 per 1,000 inhabitants, whereas in cities with populations exceeding 250,000 the required ratio of police increases to an average of 2.9 per 1,000 inhabitants. These figures represent an average of all cities in the United States and are cited for purposes of comparison only. ^{54/} In countries where the population is distributed mainly in rural areas, police-to-population ratios tend to be lower than those in regions that are more densely populated and highly urbanized. In Norway, Sweden and Finland the ratios of police per 1,000 inhabitants are 1.3, 1.7 and 1.4 respectively. ^{55/} In Japan, the ratio varies from 1.2 in the less populous

^{54/} United States of America, Federal Bureau of Investigation, Crime in the United States, 1972; Uniform Crime Reports (Washington, D.C., Government Printing Office, 1973).

^{55/} Harold K. Becker, Police Systems of Europe; A Survey of Selected Police Organizations (Springfield, Illinois, Charles C. Thomas, 1973).

prefectures to 3.4 in the more densely inhabited regions. ^{56/} These statistics suggest that increased urbanization will create a need for more policemen, and in particular for policemen who are qualified and trained to cope with the more complex urban law enforcement problems.

128. In considering the future role of the police, it is necessary to evaluate their past and current effectiveness in dealing with crime. How one determines the effectiveness of a law enforcement organization is a problem which has faced legislators and police administrators since the formation of the first police force. This subject has received considerably more attention in recent years because of the sharp increases in the crime rate in many regions and the escalating costs of law enforcement. Police activities cannot be measured and evaluated without reference to the total criminal justice system and to the social milieu in which these activities take place. ^{57/} The effectiveness of the police depends not only on their own operations but on the operations of the courts, prosecutors and correctional systems. Despite a variety of opinions on this subject, no tangible and truly effective means have been found to measure the efficiency of the police with any degree of accuracy. The total absence of crime, which seems to be an unattainable goal in most areas, would suggest, among other things, not only an effective police force but a utopian society as well.

129. Several approaches to measuring police output and effectiveness have been used, including comparisons of police output with the per capita cost of police operations, measurement of police output in relation to arrest rates and response times, and so on. Sometimes, evaluation of police output has been based on the prevailing crime rate or the probability of a citizen becoming a victim of a criminal act. None of these methods has produced a completely satisfactory basis for measuring police performance. One writer has said that "while police effectiveness should ideally be measured in terms of its contribution to the final output of the criminal justice system as evidenced by the reduction in the social cost of crime, a weighted crime rate, the probability of citizens being victimized, or some other gauge, it does not seem likely that such indicators will totally meet measurement needs in the future. Two critical problems are: isolating changes in these measures resulting from police activity, and defining generally acceptable operational rules for computing the measurement index". ^{58/}

130. In the absence of a better method, most regions rely on a correlation between crime statistics and police efficiency, but statistics can be notoriously misleading and occasionally they have been tailored to suit the needs of the user (that is, exaggerated statistics to obtain an increase in police manpower or reduced figures in order to create a favourable impression in the minds of the public). One must also take into account the generally accepted theory that, for a variety of reasons, 50 per cent or more of the crimes committed are never

^{56/} Information provided by the United Nations Asia and Far East Institute for the Prevention of Crime and Treatment of Offenders, Fuchu, Tokyo, Japan.

^{57/} Robert C. Lind and John P. Lipsky, "The measurement of police output: conceptual issues and alternative approaches", in John C. Weistart, ed. Police Practices (New York, Oceana Publications, 1974), p. 122.

^{58/} Ibid.

reported to the authorities. 59/ Should this be true, the value of statistics in determining police effectiveness becomes questionable. Some countries maintain sophisticated systems for gathering and analysing data on crime, whereas in other regions such systems are virtually non-existent. Another problem is the criteria used in determining what actually is a "crime" for reporting purposes. In view of the rapid increase in crime rates at the national and international levels, perhaps it would be useful for law enforcement bodies in all countries to work towards developing a more standardized system of determining crime rates and trends in order that comparisons may be made on a more accurate basis.

131. In many regions, crime rates continue to rise in spite of the addition of more and better qualified persons to the ranks of police organizations at an ever-increasing cost to the public. In many ways, the police are expected to compensate for society's weaknesses and deficiencies. They are often called upon to deal with a variety of social and moral problems resulting, for the most part, from the abdication by society of its responsibilities in many areas of crime prevention and control. Perhaps there should be a complete reassessment of the police role and the position occupied by the police within society. 60/ There are probably persons who would suggest that the police should be reorganized exclusively as a social service agency in order to respond to the varied social needs of the community, while others would have the police abstracted from their social role entirely and circumscribed to duties in the area of crime control and law enforcement. On the other hand, it is likely that most experts would seek a compromise between these two extremes. In fact, the police function in many countries represents such a balance of opinion.

132. Obviously, the balancing line that can be drawn to suit the situation and role of the police depends primarily upon prevailing social and economic conditions: it is not the police themselves who determine their role. It is up to the public, through elected or appointed representatives, to arrive at a consensus on this subject. Public conception of the police function varies widely. In some areas, the emphasis is on law enforcement rather than on crime prevention. As a result, some police agencies reward their members on the basis of arrest rates and other enforcement activities rather than on the basis of their preventive efforts. Others feel that the police should fulfil a greater social role and be more service-oriented, while still others consider that law enforcement agencies should be encouraged to demonstrate a greater concern with the protection of civil liberties and human rights. In the latter case, one writer comments that "the civic community must support compliance with the rule of law by rewarding police for observing constitutional guarantees instead of looking to the police solely as an institution responsible for controlling criminality". 61/

59/ See Leppa, S. "Some thoughts about the causes of bias in police statistics", Voiko rikostilastoon luottaa? (Helsinki, Institute of Criminology, 1973), series M: 32.

60/ See S. R. Saha, "Calcutta city police administration: some problems", Indian Police Journal (New Delhi), vol. 19, No. 4 (1973), pp. 22-26.

61/ Jerome H. Skolnick, "Professional police in a free society", in James T. Curran, Austin Fowler and Richard H. Ward, eds., Police and Law Enforcement 1972 (New York, AMS Press, 1973) p. 68.

133. In many regions, the police are inevitably involved in dealing with matters that may appear to be basically social problems ^{62/} but that may develop into situations requiring police intervention either to prevent the commission of a crime or to deal with an offence after commission (for example, family or neighbourhood disputes, persons under the influence of alcohol or drugs, mentally ill persons, and so on). There are many countries where the police are involved in providing social services of one form or another particularly in sparsely populated regions where law enforcement agencies are the only full-time public service that is normally available. ^{63/} It seems that the police will always be expected to fulfil a partly social role by responding to most community emergencies, especially in areas where it is neither practical nor economically feasible to maintain separate social agencies on a full-time basis. It has been suggested that, in large metropolitan centres, social agencies which in the past have only provided their services during so-called "office hours" should consider expanding their operations to offer full-time assistance wherever the need exists and can be justified. This practice has already been adopted within other sections of the criminal justice system in some countries where, to accommodate accused persons and witnesses alike, courts sit during the evening. In view of the escalating costs of providing police services in their present form and the financial implications of substantially increasing the size of police forces in order to enable them to cope with future needs, it is imperative that the role of the police be clarified and more precisely defined so that police departments may be organized and equipped to cope with the challenges of the years ahead.

134. Law enforcement is often discussed as a separate entity, whereas it is really only one part of the total criminal justice system. Effective courts, parole boards and institutions for the care and treatment of offenders help to achieve efficient police performance that is consistent with public expectations. As an example, rehabilitation programmes in many areas have not been particularly successful, a fact that is demonstrated by the high proportion of recidivists who continue to appear before the courts. The police, the courts and the correctional systems share a common jurisdiction. All are part of the wider criminal justice system, and the performance of any one of these organizations cannot be examined in isolation from the others.

135. Taking into account the extreme differences between police agencies and the duties they perform in different parts of the world, it may prove beneficial for the police to meet on a regional basis. Participation in such meetings could be based on similarities in systems and operational problems. Through these regional meetings, the groundwork could be laid for further international consideration of such important subjects as a code of ethics, performance standards and increased co-operation and exchange of views designed to promote greater police efficiency in response to the needs and expectations of the public.

^{62/} See Maurice Punch and Trevor Naylor, "The police: a social service", New Society (London), 17 May 1973, pp. 358-361.

^{63/} See M. Punch, "The policeman's role in the community: a field note", Nederlands Tijdschrift voor Criminologie 1974, 16/2, pp. 59-70.

ANNEX I

Law enforcement code of ethics*

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I WILL never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favour, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession ... law enforcement.

* Code of Ethics adopted by the International Association of Chiefs of Police.

ANNEX II

Ethical standards in law enforcement*

1. RESPONSIBILITY: The officer, committed to the welfare of the public, through the rule of law and professional service, places high value on objectivity and integrity and maintains the highest standards in the service the officer provides.

(a) The officer believes in the dignity and worth of the individual and in the constitutional rights of all persons to liberty, equality and justice under the law.

(b) The officer is entrusted with a special authority and responsibility to enforce the laws of society and to carry out this mandate with courtesy, fairness, consideration and compassion.

(c) Officers in a command or supervisory position will carry out their duties in a manner which is consistent with the highest degree of professional effectiveness, efficiency and responsibility.

2. COMPETENCE: Professional competence is an obligation shared by all law enforcement officers, in the interest of the public and of the profession as a whole, from the (sic) selection throughout their professional career.

(a) The officer should strive to attain a high degree of academic education, preferably the bachelor's degree and to continue education and training throughout one's career. While education and training does not guarantee competence, such personal development equips an officer to meet the demands of his profession.

(b) Where compatible with individual career paths, command and supervisory officers should develop ongoing and timely programmes of training and should encourage and assist officers to pursue higher education.

3. PROFESSIONAL AND LEGAL STANDARDS: The law enforcement officer in the practice of his profession shows sensible regard for the social codes and moral expectations of the community in which he works. An officer should be aware that unethical behaviours have a far-reaching detrimental effect on all law enforcement officers and agencies and on the communities they serve.

(a) Conduct at all times should be such that an officer brings credit to his profession.

(b) Unethical behaviour such as fabricating, altering or withholding evidence to effect an arrest or gain a conviction as well as theft, graft, and acceptance of gratuities cannot be tolerated.

* As proposed by the United States of America Law Enforcement Association on Professional Standards, Education and Ethical Practice, St. Louis, Missouri.

(c) If an officer observes unethical, improper, or unlawful behaviour by a colleague, he is required to determine the facts in the case, to rectify the situation and, if appropriate, to report the case to his immediate supervisor or to a review committee for investigation and action. Officers who fail to take legally prescribed action when confronted with misconduct share the burden of guilt.

4. PUBLIC STATEMENTS: Truth, objectivity, and due regard for the rights and privacy of the individual must characterize all statements of law enforcement officers who supply information to the public, either directly or indirectly.

(a) In regard to court testimony, the officer shall present evidence honestly and without bias or prejudice. The sole objective shall be to give evidence as the officer has knowledge of it. The officer shall not identify with the prosecution or defense, but provide evidence on the basis of actual fact.

5. CONFIDENTIALITY: Safeguarding information about an individual or group that has been obtained by a law enforcement officer in the course of duty or investigation is a primary obligation of the officer. Such information is not communicated to others, unless certain important conditions are met.

(a) No information shall be maintained or transmitted to another about the private life of an individual which does not relate specifically to the problem of law violation.

(b) Security and privacy shall be assured all individuals whose records are maintained in order that such records shall be used only in criminal justice proceedings.

(c) Information on individuals shall not be processed or integrated with other record systems except to inform criminal justice agencies on matters pertaining to law violation.

(d) Only those with a legal right of access shall have access to any criminal justice agency records or record systems.

6. PROFESSIONAL RELATIONSHIPS: The officer should maintain high standards of conduct in professional relations with those he serves, with fellow officers, with professional colleagues in other organizations in the criminal justice system, and with those in other public service agencies.

(a) The officer should maintain professional confidence as a trust.

(b) When engaged in official actions, the officer is obligated to inform those individuals of the nature of their relationship except in those instances where to do so would defeat the ends of justice.

(c) It is unethical for any officer or agency to establish a protective allegiance with individuals so as to obscure their complicity in a criminal act.

(d) Physical and psychological abuses of authority shall not be tolerated.

(e) Pressure by a department on an individual officer to make a quota of arrests or to ensure a quota of citations should not be condoned.

(f) It is the professional responsibility of law enforcement agencies to develop effective referral systems for non-criminal actions coming to their attention.

(g) The officer shall act responsibly when called upon to make professional recommendations, the importance of which may affect the welfare of an individual or society.

(h) An officer should hold that high standards of conduct in interprofessional relationships are essential to professional competence.

(i) In the interest of harmony and efficient public service, the officer has an obligation and responsibility to co-operate with other professionals in the criminal justice system.

ANNEX III

Draft international code of police ethics*

A police officer is both a citizen and a law enforcement officer who, on behalf of his fellow citizens, prevents crime, preserves the public peace, protects persons and property and detects and apprehends offenders. It is the tradition of the police profession to be helpful, beyond the call of duty, to all persons.

- (1) A police officer is a servant of the law.
- (2) Honesty in thought and deed should characterize a police officer's official and private life.
- (3) A police officer must be impartial and fair to all people, whatever their social position, race or creed.
- (4) A police officer must be incorruptible.
- (5) A police officer should have a compassionate respect for the dignity of the individual and behave to all with courtesy, self-control, human understanding and tolerance.
- (6) A police officer must never use more force than necessary to accomplish a legitimate purpose, nor may he ever subject anyone to any form of cruel, inhuman or degrading treatment.
- (7) A police officer should strive continually to increase his professional skills and in so doing, the officer should seek to gain ever greater insight into society and human behaviour.
- (8) A police officer must obey the orders of the legally constituted authorities and the regulations of the police organization of which the officer is a member, unless he is legally entitled to disregard them.
- (9) Matters of a confidential nature coming to the attention of a police officer should be kept secret unless the performance of duty requires otherwise.
- (10) A police officer's conduct as a citizen should be exemplary.

* Draft Code of Ethics prepared by a Working Group of Police Experts that met under United Nations auspices in Warrenton, Virginia, United States of America, 7-10 January 1975.

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