

Assessing the Need for Police Reform in the Context of Good Governance and International Cooperation

Yvon Dandurand

University College of the Fraser Valley
Senior Associate, International Centre for
Criminal Law Reform and Criminal Justice Policy

Curt T. Griffiths

School of Criminology
Simon Fraser University

Vivienne Chin

International Centre for Criminal Law Reform
and Criminal Justice Policy

Danielle Murdoch

School of Criminology
Simon Fraser University

Paper presented at the annual meeting of the American Society of Criminology,
Los Angeles, California, November 1-4, 2006.

Not to be quoted without permission of the lead author.

We are pleased to share this information with you and encourage you to use this document for research purposes. Please ensure that all credits are acknowledged when using all of any of the information in this document. Commercial reproduction is strictly prohibited.

Introduction

The current state of knowledge about “lessons learned” in capacity building and reform initiatives is a consequence of at least two interrelated factors. The first is what Carothers (2003:13) has referred to as a “disturbingly thin base of knowledge at every level”, particularly with respect to how change actually occurs, how it can be supported, and what effects it tends to have on resistant systems. The European Commission (2005:25) has noted: “While acknowledgement of the importance of the political and institutional context is now commonplace, the assessment of ...enabling and constraining factors for CD [capacity development] are only gradually accumulating.”

The second is the failure of donor agencies and recipient jurisdictions to develop the capacity to evaluate and to develop a cumulative knowledge about “what works” and the specific factors that facilitate, or hinder, reform efforts. As Carothers (2003:3) notes: “Although aid institutions engaged in rule-of-law assistance do attempt some ‘lessons learned’ exercises, many of the lessons produced are superficial and even those are often not really learned” (see also Channell, 2005). Carothers (2003:3) has also identified the obstacles to developing a cumulative knowledge about the factors that facilitate, or hinder, development assistance efforts in the justice and security sector:

Several substantial obstacles to greater knowledge accumulation in this field persist, including the complexity of the task of promoting the rule of law, the particularity of legal systems, the unwillingness of aid organizations to invest sufficient resources in evaluations, and the tendency of both academics and lawyers not to pursue systematic empirical research on rule-of-law programming.

Technical assistance has become the new “mantra” in the context of renewed international efforts to develop effective justice and security institutions and to promote international cooperation in addressing various trans-national crime problems. From a development perspective, justice and security sector reforms

and institutional development initiatives are integral parts of an overall effort to promote good governance as a prerequisite to effective social and economic development. Furthermore, attempts to bring national systems into compliance with the requirements of a growing number of binding international criminal justice treaties and international human rights and criminal justice standards are challenged by the limitations imposed by the fundamentally weak capacity of many existing institutions and agencies. To this end, investments designed to build core capacities in these sectors have not produced results commensurate with the levels of invested resources.

This outcome is, in some measure, due to the fact that both effective governance and international cooperation presuppose the existence of a minimum capacity within existing systems to operate efficiently and to cooperate with one another. Due to the absence of adequate institutional capacity in the justice and security sectors in many developing countries, the focus of technical assistance activities is progressively shifting away from isolated reform projects to more holistic capacity building initiatives. Human resource development is generally a key component of these initiatives and it is often assumed that the success of the initiatives rests principally on training and education activities. However, the role of training and education activities within the broader context of capacity building, institutional reform and organization change has rarely been clearly defined.

In reality, building core capacities requires considerably more than the training of a few key personnel. Rather, it requires support activities, including assistance with: the adaptation and transfer of new technologies; the development, recruitment and careful deployment of human resources; strategic planning and implementation of institutional reforms; the development of processes to guide, support, manage and monitor organizational changes; the modernization of existing structures and procedures; the development of organizational policies and regulations; the establishment of information systems, statistical databases, and performance monitoring tools to support sound

management decisions and to provide timely feedback on the impact of various reforms; the implementation of simple yet efficient planning, budgeting, and case management systems; and, the building of necessary infrastructure and information systems. As the European Commission (2005:25) has noted, “Technical assistance [TA] and training has too often been supply driven, local ownership has been undermined, commitment overestimated, and donors’ focus on disbursement and quick results have eroded domestic capacity as quickly as it has been developed.”

All of these activities are important and the sequence in which they are undertaken can often affect their effectiveness and the nature and extent of their impact. From an in-depth study of reform initiatives in the justice and security sector (JSS) in Commonwealth Caribbean countries, Dandurand, et al. (2004: iv) concluded: “[T]he success of JSS programming initiatives cannot be taken for granted, no matter how critical the needs for a particular reform...[R]eform initiatives that do not adopt an integrated, multi-sectoral approach usually produce few sustainable results.” It is instructive to consider the lessons that can be drawn from previous experience with respect to effective programming and assistance in the justice and security sectors. These lessons must be identified and integrated into future programming (Biebesheimer and Payne, 2001; Dandurand, 2005; Griffiths, Dandurand, and Chin, 2005; Shaw and Dandurand, 2006; World Bank, 2000). Some of these lessons are now expressed in the forms of various programming guidelines (e.g., OECD, 2005).

In the extreme conditions that often exist in a post-conflict or failed-state context, capacity-building initiatives that are part of a more ambitious institutional reconstruction effort are even more complex and even less likely to succeed when premised on hurried and improvised training efforts. Significantly, an effective capacity-building methodology adapted to such extreme conditions has yet to be fully articulated (Stromeyer, 2001).

The following discussion briefly reviews some of the lessons that can be drawn from over a decade of technical assistance activities in developing countries, with particular reference to police reform. Using these materials, the components of a framework that would assist in addressing a number of factors requiring attention during the design and delivery of technical assistance projects directed toward police reform within the context of good governance and international cooperation and, in particular, with respect to the necessary training and education activities. The discussion offers a preliminary overview of a number of practical considerations and principles that should be incorporated into future training and capacity building activities undertaken as part of police sector programming and reform efforts.

Definition of Activities

Security sector reform is defined by the OECD as those measures designed “to increase partner countries’ ability to meet the range of security needs within their societies in a manner consistent with democratic norms and sound principles of governance, transparency and the rule of law” (OECD, 2004: 1).

Programming activities in this area typically include: (1) institutional strengthening and capacity- building activities in the justice and public safety sector in order to bring about organizational change; (2) activities to strengthen the governance of the justice and security sector and the various agencies operating within it; (3) activities to support strategy formation and consensus-building around the need for reforms and the nature of the changes to be promoted; (4) activities to promote law reform and the modernization of existing institutions as required; (5) activities to bring national laws and systems in compliance with international standards; (6) activities to promote the involvement of citizens and civil society organizations in the preparation, implementation and monitoring of reform projects; and, (7) activities to promote citizen participation in

crime prevention, conflict resolution, and other aspects of the operation of the system.

In some cases, it may be appropriate to begin the process with a single point of entry. This can provide the basis for an expansion of the initiative, providing that the particular reform or capacity-building issue that is being addressed is part of a broader strategy to improve the functioning and governance of the system as a whole. Human resources training and capacity development projects can also offer an entry point; however, such initiatives are likely to fail unless they are part of a broader institutional reform and development process.

Police Reform as a “Point of Entry”

Police reform is an important “point of entry” for security sector reform and is a prerequisite for the establishment of a democratically accountable security sector, the development of good governance, and creating a framework for international cooperation. As well, the police can be a liability and obstacle to efforts to create a civil society and good governance. Peake (2004) has recently observed that the process of security system reform should begin with an appreciation of the powerful symbolic effect that positive changes to a police force can have on the public perception of security. He has also pointed out that it is important to remember that 1) the police are usually the most visible and immediately-present aspect of the security system; 2) the performance of the police is absolutely critical to the performance and credibility of the rest of the sector; 3) the archaic practices, poor human rights records, outdated methods, and heavy-handed practices of the police add to the public perception of the police as self-serving; 4) the police are often used to control civil disorder at the discretion of the ruling groups; and, 5) the police are in a unique position to provide the foundations for stability, security, and confidence in the state (Griffiths, Dandurand, and Chin, 2005).

Capacity Building, Technical Assistance and Police Reform

Capacity development involves assistance directed toward reforming the police so as to develop their capacity to efficiently and effectively achieve the goals for which they exist. However, assistance must be based on a careful assessment of the existing capacity of the police (organizationally, operationally, financially, and technologically) that may function to limit that capacity, the forces that can support and sustain the necessary reforms, and the obstacles or the resistance which could undermine the required changes. It cannot be assumed that all stakeholders in a particular jurisdiction are in favour of improving the capacity, performance, or effectiveness of the police. There are often complex reasons why the relative “incapacity” of the police has been tolerated or even cultivated. These reasons often involve a powerful group (or groups) benefiting in one way or another from the *status quo*, weak as it is.

One method that can be used is that of functional behaviour assessment, an approach developed by psychologists in order to better understand problematic individual or group behaviour. The method can be applied to an analysis of the conditions that prevail in systems of policing that remain committed to dysfunctional and counter-productive modes of operation. Assuming that dysfunctional organizational behaviour is simply the result of a lack of training or know-how is, to say the least, very naïve. Prior to any attempt to introduce complex reforms, one should avoid making simplistic assumptions and should first attempt to understand why the police fail to function adequately or are resistant to change. In practice, however, training is the “solution” most often offered through technical assistance programs regardless of the outstanding organizational and system issues.

For example, a review of capacity development programs in the Caribbean justice sector by the Caribbean Group for Cooperation in Economic Development (CGCED, 2000) noted how attempts at reform of justice sector institutions and

organizations, including the police, did not always produce the expected results. The report identified the difficulties encountered by Caribbean countries attempting to build a significant capacity in the justice and public safety sector and proposed a framework for sustainable reforms of Caribbean justice sectors that acknowledged the complexity of the task at hand. And, Dandurand and his colleagues (2004:65) found in a study of attempts to reform the justice and security sector in the Commonwealth Caribbean that had met with mixed success at best, due in large measure to a failure to consider the internal and external factors that may function to undermine reform efforts.

Priorities for action are frequently identified and reiterated, but the human and financial resources to address these priorities are often absent. Blame for the lack of progress is sometimes attributed to local inertia, incompetence, corruption, or even to political tribalism. However, there is the widespread perception that there are also issues with the kind of external assistance that is made available to countries of the region and how it is delivered. There are frequent complaints that that external assistance is too often offered in a piecemeal manner and for reform projects that are insufficiently integrated with the activities of other components of the system.

For many law enforcement agencies around the world, the concept of “technical assistance” has become associated with a number of unfortunate and inappropriate practices that often cause more harm than good. Project initiatives may, inadvertently, entrench existing institutional practice and result in only superficial, temporal changes, rather than substantive structural changes to policy and practice. Further, the difficulties of altering institutional cultures should not be underestimated. Even in the most ideal conditions, changing the orientation and behaviour of key personnel in the security sector is a challenge, often of Herculean proportions.

The challenge is even more extreme in developing countries where human and infrastructure resources are scarce and where attempts at police reform have historically been driven by external donors rather than by internal forces. Externally-driven attempts at reform will be unsuccessful in the absence of a dedicated cadre of senior officials in the security sector who are willing to take

the risks associated with departing from status quo practice and who are committed to long-term, rather than short term change and gains. The experience of efforts at reform in both the justice and security sector in some jurisdictions is that development assistance is readily accepted in the absence of any capacity, or even intent, to engage in substantive reforms.

Whenever issues of technical assistance are discussed, a number of recurring questions resurface:

- 1) Is the assistance offered genuinely responsive to the needs of the recipient countries?
- 2) Does the assistance contribute to the development of sustainable capacities?
- 3) How are specific capacity development initiatives related to broader development assistance policy objectives?
- 4) What is the normative basis for capacity-development activities and how relevant are international human rights and other justice norms to various capacity building initiatives? and, finally,
- 5) What evaluation mechanisms can be imbedded in the project so as to provide accurate information on the outcomes and success of the initiative in terms of its stated goals and objectives?

Program Design and Delivery

Implementing reforms in the security sector of a country requires interventions over the long term that will encourage and support structural, organizational and technological transformation. In his work on governance for the World Bank, Kaufmann (2003:24) concluded that it is necessary to move beyond the traditional approach to public sector reforms and to rethink orthodoxy on legal and judicial reforms:

Although donor programs supporting the traditional and largely unsuccessful legal and judiciary technical assistance projects of the past is yet to be fully abandoned, a salutary move away from narrow support for hardware, study tours, traditional training, focus on marginal improvement in narrow organizational issues such as caseload management, and the like is beginning to take place—even if slowly. In the next phase it will be important to face up to the enormous difference in the nature, performance, and vulnerability of legal and judiciary institutions across emerging countries. These vast differences have major strategic and practical implications.

The manner in which assistance is offered and delivered in the security sector is often as important as the type of assistance offered. In most developing countries, these sectors are often not particularly amenable to reform. They tend to be essentially conservative elements of society that typically offer fierce resistance to any change, particularly when a reform initiative is implemented by parties who are perceived as threatening their power and autonomy under the *status quo*. This situation is often compounded by the absence of a tradition of democracy and due process and by popular opinion that may be supportive of a “get tough” approach to crime and security. As well, in some jurisdictions a compounding element is pervasive corruption in the security sectors, often related to the drug trade. In many jurisdictions, there are neither the processes nor civil society involvement that could provide support for the proposed reforms or a source of accountability.

Government ministries and, more specifically, elements of the justice system may be resistant to outside input or influence. In such cases, cooperation by governments and agencies should not be taken as reflecting an interest in, or capacity, to engage in significant reforms or to develop structures of accountability and transparency. The interrelationships between the various agencies in the justice and security sector mean that any attempt to use development assistance to address specific security problems in a piecemeal manner, without addressing broader systemic and structural issues, or without sufficient sector-wide buy-in and coordination, will generally fail to improve system capacity, efficiency and governance.

Another unproductive use of development resources consists of funding reviews and strategic planning exercises that are not followed up with support for strategic action. Such reviews are likely a waste of effort and resources when the local capacity or interest to respond is inadequate, does not exist, or is misdirected.

Training

Training is often viewed as a key component of capacity development and is generally a key component of assistance projects. Training activities can also provide an entry point that can lead to further collaboration between agencies and organizations in a jurisdiction (Protic, 2005). Training alone, however, rarely produces appreciable results. The potential and limitations of training have been examined in relation to the technical cooperation programs in human rights in the administration of justice delivered by the United Nations Office of the High Commissioner on Human Rights. A recent global review of the OHCHR activities regarding the administration of justice reveals the need to put training activities into a wider perspective, e.g. the need to “get under the skin of the institutions.” As Flinterman and Zwamborn, 2003:41) note:

Efforts have to become directed towards changing the culture and structure of the police and prison system, the quality and training of police and prison leadership, the improvement of operational practice, the selection and training of police officers and prison staff and the improvement of system of accountability. If the behaviour of the police and in prisons is to be changed, support for the institutional development of the police is unavoidable.

It should also be evident that the continued reliance on external “experts” who fly in, deliver a training program, and then fly out, does little to build local capacity or effect meaningful change for either the short or long term. The same holds true for retired experts who often are not current in their field, lack appropriate knowledge and skills, and may have little or no understanding of the cultural,

political, social, or economic context in which they are attempting to provide assistance (Griffiths et al, 2005, 109).

Too many experts/trainers arrive in jurisdictions without a full understanding of local needs, institutions, and context. Yet, in most technical assistance projects, insufficient funds and time are allocated to the preparation of the trainers and to the development of curricula and programs. Channell (2005: 12) advises that, before sending a trainer to a new assignment, extensive preparation should take place for the new conditions, cultural variations, and demands on the otherwise qualified specialists who will be involved in the training. The absence of pre-deployment training may lead to the experts making unsubstantiated assumptions as to the usefulness and transferability of knowledge, skills and technology to a different jurisdiction.

Study tours can be useful learning and training methods, provided that they are designed so as to offer more than a “perk” for would-be reformers or a disguised form of tourism. A study tour can offer an opportunity for firsthand observation and meaningful discussions with front-line personnel in the host jurisdiction. Unfortunately, little attention is often given to the transferability, continuity, and sustainability of specific strategies for police reform. Furthermore, the potential benefits of study tours are often not realized given that “spaces” on such tours are often reserved for high-ranking officials who carry the right title, as opposed to the actual responsibility for bringing about reforms or building system capacities.

Another approach to training that is of questionable efficacy is to send individuals who hold key positions in the justice and security sector to overseas conferences, seminars and training courses. There are a number of difficulties with this strategy. Personnel from developing countries are often placed in large classes with students from many countries. In this situation, no one student is afforded class time to have his or her unique issues and questions addressed in any detail or depth. In addition, training often takes place in isolation, meaning

that there is no plan, process or support for local context. Many courses in policing, for example, do not provide pre-course reading materials or activities to prepare the participant for the learning experience. The same holds true after the experience where most students are not supported, equipped or challenged to implement the lessons learned once back in their workplace. The only tangible evidence of participation in the training program may be a photo album and fond memories.

The so-called “training the trainers” approach is also one that is valued by donors. This approach is viewed as a core component of sustainability, as well as a means of extending the impact of development assistance. In practice, individuals who are often identified as “trainers” are not necessarily those individuals who will be actively involved in training others. Their capacity to conduct that additional training is rarely measured. In the absence of local institutions and mechanisms that can actually support the training function, the “train the trainer” approach is unlikely to amount to much more than expensive window-dressing.

Training courses do provide participants with access to a network of professional contacts, insights into potential options, and some appreciation and level of understanding of new technologies and systems. While there is value to this, what is often lacking is a method or strategy for ensuring that this new knowledge finds fertile ground in the home jurisdiction and an understanding of the requirements that will increase the likelihood that the training will have an impact in the short and long term. The most common experience is that the individuals return from training overseas and there is no opportunity or strategy for sharing their new learning amongst their peers or to integrate the knowledge and skills they have gained into the policy and practice of their particular organization or agency.

Another attribute of training in technical assistance and capacity development projects is that it is most often directed toward the most senior police personnel.

While these individuals may have the interest and/or capacity to facilitate substantive, long-term change, this should not be taken as a given. Rather, there may be a hesitancy to initiate, and sustain, the process of reform. And, it is at the middle-managerial level that any proposed changes in policy and process will be implemented or, conversely, blocked.

Insufficient attention tends to be given to police leadership training and training in organizational behaviour, systems theory, and change management. This is because capacity development projects are too often based on simplistic assumptions about what is required in order to bring about significant institutional and organizational change.

For example, changing the legislative framework is a necessary, but not sufficient, component of facilitating long-term reform in policing. There is a need to develop methodologies, including training and human resource development methods, which can address the resistance to change that is invariably encountered.

The Role of Civil Society in Police Reform

Noticeably absent in most training program directed toward police reform is provision for representatives from community-based organizations, NGOs, and civil society groups that can, potentially, play a major role in the reform process. Although there is an increasing recognition that non-governmental organizations and community-based groups must collaborate with the reform process and develop effective partnerships with the police, donors are sometimes reluctant to offer the kind of leadership training that could empower community leaders and others outside of national government.

Transferability

A key attribute of most training programs for police personnel in developing countries is that little consideration is given to how, to what extent, or whether the

various models or techniques that are presented during the training apply to developing countries. Course materials are often heavily biased toward the North American or western European policing models. The difficult task of assessing the *transferability* of techniques, structures, procedures, and strategies, requires far more attention than it has received to date. However successful a particular police policy, practice or strategy may have been in Canada or other North American or European jurisdiction, it does not necessarily follow that it will be useful or effective in a different development context.

Comparative evaluations of various police practices and the identification of the conditions and specific features responsible for their success in a given context can assist in identifying and addressing the issues related to transferability. Few of the “experts” involved in police capacity development and training activities actually have expertise in comparative policing or in comparative analysis of policing systems. It is even more difficult to find professionals with field experience in these areas. In the absence of such expertise, project personnel have a limited ability to move out of the methods and processes used in their home country. As a result, project personnel may be poorly equipped to assist countries in developing solutions that have at least a fair chance of succeeding in the local context.

One strategy for increasing the transferability and sustainability of information and options presented in training sessions is to have trained experts paired with local experts and future managers in order to facilitate the development of talent and the transfer of skills and responsibilities to local management (Stone, et al., 2005:25). Another strategy to address the issues surrounding transferability and sustainability is to ensure that these questions are addressed as the outset of any reform initiative, when the needs for assistance are being assessed.

Training Tools

Manuals, handbooks, and toolkits can be appropriate, effective and efficient mechanism of delivering technical cooperation. In recent years, the UN and

various other organizations involved in technical assistance have sponsored the development of such tools. In addition, there has been an increased emphasis on developing police training curricula and materials that are designed to be relevant to the jurisdictional contexts in which they will be offered as well as to the learning styles of the trainees. The Rule of Law Section of the United Nations Office on Drugs and Crime (UNODC) has developed a number of practical assessment tools that provide a more solid basis upon which to develop training programs (United Nations Office on Drugs and Crime, 2006).

These assessment tools can support capacity-building initiatives in relevant institutions provided that they are adapted to local circumstances (UNODC, 2004:32):

The relevance and effectiveness of tools will be enhanced when they are based on the experience of resource-poor developing countries, which are the primary users of tools. To develop tools largely on the basis of the experience of resource-rich developed countries makes them less effective in operational terms. A long-term effort to organize the experiences of developing countries to provide a basis for tool development is therefore vital.

Performance Indicators and Independent Evaluation

Another attribute of many development assistance projects designed to facilitate reform of the police is the absence of measurable performance indicators. Most often, intended outcomes are couched in very general, bureaucratic language, e.g. “to improve transparency,” “to contribute to the development of good governance and civil society.” It is the rare project that contains specific, measurable objectives. As well, most projects do not include provision for independent evaluation of the extent to which the assistance initiative achieved the goals that were set out by the donor agency.

To this end, the development of performance indicators to measure the impact of training initiatives, capacity-building programs and specific justice and security reforms should become a priority. These indicators should be simple, appealing, and useful to national and local governments. In the area of policing

these indicators should attempt to assess the extent to which the development assistance initiative has contributed to public safety, community access to justice, and to the accountability of the police, and to overall good governance.

Performance indicators should also be designed with reference to applicable international human rights and justice standards, including indicators for assessing the capacities of rights holders and duty bearers (UNDP, 2006). As well, donor agencies should build in an evaluative component, ideally providing for an independent assessment of outcomes, particularly in larger, longer-term initiatives. A key requirement is that there be strong linkage between the training offered and the reform goals that are contemplated.

Identifying Opportunities for Successful Police Reform Initiatives

Justice and security sector reforms are expensive, particularly when, on the basis of current best practices, an effort is being made to promote programs that are multi-sectoral, sector wide and even regional. The discussion of potential opportunities for programming must be mindful of these constraints so as to avoid creating unrealisable expectations in the host jurisdiction.

Within this context, the success of police reform efforts will require that the entry points for programming are carefully identified. The donor support that is provided must be designed and delivered in a manner so as to increase the likelihood of optimum impact.

The Context of Police Reform

The success of police reform initiatives cannot be taken for granted, no matter how critical the need. Typically, many of the “needs assessment” surveys conducted as part of program planning in the justice and security sectors tend to focus on identifying gaps and weaknesses in the processes and systems, shortages in qualified human resources, and deficiencies in the legislative

framework. The weakest studies will simply measure the distance observed between the JSS in a developing country and their counterpart in a given, more developed, country. In short, they focus on the “needs” of the system, without an understanding of the reasons *why* these needs exist and *why* the deficiencies may not be easily correctable.

Very often, the pre-conditions of success do not exist, or their absence has not been sufficiently taken into account, in the design of the JSS cooperation initiatives. Justice and security sector reforms involve complex, and essentially political, processes. The political, ideological, financial, normative and institutional contexts in which justice and security reforms are undertaken must be taken into account in determining possible forms of assistance. The impact of most types of assistance is usually constrained by these broader elements of the context and other factors relating to the development and implementation of proposed reforms.

Core Elements in Reform and Country Readiness Profiles

Nine of the most relevant elements of the general context in which JSS reforms and programs are being developed are listed below. These elements can be assembled into a grid that provides a “country readiness profile” with respect to the potential orientations of JSS cooperation initiatives, including specific initiatives to reform the police, and the likelihood of their success.

- 1. Political context:** generally, (a) in terms of political stability and (b) in terms of the political rights and civil liberties of citizens, and specifically, (c) in terms of the capacity of civil authorities to exercise oversight and control over the various elements of the security sector; and, (d) in terms of the political commitment that exists to genuinely reform the JSS.
- 2. Geopolitical:** (a) at a general level, whether the country is under some significant external threats such as transnational crime, terrorism, or

aggression or threats from other countries; (b) at a more specific level, whether the country is involved and/or capable of participating in regional initiatives; and, (c) whether there exist effective regional cooperation mechanisms in the justice and security sectors in which the country participates.

3. **Psychological:** (a) at a general level, the level of insecurity and public fear of crime and violence; (b) the credibility and the legitimacy that the JSS have in the eyes of the public; and, (c) the level of public support for JSS reforms.
4. **Economic:** (a) the overall economic context; (b) the current financial capacity of the country to invest in JSS reforms; (c) the availability of external financial support for JSS.
5. **Normative:** (a) the extent to which the legal basis for democratic accountability of security bodies to civil authorities is developed; (b) the extent to which the country actively subscribes to internal human rights and other relevant standards relevant to JSS; and, (c) the strength and quality of the rule of law.
6. **Government effectiveness:** (a) generally, in terms of the quality of policy formulation, bureaucracy and public services; (b) specifically, in terms of the effectiveness of government as it relates to the JSS; and, (c) whether or not there exist clear, workable and well accepted overall plans and strategies for JSS reforms.
7. **Corruption:** (a) in general, the effective commitment of and progress made by government in controlling corruption; and, specifically, and (b) the control of corruption in the JSS and, in particular, in law enforcement.
8. **Institutional context:** (a) in general, the level of development of fundamental institutions, their human and institutional capacity, and

their ability to respond positively to proposed reforms; specifically, (b) the country's legislative capacity, including not only the capacity to draft proposed laws, but also to successfully develop them through consultative processes and secure their democratic adoption; (c) capacity of the financial management systems to support JSS reforms and financially plan for their success; (d) the law enforcement capacity; (e) the judicial capacity; (f) the correctional system capacity; and, (g) the strength and relative capacity of oversight agencies (where they exist).

- 9. Civil society involvement:** (a) the extent to which civil society is developed and active; (b) the extent to which civil society is able to be actively involved in the planning and implementation of JSS reforms (from being actively prevented from doing so, to being barely tolerated or just beginning, to being encouraged, but not well facilitated, to being strong, and to being the norm), (c) the involvement of civil society in monitoring the operation of the JSS; and, (d) the government and the JSS willingness to involve civil society.

Assessing the Effectiveness of Development Assistance in Police Reform

Assessing the need for police reforms is part of the equation: the other equally important component is assessing the effectiveness of the assistance that is provided. It is unlikely that donor agencies and governments will be able to improve the effectiveness of the technical assistance offered and the capacity building initiatives undertaken in the absence of a capacity to measure and understand their impact. This requires an emphasis on measuring outcomes and impacts, rather than on monitoring activities and the delivery of outputs. There is a need to develop assessment and evaluation methods and frameworks that seek to apply international standards to law enforcement and, in the process, empower police officials to advocate for reform.

Measuring outcomes is far more challenging than keeping track of outputs. There are outcomes that cannot be measured in the short term because their effects only become visible over longer periods of time. Furthermore, the impact of one particular intervention may not always be distinguishable from the impact of another. The objectives of an intervention may not always have been sufficiently articulated for an evaluation to determine whether they have successfully been achieved. Baseline data and basic criminal justice statistics are often unavailable or unreliable. Clearly, there are methodological issues, albeit not insurmountable, that are involved in measuring the impact of efforts to reform the police.

Evaluation as a “Necessary Evil”

Recipient countries frequently view evaluations as a necessary evil, something that must be done to satisfy the donor’s requirements and increase the likelihood of future assistance. They are often frustrated when the evaluation process seems to delay decisions about future funding. Yet, recipient countries are rarely treated as the principal clients for an evaluation and the main eventual users of its findings. This is something that must be corrected.

Sustainability of Information Systems and Data Gathering Systems

Information systems and data gathering systems are often developed which are primarily dictated by the donor’s requirements for accountability and the need for demonstrable results. These tend to be unsustainable. They also often tend to have been developed without a proper assessment of the information requirements of the recipient state. To be sustainable and efficient, impact and performance monitoring systems should be integrated into the management function of criminal justice institutions.

One of the primary lessons learned over the years with respect to data gathering and various continuous monitoring mechanisms is that these systems

must be integrated into the programme management process and produce information that is relevant to the managers themselves.

The Local Capacity for Evaluation

Evaluation requirements are too often developed without much regard for the capacity of local consultants and researchers to conduct those evaluations. As a result, the local programme evaluation capacity is hardly ever developed and individuals who may not have first-hand knowledge of local circumstances, contingencies and strengths conduct the necessary evaluations. Donors and assistance providers should make a greater effort to adapt their evaluation instruments, process and methodologies to the special needs and limited capacity of developing countries, particularly small developing states.

Resources

Well-designed evaluations are rarely inexpensive and the resources that are required to carry out evaluations are often viewed as diverting resources that could have been used for more “important” priorities.

Sharing Lessons Learned

Conducting the evaluations is only one part of the solution. Learning from them is the other part. Unfortunately, as was recently pointed out in an OECD (2004) working paper, the learning and dissemination of the positive, and negative lessons, has been needlessly slow. To maximize learning there must be a more effective dissemination of the results of these evaluations across agencies and countries.

The Use of Standardized Assessment Tools

The use of standardized assessment tools would make a critical contribution to the field of technical assistance. In the absence of clear framework and guidance on how to assess the technical assistance needs of law enforcement agency, the focus and outcome of the assessment depends entirely on the skills and experience of the staff member or consultant conducting the work.

The objective of the assessment toolkit is not only to help assessments to acquire a better understanding of the challenges of justice reform in any country, but also as a guide for the planning and initiation of technical assistance activities. Each assessment tool is a detailed guide to the key issues that should be examined, and why they should (or should not) be approached in a particular way. For example, what standards do police require to catalogue and store evidence in criminal investigation, or why different categories of prisoners and other vulnerable groups should be held separately or in different institutions (United Nations Office of Drugs and Crime, 2006).

Conclusion

The need for reform in the police sector in developing countries is acute and the interest among donors in sponsoring reform initiatives is high. The frameworks within which technical assistance projects have been designed and implemented, however, have produced a record that is less than stellar. The absence of an overall framework with clearly defined, measurable goals and objectives, ineffective training and human resources development models, a lack of attention to transferability and sustainability issues, and the failure of donors to compile evaluation and outcome data are among the factors that have undermined the potential efficacy of technical assistance and reform efforts. These factors must be addressed in order to enhance the likelihood that assistance projects in this sector will have significant, sustainable, long-term impacts. Many of these factors run counter to the prevailing technical assistance models and require a re-think

on the part of both donors and recipients. The pressing need for reform in the justice and security sector dictates that new models of development assistance, including training be developed.

REFERENCES

Biebesheimer, C. and J.M. Payne. 2001. *IDB Experience in Justice Reform*. Washington, D.C.: International Development Bank.

Caribbean Group for Cooperation and Economic Development. 2000. *Toward a Caribbean Vision 2020: A Regional Perspective on Development Challenges, Opportunities and Strategies for the Next Two Decades*. Washington, D.C.: World Bank.

Carothers, T. 2003. *Promoting the Rule of Law Abroad – The Problem of Knowledge*. Working Paper No. 34. Washington, D.C.: Democracy and Rule of Law Project, Carnegie Endowment for International Peace.

Channell, W. 2005. *Lessons Not Learned: Problems with Western Aid for Law Reform in Postcommunist Countries*. Working Paper No. 57. Washington, D.C.: Carnegie Endowment for International Peace, Democracy and Rule of Law Project.

Dandurand, Y. 2005. *Enhancing Criminal Justice Reforms*. Workshop 2: Enhancing Criminal Justice Reform, Including Restorative Justice. Eleventh United Nations Congress on Crime Prevention and Criminal Justice Bangkok, Thailand, 18-25 April.

http://www.icclr.law.ubc.ca/Publications/Reports/11_un/Dandurand%20Final%20Paper.pdf

Dandurand, Y., V. Chin, C.T. Griffiths, M. Lalonde, R. Montgomery, and B. Tkachuk. 2004. *Programming Opportunities in the Justice and Security Sectors in the Caribbean*. A Report to the Canadian International Development Agency. Vancouver. International Centre for Criminal Law Reform.

European Commission. 2005. *Institutional Assessment and Capacity Development: Why, What, and How?* Brussels.

Flinterman, C. and M. Zwamborn. 2003. *From Development of Human Rights to Managing Human Rights Development: Global Review of the OHCHR Technical Cooperation Program Syntheses Report*. Utrecht: Netherlands Institute of Human Rights (SIM) & MEDE European Consultancy, September 2003.

Griffiths, C.T., Y. Dandurand, and V. Chin. 2005. "Development Assistance and Police Reform: Programming Opportunities and Lessons Learned", 2 *The Canadian Review of Policing Research*, 101-113.

Kaufmann, D. 2003. *Rethinking Governance: Empirical Lessons Challenge Orthodoxy*. Washington, D.C.: The World Bank.

OECD. 2004. *Policy Brief - Security System Reform and Governance: Policy and Good Practice*. Paris: Organisation for Economic Co-operation and Development. (www.oecd.org/publications/Pol_brief)

_____. 2005. *Security Reform and Governance - DAC Guidelines and Reference Series*. Paris: Organisation for Economic Co-operation and Development

Peake, G. 2004. "Police Reform." Paper presented at the Security Network Symposium, Global Facilitation Network for Security Reform, Kingston, Jamaica, April 20-21.

Protic, D. 2005. "Judicial Reform in Serbia: Enhancing Judicial Performance through Training", in EBRC, *Law in Transition 2005 – Courts and Judges*. London: European Bank for Reconstruction and Development, 75-79.

Shaw, M. and Y. Dandurand. 2006. "Effective Technical Assistance in Crime Prevention and Criminal Justice " in M. Shaw and Y. Dandurand (Eds.). *Maximizing the Effectiveness of the Technical Assistance Provided in the Fields of Crime Prevention and Criminal Justice*. Helsinki: HEUNI - European Institute for Crime Prevention and Control, Affiliated with the United Nations.

Stone, C., J. Miller, M. Thornston, and J. Trone. 2005. *Supporting Security, Justice, and Development: Lessons for a New Era*. New York: Vera Institute of Justice.

Stromeyer, H. 2001. "Collapse and Reconstruction of a Judicial System: The United Nations Missions in Kosovo and East Timor". 95(46) *The American Journal of International Law*, 45-63.

UNDP. 2006. *Indicators for Human Rights Based Approaches to Development in UNDP Programming – A Users' Guide*, New York: NDP, Bureau for Development Policy, Democratic Governance Group.

UNODC. 2004. *Evaluation of Tools and Toolkits as a Modality of Programme Delivery by the United Nations Office on Drugs and Crime*. Vienna: UNODC - Independent Evaluation Unit. http://www.unodc.org/pdf/Evaluation_04-Toolsandtoolkits.pdf

_____. 2006. *Policing Assessment Tool: Police Information and Intelligence Systems*. Vienna.

World Bank. 2000. *Challenges of Capacity Development: Towards Sustainable Reforms of Caribbean Justice Sectors Volume II A Diagnostic Assessment*. Washington, DC: World Bank, Caribbean Group for Cooperation in Economic Development.