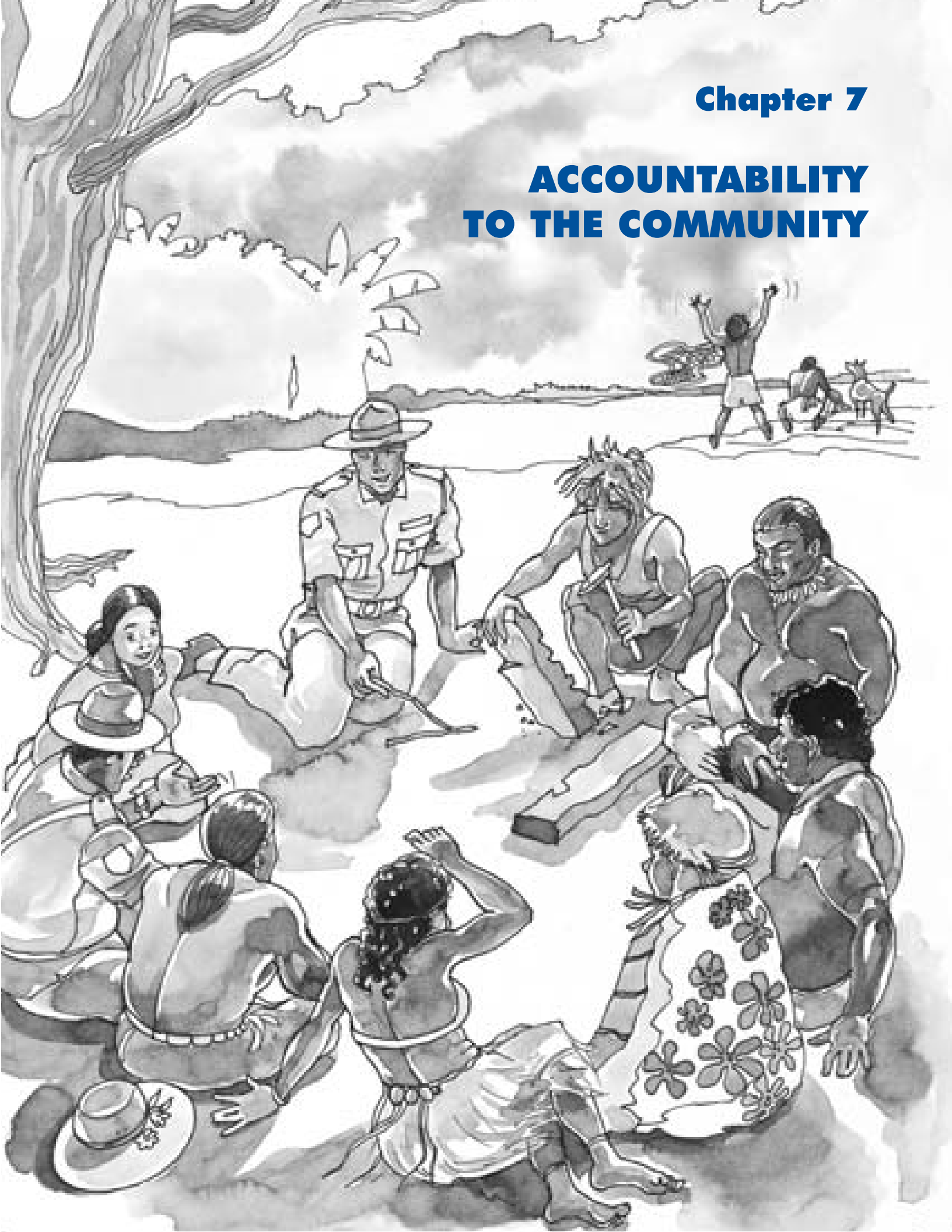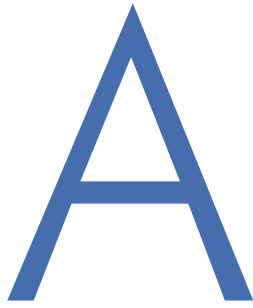**Chapter 7**

ACCOUNTABILITY TO THE COMMUNITY

A fundamental tenet of democratic policing is accountability to the community that it serves - in other words, it requires the consent and cooperation of those being policed. People need to feel sure that they can trust the police, that the police will prioritise their concerns, and that they will not be subject to abuse or corruption - not only because this acknowledges that in democracies police serve citizens, but also because this connection makes policing more effective. As Sir John Stevens, former Commissioner of the London Metropolitan Police, put it: "Central to identifying problems and the solutions to local crime and disorder issues is effective community consultation.…An organisation that truly reflects the needs of communities will inspire the trust and confidence and support of the people it serves. There is no other way to take things forward to ensure good, effective policing."[233]

Involvement of the community in efforts related to the broader issues of human rights, democracy and governance - in which policing is situated - is essential. Heads of Government recognised this as recently as 2003 when they stated that one of the objectives they seek to promote is "active participation of civil society"[234] and in 2002 they acknowledged "the need for stronger links and better two-way communication and coordination between the official and non-governmental Commonwealth."[235] Unfortunately, the Commonwealth as an association has been less prompt in actuating these high principles, and experiences in-country have also been mixed.

Appreciation that the quality of policing affects the lives of every citizen has prompted individual activists and organisations to work towards better policing. Many have developed specialisation in the subject while others demand police accountability through the prism of their own special interests. Businessmen, doctors, farmers, taxi drivers, women's groups, traders, crime victims, marginalised people, rights and governance groups, anti-corruption associations, media, academics, activists and volunteers, and even police associations themselves, to mention but a few, all work at local, regional, national and international levels to fashion a police that is professionally effective in providing safety and security, respectful of rights and a sympathetic ally in daily life.

What is "Civil Society"?

There are many and varied definitions of "civil society". In the Commonwealth[236], the term civil society is used to describe organised groups of citizens, who come together voluntarily to pursue those interests, values and purposes termed the "common good".

Experiences of public engagement with the police vary widely across the Commonwealth. Where police agencies have undergone reforms, public participation has been an important part of the process and in some places, such as South Africa, this has even been institutionalised in community-police partnerships. In other jurisdictions, engagement is still nascent, hampered by distrust and ignorance on both sides. The public feel that the police prefer their isolation, are closed and not informative; while the police feel that the community and civil society groups are unappreciative of the difficult circumstances they work under, unrealistic in expectations, and ignorant of the realities of policing.

DOING DIFFICULT AND DANGEROUS WORK

In an effort to deflect attention from the message to the messenger, regimes often demean those highlighting police wrongdoing and calling for accountability and reform. Human rights groups in particular face hostility based on the misunderstanding that they are pressing for agendas that favour "criminals" when, in fact, they are inevitably law-based in their work, and promoting greater adherence to the rule of law. For example, former President Moi warned Kenyans to be wary of non-governmental organisations (NGOs) "pretending to fight for human rights" and accused them of wanting to "destabilise the

country" and to "cause confusion through foreign-funded seminars."[237] Top officials in Jamaica have on occasion accused human rights defenders of illegal interference, being "enemies of the police force" and insinuated that they work with criminal gangs.[238]

Threats to Human Rights Defenders

The international community has recognised that human rights defenders work at great risk to life and liberty and have been victims of extra-judicial executions, disappearances, death threats, detentions and harassment by state agents. The 1998 UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms[239] lays down a series of principles and standards aimed at ensuring that states fully support the efforts of human rights defenders and ensure that they are free to conduct their legitimate activities without hindrance or fear of reprisals.

Unfortunately, the Declaration has had limited practical effect in countries where human rights defenders are in constant danger and examples abound of intimidation and violence. Reacting to outspoken criticism of police brutality by a well-known talk show host and politician, a high-ranking police officer in Belize publicly stated he would do something to both him and his wife, a practicing human rights lawyer, if he did not stop making critical comments about the police. True to his word, shortly thereafter the police charged the couple with drug-related offences.[240]

There are many countries in the Commonwealth where human rights organisations either cannot function at all, or only do so with great difficulty. In Cameroon, observers have criticised the country's NGO laws for allowing the government to deny NGOs the authorisation to operate or eliminate them by decree.[241] In the Maldives, it has so far been impossible to register a human rights NGO. Elsewhere in the recent past, in countries like Kenya, Zambia[242], Bangladesh[243] and India, civil society has had to fight off laws that threaten sources of funding as well as their autonomy to function without government interference.

In Swaziland, space for critical comment about the government or the police is severely restricted. Despite a court order to the contrary, the police did not hesitate to break up a group of demonstrators carrying a petition to a Commonwealth conference. A police commander reportedly told union leaders: "Your court order does not matter, because the bottom line is you are not going there."[244] Similarly, in Malaysia, civil society is not easily tolerated - ironically, even when it supports the government's own recommendations. In 2004, police used water canons laced with chemical irritants to end demonstrations that were held in favour of the recommendations of a royal commission into police reform that hoped to put an end to police corruption and brutality.[245]

PERSEVERANCE PAYS

Despite many obstacles, individuals and groups across the Commonwealth continue to advocate for policing that is more effective in protecting lives and property, and in upholding the rule of law. Those interested in policing have often found it useful to build coalitions and liase with experts from other fields, jurisdictions and countries, particularly to build skills, share knowledge and exchange good practice. Altus[246], for example, is a recent alliance of academic centres and well-established NGOs spanning five continents. By offering a platform to showcase new comparative knowledge about safety and justice, as

well as cross-cultural research methods and tools, it seeks to help NGOs around the world to work more effectively with governments and play a larger role in shaping rights-based solutions to injustice.

In seeking greater accountability, some organisations engage, some confront, and some do both depending on the circumstance. London First, a membership organisation of big businesses, sponsors "joint mentorships" that pair business leaders with police commanders to exchange views and expertise. In Nigeria, the CLEEN Foundation's activities span research, legislative advocacy and grass roots work. Even while encouraging the private sector, civil society and law enforcement agencies to pool resources and tackle a range of justice issues, it retains its focus on police accountability through its own reports and working relationship with Nigeria's Police Service Commission. At the same time it works cooperatively with police in the provinces to create community liaison groups that demonstrate community policing strategies as an effective way of reorienting the Nigerian Police Force, reducing community-police violence and improving safety.[247]

Similarly, international groups such as Amnesty International and Human Rights Watch working with in-country groups have kept the issue of abusive policing, government complicity, impunity and poor standards on the global radar for many years. Domestic groups are also increasingly using international forums for this. Apart from assisting victims carry their testimonies to various treaty monitoring bodies, NGOs across the Commonwealth have successfully used "shadow reports" to UN bodies to augment facts and challenge government versions of events presented to the committees that monitor the implementation of treaties. These are often noted during discussions and mentioned in Concluding Observations. Where committee recommendations ask countries to implement steps to further human rights protection before their next periodic report, NGOs have used these recommendations to pressure reform at home.

Naming and shaming creates deep embarrassment at the international level but often has only a moderate impact - if at all - at home. This is where the primary resistance to change exists and the demand for police accountability often falls on deaf ears. In order to effectively pressure governments to reform the police, experience has shown that it is essential to confront those in power with hard evidence of policing problems, rather than unsubstantiated statistics and easily dismissable anecdotal stories.

MONITORING AND DOCUMENTING

Civil society groups traditionally seek accountability by documenting patterns of police abuse. The genuine difficulties of policing are often left outside the discourse, yet engagement requires knowledge of the legal underpinnings of policing, the technical rules and regulations and also their realities. Without this sophistication, it is easier for the police to dismiss the value of engaging with a public that cannot understand the complexity of its work.

With many police services now publishing their plans and targets, as well as complex data on performance, civil society organisations are beginning to analyse, simplify and disseminate these publications. The Institute for Security Studies in South Africa undertakes applied research, training and capacity building, and also monitors trends and policy implementation. It also collects, interprets and disseminates information that was previously held only by the police.[248]

However, information is power and the powerful guard it zealously. Much that confirms wrongdoing is closely held by the government and the excuse of ill-defined "security concerns" allows protective governments and resistant police organisations to restrict the release of information. In many places, the seal of "confidential" stamped on a file removes even the most innocuous information away from the public domain. In some countries even the rules and regulations governing police are deemed to be outside the purview of public scrutiny, even though they form the standard against which police performance can be judged. Unfortunately, the worse the situation, the more difficult it often is to get information. For example, when public fear of crime was very high in South Africa, the government refused to publish crime statistics and placed a moratorium on their release. It took court action by newspaper groups and NGOs to succeed in pushing the government to provide the data.[249]

> ## Right to Information: A Powerful Tool
>
> In the few Commonwealth countries that have them[250], access laws have helped unearth considerable relevant information that should rightfully be in the public domain.[251] Canada's CBC News used access to information laws to procure a police videotape that recorded racial slurs made by police officers before they shot dead an aboriginal protestor. The broadcast resulted in a public apology to the community and a public inquiry.[252]
>
> In Mumbai, India, a lone advocate used access to information laws to substantiate widely held suspicions of illegitimate political interference in police transfers. It was revealed that in a single year, the Police Chief had received no less than 143 requests from politicians recommending favourites to different posts. Many came from the offices of Chief Minister or the Deputy Chief Minister of the state. An analysis showed that the transfers were nearly always away from conflict zones, or into areas where there were better chances to make money from bribes. This led to 135 police officers being issued warning letters for trying, against regulations, to bring pressure from outside the department for personal gain.[253]

CREATING AWARENESS AND BUILDING PUBLIC OPINION

Sustained support for reform and accountability comes only when there is a broad domestic constituency that understands and supports the concept of responsive and accountable policing. Civil society organisations use a variety of techniques to achieve this. In societies with much poverty and little education, lack of knowledge of one's own rights and the limitations of police power is a major obstacle. Many groups therefore sensitise the police and educate the public. This includes providing legal awareness about constitutionally guaranteed freedoms; rights on arrest; rights of special groups like indigenous peoples, the disabled, gays and lesbians; and the steps to take when police overreach their powers. For example, the Uganda Association of Women Lawyers has a partnership with the police to provide training on gender sensitisation, law enforcement matters and human rights. Moving from mere awareness-raising to building the critical mass of public opinion that will move governments to reformative action, though, is a difficult next step.

Public opinion is often more easily swayed to calling for "tough policing" than for reform that will bring about systemic changes. In a climate vitiated by violence, it is not surprising that there is overwhelming approval for tough policing, which is often a euphemism for lawless policing. These attitudes present a significant challenge for those campaigning for human rights-oriented police reform in high-crime or conflict settings. Experiences of heavy-handed police being able to get away with bad practices leave a legacy of impunity: habits of brutality and acceptance of lawlessness that seep into the organisational psyche and continue to haunt communities. It is therefore essential to show the harmful long-term consequences of tough policing, along with explaining that following human rights standards does not mean being "soft" on crime.

Victims Push for Police Reforms

Crime victims and victims groups give a human face to the problem of unaccountable policing and have been important catalysts in shaping public opinion. Media attention to the sustained suffering of a single family in England finally created the political will within government to bring about changes to address institutional racism within police.

Stephen Lawrence was a black youth killed in an unprovoked racist attack in 1993. For years, the Metropolitan Police of London appeared to pay little attention to his murder and provided little or no information to his grieving parents about the progress of investigations. Explaining their treatment at the hands of the police, Mrs Lawrence said: "It is clear to me that the police come in with the idea that the family of black victims are violent criminals who are not to be trusted."[254]

Nevertheless, the family persevered for years. They complained to the Police Complaints Authority that the first police investigation had been bungled, and then took it to the Home Secretary. A special inquiry in 1999 made wide-ranging recommendations to increase the responsiveness and accountability of the police and the Crown Prosecution Service. The police publicly apologised to Stephen's parents, and admitted to faulty investigations. Much of the new civilian oversight structure in the UK owes its establishment to the case and the consequent recommendations.[255]

Besides its central function of conveying information to the community, the media is well recognised for its enormous influence in shaping public opinion. Information about crime and misfortune are saleable and crime stories abound. The emphasis, however, is often on the sensational rather than the prosaic structural and process issues that underlie poor policing. In the absence of in-depth analysis of how police accountability can be brought about, the public is deprived of a platform for informed debate and advocacy. To remedy this, many groups are training the media on the intricacies of policing and accountability. Informed reporting and sustained campaigns after the initial excitement of a scandal has blown over can exert significant political pressure on policy-makers.

ENGAGING WITH LAWMAKERS

Creating political will to move the agenda forward requires constant engagement with law makers, whether it is through drawing attention to policing issues through protest marches, candlelight vigils, pamphlets, radio plays or through policy level interventions. Timing is crucial in these efforts. From getting police reform into political manifestos at election time; holding winners to their promises; providing submissions to parliamentary committees; to intervening at all levels of the law making and scrutiny processes where police functioning is up for discussion, opportunities abound. In seeking accountability, advocates have sought ratification of treaties, the creation of oversight bodies, and enactment of laws that promote accountability and transparency such as the right to information, whistle-blower protection and anti-corruption measures. They have also argued for and contributed to designing laws governing the police that align with constitutional and international standards. At the very least, civil society groups have demanded the right to be heard and the right to participate in policy processes concerning policing and community safety.

Members of the opposition are natural allies in pushing for accountability. In Guyana, a confession by a police informant included strong allegations that the then Home Minster was in contact with a death squad composed of serving and former police officers. This led to relentless pressure from Guyana's media, human rights organisations, and the Opposition that the Government should institute an independent investigation into the Minister's alleged involvement. The Opposition staged a walk out threatening not to return until an independent inquiry had been put in place. They even appealed to the UN Secretary General and kept up the pressure until the Minister agreed to step down temporarily and the President set up a Commission of Inquiry.[256]

COMMUNITY POLICING

Concerns about safety and security have pushed governments to relocate police more firmly within local communities and build trust and cooperation at that level. More and more countries are experimenting with "community policing". While some, like South Africa, UK and Canada, have institutionalised it through law or entrenched practice, most are still testing it. Although there is no agreed definition, community policing "signifies a collaboration between the police and the community, which identifies and solves

> ### Proactive Media Can Push for Reforms
>
> To discover whether racism was still a problem in the British police, a BBC reporter went undercover as a trainee in the Greater Manchester Police for several months. The subsequent television documentary, entitled The Secret Policeman, focused on racial discrimination and asked questions about individual and institutional accountability. The public exposure contributed to bringing about broad systemic changes, including a re-examination of race and diversity issues in training and recruitment. Racist officers were dismissed and police chiefs were forced to develop strategies to address institutional racism. Local Black Police Associations were consulted to identify issues and Her Majesty's Inspectorate of Constabulary was asked to evaluate racial equality schemes in all the police organisations.

community problems."[257] Its underlying philosophy is that "the dynamics of crime are often highly localised, that police require community cooperation to fight crime effectively, and that police should be providing a service to the people and be accountable downward to citizens for their performance as well as upwardly accountable to the government."[258]

Sustaining community policing initiatives requires determined effort by dedicated catalytic forces, either within the police or from civil society. In Uganda, efforts of Community Liaison Officers have strengthened the links between the police and the communities they serve, encouraged NGOs to work on community safety, and decreased domestic violence.[259] In Malawi, district or sub-district Community Police Forums[260] comprising police and community representatives discuss policing priorities and have put in place several victim support and lay visitor schemes, whereby independent members of the community are empowered to make sudden and unannounced visits to detainees in police custody and report on conditions of detention.[261]

Several factors determine the success of partnerships: police leaderships need to be open to significant change in front-line policing; traditionally-centralised police organisations are required to shift decision-making and responsibility downward and recognise that it is street-level officers who have to make the new community policing approach work; and police and public have to interact as equals and with a sense of shared values. In societies where power relationships are extremely uneven and social exclusion is an everyday reality, community policing has to consider diversity and not be hijacked by dominant groups. Without this sensitivity, there is a danger that already marginalised groups will be further victimised by the alliance between police and local privilege. In Nigeria, for example, "businesses have built police posts, installed them on or near their own premises, and donated them to the police. This has the effect of making police services contingent on who can pay for them."[262] Although this kind of partiality for certain groups may not have been the intention of community policing projects, the bias it demonstrates can lead some to condemn the entire venture. These experiments with "community policing" or "partnership policing" in many parts of the Commonwealth have created new opportunities for engagement in processes of changing police organisations.

Despite the mixed reception for police reform initiatives across the Commonwealth, there is room for optimism. Growing global concern with crime and security has created fertile ground for new dialogues about police performance and accountability. As people increasingly feel insecure and unsafe, they become interested in knowing how the government and the police plan to protect life and property and the need for deeper engagement between the government, police and the community becomes more urgent.

Bringing the Police and Communities Together

NGOs in many Commonwealth countries are experimenting with community policing, bringing communities and police together to share concerns and solve problems. Experience indicates that in many developing countries governments may not be willing to commit to such programmes unless they can be convinced of its benefits. In these situations, NGOs have sometimes initiated pilot projects that demonstrate success and provide models for further implementation.

The Commonwealth Human Rights Initiative (CHRI) embarked on a community policing experiment in the newly formed state of Chattisgarh, India, in 2002. This experiment aims to build a dialogue between the police and the community at the local level, which, if successful, could be reproduced across the state. The experiment is running at two police stations where the beat-level police personnel and the local community meet on a twice-weekly basis. Another monthly meeting is facilitated by CHRI where the beat officers and the community liaison group representatives meet with the senior officers of the station to discuss problems that cannot be sorted out at the beat-level meetings. Prior to CHRI's intervention, the beat system was not working and the senior officers were unknown to the community. The dialogue has brought some transparency and accountability: at the meetings, problems are recorded and at subsequent meetings both the police and the members of the community report on actions taken. A form of participatory policing is emerging, where the community together with the police decides where and when patrols are necessary and there is information sharing about local safety problems. The project has the full support of the state police department and the state Government, which is willing to replicate the model if it is shown to succeed.