





CHAPTER 15

Police command and management

Learning objectives for Chapter 15

After completing this chapter you should be able to:

- *Explain the role of police commanders in ensuring that police officers subject to their control apply human rights standards and practices*
- *Discuss the international human rights standards and practices for law enforcement officials in a command or management position*



Chapter 15

Police command and management

Contents

15.1. Introduction

15.2. Law enforcement organisations

15.3. International standards and practices applicable to command and management

15.3.1. Human rights standards for commanders

15.3.2. Human rights practices for commanders

15.4. Summary

15.5. Questions for self-evaluation



15.1. Introduction

Police commanders play a vital role in managing and administering any police organisation. Part of their role is also to implement and manage any necessary changes in their organisation. Commanders provide guidance and leadership and ensure that correct procedures are followed. An equally important part of their role is to ensure that they themselves and all police officers under their command at all times fulfil the duty imposed on them by the law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.

A commander's responsibility includes ensuring those under them respect, protect and promote human rights in their daily activities. Commanders have a responsibility to ensure that all reports of human rights violations by police officers are investigated in a prompt, thorough and effective manner, and that action is taken accordingly, with an appreciation for the rights of the victim concerned. Moreover, there is a command responsibility to develop systematic human rights education for police officers so as to prevent or minimise the occurrence of such abuse.

Wider police management reform?

As part of a training manual, this chapter attempts only to give an outline of the particular human rights considerations that apply to police commanders and management. This is in anticipation of trainers building human rights elements into continuation training for senior officers. Wider issues of structural reforms to police procedures (such as review processes) are policy matters of another kind.'

15.2. Law enforcement organisations

The general characteristics of police agencies are the following:

- The majority of police agencies are of a civilian nature (some are of a paramilitary nature).
- All police agencies are strictly hierarchical (a system of ranks), often with as many functional levels as there are ranks in the organisation.
- Police agencies are inward-oriented, with a focus on internal review and top-down decision-making.
- In many police agencies promotion is generally based on seniority rather than quality.
- All police agencies experience public scrutiny.
- Most agencies do not have a structured relationship with the community they serve.

One traditional view of policing is that the emphasis should be on law, order, authority, and enforcement tactics. In recent years, however, there has been a shift in view on policing and

For some input on these issues, reference might be made to some of the practical suggestions in the 2005 report on 'Police Accountability' of the Commonwealth Human Rights Initiative (CHRI - see www.humanrightsinitiative.org). Note that the CHRI is a non-governmental organisation and not in any way a part of the Commonwealth Secretariat.



the role of police officers, as is set out more fully in Chapter 13. The modern view of 'community policing' is for a focus on police officers who have social skills and apply principles of proactive policing, with community co-operation and trust and crime prevention as a goal.

The focus on **public relations and the media** (as a part of community outreach) is becoming increasingly important:



Law enforcement is a community service, and as such there is a need to be service-oriented and pay due regard to the appropriateness and adequacy of services being offered. It is true that policing is a public service of a different sort. If anything, this increases the responsibility placed on police officers.



Relations with the media are becoming more important. The media are a resource in crime control – police services should cultivate good working relations with the media, including to better inform the community. However, police should avoid seeking to create a particular public image that is an image only: it is through doing their work openly, accountably, and with respect for the law and human rights that the profile of police services and their public image is improved. This leads to better community relations, easier police work, and higher levels of job satisfaction among police officers.



In many Commonwealth countries, police are working closely with national human rights institutions in educational, promotional and other programmes.



In order to improve levels of police compliance with human rights standards, a relationship has to be carefully and deliberately created between the citizens and their law enforcement officials, to provide easy accessibility and foster mutual trust. It is for police managers and commanders to set the tone for this relationship, by their example and their programmes. This relationship can only grow if law enforcement organisations are:

(a) responsive; and

(b) accountable (including an efficient mechanism to investigate complaints about police officers and law enforcement practices).

'Responsiveness'

This quality refers to the capacity of law enforcement organisations to respond – whether reactively or proactively (preventatively) – to the wants and needs of society.

The requirement of responsiveness is only recently leading to attempts by law enforcement organisations to take community opinions into account, and to design proactive rather than reactive responses.

'Accountability'

There are different levels of accountability:

Abroad – international accountability

According to international human rights law, individual States can be held accountable in the various mechanisms of the international community for situations in which there



exists, within the territory of the State, "a consistent pattern of gross and reliably attested violations of human rights".

Moreover, as chapter 1 sets out, the international legal obligations of States (through Conventions they have signed, or as a matter of customary international law) translate into duties of the State to ensure measures are taken to afford protection and fulfilment of human rights of persons under the state's control. In turn, this translates at the practical level into a duty on the police to prevent, protect and remedy human rights violations. For police commanders, the content of this duty is to ensure systems and procedures are in control to enable such measures.

As well as 'formal' accountability in international human rights reporting and review mechanisms, it may be seen that police services are held to be 'informally' accountable through the international media and non-governmental human rights organisations. This has an impact on the international image of the country and the international reputation of the police service for professionalism.

At home – external accountability

Police – and often police commanders – are also accountable through a range of national legal and political review mechanisms, and the ordinary criminal laws of the country. This accountability includes commissions of inquiry (permanent or ad hoc) and, as above, includes an element of 'informal' accountability where the police are held to 'account' by the community which they protect and serve, and in the national media.

Internal accountability

This concerns the existing individual responsibility of every law enforcement official to respect and strictly observe the requirements of the law. There are distinct requirements as to attitudes and skills, in combination with required knowledge to guarantee prompt, adequate and appropriate application of the law without any adverse distinction.

15.3. International standards and practices applicable to command and management

There are some basic human rights standards and practices that have been developed for, and are relevant to, commanders and managers. The 'standards' section below can be drawn out of the *Code of Conduct for Law Enforcement Officials*, as well as general international rules and guidelines. The 'practice' section also considers some practical ways in which some of these guidelines can be given effect by command decisions.¹

Of course, police officers are at all times governed by laws in force in their area, and internal disciplinary codes.

15.3.1. Human rights standards for commanders

- Law enforcement officials shall at all times fulfil the duty imposed upon 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.

¹ These standards and practice guidelines are provided in the Office of the United Nations High Commissioner for Human Rights publication 'Human Rights and Law Enforcement' (HR/P/PT/5, Geneva, 1997, Chapter 20).



-
- Law enforcement officials shall not commit any act of corruption. They shall rigorously oppose and combat all such acts.
 - Law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.
 - Law enforcement agencies shall be representative of and responsive and accountable to the community as a whole.
 - The recruitment, hiring, assignment and promotions policies of police agencies shall be free from any form of unlawful discrimination.
 - Clear, complete and accurate records shall be maintained on matters of investigation, arrest, detention, the use of force and firearms, victim assistance, and all matters of police activity.
 - Training and clear guidelines shall be made available on all matters of police activity affecting human rights.
 - Law enforcement agencies shall make available a range of means for the differentiated use of force, and shall train officers in their use.
 - All incidents of the use of force or firearms shall be followed by reporting and review by superior officials.
 - Superior officials shall be held responsible for the actions of police under their command if such superior officials knew or should have known of abuses but failed to take action.
 - Law enforcement officials who refuse unlawful superior orders shall be given immunity.
 - Confidential information is to be handled securely.
 - All law enforcement candidates shall be of appropriate mental and physical character.
 - All law enforcement officials are to be subject to continuous and effective report and review procedures.
 - Law enforcement agencies shall develop strategies for law enforcement which are effective, lawful and respectful of human rights.

15.3.2. Human rights practices for commanders

The following practices can serve as a guideline for police commanders and supervisory officials:

- Develop a voluntary ethical code of conduct for law enforcement officials.
 - Issue clear and binding standing orders on respect for human rights in all areas of police work.
 - Provide entry-level and continuous in-service training to all officials, emphasising the human rights aspects of police work contained in this manual.
-

- Develop careful screening processes for new recruits and periodic assessments of all officers, to determine appropriate character for law enforcement duties.
- Develop community policing strategies, as indicated in this manual.
- Establish and enforce strict guidelines for record-keeping and reporting.
- Establish an accessible mechanism for receipt of complaints made by members of the community, and fully investigate and redress all such complaints.
- Develop a plan to ensure that the composition of the police agency is representative of the entire community, including fair and non-discriminatory recruitment and management policies.
- Solicit technical assistance from international and bilateral programmes, to develop techniques and technical policing skills and capacities for proper and effective law enforcement.
- Establish and announce an appropriate range of penalties for police violations, from suspension, pay-docking and termination, to criminal prosecution for serious violations.
- Strictly regulate the control, storage and issuing of weapons and ammunition.
- Carry out periodic, unannounced spot checks on detention facilities, police stations and sub-stations, and also inspect weapons and ammunition being carried by police to ensure that they comply with official regulations.
- Establish close co-operative relationships with other law enforcement agencies, judges and prosecutors, national human rights institutions, medical facilities, social service agencies, emergency services, the media and community organisations.
- Develop specialised units to professionalise police attention to juveniles, victims, crowd situations, women's detention facilities, border control, and so on.
- Develop a public information strategy that helps to inform the community about the police and their functions, challenges and possibilities.

15.4. Summary

Police commanders play an important role in ensuring respect for and protection of human rights. They have an important role in managing and administering the police, and also in monitoring and evaluating police behaviour. In addition to the significance of commanders supporting human rights awareness for officers, there are many positive consequences that can come from a decision to engage with the media, national human rights institutions, civil society and of course the community, in order to improve policing standards, increase public understanding about the difficulties faced by police, and to improve the overall climate in which police activities take place.





15.5. Questions for self-evaluation

- *What practical steps can trainers suggest that police commanders take to ensure that police officers respect and protect human rights when fulfilling their duties?*
- *What are some of the institutions that police command and management might consider in support of a comprehensive implementation of human rights-based policing?*