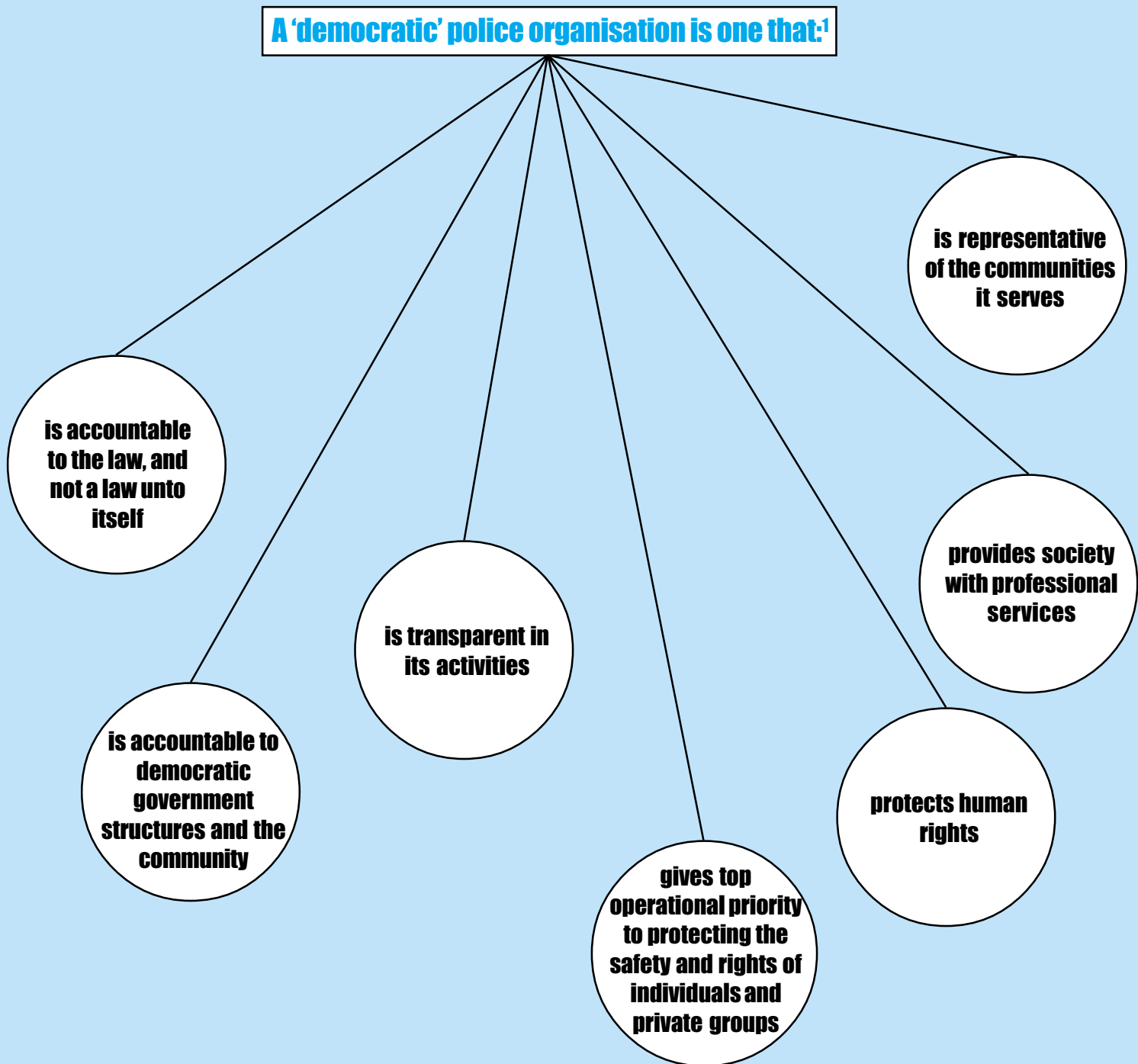


DEMOCRATIC POLICING is both a process – the way the police do their work – and an outcome. The democratic values of the Commonwealth lay down a sound framework for this.



¹ This section is adapted from Bayley, D. (2001) *Democratising the Police Abroad: What to Do and How to Do It*, National Institute of Justice, US Department of Justice, Washington, pp 11-15; Bruce D. and Neild R. (2004) *The police that we want: a handbook for oversight of police in South Africa*, Center for Study of Violence and Reconciliation, Johannesburg, and Open Society Justice Initiative, New York; and Stone, C. E. and Ward H. H. (2000) *Democratic policing: a framework for action*, Policing and Society, Vol. 10, number 1, p 36.

ntability: Too Important To Neglect, Too Urgent To Delay

This selection of text was taken from Chapter 2, which discusses democratic policing. In its seven chapters, the Report argues that an effective system of police accountability is based on the principle of multiple levels of accountability: to the government, to the people, and to independent oversight bodies; within a supportive legislative and policy framework. It provides a comparative overview of accountability arrangements, highlights good practice, and gives recommendations for reform to assist governments, police officials, and civil society in the development and strengthening of effective accountability regimes. Both the Report as well as its Executive Summary can be downloaded from our website at: http://www.humanrightsinitiative.org/publications/chogm/chogm_2005/default.htm

ACCOUNTABILITY IN PRACTICE

A key feature of democratic policing - in line with the checks and balances that characterise democratic systems of governance - is that the police are formally held to account in a variety of ways for their performance as much as for any wrongdoing, and are made to bear the consequences.

There are commonly four types of accountability or control over police organisations:

Government (or state) control: The three branches of government – legislative, judicial and executive – provide the basic architecture for police accountability. In a thriving and active democracy, the police are likely to be regularly held to account in all three halls of state. For instance, police chiefs are often required to appear in the legislature and answer questions from the elected representatives of the citizenry. Or they may be subject to questioning by other branches of government such as Auditors-General or Finance Departments. Where there is a strong and independent judiciary, cases may be brought in courts regarding police wrongdoing, with possible compensation for those affected, or to verify or amend decisions made by police officials.

Independent external control: The complex nature of policing and the centrality of police organisations to governments require that additional controls are put in place. Institutions such as Human Rights Commissions, Ombudsmen and public complaints agencies can oversee the police and limit police abuse of power. At least one such independent, civilian body is desirable in any democracy, although many Commonwealth countries in fact enjoy the services of a number.

Internal control: All “well functioning accountability systems are grounded, first and foremost, on internal police mechanisms, processes, and procedures.”¹ Reliable disciplinary systems, appropriate levels of training and supervision, and systems for monitoring, evaluating and recording performance and crime data all create the necessary apparatus to hold policing to a high standard.

Social control or ‘social accountability’: In a democracy, holding the police accountable is not merely left to formal institutions that represent the people, but is also the right of ordinary people themselves. The media, community groups (such as crime victims, business organisations, and local civic or neighbourhood groups), and individuals all monitor and comment on police behaviour to spur them to better performance.

¹Global Facilitation Network for Security Sector Reform: http://www.gfn-ssr.org/good_practice.cfm?id=27&p=13 as on 17 May 2005.

A Model for Police Accountability: 3 + 1

There is no hard and fast rule about the form that good police accountability must take. Much depends on the circumstances of each country and the nature of the existing relationship between the police and the community. CHRI advocates that the basics of sound accountability required in *most* circumstances are vigilant internal processes and procedures coupled with *external oversight* by the three wings of government plus one independent body:

Democratically elected representatives (in national parliaments if police are structured at the national level, in state legislatures if police are organised at the state level, and in local councils if policing is organised at the local level);

An independent judiciary;

A responsible executive (through direct or indirect policy control over the police, financial control, and horizontal oversight by other government agencies such as Auditors-General, Service Commissions and Treasuries); and

At least one independent statutory civilian body, such as an Ombudsman or a Human Rights Commission or, ideally, a dedicated body that deals with public complaints about the police.