

**Report to the ad hoc committee of the
National Academies of Sciences, Engineering, and Medicine**

**Evidence to Advance Reform in the Global Security and Justice Sectors:
A Workshop-based Consensus Study Series**

*Policing “landscapes” for the rule of law and public protection: A review of the available
evidence on organizational policies, structures, and human resources*

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1.0 PURPOSE OF THE PAPER

This commissioned paper is designed to assist the National Academy of Sciences project on Evidence to Advance Reform in the Global Security and Justice Sectors. Its purpose is to better understand the evidence that is, or is not, available on organizational policies, structures and practices in areas such as human resources and recruiting, legal authorities, and reporting lines that enable a police service to promote the rule of law and protect the population from crime, disorder and violations of human rights.

2.0 METHODS AND APPROACH

The paper provides a review of the evidence in a range of high, medium and low-income countries and across different regions. The paper seeks to assess the strengths, limitations and gaps in the evidence and data for these practices and make recommendations on the research designs, data and tracking that should be collected and reported to support and sustain the future development of the rule of law in democratic countries.

The topic does not easily lend itself to systematic review given that a number of the areas which will need to be covered have either not been explored in high quality studies or present methodological challenges which preclude such studies (such as judgments about the relative merits of different governance models). Where there are questions of effectiveness, the paper will have a preference for systematic review and experimental or quasi-experimental evidence.

3.0 DEFINITIONS AND FRAMEWORKS FOR RULE OF LAW AND POLICE REFORM

The United Nations (UN) provides the following definition of the “rule of law” (ROL):

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

A more detailed definition has recently been published by INL.¹

The definition provides some apparent clarity for a contested and complex idea. The modern concept of ROL is usually credited to Dicey whose formulation linked it inextricably to parliamentary sovereignty.² This was emphatically relied on by the UK 1962 Royal Commission on the Police which asserted that “the proper criterion [for whether a state is a

¹ “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 that are consistent with international human rights norms and standards. It requires measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness, and procedural and legal transparency.” (p.44) Bureau of International Narcotics and Law Enforcement Affairs. (2021). *INL Guide to Justice Sector Assistance*. Washington, DC: U.S. State Department. Available: <https://www.state.gov/wp-content/uploads/2019/03/222048.pdf>.

² Loughlin, M. (2010). *Rechtsstaat, rule of law, l’Etat de droit. Foundations of public law*: Oxford University Press.

police state or not] is whether the police are answerable to the law and, ultimately, to a democratically elected Parliament.”³ Alongside this, Lord Bingham emphasised the need for accessible, clear law, applied equally to all and in compliance with international human rights.⁴ Dicey and Bingham’s rule of law framed by Parliament and the courts, to which law enforcement officials are subject, has a different emphasis from European models such as the German “Rechtsstaat” and the French “Etat de Droit, which come closer to rule by law with a stronger emphasis on fundamental and moral rights.

In seeking to turn ROL principles into a working tool, USAID⁵ have focused on a set of “essential elements,” starting with the provision of order and security and underpinning this with legitimacy and fairness within a system of checks and balances (see Table 1).

Table 1: USAID Essential Elements of the Rule of Law⁶

Essential Elements of the Rule of Law
Order and Security
Legitimacy
Checks and Balances
Fairness
<ul style="list-style-type: none"> • Equal application of the law • Procedural fairness • Protection of basic human rights and civil liberties • Access to justice
Effective Application

Each of USAID’s essential elements require a complex judgment about how to measure and how to relate them to the others. An attempt at this is provided by the World Justice Project (WJP) Rule of Law Index,⁷ which utilises a slightly different set of factors sub-divided into criteria linked to a scale (see Table 2) designed to allow ROL comparisons between different jurisdictions.

³ The Royal Commission on Criminal Procedure. (1962). The Royal Commission on Criminal Procedure: Final Report. London: HMSO, 45.

⁴ Bingham, L. (2007). The rule of law. *The Cambridge Law Journal*, 66, 67-85.

⁵ U.S. Agency for International Development. (2008). *Guide to the Rule of Law Country Analysis: The Rule of Law Strategic Framework: A Guide for USAID Democracy and Governance Officers*. Washington, DC: U.S. Agency for International Development. Available: https://pdf.usaid.gov/pdf_docs/Pnadm700.pdf.

⁶ U.S. Agency for International Development. (2008) Ibid.

⁷ World Justice Project Rule of Law Index: <https://worldjusticeproject.org/rule-of-law-index/>

Table 2: Factors derived from the WJP Rule of Law Index

Constraints on Government Powers	The extent to which those who govern are bound by law. The means, constitutional, institutional and non-governmental, by which the powers of the government and its officials and agents are limited and held accountable under the law.
Absence of Corruption	The absence of corruption in government, including bribery, improper influence by public or private interests, and misappropriation of public funds or other resources.
Open Government	The openness of government defined by the extent to which a government shares information, empowers people with tools to hold the government accountable, and fosters citizen participation in public policy deliberations. This includes whether basic laws and information on legal rights are publicized and evaluates the quality of information published by the government.
Fundamental Rights	The rights that are firmly established under the United Nations Universal Declaration of Human Rights and are most closely related to rule of law concerns.
Order and Security	How well a society ensures the security of persons and property.
Regulatory Enforcement	The extent to which regulations are fairly and effectively implemented and enforced.
Civil Justice	Whether ordinary people can resolve their grievances peacefully and effectively through the civil justice system. It measures whether civil justice systems are accessible and affordable as well as free of discrimination, corruption, and improper influence by public officials.
Criminal Justice	An effective criminal justice system is a key aspect of the rule of law and this should take into consideration the entire system, including the police, lawyers, prosecutors, judges, and prison officers.

There is a strong link between these ROL frameworks and models of police reform. In developing one of the most important models, Bayley⁸ drew on experience, observation, research and case studies of international police reform. His starting point was the legal framework for the police and for their independent oversight. These were then supported by four themes: recruiting and retaining the right sort of people; developing the capacity of police executives to manage reform; making the prevention of crime as it affects individuals the primary focus of policing; requiring legality and fairness. He found that police reform (and by implication the rule of law) was rarely, if ever, enhanced by focusing on reorganising, equipping or training the police. Bayley⁹ argued that his model had been

⁸ Bayley, D.H. (2006). Changing the guard: Developing democratic police abroad. *Oxford University Press*.

⁹ Bayley, D.H. (2008). Post-conflict police reform: Is Northern Ireland a model? *Policing: A Journal of Policy and Practice*, 2(2), 233-240.

substantially successful in the reform of the police in Northern Ireland: a judgment which was supported by Ellison's¹⁰ stocktake on progress to reform in Northern Ireland.

An alternative and complementary approach to Bayley has been adopted by Blair¹¹ in analysing the effectiveness of UN peacekeeping and law enforcement. Blair suggested “neutralising factors,” which he associated with more effective outcomes: education and competencies of key leaders and managers in law enforcement; incentives and inducement such as funding for salaries and infrastructure; beliefs and persuasion to shift mindsets in favour of reform; accountability and oversight.

Running through a number of these frameworks, including USAID's essential elements, is a focus on legitimacy and procedural justice. Tyler's work has been influential in suggesting that there are links between citizen perceptions of legitimacy and compliance with the law.¹² Whilst the effectiveness of the mechanism of procedural justice proposed by Tyler has been questioned by some recent studies,¹³ it seems clear that an over reliance on the law and police powers rather than paying attention to the way in which they are exercised is likely to harm legitimacy¹⁴ and, therefore the ROL.

Bottoms and Tankebe's¹⁵ “dialogic model” of legitimacy is helpful in bringing the apparently discrete elements of ROL together. The model positions many of the elements, including procedural justice and equality, within a constant dialogue between the power-holders – in this case the police – and the audience – the citizens and civil society. Bottoms and Tankebe drew on Crank and Langworthy's¹⁶ application of the institutional theory to policing to emphasise the importance of the network of institutional sovereignty influencing policing. Moreover, in the dialogue with institutional sovereigns, Bottoms and Tankebe and Herbert,¹⁷ suggest that police leaders need to balance subservience (complying with the priorities and policies of institutional sovereigns) with separation (maintaining independence in exercising discretion and decision-making). As such the dialogic model reinforces the idea that “Checks and Balances,” as a prominent feature of most ROL models, should not be viewed as static, fixed frameworks, but rather as part of a dynamic process of dialogue.

The dynamic process is particularly important in policing at the beginning of the 21st century because of rapid changes in the challenges facing policing. Den Boer¹⁸ argues for the need to adopt a ‘living law’ perspective as legal frameworks prove to be “rigid and immune to change”, so policing systems have seen ‘hard law’ substituted by ‘soft law’ such as regulations, protocols and rules of conduct.

¹⁰ Ellison, G. (2007). A blueprint for democratic policing anywhere in the world? Police reform, political transition, and conflict resolution in Northern Ireland. *Police quarterly*, 10(3), 243-269.

¹¹ Blair, R.A. (2021). UN peacekeeping and the rule of law. *American Political Science Review*, 115(1), 51-68.

¹² Tyler, T. (1990). Why people obey the law? *Yale University Press*.

¹³ Nagin, D.S., and Telep, C.W. (2017). Procedural justice and legal compliance. *Annual Review of Law and Social Science*, 13, 5-28.

¹⁴ Meares, T., and Neyroud, P.W. (2015). *Rightful policing*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice.

¹⁵ Bottoms, A., and Tankebe, J. (2012). Beyond procedural justice: A dialogic approach to legitimacy in criminal justice. *The journal of criminal law and criminology*, 119-170.

¹⁶ Crank, J.P., and Langworthy, R. (1992). Institutional perspective on policing. *Journal of Criminal Law and Criminology*, 83, 338.

¹⁷ Herbert, S. (2006). Tangled up in blue: Conflicting paths to police legitimacy. *Theoretical criminology*, 10(4), 481-504.

¹⁸ den Boer, M. (2018). *Comparative policing from a legal perspective*: Edward Elgar Publishing.

4.0 REVIEWING THE EVIDENCE ON ORGANIZATIONAL POLICIES, STRUCTURES AND HUMAN RESOURCES

The evidence review section is sub-divided for convenience of the analysis but there are a number of issues which are not readily contained within a specific section. There are also key issues, such as police training and the use of force, which will be covered in future papers for the committee.

4.1 ORGANISATIONAL PURPOSES, STRUCTURES AND ACCOUNTABILITY

Comparative research on the police organization, its structures and purposes has been developing as a discipline since Bayley's seminal comparisons of European and International police models.¹⁹ Mawby²⁰ has argued that it is critical to focus on three areas: the historic and present basis for legitimacy; the structure (and by implication the context of other institutional structures for law enforcement and community safety); and the function, which can vary on a continuum between a strong focus on maintaining order to crime prevention and resolution of community problems. Mawby also suggested that it is important to understand the different legal frameworks and distinguished seven types, including common law, civil law, indigenous and religious-based. Mawby's analysis suggests that sustaining effective ROL interventions may depend on understanding the historical and embedded legal cultures and assumptions.

Emsley,²¹ analysing the historical development of policing models, identified three broad types: State Military, in which police were armed, stationed in barracks and responsible to a central authority; State Civilian, in which the police were independent of local authority but clearly distinguished from the military; Municipal Civilian, recruited locally and largely under local control. He suggested that the boundaries between these types could be "fuzzy." However, a tendency towards one model or the other had implications for the ethos and purpose of the police: a state military police, such as Peel's Irish Constabulary or the Imperial Indian Police, would prioritise maintaining order and suppressing dissent; a municipal civilian would be more likely to focus on local crime and street disorder problems. The most significant example of a State Civilian model was Peel's creation of the London Metropolitan police, which was clearly distinguished from the military in uniform, ethos and leadership. This was, in part, a reaction to the military response in, amongst other incidents, the "Peterloo massacre"²² where local militia had used military force to disperse an unarmed public meeting.

Emsley's typologies and their implications for ROL remain relevant in the 21st century. Weintraub and Blair have explored of the renewed militarisation of street policing in South America in their experimental evaluation in Colombia.²³ They suggest evidence for increased human rights abuses by both police and military, with no significant reductions in crime.

¹⁹ Bayley, D.H. (1975). The police and political development in Europe. *The Formation of National States in Western Europe*, ed. C. Tilly, Princeton, NJ: Princeton, 332-379.

²⁰ Mawby, R. (2018). An international comparison of police systems in a legal context. In *Comparative policing from a legal perspective*: Edward Elgar Publishing, 63-85.

²¹ Emsley, C. (1999). A typology of nineteenth-century police. *Crime, History, and Societies*, 3(1), 19-24.

²² Reiner, R. (2010). *The politics of the police* (4 ed.): Oxford University Press.

²³ Blair, R., and Weintraub, M. (2020). *Mano Dura: An Experimental Evaluation of the Plan Fortaleza Program in Cali, Colombia*. Available: <https://osf.io/95cz3>.

Flores-Macias and Zarkin²⁴ go further and argue that the militarization of the police in Latin America has undermined “citizen security, human rights, police reform and the legal order.”²⁵

Furthermore, Emsley’s framework needs to be seen against the way that police organizations have developed and adapted to changing challenges. Brodeur²⁶ made a distinction between “high” and “low” policing: the expansion of “high policing” to tackle perceived threats from serious and organised crime and terrorism has presented very different challenges for oversight. The nature of the work frequently requires openness and transparency to be muted to protect operations. Furthermore, Bowling²⁷ has identified the complexity and, at times, fragility of the accountability networks for transnational policing. “High policing”, transnational policing and the policing of terrorism also tend to require a close relationship, if not a substantial overlap between police and security services. Given the scale of the potential interference in human rights, the consequences of failure and the controversies around strategies attempting to deradicalise individuals, a major gap in the landscape for ROL is that the evidence on accountability and oversight of high policing is so weak. One potential strategy to improve this has been opened up by the Campbell Collaboration/5RD programme of systematic reviews on terrorism and radicalisation prevention.²⁸ Letting the light of evidence (or the absence of evidence) shine on the strategies being implemented offers an opportunity for Ombudsmen and oversight scrutiny of, at least, the effectiveness of prevention.

Bayley developed a further important typology based on two dimensions of analysis: the centralisation of command and the number of commands. He suggested that these are often confused by an imprecise use of the concepts of centralisation and decentralisation: “The point is that decentralization creates multiple forces, but multiple forces are not always decentralized.”²⁹ Bayley found that initial centralisation was often a response to the demands of maintaining order in a fragile state. More recently, across Northern Europe, there has been trend towards centralised national police forces. These changes have tended to be justified by economies of scale and a need to enhance efforts to tackle organised crime, terrorism and transnational crimes.³⁰ The evaluations – comparison of the intended benefits to the outcomes after three years – suggest that the reforms were “naïve, almost utopian.”³¹

The scale of the challenges in implementing structural reforms to policing (and also by implication, reform of policing by restructuring) needs to be placed alongside the literature on the effectiveness of different sizes of police force and different internal structures. The overall message from the research reviewed in the NAS report on Fairness and Effectiveness

²⁴ Flores-Macías, G.A., and Zarkin, J. (2019). The militarization of law enforcement: Evidence from Latin America. *Perspectives on Politics*, 1-20.

²⁵ Flores-Macías, G.A., and Zarkin, J. (2019), p.1.

²⁶ Brodeur, J.-P. (2010). *The policing web*: Oxford University Press.

²⁷ Bowling, B., and Sheptycki, J. (2015). Global policing and transnational rule with law. *Transnational Legal Theory*, 6(1), 141-173.

²⁸ DHS Science and Technology Directorate. (2018). *Systematic Reviews of Terrorism Prevention Research*. Washington, DC: White House, U.S. Department of Homeland Security, DHS Science and Technology Directorate. Available: https://www.dhs.gov/sites/default/files/publications/1069_OPSR_Systematic_Reviews_Factsheet_180919-508.pdf.

²⁹ Bayley, D.H. (1985), p.53.

³⁰ Terpstra, J., and Fyfe, N.R. (2019). Great expectations? Assessing the creation of national police organisations in Scotland and the Netherlands. *International Journal of Police Science & Management*, 21(2), 101-107.

³¹ Terpstra, J., and Fyfe, N.R. (2019), p.106.

in policing could best be summarised as “it depends.”³² However, in considering a more sustainable approach to ROL, a more decentralised model capable of supporting Community Policing is one model which can be linked with enhanced legitimacy and, when linked to Problem-Oriented Policing, reductions in crime and disorder.³³

The potential significance of Community Policing as a sustainable strategy for ROL highlights the critical importance of the context of institutions, accountability and oversight structures within which policing is situated. A recent report from USAID review the effectiveness of police accountability mechanisms and programmes found “extremely limited data on what works in police accountability.”³⁴ The report’s authors emphasised the importance of considering the whole system of accountability in any evaluation and, in particular, four, inter-connected dimensions: The Horizontal system of checks and balances; the Vertical – internal mechanisms, processes and procedures; External governance; Diagonal interactions with communities.

The USAID review used this four-dimensional model to frame an analysis that proposed *three “promising” initiatives in accountability*. The first is the most radical: *Tabula Rasa* or the abolition and replacement of an existing police force or unit by a new one. This is clearly highly topical in view of the abolition/defund movement which was given new impetus by the circumstances around the death of George Floyd in the United States. Two examples from Peru³⁵ and Georgia are supported by mixed methods research, the latter with a comparison with two neighbouring states.³⁶ In both cases, the data suggested reduced corruption and enhanced performance. Neither evaluation is entirely convincing on the challenges of achieving political support, implementation or sustaining progress. Furthermore, neither Peruvian nor Georgian examples appear to have been a complete “*Tabula Rasa*.” A further cited example, the *re-formation of the Camden police*³⁷ appears much more akin to the force amalgamations that formed the centrepiece of the reforms in England and Wales in the 1960’s and many of the ROL benefits may have been prompted by police-community partnerships rather than abolition.

It is just such Police-Community Partnerships that provide the most promising approach. There are a variety of models that have been tested. The most recent and extensive programme has been the EGAP Metakata programme of randomised trials in six medium and low-income countries.³⁸ The preliminary reports suggest that a combination of ‘town hall meetings’ providing a local forum for discussion and agreement of priorities and local

³² National Research Council. (2004). *Fairness and effectiveness in policing: The evidence*. Washington, DC: The National Academies Press.

³³ Neyroud, P.W. (2021) *Community Policing: an overview of the evidence on lessons learnt and best practices*. Unpublished Evidence Review for UNODC, forthcoming.

³⁴ U.S. Agency for International Development. (2020). *The Effectiveness of Police Accountability Mechanisms and Programs: What Works and the Way Ahead*. Washington, DC: U.S. Agency for International Development. Available: https://www.usaid.gov/sites/default/files/documents/Police_Accountability_Mechanisms_8.5.2020.pdf.

³⁵ Karim, S. (2011). Madame officer. *Americas Quarterly*, 5(3), 42.

³⁶ Kakachia, K., and O’Shea, L. (2012). Why does police reform appear to have been more successful in Georgia than in Kyrgyzstan or Russia? *The Journal of Power Institutions in Post-Soviet Societies*, (13), 2-18.

³⁷ Danley, S. (2020). Camden police reboot is being misused in the debate over police reform. *The Washington Post*, June 16. Available: <https://www.washingtonpost.com/outlook/2020/06/16/camden-nj-police-reboot-is-being-misused-debate-over-police-reform/> [April 2021].

³⁸ Metakata programme at <https://egap.org/our-work/the-metaketa-initiative/round4-community-policing/>.

community policing teams can improve legitimacy and crime and disorder outcomes. The approach strongly supports a community policing strategy.

The third area proposed is *Technology* and, in particular, the promise of Body Worn Cameras. The last decade has seen the rapid adoption of Body Worn Cameras (BWC) by the police. There is a growing body of international evaluation research on its effects. The President's Commission³⁹ provided support for BWC as a potential method of enhancing policing legitimacy. The systematic review of the use of BWCs for the Campbell Collaboration⁴⁰ included studies from North and South America, Australasia and Europe. It concluded that BWC did not have "a consistent or significant effects on officers' use of force, arrest activities, proactive or self-initiated activities, or other measured behaviors."⁴¹ The largest factor in determining the strength of the findings lay in the deployment policies and the discretion given by many agencies to officers as when and whether the BWC was operational. The Review's authors recommended that police leaders pay closer attention to the detail of the evidence and consider limiting the discretion that officers have with BWC use. They suggested that police could use BWCs more effectively for coaching, training, or evidentiary purposes. The Review's authors held out the potential for BWCs to strengthen police-citizen relationships, internal investigations, or accountability systems.

The USAID review did not discuss one of the key issues in police accountability: the *relationship between political control, operational decision-making and the risks to ROL*. This issue has been central to debates in England and Wales over the 2012 adoption of a system for directly elected Police and Crime Commissioner (PCC) to be responsible for the direction of local police forces and the appointment and accountability of the Chief Officer. Cooper,⁴² reviewing the operation of the changes over their first two electoral cycles, found that a PCC's ability to remove their Chief Constable could cause an instability in police leadership and a potential culture of compliance, as Chiefs – many close to retirement – chose to avoid conflict with their PCC. The power for a PCC to remove a Chief Constable, which contrasted with the complex process for removing a PCC, had resulted in a concentration of power at odds with the principles of good governance – a potential failure of checks and balances. Secondly, as a result of flaws in the process of appointment, some Chiefs were becoming overly indebted to their PCC, the average length of tenure for a Chief had fallen and the pool of candidates coming forward diminished.

Cooper's analysis raises concerns but comes in the context of a policing system which has wider checks and balances such as an Independent Police Inspectorate and an Independent Office for Police Conduct. Similar concerns over the effectiveness of checks and balances on political control can be found in many jurisdictions, including India, with one of the world's largest policing systems. As a recent paper for the Indian Police Foundation has highlighted, reform there has had many false starts and has been driven most strongly by the judiciary.⁴³

³⁹ Cooper, S.J. (2020). Police and crime commissioners: A corrosive exercise of power which destabilises police accountability? *Criminal Law Review*, 2020(4), 291-305.

⁴⁰ Lum, C., Koper, C.S., Wilson, D.B., Stoltz, M., Goodier, M., Eggins, E., Higginson, A., and Mazerolle, L. (2020). Body-worn cameras' effects on police officers and citizen behavior: A systematic review. *Campbell Systematic Reviews*, 16(3), Article number: e1112.

⁴¹ Lum, C., Koper, C.S., Wilson, D.B., Stoltz, M., Goodier, M., Eggins, E., Higginson, A., and Mazerolle, L. (2020), p.1.

⁴³ Lakhtakia, S. (2020). Moving the needle on police reforms: Why reforms have stalled and how to make progress. Available:

https://www.policefoundationindia.org/images/resources/pdf/Shruti_Lakhtakia_Monograph_.pdf.

⁴³ Lakhtakia, S. (2020). Moving the needle on police reforms: Why reforms have stalled and how to make

Comparing this to Bayley's model of reform, there has yet to be sufficient attention to the legal frameworks and independent oversight. The Supreme Court in the Prakash Singh judgment recognised that there was a significant dependency between ROL outcomes and the tenure, role stability and operational independence of Indian Police Service (senior) officers⁴⁴ from partisan political interference.

There is a tendency for the accountability literature to focus on external oversight and governance mechanisms, but it is also important to consider the role that police unions and staff associations can play in advocating reform. Most studies have characterised unions as a barrier to reforms, but Marks and Sklansky⁴⁵ have argued that linking union support for reforms and better working conditions with participative management may be a promising direction of travel.

4.2 ORGANISATIONAL POLICIES AND PRACTICES

Lakhtakia⁴⁶ argued that, in the competitive world of Indian policing, evidence-based trials in States like Rajasthan⁴⁷ and Madhya Pradesh⁴⁸ can “produce an initial success story, which can be used to build evidence, bolster momentum and influence public opinion.”⁴⁹ Given the emphasis on police effectiveness in the models of ROL and Bayley's reform model, a commitment to *evidence-based policing (EBP)* as set out by Sherman,⁵⁰ Weisburd and Neyroud⁵¹ and Lum and Koper,⁵² is a key building block. Over the last 20 years, research has produced a growing list of proactive police strategies that reduce crime and disorder.⁵³ Many of these, such as hotspot policing, problem-oriented policing and police-led diversion, have been systematically reviewed.⁵⁴ Whilst the majority of the studies have been carried out in the Global North in high-income countries, there are a growing number of studies in medium and low-income countries such as Trinidad and Tobago⁵⁵ and India.⁵⁶

progress. Available:

https://www.policefoundationindia.org/images/resources/pdf/Shruti_Lakhtakia_Monograph_.pdf.

⁴⁴ Prakash Singh and Others v. Union of India and Others, (2011) [Writ Petition (Civil) No. 310 Of 1996 With No. 417 Of 2010 & 42 Of 2011] (India). Available:

<https://www.casemine.com/judgement/in/58117fa02713e1794793a74e>. Accessed 22 April 2021.

⁴⁵ Sklansky, D.A., and Marks, M. (2008). The role of the rank and file in police reform. *Policing and Society*, 18(1), 1-6.

⁴⁶ Lakhtakia, S. (2020). Ibid.

⁴⁷ Banerjee, A., Chattopadhyay, R., Duflo, E., Keniston, D., and Singh, N. (2021). Improving police performance in Rajasthan, India: Experimental evidence on incentives, managerial autonomy, and training. *American Economic Journal: Economic Policy*, 13(1), 36-66.

⁴⁸ Kruks-Wisner, G., Mangla, A., and Sukhtankar, S. (2020). Engendering policing: Evaluating reforms to increase women's access to security and justice. *AEA RCT Registry*.

⁴⁹ Lakhtakia, S. (2020), p.1.

⁵⁰ Sherman, L.W. (1998). *Evidence-based policing*: Washington, DC: Police Foundation.

⁵¹ Weisburd, D., and Neyroud, P. (2011). *Police science: Towards a new paradigm*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice.

⁵² Lum, C., and Koper, C. S. (2017). *Evidence-Based Policing: Translating Research into Practice*. New York: Oxford University Press.

⁵³ National Academies of Sciences, Engineering, and Medicine. (2018). *Proactive policing: Effects on crime and communities*. Washington, DC: The National Academies Press.

⁵⁴ Campbell Collaboration website at <https://www.campbellcollaboration.org/>.

⁵⁵ Sherman, L.W., Williams, S., Ariel, B., Strang, L.R., Wain, N., Slothower, M., and Norton, A. (2014). An integrated theory of hot spots patrol strategy: Implementing prevention by scaling up and feeding back. *Journal of Contemporary Criminal Justice*, 30(2), 95-122.

⁵⁶ Neyroud, P.W. (2021). *Community Policing: An overview of the evidence on lessons learnt and best practices*. Unpublished Evidence Review for UNODC, forthcoming.

In the context of strategies that sustain the ROL, an EBP approach has a further key benefit. As set out by Sherman,⁵⁷ EBP is targeted on reducing the harm within the most concentrated crime and disorder locations, the harm caused by the “power few” most harmful offenders and the harm caused to the most vulnerable victims. Focusing the best evidenced interventions on the greatest harms should also mean a less intrusive level of intervention against lower harms. The human rights compliance required by the ROL explicitly supports this targeted approach by encouraging police to adopt a proportionate use of police powers.^{58,59} A targeted EBP approach provides a clear contrast with the almost universal incident driven policing “3 R’s” model based on response, reactive investigation and random patrol.⁶⁰

Over the last half a century, since Team Policing was first tested in the field,⁶¹ *community policing* has developed from a local policing approach to an international development strategy. Originally concerned with engaging police with communities and partnering for prevention, community policing in the 21st century has been stretched to encompass rebuilding law enforcement in post-conflict societies and preventing terrorism and radicalisation. Yet, at heart, there remains a relatively simple formula: a shift from a reactive law enforcement model to consultation or collaboration between the police and local citizens for the purpose of defining, prioritising, and/or solving problems. That formula has been shown to work to enhance police legitimacy and combined with evidence-based approaches to problem-solving and crime reduction, can help tackle a wide range of harms, crimes and disorder.⁶² The evaluation evidence on the effectiveness of community policing has been systematically reviewed using Campbell Collaboration methods by Gill et al.⁶³ who concluded that “our findings suggest that community-oriented policing strategies have positive effects on citizen satisfaction, perceptions of disorder, and police legitimacy, but limited effects on crime and fear of crime.”⁶⁴

The eligible studies were selected on the basis that there was a “policing strategy that involved, at minimum, some type of consultation or collaboration between the police and local citizens for the purpose of defining, prioritizing, and/or solving problems.”⁶⁵ On that basis, the review provided evidence of the benefits of community policing for improving perceptions of the police. However, the authors found that there were problems with explaining the mechanisms that translated partnership and community engaged priority setting into the measured outcomes, such as improved citizen satisfaction and in identifying the policing strategies that benefited most from community participation. A subsequent

⁵⁷ Sherman, L.W. (2013). Ibid.

⁵⁸ Neyroud, P.W. (2019). *Ethical leadership in policing: Towards a new evidence-based, ethical professionalism?* : Springer.

⁵⁹ Ramshaw, P., Silvestri, M., and Simpson, M. (2019). *Police leadership: Changing landscapes*: Springer.

⁶⁰ Sherman, L.W. (2013). Ibid.

⁶¹ Sherman, L.W., Milton, C., Kelly, T.V., and MacBride, T.F. (1973). *Team policing: Seven case studies*: Washington, DC: Police Foundation.

⁶² Neyroud (forthcoming). Ibid.

⁶³ Gill, C., Weisburd, D., Telep, C.W., Vitter, Z., and Bennett, T. (2014). Community-oriented policing to reduce crime, disorder and fear and increase satisfaction and legitimacy among citizens: A systematic review. *Journal of Experimental Criminology*, 10(4), 399-428.

⁶⁴ Gill, C., Weisburd, D., Telep, C.W., Vitter, Z., and Bennett, T. (2014), p. 399.

⁶⁵ Gill, C., Weisburd, D., Telep, C.W., Vitter, Z., and Bennett, T. (2014), p. 405.

review by Colover and Quinton⁶⁶ for the College of Policing focused on the components of effective community policing and was able to identify a clear framework (see Table 3).

Table 3: Colover and Quinton’s components of effective community policing

Patrols	targeted foot, cycle and police patrols by officers dedicated to that community
Community engagement	community engagement and involvement in police priorities
POP	Problem-oriented policing
Partnership	community and partner involvement in that problem solving
Data	data (on crime, disorder and problems identified as priorities) and the capability to analyse it to support problem-solving
Governance and leadership	strong governance, leadership, accountability and support to maintain a focus on delivery and effective implementation.

However, time and again, whether it be in high, medium or low-income countries, the challenge for police and communities is not to understand the philosophy of community policing; it is the complexity of initial and then, sustained implementation in the face of competing demands, professional resistance and, in many contexts, corruption and poor governance systems.⁶⁷

4.3 LEGAL FRAMEWORKS: OPERATIONAL AND LEGAL STANDARDS FOR THE USE OF POLICE POWERS

When the police abuse the rule of law, the potential harms include wrongful conviction of suspects, torture and physical and mental ill-treatment of suspects, insufficient protection for vulnerable suspects and witnesses, flawed identifications, disproportionate use of stop, frisk and arrest and illegal searches and seizure of property.⁶⁸ One of the main policy responses to these harms has been legal regulation of police powers and, especially, the pre-charge processes.

As a result of two sets of scandals involving false confessions, in England and Wales, first in 1981 the Royal Commission on Criminal Procedure (RCCP)⁶⁹ and then in 1993 the Royal Commission on Criminal Justice (RCCJ)⁷⁰ recommended radical changes to the regulation of

⁶⁶ Colover, S., and Quinton, P. (2018). Neighbourhood policing: Impact and implementation. Summary findings from a rapid evidence assessment. *College of Policing: London, UK*.

⁶⁷ Neyroud (forthcoming). Ibid.

⁶⁸ Chalmers, J., Leverick, F., and Shaw, A. (2014). *Post-corroboration safeguards review report of the academic expert group*: Scottish Government.

⁶⁹ The Royal Commission on Criminal Procedure (1981). *The Royal Commission on Criminal Procedure: Final Report*. London: HMSO.

⁷⁰ The Royal Commission on Criminal Justice. (1993). *The Royal Commission on Criminal Procedure: Final Report*. London: HMSO. Cmnd 2263.

pre-charge investigatory processes. RCCP's recommendations led directly to the Police and Criminal Evidence (PACE) Act of 1984, which provided a statutory code governing all aspects of the custody and investigation process, including audio recorded interviews (RCCJ added a requirement for video-recording) and strict rules on identification parades. Following RCCJ, amongst key reforms including the creation of the DNA Database, the police committed to the PEACE model for cognitive interviewing of suspects, victims and witnesses.⁷¹ Most of the key elements of PACE have been adopted in high-income countries across Europe, North America and Australasia and within UN international standards for policing,⁷² but PACE still stands out as an integrated model of regulation.⁷³

Brown's⁷⁴ detailed Home Office review of the effectiveness of the PACE regulation of police detention and powers indicated that PACE had been largely effective in regulating the environment inside the police station, but much less so outside. Dixon, whose work has focused on the legal regulation of the police, endorsed that judgment with the caveat that "the question 'can law control policing?' must not be reduced to the traditional question 'can rules control discretion?'" He drew on Braithwaite's work on regulation to argue that rules can provide a "framework and a focus" but would not be sufficient on their own without understanding the "nature of the law, type of policing and the social and political contexts." To these considerations, for medium and low-income countries, could be added the very significant investment in training, technology and buildings required to implement regulatory frameworks like PACE.

Outside the police station, the regulation of powers such as police use of Stop and Search (Stop/Question/Frisk) has been less effective.^{75,76} Thematic reviews by the Police Inspectorate⁷⁷ and Home Office research⁷⁸ has identified that a significant proportion of stops and searches did not meet the threshold test in the legislation. Even so, Murray's⁷⁹ analysis of the far less regulated stop and search processes in Scotland has demonstrated that codified regulation of the power is better than informal policies.

Beyond the street powers of the police, the *regulation of the covert investigation and surveillance practices* of the police has been a major area of controversy and complexity.^{80,81} This area of policing, which has now been generalised well beyond "high policing" by the

⁷¹ Memon, A., Meissner, C.A., and Fraser, J. (2010). The cognitive interview: A meta-analytic review and study space analysis of the past 25 years. *Psychology, public policy, and law*, 16(4), 340-372.

⁷² United Nations Office on Drugs and Crimes. (2011). *Handbook on police accountability, oversight and integrity*. Available: https://www.unodc.org/pdf/criminal_justice/Handbook_on_police_Accountability_Oversight_and_Integrity.pdf.

⁷³ Chalmers, J., Leverick, F., and Shaw, A. (2014). Ibid; den Boer, M. (2018). Ibid.

⁷⁴ Brown, D. (1997). *PACE ten years on: A review of the research* (Vol. 155): Home Office London.

⁷⁵ Quinton, P. (2011). The formation of suspicions: Police stop and search practices in England and Wales. *Policing and Society*, 21(4), 357-368.

⁷⁶ Tiratelli, M., Quinton, P., and Bradford, B. (2018). Does stop and search deter crime? Evidence from ten years of London-wide data. *The British Journal of Criminology*, 58(5), 1212-1231.

⁷⁷ Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services. (2021). *Disproportionate use of police powers: A spotlight on stop and search and the use of force*. Available: <https://www.justiceinspectors.gov.uk/hmicfrs/wp-content/uploads/disproportionate-use-of-police-powers-spotlight-on-stop-search-and-use-of-force.pdf>.

⁷⁸ Tiratelli, M., Quinton, P., and Bradford, B. (2018). Ibid.

⁷⁹ Murray, K. (2014). *Stop and search in Scotland: An evaluation of police practice*: SCCJR Edinburgh.

⁸⁰ Marx, G.T. (1988). *Undercover: Police surveillance in America*: University of California Press.

⁸¹ Loftus, B. (2019). Normalizing covert surveillance: The subterranean world of policing. *The British Journal Of Sociology*, 70(5), 2070-2091.

importance of communications data and the omnipresence of surveillance technologies, has produced specialist oversight bodies in a number of countries but little by way of credible evaluation. In some ways, covert policing is an area that, by the very nature of its operational requirements, happens under the radar until it goes, usually spectacularly, wrong.

Two other aspects of legal regulation may also be important in sustaining the ROL. The first is the scope of the legislation governing the role of the police. The legislation which supported the reforms to police in Northern Ireland did not just provide a definition of the role, powers and governance of the police, but also, drawing on the Patten Report,⁸² framed the way that the police were intended to perform their role, embedding a partnership and community-oriented approach.

The second issue is the potential importance of codified professional practice in which international standards such as the UN Principles on the Use of Force and Firearms are set out and interpreted to guide practice.⁸³ There has been limited research on the effectiveness of such professional guidance in areas such as police use of firearms, policing of public order and major crime investigation. However, where such manuals or codes have been developed by and, therefore, owned by police experts and leadership, where they draw on tested evidence, are transparently published and are reviewed and revised as lessons are learnt, they seem likely to be an important part of the framework that sustains ROL.

4.4 LEADERSHIP, MANAGEMENT AND HUMAN RESOURCES

In the model of regulation of policing proposed by the UNODC, there are three elements: *policy input and direction setting before operations and action; supervision during operations; review and evaluation after operations and actions.*⁸⁴ The model appears to place its reliance on “supervision” rather than leadership, although it does mention the importance of a “working culture that promotes transparency and evaluation.”⁸⁵ Police Leadership is accorded the rather passive task of “monitoring actions and operations.”⁸⁶

Yet, for Bayley, two of the key tasks of police reform were to get the right people and prepare leaders to be able to manage reform. *Leadership, not just supervision*, is frequently proffered as a key element of effective policing practice, but the quality of the research on effective police leadership does not, generally, match the perceived importance of the issue. Most of the studies are characterised by qualitative surveys, often of relatively small samples with low response rates, using bespoke surveys and exploring a “new” leadership model. Yarlagadda et

⁸² Independent Commission on Policing for Northern Ireland. (1999). *A new beginning: Policing in Northern Ireland: The report of the independent commission on policing for Northern Ireland*: HM Stationery Office. Available: <https://cain.ulster.ac.uk/issues/police/patten/patten99.pdf>.

⁸³ United Nations, Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. (1990). *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*. Available: <https://www.ohchr.org/Documents/ProfessionalInterest/firearms.pdf>.

⁸⁴ United Nations Office on Drugs and Crimes. (2011). *Handbook on police accountability, oversight and integrity*. Available: https://www.unodc.org/pdf/criminal_justice/Handbook_on_police_Accountability_Oversight_and_Integrity.pdf.

⁸⁵ United Nations Office on Drugs and Crimes. (2011). Ibid.

⁸⁶ United Nations Office on Drugs and Crimes. (2011). Ibid.

al.,⁸⁷ for example, explored the potential for “purposeful leadership” and Zheng et al.⁸⁸ the impact of “authoritarian leadership.” Both studies were restricted to a single UK police force with similar, low, response rates. The first found that “purposeful leaders” could provide a sense of direction, the second that authoritarian leaders could suppress the raising of concerns. Both are potentially helpful prompts for the sustainability of ROL approaches, but neither are robust enough designs, nor have they been replicated.

In carrying out a Review of Police Leadership and Training for the UK Government, the present author commissioned a rapid evidence review of police leadership development⁸⁹ and found that there were few high-quality studies. A subsequent systematic review⁹⁰ did identify a set of characteristics: “ethical behaviour, trustworthiness, legitimacy, being a role model, communication, decision making, and critical, creative, and strategic thinking ability.”⁹¹ The authors also found five key activities that were important for leaders to engage in: “creating a shared vision, engendering organizational commitment, caring for subordinates, driving and managing change, and problem solving.”⁹²

In relating these characteristics of police leadership to strategies that might sustain ROL, the clearest connection – with the combination of ethical behaviour, legitimacy and engendering organisational commitment – would be to the developing literature on the importance of building internal procedural justice and its relationship with improved policing outcomes. Quinton et al.⁹³ summarised the evidence from their field work^{94,95} by stating that “fairness and respect, internally within police organisations, can have a similar effect [of encouraging co-operation and compliance with the law] on the attitudes and behaviour of the workforce. Fairness at a supervisory and senior leadership level was associated with officers ‘going the extra mile’ without personal gain, following work rules, valuing the public, feeling empowered, and supporting ethical policing.”⁹⁶ This work continues to develop with comparative studies in the UK and US and appears to be a promising direction for research on sustainable strategies to support ROL. However, there were no studies that explored the challenges of implementation of such an approach outside the original research sites and, therefore, no studies on implementation in medium and low-income contexts.

⁸⁷ Yarlagadda, R., Bailey, C., Shantz, A., Brione, P., and Zheltoukhova, K. (2017). Purposeful leadership for the future police service. *International Journal of Emergency Services*, 6(3), 200-208.

⁸⁸ Zheng, Y., Graham, L., Farh, J.-L., and Huang, X. (2019). The impact of authoritarian leadership on ethical voice: A moderated mediation model of felt uncertainty and leader benevolence. *Journal of Business Ethics*, 1-14.

⁸⁹ Campbell, I., and Kodz, J. (2010). What works in leadership development? A rapid evidence review. *National Policing Improvement Agency*.

⁹⁰ Pearson-Goff, M., and Herrington, V. (2013). Police leadership: A systematic review of the literature. *Policing: A journal of Policy and Practice*, 8(1), 14-26.

⁹¹ Pearson-Goff, M., and Herrington, V. (2013), p.20.

⁹² Pearson-Goff, M., and Herrington, V. (2013), p.20.

⁹³ Quinton, P., Myhill, A., Bradford, B., Fildes, A., and Porter, G. (2015). Fair cop 2: Organisational justice, behaviour and ethical policing: An interpretative evidence commentary. *Ryton-on-Dunsmore: College of Policing*.

⁹⁴ Bradford, B., Quinton, P., Myhill, A., and Porter, G. (2014). Why do ‘the law’ comply? Procedural justice, group identification and officer motivation in police organizations. *European journal of criminology*, 11(1), 110-131.

⁹⁵ Bradford, B., and Quinton, P. (2014). Self-legitimacy, police culture and support for democratic policing in an English constabulary. *British Journal of Criminology*, 54(6), 1023-1046.

⁹⁶ Bradford, B., Quinton, P., Myhill, A., and Porter, G. (2014), p.2.

Bayley put *staffing the police with the right people* as one of his 6 main principles. Whilst his case studies focused on finding the right balance between continuity and renewal in failing or failed agencies, the criteria for and process of recruitment are important for ROL. There are significant gaps in the research base, much of which has been focused on evaluating the screening out characteristics deemed to be incompatible with a police officer.⁹⁷ However, such screening tools are not so useful in screening in the traits of a good police officer: a task that requires above all a clear framework for what good policing looks like. White⁹⁸ used academy performance as a basis because there were well established metrics. His analysis found a number of variables that appeared to be significant, but he then posed the question as to whether academy and street performance were strongly related. Henson et al.⁹⁹ compared academy and field performance to a set of proposed predictive variables and found that almost all were not predictive of positive outcomes. The few that were, such as being white and male, were two of the very issues that police reform would want to tackle.

Diversity and Equality strategies are clearly important for ROL in policing. There are a number of studies that have tried to estimate the impact of a more representative police service, with increased female and minority officers. These studies are largely correlation studies. Miller and Segal¹⁰⁰ found, by comparing female representation in US police forces with crime victimization data, that as female representation increases among officers in an area, violent crimes against women in that area, and especially domestic violence, are reported to the police at significantly higher rates. Using a similar comparative method with Indian data, Amaral et al.¹⁰¹ explored the impact of ‘*all women police stations*’ on reported crime against women. They found that the opening of police stations increased the reporting of crime against women by 22%. This included kidnappings and domestic violence. They concluded that, overall, “the inclusion of women in this traditionally male occupation can improve women’s access to justice and help deter future crime.” Amaral et al.’s findings are supported by a study of women’s police stations in Brazil, in which such stations in large cities were associated with reduced domestic homicide rates.¹⁰²

Hong¹⁰³ took a similar correlational approach to the representation of *Black and Ethnic minority officers* in policing in England and Wales. The study found an association between an increase in police force ethnic minority representation and a subsequent reduction in police misconduct. However, such correlation studies do not provide strong evidence. When a systematic review on police service diversity was carried out for the College of Policing it found the quality and heterogeneity of the studies precluded a meta-analysis.¹⁰⁴ The available

⁹⁷ Hughes, F., and Andre, L. (2007). Problem officer variables and early-warning systems. *Police Chief*, 74(10), 164-172.

⁹⁸ White, M.D. (2008). Identifying good cops early: Predicting recruit performance in the academy. *Police quarterly*, 11(1), 27-49.

⁹⁹ Henson, B., Reyns, B.W., Klahm IV, C.F., and Frank, J. (2010). Do good recruits make good cops? Problems predicting and measuring academy and street-level success. *Police quarterly*, 13(1), 5-26.

¹⁰⁰ Miller, A.R., and Segal, C. (2013). *Do female officers improve law enforcement quality? Effects on crime reporting and domestic violence*. Available: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2335990.

¹⁰¹ Amaral, S., Bhalotra, S.R., and Prakash, N. (2019). *Gender, crime and punishment: Evidence from women police stations in India*: Boston University-Department of Economics.

¹⁰² Perova, E., and Reynolds, S.A. (2017). Women's police stations and intimate partner violence: Evidence from Brazil. *Social Science & Medicine*, 174, 188-196.

¹⁰³ Hong, S. (2017). Does increasing ethnic representativeness reduce police misconduct? *Public Administration Review*, 77(2), 195-205.

¹⁰⁴ Bullock, K., Fielding, J., Fielding, N., and Lloyd, A. (2017). The police service, diversity and organisational outcomes: A report of a systematic review. *College of Policing: London, UK*.

evidence made it difficult to determine the effectiveness of Black and Ethnic recruitment either on crime or on public satisfaction. The authors concluded that the studies suggested that Black and Ethnic Minority recruitment did not worsen arrest or crime rates or negatively influence public satisfaction with police.

Despite gaps in the evidence of improved outcomes from diversity strategies, the potential impact of a more representative workforce may be significant for perceptions of police legitimacy. Riccucci et al.¹⁰⁵ found increased legitimacy appeared to follow from increases in female officer representation in a domestic violence unit.

4.5 COMPLAINTS INVESTIGATION, CORRUPTION PREVENTION AND INDEPENDENT OVERSIGHT

There is “little information as the effectiveness of either internal affairs/professional standards (vertical accountability) or external civilian oversight bodies (external accountability) as methods of enhancing police accountability.”¹⁰⁶ However, Borges et al.¹⁰⁷ provided an overview of the effectiveness of what works in combatting corruption by government officials. They found that “in contrast to the lukewarm assessments of ethnographies, case studies, and laboratory experiments, from a policy impact evaluation perspective, top-down monitoring is arguably the most thoroughly and rigorously studied anti-corruption policy to date—and the *findings are nearly unanimous in the ability of audits to significantly reduce corruption* at least in the short term, although questions remain about their long-term effectiveness.” Whilst this finding relates to audits and inspections in areas such as public hospitals, rural development and sanitation, there were also studies included which covered criminal justice. A Campbell Review of anti-corruption interventions also found that combinations of control and deterrence measures were the most effective approaches.¹⁰⁸

The evidence in that review and in Borges et al. would also appear to offer support for the potential effectiveness of an oversight model such as the police Inspectorate in England and Wales, in which regular and thematic audits and inspections are conducted and published. In 2020, HMICFRS¹⁰⁹ covered areas such as the disproportionate use of stop and search, the service to victims and the use of pre-charge Bail, all of which are central to ROL outcomes.

Whilst there are weaknesses to the evidence base on discipline and conduct models, one area that has received more attention than most is the development of Early Warning systems to

¹⁰⁵ Riccucci, N.M., Van Ryzin, G.G., and Lavena, C.F. (2014). Representative bureaucracy in policing: Does it increase perceived legitimacy? *Journal of Public Administration Research and Theory*, 24(3), 537-551.

¹⁰⁶ U.S. Agency for International Development. (2008), p.25.

¹⁰⁷ Borges, M., Gans-Morse, J., Makarin, A., Nickow, A., Prasad, M., Watters, V., Mannah-Blankson, T., and Zhang, D. (2017). Combatting corruption among civil servants: Interdisciplinary perspectives on what works. *USAID Research and Innovations Grants Working Paper Series. Washington/DC: USAID*, 11-12.

¹⁰⁸ Mugellini, G., Della Bella, S., Colagrossi, M., Isenring, G.L., Killias, M. (2021) *Public sector reforms and their impact on the level of corruption: A systematic review*. Forthcoming at www.campbellcollaboration.org.

¹⁰⁹ Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services. (2021). *Disproportionate use of police powers: A spotlight on stop and search and the use of force*. Available: <https://www.justiceinspectors.gov.uk/hmicfrs/wp-content/uploads/disproportionate-use-of-police-powers-spotlight-on-stop-search-and-use-of-force.pdf>.

identify higher risk officers and intervene to prevent misconduct and corruption.¹¹⁰ However, it is one thing to identify that a small group of officers contribute to a disproportionate level of misconduct and corruption, quite another to design successful interventions to reduce harm.¹¹¹

An alternative approach to the traditional deterrent models of cracking down on misconduct is to encourage compliance and positive behaviours by investing in a *procedural justice model within the police organisation*. As we have seen above, investing in procedural justice within the organisation is a promising strategy. One potential strategy that could be used to support it is the resolution of police complaints with restorative justice models. A study in Thames Valley,¹¹² although small scale, was promising and the evidence for restorative justice is robust and systematically reviewed.¹¹³

5.0 DISCUSSION

5.1 EVIDENCE ON TRAINING POLICE IN RESPONDING TO HIGH RISK PLACES

This review has sought to cover the most promising evidence and some of the major gaps on the landscape for ROL and public protection (particularly policing). This is complex field and as was stated in the introduction not all the areas are readily evaluated by experimental methods. Many of the research designs reviewed were flawed and the studies were single site and not replicated. The strongest evidence related to the effectiveness of targeted policing strategies

There are a number of major handbooks and international standards, notably those published by the UN and international NGOs. Some of these, such as the UNODC Handbook on Police accountability, oversight and integrity¹¹⁴ provide wide coverage of the potential legal, institutional, community and professional strategies and actions that UNODC recommend as “good practice.” From the evidence reviewed in this paper, some but by no means the majority of the recommended practices are supported to some extent by research evidence.

Given the complexity and variety of the different strategies, it would be timely to consider an Evidence and Gap Map¹¹⁵ (EGM) in order to provide a more comprehensive and systematic baseline assessment of the current state of the evidence and the gaps.

¹¹⁰ Walker, S., Alpert, G.P., and Kenney, D.J. (2001). *Early warning systems: Responding to the problem police officer*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice.

¹¹¹ Worden, R.E., Kim, M., Harris, C.J., Pratte, M.A., Dorn, S.E., and Hyland, S.S. (2013). Intervention with problem officers: An outcome evaluation of an EIS intervention. *Criminal justice and behavior*, 40(4), 409-437.

¹¹² The study was carried out for the author, who was then the Chief Constable of Thames Valley: <https://restorativejustice.org.uk/resources/proceed-caution-evaluation-thames-valley-police-initiative-restorative-cautioning>.

¹¹³ Strang, H., Sherman, L.W., Mayo-Wilson, E., Woods, D., and Ariel, B. (2013). Restorative justice conferencing (RJC) using face-to-face meetings of offenders and victims: Effects on offender recidivism and victim satisfaction. A systematic review. *Campbell Systematic Reviews*, 9(1), 1-59.

¹¹⁴ United Nations Office on Drugs and Crimes. (2011). *Ibid*.

¹¹⁵ See <https://www.campbellcollaboration.org/evidence-gap-maps.html>.

5.2 MONITORING AND EVALUATION STRUCTURES WHICH ARE VALUABLE FOR MEASURING THE INTEGRITY AND EFFECTIVENESS OF ANY NATION'S POLICING INSTITUTIONS

Drawing on an EGM would be a stronger basis for assessing the integrity and effectiveness of any nation's policing system. However, in advance of this, a structured implementation assessment tool drawing on this and the other papers from this project on ROL would be a significant next step. The UNODC has commissioned checklists like this for areas such as Community Policing.¹¹⁶ Given the support for audit and inspection models identified in this review, it seems likely that a field audit, with local police force involvement and leadership, supported by a Checklist, would, in itself be a productive strategy to support the development of more ROL supportive approaches.

5.3 WHAT DATA EACH NATION CAN COLLECT AND REPORT TO PROMOTE GOOD PRACTICE AND TRANSPARENCY IN POLICE ORGANIZATIONAL OPERATION AND ITS PUBLIC ACCOUNTABILITY?

Those studies that have looked at the performance indicators for transparency in accountability and oversight in policing have tended to focus exclusively on the area of police complaints.¹¹⁷ A more comprehensive approach to ROL would need, as Bayley suggested for effective police reform, to focus on at least *three levels: local neighbourhood; local command; police agency*. For many countries, a fourth level, *national policing*, would also be necessary (see Table 4).

¹¹⁶ United Nations Office on Drugs and Crimes. *Checklist on Community Policing Implementation*. Vienna: UNODC, forthcoming.

¹¹⁷ Filstad, C., and Gottschalk, P. (2011). Performance evaluation of police oversight agencies. *Policing and Society*, 21(1), 96-109.

Table 4: A framework for measuring ROL in policing.¹¹⁸

Level	Function	Audit/Inspection role	Data	Public accountability
Neighbourhood	Local delivery and problem-solving	Managers at Local Command level	Crime, disorder outcomes Response to public concerns and problems	Local public meetings and community partnerships
Local Command	Management of delivery	Internal – agency level – inspection	Crime and disorder data Custody and stop and search, arrests and searches Criminal justice outcomes Complaints and misconduct allegations	Local elected bodies
Police Agency	Strategy, specialist services and management support	Internal and external audit and inspection	Public perceptions of procedural justice Victim surveys Corruption cases Deaths resulting from police actions Budget	Agency level Public body
National Policing	National strategy and direction and specialist services		In addition to the above data on areas such as covert policing and national/transnational policing operations	Parliament/National democratic institutions

6.0 CONCLUSIONS AND RECOMMENDATIONS

The review of landscape suggests that there are a number of areas where the evidence is strong, some where there are promising approaches, quite a number where the evidence is either weak or suggesting that approaches could backfire rather than benefit and, finally, quite a number where there are significant gaps in the evidence. These can be summarised as follows:

- What works: There are no strategies for sustaining ROL which are clearly evidenced at a nation state level. Two strategies have clear supporting evidence but have not yet been evidenced scaled up for a whole state:

¹¹⁸ Adapted from Bayley, D.H. (1994). *Police for the future*: Oxford University Press, Table 8.1 at p.159 and incorporating recommendations from U.S. Agency for International Development. (2020). Ibid.

- Using an **Evidence-based policing** approach to reduce harm by targeting, testing and tracking high risk places, people and the most vulnerable victims.
 - **Community policing**, linked to problem-oriented policing, as a strategy to sustain police legitimacy, reduce fear of crime and reduce crime and disorder. Community policing has a slightly stronger claim to have been implemented at a national level with programmes such as the England and Wales National Neighbourhood programme. However, as Innes et al.¹¹⁹ have shown, the programme was not sustained in the face of austerity, raising questions about the challenges of sustaining Community Policing at a state level.
- What is promising:
 - The legal **regulation** of the exercise of police detention, video-recording of police interviewing, and identification processes.
 - The use of **cognitive, investigative interviewing** models in police investigation.
 - The deployment of **Body Worn Cameras**, provided that attention is paid to the lessons of effective implementation.
 - The use of **focused audit** by an independent agency such as the HMICFRS in England and Wales.
 - **Procedural justice strategy** within the police organisation supported by a style of leadership that reinforces it.
 - **Restorative justice** as a model for resolving complaints and internal grievances.
 - What is weak or suggestive of backfire:
 - The **militarization of policing** appears to backfire with human rights abuses and a weakening of police reform and legal order.
 - The **legal regulation of street powers** such as stop and search/stop, question and frisk and the regulation of covert policing.
 - The benefits of different **screening** approaches to recruitment on identifying the positive characteristics for ROL policing.
 - The benefits of a **representative police service** – although the research on increasing the representation of women appears to more persuasive than research on minority representation.
 - The **tenure and appointment of Chief Officers** – but the case studies from England and Wales and India suggest that short tenures and direct political control without checks and balances may backfire.
 - The benefits of different **models of policing** and different internal organisation, except in so far as they may support a community policing approach.
 - A “**Tabula Rasa**” approach to abolition replacement of policing provision
 - **Early Warning Systems** to identify officers with a higher risk of misconduct: the EAW systems may be able to identify the officers, but the evidence on effective interventions is not persuasive.

¹¹⁹ Innes, M., Roberts, C., Lowe, T., and Innes, H. (2020). *Neighbourhood policing: The rise and fall of a policing model*: Oxford University Press.

- Significant gaps in the evidence:
 - There is “extremely limited data on **what works in police accountability**.”¹²⁰
 - The **effectiveness of different models of internal investigation**, professional standards or external civilian oversight bodies.

The review recommends that the Committee consider commissioning a more systematic “Evidence and Gap Map” to expand and explore these findings and provide a baseline for future research and policy development on ROL.

Such a recommendation is doubly important at this time because the world in 2020-1 has experienced a major divergence from the normal ROL framework as a result of the global COVID-19 Pandemic. Public Health rules have restricted liberties, prevented freedom of movement and imposed crisis requirements on public policing. Policing agencies across the world have responded by socially distancing policing from the population, curtailing face to face and community policing and switching resources to COVID restriction enforcement.¹²¹

In many ways, the police response to the COVID-19 Public Health Emergency has required them to suspend the very things, such as community policing, which this evidence review suggests may be crucial for a sustainable ROL strategy. Such a strategy also depends on a wider commitment to police reform, embracing enhancements to the supervision of street-based powers, the investment in technologies such as BWC (together with the commitment to deploy them effectively), the use of evidence-based approaches to reducing harm (and not just in external operations) and the development of more systematic approaches to key areas such as recruitment, promotion and diversity and equality. All of which requires support from more focused and targeted oversight and inspection, designed to add value rather than generate bureaucracy and engage frontline staff wherever possible. Police reform has never been easy to achieve and sustain, but it has never been more important than in the aftermath of the Pandemic.

¹²⁰ U.S. Agency for International Development. (2020). Ibid.

¹²¹ Maskaly, J., Ivkovic, S. and Neyroud, P.W. *Policing the COVID 19 Pandemic: Exploratory Study of the types of Organisational Change and Police Activities across the Globe*, forthcoming.