Reform, Restructuring and Rebuilding of Police and Law Enforcement Agencies
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Background

Law enforcement is a fundamental component of the rule of law. Most conflict and post-conflict societies suffer from endemic dysfunction or severe inadequacies in adherence to the rule of law. A breakdown in rule of law gives rise to high rates of crime, lawlessness and a general decline of individual security and safety and the internal security of the State. Without an adequate level of law enforcement, it is impossible to achieve sustainable peace and security or to reinforce the rule of law.

Reforming, strengthening or re-establishing law enforcement in conflict and post-conflict societies are some of the first positive signals that can be provided to gain momentum in peace implementation. Due to the conflict, the population generally has little or no confidence in the capacity of the State to provide for their individual safety and security. Effective law enforcement not only restores public law and order but also assists in re-establishing the confidence of the population in the capacity of the State to govern.

In this context, United Nations peacekeeping operations are often mandated to support the reform, restructuring and rebuilding of law enforcement agencies. United Nations Police mandates have evolved substantially beyond traditionally practiced and accepted activities of monitoring and mentoring local law enforcement.

UN Police began to be tasked with complex police-support and capacity-building mandates beginning in the late 1990s. The new mandates included significant training and reform and restructuring activities as well as executive law enforcement functions combined with capacity-building mandates. This module aims to update potential UN Police with the latest policy developments on reform, restructuring and rebuilding of law enforcement agencies. This module is underpinned by the strategic vision of what UN Police are supposed to achieve in a society coming out of a destructive, disruptive conflict and one in which the rule of law needs to be re-established.

Aim

The aim of this module is to provide participants with a clear understanding of the basic concepts and strategy of reform, restructuring and rebuilding of law enforcement agencies and the role of UN Police in support of this process.

Learning Outcomes

On completion of Reform, Restructuring and Rebuilding of Police and Law Enforcement Agencies Module, participants will be able to:

- Define reform, restructuring and rebuilding
- Understand the objectives of police reform

- List necessary activities to implement a successful RR & R process
- Know the challenges in a post conflict environment
- List indicators to evaluate the reform process
- Identify the different levels reform must address

Training Sequence

The material contained in this module could be delivered over one or two training units, depending on the number of learning activities that the instructor decides upon. The instructor can modify the duration to suit national training requirements.

This module provides an overview of the core function of UN Police in peacekeeping operations: the rebuilding – and often reform and restructuring – of law enforcement agencies in a post-conflict setting. It is recommended to be delivered in conjunction with the specialized training modules for police on Core Business of UN Police, Mentoring and Advising, Community Based Policing and Human Rights.

Duration

Minimum Session Time	Lecture/Presentation	Questions/Assessment	Session Activities
60 minutes	45 min	15 min.	
Additional Options	**Mission Specific**	**Optional Film**	**Optional Activity**
	as needed		

Methodology

This module contains a variety of suggested learning activities to keep adult learners engaged. The facilitation team should use as many of the learning activities as time allows and keep them tailored to the target audience. The aim is for the learning experience to be as interactive as possible. Trainees invariably bring to the course a rich pool of experience which must be actively drawn upon to enhance the learning experience. Trainees should be fully involved in the learning process through practical exercises, brainstorming sessions, discussion of case studies, working in small groups on specific tasks, etc.

The instructor should inform participants of the content, format and timing. Knowing what to expect, participants can improve their ability to focus on the subject and benefit from the session.

- Definition of key terms
- Objectives of police reform
- Reform, restructuring and rebuilding activities

- Challenges in post-conflict environments

- Implementation strategies

- Evaluation of reform process

* Please Note: It is up to the learning institution to decide whether the learning assessment questions are used informally in a group question and answer session, or if they are provided to the participants as a written quiz. In either case, it is recommended that the correct answers are provided at the end of the assessment in order to ensure participants are clear on the key messages.

Instructors are encouraged to add examples and mission-specific information related to the specific deployment of participants, if known.

Instructor Profile

This module is best presented by an instructor who has experience in the reform, restructuring and rebuilding of law enforcement agencies, who could share his/her experience with the group.

Instructor Preparations

Required Readings

- DPKO Policy on "Support for the reform, restructuring and rebuilding of police and law enforcement agencies", 18 December 2006.

- Security Council resolutions 1704 (2006), 1590 (2005), 1509 (2003) on Timor-Leste, the Sudan and Liberia, respectively.

- "Human Rights and Law Enforcement: A package on human rights training for the police", Office of the High Commissioner for Human Rights, United Nations, 1997.
http://www.ohchr.org/english/about/publications/training.htm>

- The Rule of Law and Transitional Justice in Conflict and Post-conflict Societies, Report of the Secretary-General, August 2004.

- "Challenges in Police Reform: Promoting Effectiveness and Accountability", Charles Call, IPA Policy Report, New York, 2004.
<http://www.ipacademy.org/PDF_Reports/CHALLENGES_IN_POLICE.pdf>

- "Identifying lessons in United Nations international policing missions", Eirin Mobekk, DCAF, Policy Paper, no 9, 2005.
<http://www.dcaf.ch/_docs/pp09_united-nations-international_policing.pdf>

- "Police Reform and Human Rights", William G. O'Neill, HURIST, United Nations, July 2004.
<http://www.undp.org/governance/docs/HR_Pub_PoliceReform&HR.pdf>

- "From Congo to Kosovo: Civilian Police in Peace Operations", Annika Hansen, Adelphi Papers, No. 343, 2002.

- "Democratizing the police abroad: what to do and how to do it", David H. Bayley, National Institute of Justice, US Department of Justice, June 2001.

- "From Peace to Governance: Police reform and the international community", Melissa Ziegler and Rachel Neild, Washington D.C., Washington Office on Latin America, 2002.

General Preparations

Equipment:

1. Computer and PowerPoint slides
2. Projector and Screen
3. Flip Charts

Materials:

1. Copies of handouts…etc.

Symbols Legend

☞   Note to the Instructor (Some background information for consideration)

💬   Speaking Points (The main points to cover on the topic. Ideally the speaking points are presented in the instructor's own words versus being read to participants)

🏴   Mission Specific (A point where the session will benefit from mission specific information)

e.g   Example (Stories that illustrate a point or key message)

?   Sample questions (A list of potential questions to pose to participants)

📝   Handout (Indicates a handout is provided to participants at this point)

🎥   Film (A film that is recommended as a core part of the training or an option)

🏋   Core Learning Activity (An activity that is strongly recommended for inclusion)

+🏋   Optional Learning Activity (An activity that can be used if there is time and it is appropriate for the participant group. Guidelines for these activities are provided at the end of the unit, section or part – as indicated in the text)

🔑   Key summary points (Key messages that are worth repeating at the end of the session. Alternatively, the instructor can ask participants what are the main messages they are taking from the session. Instructors can then fill in any points that have been missed.)

<div style="background:blue;color:white;text-align:center;">**Session Notes**</div>

Reform, Restructuring and Rebuilding of Police and Law Enforcement Agencies	**Slide 1**

☞ **Note to Instructor**: *Give the participants a brief explanation why they should pay special attention to this module. Refer to: Background in the Preparatory Notes to the Instructor*

Aim The aim of this module is to provide participants with a clear understanding of the basic concepts and strategy of reform, restructuring and rebuilding of law enforcement agencies and the role of UN Police in support of that process.	**Slide 2**

Learning Outcome *On completion of this module participants will be able to:* • Define reform, restructuring and rebuilding • Understand the objectives of police reform • Reform, Restructuring and Rebuilding Activities • Know the challenges in a post conflict environment • List indicators to evaluate the reform process • Identify the different levels reform must address	**Slide 3**

Structure of the Presentation • Definition of key terms • Objectives of police reform • Reform, restructuring and rebuilding activities • Challenges in post-conflict environments • Implementation strategies • Evaluation of reform process	**Slide 4**

Definitions	Slide 5
• Reform • Restructuring • Rebuilding	

💬 The DPKO policy on reform, restructuring and rebuilding of law enforcement agencies defines the terms as follows:

- Reform - The change process leading to greater capacity and integrity in the concerned law enforcement agency.

- Restructuring - The internal reorganization of the concerned law enforcement agency for the purpose of making it more efficient and able to fulfil its mandated functions.

- Rebuilding - The provision of the material and financial means to the concerned law enforcement agency to allow it to fulfil its mandated functions.

☞ *Note to instructor: Ask trainees if any of them have gone through a reform process within their own national police force and, if yes, to describe the process. Generate discussion around some of the elements of that reform process. Give examples of reform, restructuring and rebuilding activities and ask the trainees to identify which process each activity falls under.*

☞ **Expected Outcome:**

1. Reform is a comprehensive process which should be based on the specific situation and an assessment of needs.

2. It requires the engagement of all actors and should have an emphasis on local ownership.

3. It requires regular monitoring and readjustment, if necessary.

4. Restructuring and rebuilding are two means to achieve the goals of reform.

5. There are several measures that could contribute to a police reform process, for instance:

   - Change the name of the agency; the location of its offices and other premises to remove negative association with past misdeeds; the number of the stakeholders; the relevant legislation; the uniforms; the structure of the governing body; the leadership; the structure of some units; the number of the local offices and branches; performance evaluation standards.

   - Provide new equipment and new uniforms to create a positive image and pride in the agency.

- Open new offices in key areas to show a visible law enforcement presence and hence increased sense of security.

- Improve training and implement increased safety and security measures for the public.

- Create community participation in oversight and monitoring of police conduct.

Key Terms	**Slide 6**
• Capacity • Integrity • International Standards	

☞ ***Note to instructor:*** *For the RR & R process capacity and integrity has to be enhanced upon international standards.*

Ask trainees what they think the definitions of "integrity" and "capacity" is. Note responses on a flip chart and facilitate agreement among the trainees on a common definition. Compare it with the given one.

☞ **Expected Outcome:**

- "Capacity" means the ability of law enforcement officers and agencies to perform their mandated tasks effectively and legally. Capacity-building then includes developing not only the individual's ability to perform a law enforcement task effectively, but also the ability of the institution to be a legal and effective instrument of State authority according to international standards and democratic principles.

- "Integrity" means compliance with human rights and professional standards of law enforcement by the institution and the individual.

- Capacity and integrity both have individual and an organizational dimensions, as follows:

  - Individual capacity (knowledge/skills of the police officer)

  - Organizational capacity (human resources, organizational structure, etc.)

  - Individual integrity (human rights and professionalism)

  - Organizational integrity (i.e. existence of codes of conduct, disciplinary procedures, etc.)

- International Standards

  International standards exist that govern the actions and behaviour of law enforcement officials in the performance of their duties. According

to the UN Code of Conduct for Law Enforcement Officials, the following legal principles must be fully respected and promoted by law enforcement agencies:

- ▪ Law enforcement officials must at all times fulfill the duty imposed on them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.

- ▪ Law enforcement officials must respect and protect human dignity and maintain and uphold the human rights of all persons.

- ▪ Law enforcement officials must not commit any act of corruption.

Law Enforcement Agency	Slide 7
"Any national security agency that exercises police powers, especially powers of arrest and detention."	

💬 The UN defines a "law enforcement agency" as any national security agency, such as police and the gendarmerie, which exercise police powers, especially the powers of arrest and detention.

💬 The number of law enforcement agencies may vary from country to country but it is important to highlight that:

- ● The UN Police is usually mandated to assist the national government/authorities for the reform of some, if not all, of them.

- ● The involvement of the UN Police component in the reform of all or some law enforcement agencies does not mean that the sphere of responsibility of the local police has been extended to cover the responsibility of the mentioned law enforcement agencies. The other law enforcement agencies remain in charge of their statutory designated areas. For instance, in Liberia, UN Police is mandated to assist all the law enforcement agencies, including the National Bureau of Immigration and Naturalization, airport security authorities and the secret service.

Objectives of Police Reform	Slide 8
● Contribute to sustainable peace and security ● Strengthen the rule of law ● Enhance capacity and integrity of the police	

💬 Support of the reform, restructuring and rebuilding of law enforcement agencies in a UN peacekeeping operation has several objectives. The UN Police vision includes ensuring :

- Long-term democratic foundation

- Operational sustainability

- Enhance Public trust

- Support training of adequate police officers

- Establishment of basic administrative and financial management arrangements

- Building of necessary infrastructure (i.e. training facilities, police stations, communications equipment, vehicles and uniforms).

- The national context, including cultural, political, economic and social realities has to be taken into account. Working closely together with national authorities is crucial to ensure local ownership. This will ensure sustainability.

Rule of Law	**Slide 9**
"Principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with the international human rights norms and standards."	

💬 Sustainable peace and security cannot be achieved without a durable and reliable rule of law system.

The "rule of law" is defined by the United Nations as:

A "principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with the international human rights norms and standards".

The national law enforcement system contributes to the effectiveness of the rule of law. In a mission, UN Police along with other mission components contribute to the strengthening of the rule of law as part of an overall effort to strengthen good governance and the rule of law. Coordination with other rule of law components in a mission is therefore essential.

To contribute in the reinforcement of the rule of law, UN Police must build or enhance the capacity and integrity of the law enforcement agencies.

Reform, Restructuring and Rebuilding Activities	Slide 10
• Mapping of the sector • Institutional audit of LEAs • Census and identification • Vetting, selection and recruitment • Training and certification • Institutional development	

💬 To implement a successful reform, restructuring and rebuilding process, UN Police may undertake the following activities:

- Mapping and reform of the sector – It is important to undertake a mapping of the overall criminal justice and security sector. This includes a clear identification of the strengths and weaknesses of relevant State and non-State actors, including law enforcement agencies, the judiciary, the military, correctional services, intelligence services and traditional justice mechanisms. Reform initiatives must be undertaken in all these sectors to strengthen the rule of law with a view to achieving sustainable peace and security.

- Institutional audit – A thorough audit of law enforcement agencies, at organizational, processes, financial, management and performance levels, must be done. This should also include a clear identification of the short-, mid- and long-term measures, with a clear implementation plan with the identification of human and financial resources implications, which are necessary to increase the capacity and integrity of such institutions in order to allow them to fulfil their mandated functions.

- Census and identification of law enforcement officials – A census and identification programme should be organized to clarify the number and status of law enforcement officials and to stop individuals from informally joining and departing from law enforcement agencies. This process should allow the State to re-establish control over law enforcement agencies and limit the arbitrary and illegal use of policing powers. It also permits the public to identify who is authorized to exercise policing powers, such as searches, arrests and detentions and who illegally are impersonating law enforcement officials and should be sanctioned.

- Vetting, selection and recruitment of law enforcement officials – Once a census and identification programme for law enforcement officials has been conducted, or the validity of the existing list for such

personnel has been certified, a screening process must be put in place to assess if they meet the criteria for continued employment, particularly in respect of past human rights violations. This should lead to the final or provisional certification of such officials. Moreover, adequate procedures that fully comply with United Nations criminal justice norms and standards must be in place for the recruitment of law enforcement officials.

- Training and certification – Training initiatives include developing and delivering programmes and activities that contribute to short, medium and longer term capacity building of law enforcement officials, curriculum development for systematic instruction and education and the building of management and national training capacity. From the individual prospective, training and certification is the part of the individual capacity building which means the ability of the person to deliver the law enforcement service effectively (individual capacity) and in line with human rights and professional standards (individual integrity).

- Institutional development – The development of the capacity and the integrity of law enforcement agencies is central to the overall process. Institutional development should be undertaken at all levels, including by effecting changes to the policy and legal framework, administrative procedures and the provision of the financial and material means to allow the concerned law enforcement agencies to fulfil their mandated functions. A specific emphasis should be given to building administrative systems including budget, finance, personnel, procurement and assets management.

Challenges in Post-conflict Environment	**Slide 11**
• Lack of political will • Absence or ineffective governance structure and framework • Lack of human resources • Degraded physical infrastructure • Inadequate funding	

💬 Implementation strategies must be designed to overcome common challenges encountered in conflict and post-conflict environments. These could include one or more of the following:

- Lack of will or resistance to change national and local authorities

- Absent or ineffective legal, budgetary and regulatory frameworks, including the absence of a supervisory, departmental, ministerial or other governance structures

- Inadequate numbers of well-trained and appropriately equipped law enforcement officials and support staff

- Dysfunctional, destroyed or highly degraded physical infrastructures

- Inadequate funding.

☞ ***Note to instructor:*** *Ask trainees what they consider to be additional challenges to reform and rebuilding of LEA in post-conflict and conflict settings. Note these on a flip chart.*

☞ **Expected Outcome:**

Open discussion

Implementation Strategy	**Slide 13**
• Planning • National ownership • Involvement of civil society • Compliance with UN human rights and criminal justice standards • Reform of justice system and security sector reform • Adapting to local needs and situation • Coordination with other international actors • Sustainability	

💬 The implementation strategy for the reform should layout the goals and tasks; the means and tools to be used; the challenges and threats to be taken into account; the precautions and preparations to be undertaken; principles and rules to abide by to ensure success of the reform, restructuring and rebuilding of law enforcement agencies.

💬 The following may be considered in the framework of the implementation strategy:

- The success of the reform, restructuring and rebuilding depends heavily on proper planning**,** which must be based on the institutional audit and produce clear objectives.

- Committed and consistent involvement of the local authority (national will and local ownership) from the beginning to the end of the reform process.

- Community engagement is essential. The community must be provided with information relating to the adequate functioning of law

enforcement agencies. If the local population is largely illiterate, this information could be delivered through the mass media, including UN-run radio and television programmes, and through community policing activities. These should aim at educating the public on police procedures, availability of the law enforcement services for the community, complaint procedures, etc. Law enforcement officials and UNPOL officers must be in close contact with the civil society leaders and opinion-makers, local social groups and be sensitive to public opinion.

- Law enforcement procedures must comply with internationally accepted UN human rights and criminal justice standards.

- UN Police should consider the agencies for which it is responsible, as a part of the law enforcement system. UN Police contribution to the reform must be planned and performed in strong and relevant linkages with other parts of the law enforcement system, pursuing international standards in the process of changing the capacity, integrity, structure, personnel related issues (rank policy, salary composition and level) etc.

- The goals of reform, restructuring and rebuilding must correspond to the social needs and circumstances prevailing on the ground;

- Strong coordination should take place between UN Police and other UN, multilateral and bilateral actors in the reform process;

- Financial sustainability should include clear donor aid policy and the financial capability of the local government to carry the burden of the expenditures in the process of reform and after the UN leaves the host country.

Levels of Reform	**Slide 14**
Reform addresses different levels: • Systems • Sector • Organization/institution • Individual	

💬 Strategically, the reform must address the needs that can arise at different levels:

- Systems level – refers to the rule of law system as a whole, e.g. prisons, courts, prosecutors, judges, defence lawyers, law

enforcement, victims assistance and systematic oversight and governance.

- Sector level – refers to the sector of the government such as law enforcement services (including border, military police etc.) and the governance structure such as Ministry of Interior, parliamentary and independent oversight bodies.

- Organizational level – refers to individual institutions, such as the police, and involves the review of general aspects like its number of personnel, structure, composition, accountability, legitimacy, oversight, condition of the service, type and the service delivering;

- Individual level – refers to the assessment of individual capacity and integrity. This is particularly relevant to the vetting process, which should be based on assessment of individual conduct (large scale removals on the sole basis of group or party affiliation risks removing public employees who have integrity and bear no responsibility for past abuses by that institution or its employees.

☞ *Note to instructor: Ask trainees to identify which UN Police activities affect which level. Try to identify activities that affect each level. Use the matrix below:*

Matrix					**Slide 15**
	Individual	Organization	Sector	System	
Mapping of the sector					
Institutional audit of LEAs					
Census and identification					
Vetting, selection and recruitment					
Training and certification					
Institutional development					

☞ **Expected Outcome:**

☞ **Note to instructor:** *Use the matrix to further discuss and exemplify practical activities undertaken at relevant steps of the RR&R process.*

Matrix					Slide 15
	Individual	Organization	Sector	System	
Mapping of the sector		X	X	X	
Institutional audit of LEAs		X	X		
Census and identification	X				
Vetting, selection and recruitment	X				
Training and certification	X	X			
Institutional development		X	X	X	

Evaluation	Slide 16
• Process • Indicators • Tools	

💬 A system for monitoring and evaluating the reform process should be built into the reform strategy from the very beginning. There are several courses of action that could be suitable for law enforcement agencies:

- Conduct periodic evaluations to allow for adjustments. This helps to correct mistakes, direct additional efforts and resources towards vulnerable areas, revise the plan for short- and long-term. For instance, in Kosovo, Haiti and other missions, periodic evaluations are/were required as part of the benchmarking process for the

Mandate Implementation Plan. Benchmarking generally includes a comparison between the plan and the achievements. It helps in keeping the plan flexible and responsive to the situation.

- Conduct a final evaluation to determine the success of the reform, prepare the ground for accreditation of the local law enforcement agencies and their ability to exist and perform without external assistance.

💬 Depending on the level, the evaluation could be conducted for the whole law enforcement system, the particular law enforcement agency or a specific division/unit of the law enforcement agency (the police academy, for instance).

💬 Indicators for evaluating the success of police reform may include the existence of law enforcement policies and procedures in line with various indices, including:

- Adherence to UN standards

- Official accountability

- Level of corruption and human rights violations

- Sustainability

💬 Information on those indicators can be obtained from different sources, including the local police authorities, surveys of the community, UN Police reports (daily, weekly, monthly), crime analysis information gathered by UN Police, other UN reports (such as those prepared by human rights monitoring mechanisms and bodies), reports from non-governmental organizations, media reports, etc.

💬 For UN Police, evaluation should be cross-referenced to the mission's Mandate Implementation Plan. The final evaluation usually is the basis for the decision by the Security Council to terminate the UN Police mandate or end UN Police activities. It is an indication of whether the mandate has been implemented successfully or not.

Summary of Key Messages	**Slide 17**
- Sustainability of Reform - Capacity Building - Activities in a Successful RR&R Process - Implemenation Strategy - Levels of Reform	

Learning Outcome Assessment

It is up to the learning institution to decide whether the learning assessment questions are used informally in a group question and answer session, or if they are provided to the participants as a written quiz. In either case, it is recommended that the correct answers are provided at the end of the assessment in order to ensure participants are clear on the key messages.

At the end of the entire unit and/or the conclusion of the STMs instructors may want to choose some of the following questions for review.

Questions

1. Define reform, restructuring and rebuilding
2. List objectives of police reform
3. List necessary activities to implement a successful RR & R process
4. List indicators to evaluate the reform process
5. Identify the different levels reform must address

Expected outcome

1. Reform, restructuring and rebuilding

    - Reform: the change process leading to greater capacity and integrity in the concerned law enforcement agency.

    - Restructuring: the internal reorganization of the concerned law enforcement agency for the purpose of making it more efficient and able to fulfil its mandate functions.

    - Rebuilding: the provision of the material and financial means to the concerned law enforcement agency to allow it to fulfil its mandate functions.

2. Objectives of Police Reform

    - Contribute to sustainable peace and security

    - Strengthen the rule of law

    - Enhance capacity and integrity of the police

    - Operational sustainability

- Enhance public trust

- Support training of adequate police officers

- Establishment of basic administrative and financial management arrangements

- Building of necessary infrastructure (i.e. training facilities, police stations, communications equipment, vehicles and uniforms).

- The national context, including cultural, political, economic and social realities has to be taken into account. Working closely together with national authorities is crucial to ensure local ownership. This will ensure sustainability.

3. Necessary activities to implement a successful RR & R process

- Mapping of the sector

- Institutional audit of LEAs

- Census and identification

- Vetting, selection and recruitment

- Training and certification

- Institutional development

4. Indicators to evaluate the reform process

- Adherence to UN standards

- Official accountability

- Level of corruption and human rights violations

- Sustainability

5. Different levels reform must address

- System level

- Sector level

- Organization/institution level

- Individual level