

## Appendix A: Contextual Analysis & Assessment Tool

### Introduction

Throughout this Resource Book we have underlined the importance of making a thorough analysis of the police in a target country, looking at the broader picture in which police operate (State context, security and justice domain, cultural factors, legislation, political influence etc.) as well as how the police are empowered to carry out their functions and what safeguards there are to ensure police conduct is in line with international human rights standards. Human rights violations can be fed by any of these factors, though will usually involve a combination of them. Intervention in police actions requires an assessment that covers the entire context in which police operate. Such an assessment is indeed the starting point whenever Amnesty International's Dutch Section's Police and Human Rights Program is asked to support the development of human rights strategies in target countries.

In Chapter 10 we presented a three step model to be followed to help decide on the most effective approach – confrontational or rather cooperative – targeting the most relevant issue or institution that is the cause of police misconduct. This should not have to be the police itself. It may very well be more effective to target the Ministry of the Interior, the prosecution services or maybe parliamentarians. The three-step model is as follows:

#### Step 1: Analyzing the police

- Contextual analysis:
  - Situational analysis; including country reports by Amnesty International and other NGOs about the current human rights situation
  - Legislation and policies under which police operate (including Police Act, Criminal Code, Criminal Procedures Code and other regulations governing policing)
  - Accountability mechanisms (internal and external)
  - Internal structure of the police
- Self-analysis
- Formulate main concerns and specify
- Evaluate whether more information is needed and specify accordingly

#### Step 2: Develop a strategy

#### Step 3: Project planning: define objectives and how to achieve these

In the following Sections a tool is presented to help undertake the contextual analysis. The tool consists of a series of issues, formulated as questions,

which we suggest should be considered as part of a thorough analysis of the causes of police behaviour and which should help identify points of entry for intervention. On this basis of this, an effective strategy can be developed. To help answer these questions, we refer the reader to the relevant Chapters and Sections of the Resource Book.

We recognise that this is a long list of questions, which may have the effect of deterring those wishing to initiate work on policing, since answering them can require significant commitment. However, we do believe that answering these questions will make any future work on policing more effective, since it will be based on an informed position. It should be noted that many of the questions are duplicated under different Sections. Moreover, many will be easily answered by human rights activists who are at all familiar with the country and its police.

### **Finding information**

Finding the answers to the questions posed will not always be easy. In some countries police are (fairly) open to NGOs and may be able to provide useful information about (internal) procedures and policies. Some countries give access to all relevant information on the Internet, often through a specific police website (although the reliability of such information varies). Most information relating to police will only be available in the country's own local language. Where translations into English are available, they sometimes appear to be aimed primarily at donors.

Sometimes the problem is not so much governments seeking to withhold information, but rather trying to untangle the semantics in use in a particular context. For example different terms are used to describe Standard Operational Procedures (SOPs), including 'instructions', 'regulations', 'operational codes', or simply 'rules'. Note that SOPs in some countries are kept confidential, as this is considered essential to police operations. This makes sense for certain aspects of policing – for example how they use certain investigative methods tactically – but not for many others. For example, there is no reason why police should not disclose what their instructions are regarding the use of firearms, how to carry out arrests and detentions, search and seizures and any other policing situation where people have a right to know how police are supposed to treat them.

In some countries certain information simply does not exist. For example, not all countries monitor public confidence in the police or crime levels. Some countries do not have explicit policies on policing issues. And even though all countries (we know of) do have a Police Act, or some equivalent, not all police officers are familiar with it, nor with other relevant legislation such as criminal procedure codes.

Since information may not be available on paper (or on the Internet), it is sometimes easier to obtain the relevant information from direct contact with people through interviews.

At a local level it is worth exploring the following entry points:

- Defense lawyers often have good information about police misconduct
- Members of parliament
- Local NGOs

Less obvious, and sometimes neglected sources of information, both locally as well as internationally, include the following:

### **Local police training institutes**

A good entry point can often be found through training institutes as these tend to have some distance from police operations and often have more contact with the outside world. Many countries have one centralised police training system. Others have a number of different training institutes.

### **Local and international academics**

In many countries research into policing issues, as well as evaluative studies into public confidence and police conduct, is carried out at universities, typically within Law and or Social Sciences Faculties.

### **International donors/trainers**

There is a large community of international trainers and consultants working with police agencies and training institutes all over the world. These can be a valuable source of information and as such are worth contacting. Also, training institutes tend to spend considerable resources on international projects aimed at supporting police agencies abroad.

### **International NGOs**

The last decade has seen a range of programs supporting police reform in a number of countries. As such there are a number of NGOs and consultants that have built up expertise on police agencies and reform programmes in many countries of the world. NGOs specifically worth mentioning include:

- Open Society Justice Initiative, an operational program of the Open Society Institute, works on law reform activities including human rights policing and police reform. See: [www.justiceinitiative.org](http://www.justiceinitiative.org);
- Commonwealth Human Rights Initiative, works primarily (in the area of police reform) on Ghana, East Africa and India. See: [www.humanrightsinitiative.org](http://www.humanrightsinitiative.org);
- Altus, a coalition of six NGOs based in Brazil, Chile, India, Nigeria, Russia, and the United States. See [www.altus.org](http://www.altus.org);
- Washington Office on Latin America, has carried out various projects in the field of police reform in Latin America, and now includes the area of security. It also looks critically at the influence of US support for projects in this field and the human rights consequences. See: [www.wola.org](http://www.wola.org).

Please note that in Appendix G to this Resource Book we have included a list of NGOs working in the field of police and human rights with their websites.

## Situational analysis

In order to undertake an adequate assessment of what the police do, an analysis of the environment in which they operate is essential for two reasons. First of all it can help to identify the context of police misconduct, necessary for developing an adequate and appropriate intervention strategy. Secondly it can help to identify entry points for change. To assess the environment in which police operate, it is useful to start with a study of country reports by NGOs such as Amnesty International and Human Rights Watch. UN bodies such as the OHCHR and UNDP as well as UN Special Rapporteurs, may also provide useful information. The following questions should be considered:

### Overall country situation:

- Level of order and sense of security
- Crime level and types of crime; detection rates
  - Is crime monitored in a reliable way? By whom?
  - Do people feel 'safe and secure'? How is this monitored?
  - How is crime covered in the media?
  - What is the political/governmental rhetoric regarding crime/policing?
- Is there general agreement on the role and responsibilities of State institutions and agencies? Are there any sectors in society calling for changes in this domain?
- Is there a (police, judicial) reform process going on? What are the stated objectives? Do these address the problems appropriately? Who 'owns' the reform process? What is the visible support from politicians, public and police? Who are the donors?
- What is the role of the media? Is there freedom of press?

### Social settings:

- Local government
- Range of economic and social conditions
- Local customs, cultural specificities
- Vulnerable groups
- NGOs (including those working on social and economic issues)
- Religious organizations

### Rule of law attributes:

- Does the country have the 'rule of law' institutional attributes:
  - Laws that are publicly promulgated, fairly enforced and independently adjudicated, and which are consistent with international human rights norms and standards and comply with any international obligations (i.e. treaties ratified)
  - An independent well-educated judiciary with adequate facilities
  - Professional law enforcement agencies, including the police, with adequate facilities and training that are operationally independent
  - National human rights institutions
- How do you rate their effectiveness regarding:
  - Binding the government by law?
  - Ensuring equality before the law?

- Establishing and maintaining law and order?
- Providing predictable and effective legal rulings?
- Ensuring compliance of both law and practice with human rights standards?
- Is there public confidence in these institutions? Is this monitored (including monitoring of how particular ethnic, socio-economic groups in society relate to these institutions)? What is done with the results of any monitoring?
- How does the overall justice system and its institutions (judiciary, prosecution, correctional facilities) function? How do the police relate to this justice system?
- How is access to justice ensured (meaning all parts of the justice system including police, courts, legal assistance, legal aid etc)? Do all groups have access to justice equally?

#### **The security system:**

- What agencies are involved in the maintenance and restoration of security? How do the police (*de jure* and *de facto*) relate to:
  - The military
  - Internal Security Agencies
  - The private security sector
  - Traditional and informal security and justice arrangements

### **Legislation**

Police work is always based on and bound by law. Law defines police tasks and functions, grants and limits police powers and sets accountability requirements. Law also defines how police relate to other agencies in the security domain, most notably the military forces. Any intervention in relation to policing should therefore always start with familiarisation with and assessment of the legislative framework within which police operate. An assessment of the compatibility of national law governing the police with international human rights law is also essential.

Legislation depends on those implementing it. An analysis of legislation should therefore always incorporate an analysis of the role of the judiciary and how they operate in practice. Are judges really independent, are they well trained and well equipped to carry out their functions adequately? These questions are found under 'rule of law attributes' (see 'situational analysis').

Study the following pieces of legislation:

- Constitutional provisions on security in general and policing in particular
- Police Act; what does it say regarding police functions, responsibilities and accountability?
- Criminal Code and Criminal Procedure Code
- Police codes of conduct and disciplinary codes (or civil service codes of conduct when these are absent)

- Standard Operational Procedures
- Acts governing military intervention in public order issues
- Acts governing other security agencies and how these relate to police
- Acts regulating private security efforts and how these relate to police
- Specific security legislation, including martial law
- Court rulings relevant to police practice

### **Accountability structures**

It is essential to study who or what sets the conditions that dictate what the police may or may not do (i.e. the laws, resources, regulations, orders that must be established before police can act, so-called *a priori* accountability) and to whom the police are accountable after an action (to whom are the officers responsible, to whom do they report, who investigates allegations of police misconduct, so-called *a posteriori* accountability). Accountability structures, both internally and externally, are crucial. Note that in many countries there are several police agencies and the answers to the questions posed below may differ for different agencies.

Based on the accountability table, as presented in Chapter 8, the following issues should be considered:

#### **Internal accountability mechanisms: Chain of command within the police agency**

- Is there a clear internal chain of command, i.e. is it clear to whom every individual officer reports and vice versa? To whom does the Police Chief answer (mayor, governor, minister)?
- How are operational objectives set and operations planned?
- Feedback to the relevant organs within the Ministries: Are suggestions for changes in regulations and resources made?
- To what extent is decision-making delegated to lower ranks?
- How are operations monitored and evaluated?
- How is individual behaviour monitored and evaluated?
- What instructions do officers receive?
- Can the public lodge complaints directly at police stations? Do they? How is this facilitated (or not)?
- Do supervisors take corrective action within disciplinary (or penal) regulations?
- Do officers and supervisors report up the chain of command?
- How is implementation of the above policies ensured and monitored? Is there some form of internal oversight?
- Is there a public relations department? What are its objectives? How does it function?

#### **The Executive: Ministry (Interior / Justice) and its local equivalents or counterparts, including Police Policy Making Directorates and Police Inspectorate**

- What do the national policy guidelines regarding priorities and

objectives for police and security agencies state and how do these relate to local policies?

- How are resources allocated?
- What do SOPs look like? Who defines these and who monitors their implementation?
- How actively and how frequently are police operations and overall effectiveness monitored?
- How actively and how frequently are policies and police administration inspected?
- Do they initiate legal or administrative reform and or budgetary changes when necessary?
- Are corrective actions taken and how?
- Are the police operationally independent from the ministerial bodies?

### **Legal accountability**

See also 'situational analysis - rule of law attributes' and 'legislation':

- In cases of police misconduct, how are civil or criminal proceedings initiated and conducted within the judicial system? Is there an independent judicial process in these cases?
- Who investigates police misconduct? Does the criminal justice system provide mechanisms ensuring that an independent and effective investigation is carried out into allegations of police misconduct (which in practice means at least ensuring that the members of the same police district that was implicated in the incident are not taking part in the investigation).
- Are criminal cases and civil suits against police monitored? How do the results feed back into the police organization (i.e. are any lessons learnt)?
- How are police operations requiring specific powers (including arrest, detention, certain investigative methods, certain means of force) monitored and/or authorised?
- How are investigative functions of the police monitored and/or authorised?
- How is compliance with the laws and regulations governing policing assessed?

### **Democratic accountability (or accountability to the public)**

- What objectives have legislative/representative bodies (including national, provincial, local parliaments; relevant parliamentary/council committees; Community Forums etc.) set for police?
- How are resources allocated by them?
- How active and how frequently are police actions monitored by them?
- On what level of abstraction is police effectiveness assessed by them?
- What are their recommendations regarding budget and legislative changes based on?
- Are the police operationally independent from the representative bodies? What is the level of political interference? To what extent are the police independent from party politics?

### Public Accountability

- How do the media voice demands and expectations of the police?
- How do the media monitor the police?
- How do the media report on police actions and inactions?
  
- How do academics conduct research regarding policing issues?
- How are these studies disseminated? Are they published?
- How do they affect policing?
  
- How do members of the public, including NGOs formulate and communicate demands?
- Are they in direct dialogue with the police on issues of concern?
- How do they monitor police actions and inactions?
- Can they, and do they, pursue complaints against the police?

### Independent oversight

- How is independent oversight of police organized?
- Is there an independent police complaints body?  
What are its functions and powers?
- Do they investigate complaints and patterns?
- How many and what type of complaints are lodged against the police?  
What is their follow-up?
- Do they recommend remedies?

### Internal structure of the police

The following issues should be addressed. They are presented in random order.

#### Facts and figures

- How many different police agencies are there? What are their functions? In what way do they (not) co-operate? Are the police centrally organised or decentralised? To whom do the police report? Who decides on policing objectives and resources? Draw an organizational chart of the police.
- Number of personnel (men/women, ethnic and other minorities); police/public ratio?
- Who decides on hiring, promotions and discipline? What are the procedures?
- Do police live on separate compounds, have separate sports facilities etc?
- How are police resourced and equipped, including:
  - Salaries (do police need to take on second jobs?)
  - Housing (do police live and work in the same place?)
  - Uniforms
  - Weapons, including non-lethal weapons, and self-defence equipment
  - Communication devices
  - Means of transport: vehicles, other
  - IT equipment

- How is the budget allocated among different activities? What are budget priorities? Where do resources come from?
- Is there an overall policing philosophy? Where community policing has been adopted, what is it they do? How is cooperation with community groups given effect?
- What are the agency's formal policies regarding:
  - Stop and search encounters
  - Dealing with vulnerable groups
  - Use of force and firearms
  - Injuries when in police custody
- What are the numbers of police shootings?
- How frequently do police use force, and what kind of force is used?
- How are rights of police officers ensured (including the right to life and security, working hours, leave, protection)?
- Is there a police union? How does it operate?

### **Effectiveness**

- Are the police considered effective in achieving their objectives?

### **Responsiveness**

- Are the police responsive to the communities they serve? How? Do the police cooperate with (local) NGOs? With churches and others?

### **Recruitment, selection**

- What are recruitment methods and selection criteria? Are recruitment policies and selection criteria regularly re-assessed?
- Are there specific criteria for selecting police leadership?
- Are targets set and maintained for the recruitment of ethnic groups, minorities and women?
- Are recruitment and promotion criteria fair? As an example; the application process should not cost too much
- How do they affect representativeness? Are causes for low recruitment of minorities and women evaluated?
- Is performance regularly assessed?
- What are the promotion criteria?
- Are the police representative (women, ethnic and religious groups, age)? Is representation achieved at all levels within the police agency?

### **Training**

- Who receives basic police training?
- How long is basic training?
- What is the background of the police trainers? Police/civilian? Are they trained as trainers?
- To what extent do members of the public participate or contribute to police training?
- Are the following topics addressed, and how?
  - a. The importance of impartiality of police actions
  - b. Non-discrimination

- c. The importance of being responsive to communities
- d. Observance of proper procedures governing the use of force, arrest and detention: proportionality, legality, accountability and necessity
- e. Application of non-violent means first
- f. Investigative skills, including suspect interview techniques
- g. Rights of detainees and suspects, including the right to be presumed innocent
- h. Victims of crime (violence against women should be part of basic police training in order to increase overall sensitivity. However, there may be specialized units established for dealing with such violence)
- i. Vulnerable groups and their specific rights (i.e. women, children, minorities)?
- j. The absolute prohibition of torture and the right not to obey an order to torture, also in the context of anti-terrorism legislation (if applicable)
- k. The importance of oversight and accountability, including disciplinary procedures

And for police leadership, additionally:

- l. The effect of leadership on establishing an ethos of respect for human rights
  - m. Operational independence and democratic oversight and the dilemmas involved
- Is police training gender sensitive?
  - Is there any follow-up to the basic training? Is there a policy of 'on-the-job-training'? On what aspects of policing is further training offered? Is this considered when evaluating performance?
  - Is there some kind of continuous certification procedure (to ensure that technical and other skills with regard to the use of force and firearms and other procedures are kept up to date)?
  - Is there a mechanism for evaluation of training?
  - Are police colleges adequately resourced (library, mock village etc)?
  - Does police leadership show commitment to training related issues? As an example, are they involved in and committed to training reform programs?

### **Vulnerable groups**

- Are there special policies/action plans/strategies that address how the police deal with vulnerable groups (including women, children, ethnic, religious and cultural minorities and others?) For example: Is there a special policy, action plan, and/or strategy for dealing with violence against women?
- Are there specialist police personnel to deal with (categories of) vulnerable groups? How are these trained?
- Are there special legal or administrative provisions (including internal police guidelines) that address how police should deal with vulnerable groups and/or issues of discrimination? For example are there provisions for women wanting to report gender-based violence?

- Are police personnel provided with training on issues of discrimination and how to deal with vulnerable groups appropriately, and if so, what does this training involve?
- How do police respond to vulnerable groups and is this response monitored and action taken accordingly? For example: are statistics kept on violence against women, on violence against ethnic, religious, cultural minorities, on racist incidents? How about statistics regarding the subsequent police responses?
- What are the specific concerns of vulnerable groups vis-à-vis the police?
- Are members of vulnerable groups represented within police leadership / supervisory roles? How many?
- How are NGOs who represent vulnerable groups involved in policing?

### **Analysing police operations**

Apart from an overall, generic, analysis of policing, it is important to look into specific types of human rights violations and the possible causes or contributing factors of these. Before this can be done however, a more general assessment is necessary. We therefore recommend that the previous questions should be considered in advance of tackling the following issues that relate to specific types of violations.

#### **Use of force and firearms**

Analyse policies relating to use of force including:

- Who is involved in formulating policy?
- What means of force are available to the police agency? Do they include less than lethal weapons?
- Who uses force and what kind of force? What equipment do ordinary officers carry? What self-defence equipment (e.g. bullet proof vests) do they have?
- Are there special units for rapid intervention/riot control? Are there special gun units/sharpshooters? Who decides on their deployment?
- How does management monitor and control the use of force? How is force usually justified?

Identify the reasons for unnecessary, disproportionate or illegal use of force, considering:

- Legal framework – Constitution, Police Act, Codes of conduct or ethics
- Standard Operational Procedures (if available)
- Operational independence of police agency
- Leadership, public statements by Interior Ministry or Chief of Police
- Training, including management skills
- Equipment (including transport and communications)
- Complaints and accountability systems
- Expectations of the public

Consider the chain of command control and inspection system:

- How are officers supervised? Do they receive clear instructions? Can they ask for advice?
- What are the reporting procedures and what is done with the reports?
- How often are inspections carried out and with what effect?
- How is use of force evaluated? How does the evaluation feed back into policy guidelines, SOP's and training?

Analyse the different situations in which force is used in accordance with the PLAN principles (Proportionality, Legality or lawfulness, Accountability and Necessity) including:

- Making an arrest
- Immobilizing a dangerous person or persons
- Restraining detainees or others who may resist police or who may need to be restrained for their own safety – this would include transporting prisoners
- Preventing a crime
- Crowd control
- Entering and searching premises for the purpose of arresting people or seizing evidence
- Self defence

Analyse the different situations in which firearms are used (use the same categories as above).

Look for patterns of abuse, for example in different parts of the city/country, in different policing situations.

Consider crime statistics: What is the level of violent crime? Are statistics used to 'justify' heavy-handed techniques or political use of the police?

How often do police become victims of criminals? How many are killed or injured when on duty?

### **Public order management**

The following points are provided in addition to those relating to use of force and firearms (above) to help assess police abuses in the context of public order management (crowd control).

- In what situations do the police use force (type of incident, legal or illegal public order events, numbers involved, level of crowd violence, if any)?
- Are the laws on the right to assembly in conformity with international standards?
- In relation to specific situations:
  - What was the nature of the public order event (spontaneous gathering, lobby group etc. If the latter, what are their aims and

- their history; and what is the government policy towards them)?
- What potential risks did the public order event pose for those participating in the incident including bystanders and police?
- Could use of force have been avoided?
- How did police prepare for the event – intelligence gathering, liaising with community groups?
- What police resources were used (numbers of police, types of weapons and other equipment, including dress and defensive equipment)?
- What kind of force was used (how much force; apparent intention; strategic or indiscriminate; PLAN)?
- What differentiation tactics were used and what was the rate of escalation/de-escalation (warnings, cordons, less than lethal weapons, lethal force – PLAN)?
- What was the outcome of the use of force (number and nature of casualties)?
- In cases where one or more shots were fired or one or more persons injured, what did the police do (assistance to victims, protection of the scene for inquiry)?
- Consider whether attitudes towards the use of force are related to the type of police agency or the units deployed. A police agency which is organized along more military lines will emphasise its authoritative attitude and the need to prevent rioting, while another agency that sees itself more as a service may emphasise collaborative crowd-management.

### **Arrest and police detention**

At the outset it is important to distinguish between arrest, detention and suspect interview. These are all different situations, aiming to achieve different things and governed by different legal provisions.

#### **Arrest:**

- Who has the power to arrest?
- Do the police have discretionary powers concerning arrest?
- Do the police need an arrest warrant?
- What are the standard operational procedures for arrest?
- Are these kept under systematic review?
- How are officers trained to make arrests? How are they trained to use
  - Handcuffs
  - Pepper sprays and other chemicals
  - Open- and closed hand techniques
  - Other means of force
- How much time in training is spent on social skills?
- How are de-escalation techniques trained?
- Are arrests ever evaluated? If so, what is done with these evaluations?
- Is the quality of an arrest discussed in performance appraisals?
- Who may authorise the use of special methods for the arrest (such as dogs, arrest squads etc)?

- Are there special provisions for arresting women?
- Are police officers 'monitored' on their attitude when arresting persons?
- How many complaints are registered after arrests? What is the content of these?
- What proportion of arrests are withdrawn?

### ***Detention:***

- Who is responsible for police detention?
- How is police detention organised?
  - At the police station
  - Elsewhere
- How are the rights of detained persons safeguarded? How are these communicated to the responsible officers?
- How are those responsible for police detention trained?
- Are there separate provisions for women, children, sick, mentally ill etc. Is there a special procedure in place for dealing with these groups?
- What do police cells look like?
- How many people are held in one cell?
- Do detainees have access to medical doctors? How is the access ensured in practice (presence of the police officers, are doctors independent from the police)? Are reports kept of this?
- Are detainees medically examined if injured?
- Are there facilities for private consultation with the detainee's legal representative?
- Are regulations for detention kept under systematic review?
- How many complaints are there about detention? What is the content of the complaints?
- Is there a system of independent oversight?
- Is a record (time of arrival, state of health etc) of detainees kept?

### **Criminal investigations**

- Who is responsible for criminal investigations (is it 'general' police officers or is there a separate investigative agency)? How are they trained?
- Who may initiate a criminal investigation?
- Under whose authority does criminal investigation take place?
- How do police deal with scenes of crimes?
- At what stage can someone be identified as a suspect?
- What kind of investigative methods are used, apart from the suspect interview? What is the legal basis for their use? How is their use accounted for? What happens when methods are used unlawfully (e.g. a house search)? Are methods used proportionately?
- Is forensic expertise available? How are these forensic specialists trained? Are they independent? Is there the option of a second opinion?
- Are there SOPs regarding how to carry out a suspect interview? Are any reviews of interview rules, instructions, methods and practices disclosed? How does this feed back into training and new instructions?

- How are officers trained to conduct suspect interviews?
- Are suspect interviews recorded?
- Are suspect interviews conducted by one or two (or more) officers?
- How effective are the police in investigating crime in general? What assists or hinders effective investigation?
- What is the role of prosecutors, judges, defence lawyers etc. in counteracting police abuse?
- What are the rules of evidence?
- What information is accepted as evidence?
- Is forensic evidence accepted in court?
- What forensic facilities are available?
- Can people lodge complaints about criminal investigations? How is compensation safeguarded?

### **After the contextual analysis**

Based on the contextual analysis it is important to prioritise the main concerns. Moreover, it is essential to identify who may be allies and who might undermine reform. It can help to know who is ultimately responsible for the police, to whom the police chief reports (i.e. who controls the police) and who can support implementation. It can also help to specify the 'entry points for change', or who – or what – can leverage change (e.g. a legislative change may in some situations be easier to achieve than the establishment of an independent complaints mechanism). Identifying these entry points can also result in the conclusion that more information is needed first.

Having gathered sufficient information, a strategy can be formulated as to how to approach the police effectively. Such an approach can focus on police misconduct, likely to result in a rather confrontational approach, or can focus on how to strengthen the police's resistance to misconduct. The latter in particular creates opportunities for a focus on common interests, rather than differences, opening up the possibility for more long-term engagement. Combined approaches are clearly possible too; engagement should never mean that criticism is no longer possible. The following issues should be considered:

1. Identify main human rights concerns
2. Identify overall intervention goals
3. Are there points of mutual interest with the police? If so, specify
4. What is your policy for police engagement work?
5. Draft a risk assessment of potential engagement work
6. What further expertise do you need?
7. Are there sufficient resources (finance, time)?
8. Are there any established police contacts that may support reform and which could help to identify areas of intervention? As a rule, always verify these with other organizations affected (political opposition, other NGOs, journalists, etc.) or with individuals that are familiar with the situation (academics, prosecution, magistrates)
9. Decide what strategy to apply: Is engagement viable?

After having defined the strategy, the actual project plan can be drafted, formulating objectives and activities as well as a time line.

We hope this approach will help you formulating a project that is well grounded and likely to be effective when seeking to enhance police compliance with human rights.

## Relevant readings

Over the last few years a number of works have been published on how to assess police agencies from a human rights perspective. These include:

### **Policing in a democratic society - Is your police service a human rights champion?**

Published in 2000 by the Council of Europe's Joint Informal Working Group (in which both police and NGOs participate), this document sets out a number of indicators relevant to human rights oriented policing. It aims to offer basic guidance for day-to-day policing and as such addresses police officers directly and invites them to use it to assess their own police. 'Policing' is broken down into seven components: basic values, staff, training, management practice, operational policing, structure and accountability. Each component is represented in a statement that is generally agreed to reflect the principles of professional policing. Consequently 'tests' are formulated, the purpose being to stimulate reflection. With each test a set of performance indicators is given to be used as a sort of a checklist for a given police service. This guide has been translated in many different European languages. Contact the Council of Europe to find out about the language of your interest.

### **The police that we want. A handbook for oversight of the police in South Africa**

This handbook for assessing police performance in countries undergoing democratic transition was first published in 2004 by the South African Centre for the Study of Violence and Reconciliation. An update is due in 2006. *The police that we want* identifies five areas of democratic policing and provides key measures for evaluating performance in each area. The five are: the protection of democratic political life; police governance, accountability and transparency; service delivery for safety, justice and security; proper police conduct; and the police as citizens. Written primarily for application in South Africa, the handbook follows international practices in policing and police oversight and can be adapted for use in other countries by all those supporting and overseeing police reforms.

### **Measuring progress toward safety and justice: A global guide to the design of performance indicators across the justice sector**

The guide was published in 2003 by the Vera Institute of Justice and is written for programme managers responsible for improving the delivery of safety, security and access to justice anywhere in the world. This tool is useful for everyone interested in institutional reform in the safety and security sector.

It argues that the use of particular indicators must be dependent on the particular process of reform in a given country. The guide, which discusses all institutions within the safety and security sector of which the police is but one, describes what a specific institution is supposed to do, what traditional indicators are used to measure performance in this area, what additional indicators might be used and the strengths and weaknesses of these.

### **Human rights on duty**

The Northern Irish Committee on the Administration of Justice (CAJ) published a 300-page report called *Human rights on duty- International lessons for Northern Ireland* in 1997. The report discusses findings of research into transition and the management of change in policing in Canada, Belgium, the Netherlands, Australia, Spain, El Salvador and South Africa. It has chapters on representative policing and training, accountability structures and transition. It concludes that policing problems are similar in different countries and differ more in degree than in nature. The report distils internationally recognized principles against which policing arrangements must be measured. The report can be ordered through CAJ's website at [www.caj.org.uk](http://www.caj.org.uk).

### **Democratizing the police abroad, what to do and how to do it?**

This document formulates some 87 lessons that have been learnt by observers and participants about the process of changing police organizations. A 'lesson' is generally agreed upon, based on experience and pertains to the goals of democratic development. For this document some 500 books and reports have been studied, resulting in an exhaustive bibliography that according to the author is 'the largest number of materials on efforts to change police organizations ever collected'. The document targets reform efforts to establish 'democratic policing'; democratic being used as a synonym for 'human rights oriented'. The document was developed for the US Department of Justice.