

Harnessing public engagement for police accountability in Africa

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In contextualising a report on the public's use of social media to engage with and promote police accountability in Kenya, Tanzania and Uganda, this report gives an overview of public accountability mechanisms across the globe and explores some of the challenges facing the public's engagement in police accountability. It also sketches four important steps towards harnessing public engagement to hold the police accountable in African contexts where the police have either lost or are struggling to re-establish their legitimacy.

Key findings

- ▶ The three main pathways to police accountability in public safety and police behaviour are internal control, state control and social control, each of which consists of multiple possible accountability mechanisms.
- ▶ Procedurally just policing fosters a reciprocal relationship between the police and the public by emphasising those values that the police and communities share, based on a mutual conception of what a safe, rule-of-law-based and ordered society is and how it should be maintained.
- ▶ Mechanisms of social control include civilian complaint review boards, external auditors, human rights monitors, policing research and policy institutions, the media, neighbourhood safety councils and community-based organisations.
- ▶ A disparate public, incompatible interests and the need for local ownership are all challenges to the public's engagement in police accountability.
- ▶ Rather than importing external public accountability models, there is a greater chance that the process of engaging the public in police accountability will get the buy-in of both the community and the police if change is driven by local realities, specific community–police relationships and jointly developed solutions.

Recommendations

- ▶ Decrease the distance between the police and the community by opening both formal and informal lines of communication, such as public–police forums, community meetings, newsletters, outreach programmes and social media interactions.
- ▶ Build trust-based relationships through expertly facilitated dialogue, informal exchanges of views and mutual responsiveness – these conversations should allow each side to both listen and share their experiences, concerns and narratives.
- ▶ Develop multiple partnerships at multiple levels to maximise interaction and impact: having multi-tiered partnerships – at grassroots, police administration and local government levels – allows public accountability to operate at different social and decision-making levels of society.
- ▶ Collaborate to identify and address problems and challenges at the community level: police and communities should use a collaborative, problem-solving approach to develop joint solutions to their shared problems, in the form of concrete policy and practice changes that can be implemented, monitored and evaluated periodically.
- ▶ Public accountability models must be adapted for local contexts: in order to ensure the buy-in of both the community and the police, change should be driven by local realities, specific community-police relationships and jointly developed solutions.

Introduction

The police are mandated to prevent and detect crime, uphold and implement the law, maintain public order and assist the public, all while protecting and respecting fundamental human rights.¹ Within this mandate, the police are empowered to use force, curtail certain rights and deprive those who break the law of their liberty.

As such, they are ‘the most visible manifestation of government authority performing the most obvious, immediate and intrusive tasks to ensure the well-being of individuals and communities alike’.²

Mandated with these powers and responsibilities, the police have the potential to be either a critical pillar in the promotion of democracy or a tool with which to undermine democracy and, in more extreme circumstances, operate as an instrument of oppression.

The latter is often referred to as ‘regime policing’, where the police protect, answer to and act in the interests of a ruling elite or the regime in power rather than the public. This includes serving to control rather than protect communities.

Oversight and accountability are fundamental elements of democratic policing

The former is known as ‘democratic policing’, where the police seek to protect individuals, respect their human rights and are professional, impartial, transparent in their activities, representative of the community they serve, and accountable to the law (rather than being a law unto themselves), democratic structures and the public.³

Democracies retain the right to use force against members of the public and infringe on other rights where these actions are deemed necessary to achieve legitimate policing ends; however, these mandates are not taken lightly and the institutions responsible for carrying out this mandate, including the police and the military, operate within strict parameters and are subject to strong controls.

This means that oversight and accountability are fundamental elements of democratic policing: ‘The organized use of force by the state against its own people requires constant and complex democratic

oversight, especially when directed at groups that are underrepresented through the democratic process.’⁴

Within the range of ‘constant and complex’ mechanisms of police accountability, accountability to the public has emerged as a key feature of democratic policing. What the public can do to ‘establish, restore or enhance public trust and (re-)build the legitimacy that is a prerequisite for effective [and democratic] policing’⁵ is the subject of this report.

After briefly outlining the pathways to police accountability, the report considers how the public may engage in police accountability and provides different examples of this from across the globe. It explores some of the challenges facing the engagement of the public in police accountability before sketching a broad framework for harnessing public engagement for police accountability in African contexts.

It is a background document aimed at providing the context for an associated Institute for Security Studies research report into the public’s use of social media to engage with and promote police accountability in Kenya, Tanzania and Uganda.

Pathways to police accountability

In *An audit of police oversight in Africa*, Alemika explains that

the most difficult problem in the political and administrative management of the police in any nation is that of ensuring effective deterrence against police misuse of their enormous powers, especially in the light of the high levels of invisibility and discretion that are embedded in police work⁶

and the temptation to use coercive powers to achieve legitimate and illegitimate goals, given the nature of police work and culture.⁷

Intended to serve as a bulwark against this complex problem are various police oversight and accountability structures and mechanisms.

The theory and practice of police accountability is a broad and complex area with a wide range of perspectives, each supported by a body of literature authored by academics, practitioners, development experts and research organisations. What follows is a summarised overview of the pathways to police accountability.

Bayley distinguishes two essential elements of democratic policing: responsiveness ‘to the needs of individuals and private groups as well as the needs of government’ (that is, organised to be responsive downwards), and accountability ‘to multiple audiences through multiple mechanisms’.⁸

One of the core tenets of democratic policing is that the police help to strengthen the authority of the state

Stone and Ward build on this, arguing that police must be accountable for both the protection of public safety (how they attempt to protect the public, how they respond to reports of crime and the results they achieve in terms of public safety) and their behaviour or conduct (when they violate rules, laws and civil rights).⁹

According to Stone and Ward, the three main pathways to police accountability in the areas of public safety and police behaviour are internal control, state control and social control, each of which comprises multiple possible accountability mechanisms (see Table 1).

One of the core tenets of democratic policing is that the police help to strengthen the authority of the state by responding to the public’s needs and using ‘the authority of the State in the people’s interest’.¹⁰

According to the United Nations (UN) *Handbook on police accountability, oversight and integrity*, this can be achieved through three overlapping priority areas: reducing corruption within the police; increasing public confidence by upgrading levels of police service delivery, as well as investigating and acting in cases of police misconduct; and enhancing civilian control over and oversight of the police.¹¹ All of these priority areas necessarily involve engagement with the public, through both formal and informal mechanisms.

This report focuses on the contribution that public engagement makes to police accountability, i.e. the implementation of the third pathway to police accountability – social control, otherwise known as public accountability or accountability from below.

The concept of public engagement

Public engagement is considered the most effective means of achieving and promoting development and

Table 1: Police accountability mechanisms

Accountability to \ Accountability for	Public safety Reducing crime, violence, disorder and fear	Police behaviour Reducing corruption, brutality and other misconduct
Internal control	Training Line commanders Crime statistics reporting	Training Line supervisors Rules Ethics codes Integrity units Administrative discipline
State control	Operational direction by elected and appointed political officials, budget authorities, prosecutors	Ombudservices Legislative committees Criminal liability Civil liability Exclusionary rules of evidence
Social control	Neighbourhood safety councils Community-based organisations Media Policing research/policy institutes	Civilian complaint review External auditors Media Human rights monitors Policing research/policy institutes

Source: C Stone and HH Ward, Democratic policing: a framework for action, *Policing and Society*, 10:1, 2000, 14.

democracy.¹² It is the means by which the voices of individual members of the public can be channelled into engaging with – and holding to account – public officials and government institutions, thereby acting as a crucial

counterweight to state-administered accountability mechanisms.

Table 2 gives an overview of the main characteristics of public engagement.

Table 2: Characteristics of public engagement

Formation	<ul style="list-style-type: none"> • Spontaneous • Informal • Formal (underpinned by clearly defined rules and norms) 	Spontaneous initiatives may become formalised over time
Role players	<ul style="list-style-type: none"> • Individual members of the public • Collective action (including civil society organisations) • Civil society may play different roles: initiate engagement, mediate interaction, or even become captured by vested interests 	A critical mass is often crucial for impacting service delivery
Mechanisms	<ul style="list-style-type: none"> • Elections • Public consultations • Participatory planning • Community scorecards • Social audits • Public satisfaction surveys • Crowd sourcing • ‘Citizen’ journalism • Social media 	These mechanisms overlap and can be used in combination
Growth	<ul style="list-style-type: none"> • Organic: motivated by pressing social concerns and led by motivated civic leaders • Induced: initiated by the state through policy action and implemented by the bureaucracy 	There may be a degree of overlap between the two forms of growth
Duration	<ul style="list-style-type: none"> • Short-term engagement: may be driven by donor requirements and undertaken as a box-checking exercise • Long-term commitment 	Requires commitment from the public and state to be sustainable and integrated into governance processes
Approach	<ul style="list-style-type: none"> • Constructive and collaborative • Confrontational • Disruptive <p>} Depends on a variety of factors: dynamics of engagement, objectives, socio-political context</p>	Public engagement affects the balance of power between state and society
Level	<ul style="list-style-type: none"> • Local • Regional • Sectoral • National • Global 	Depends on objective of engagement, accessibility of information, interest and uptake

Source: Adapted from UNDP Global Centre for Public Service Excellence, Citizen engagement in public service delivery: the critical role of public officials, 2016, http://www.undp.org/content/dam/undp/library/capacity-development/English/Singapore%20Centre/GCPSE_CitizenEngagement_2016.pdf

The *2017 World development report* describes how the space for civic participation and activism widened considerably in the second half of the 20th century, facilitated by ‘the spread of democratic norms and practices ... [the decline of] government interventions to control or censor the media ... [and] the diffusion of new information and communication technologies (ICTs)’.¹³

The rapid development and expansion of new ICTs – such as mobile and smart phones, the Internet, social media platforms, blogs and even cloud services – in the last 20 years has reduced temporal and spatial constraints to accessing information, decreased the costs of communicating with large groups of people and increased the number of people reached or impacted by information.

This has created unprecedented opportunities for ordinary people to express concerns and to organise around specific issues of concern to them, even in oppressive societies.

Procedurally just policing fosters a reciprocal relationship between the police and the public

However – and perhaps in response to the expansion of social movements, the widespread dissemination of their claims and the magnification of their demands on states – the last decade has seen a shrinking of the space for civic engagement.¹⁴ In addition, ‘fake news’ is proliferating, and there is increased state surveillance of civilian online activities and the enactment of legal measures through which the state can control the public’s access to information and communication channels.

This illustrates how public-driven accountability of state institutions has the potential to meet with the most resistance because it necessarily involves ‘national and provincial level state actors, institutions, organisations and agencies being committed to change existing power structures, revise asymmetrical rules of the game, reverse state capture and clientelism, and ... rewrite previously negotiated political settlements’.¹⁵

While some initiatives to restrict the freedom of the media and civil society organisations are ‘sometimes motivated

by legitimate concerns for public order and national security, they can be used by elites as a strategy to narrow the policy space and limit the channels available to citizens to engage and influence the policy arena’.¹⁶

Resistance to the public’s engagement in holding the state accountable is probably most pronounced when it comes to the police, considering that their mandate allows them to legally use force and curtail the public’s rights (as outlined in the introduction).

The police are a tool of the state and, if democracy is not established or robust enough or if the police are instrumentalised for political or economic interests, those in power will resist ‘external’ interference. In countries with fragile or developing democracies, vested interests among powerful elected politicians and senior officials ‘stand to lose out substantially if hybrid-style accountability mechanisms [i.e. those that embrace accountability “from below”] are even mildly effective’.¹⁷

Public engagement in police accountability

In the context of democratic policing, there should be a symbiotic relationship between the public and the police. The public need the police to maintain law and order, manage conflicts, prevent crime and provide security. In order to do their job, the police need the public to cooperate with them – to report crime, alert the police to suspicious behaviour or activities, provide information and notify them about local problems.

For this relationship to be positive and effective, the police need to be – and be perceived to be – legitimate. Police legitimacy has been defined as ‘a measure of the extent to which the public trust and have confidence in the police, are willing to defer to the law and to police authority, and believe that police actions are morally justified and appropriate’.¹⁸

The police can increase the public’s confidence in their legitimacy by providing what has become known as ‘procedural justice’; in other words, ‘the fairness of processes used by those in positions of authority to reach specific outcomes or decisions’.¹⁹

Procedural justice is built on four principles:

- Voice: the public are afforded the opportunity to tell their side of the story, to be genuinely heard or to be active participants in the decision-making process.

- **Transparency:** the police are able to share the processes, rationale and motives behind their decisions at each stage of enforcing the law.
- **Fairness:** individual members of the public are treated with dignity and respect, regardless of their situation.
- **Impartiality:** the police make decisions based on legal facts and an objective evaluation of the situation rather than on biased perceptions or illegitimate factors such as race, ethnicity, sexual orientation, religion, etc.²⁰

Procedurally just policing fosters a reciprocal relationship between the police and the public by emphasising those values that the police and communities share – based on a mutual conception of what a safe, rule-of-law-based and ordered society is and how it should be maintained – and encouraging the ‘collaborative, voluntary maintenance of a law-abiding community’.²¹

Social control – or public accountability – of the police gives the public a number of mechanisms through which they can engage with the police towards the following ends:

- Monitoring the police’s performance in providing public safety
- Holding the police to account for misconduct and unacceptable behaviour
- Signalling public satisfaction with the services provided by the police
- Providing the police with information about the concerns of the public or problems in the community²²

Public engagement in police accountability has the potential to develop into an adversarial relationship

If these objectives are achieved, the public will automatically be involved with and engaged in police reform plans.

However, Ponomarenko and Friedman argue that the public have traditionally been given space to engage primarily in what they term ‘back-end’ police accountability – i.e. exposing police abuse, dealing with misconduct once it has happened, and advocating on behalf of victims – rather than ‘front end’ accountability. The latter would entail the public’s engaging in police

reform by contributing to the development of the rules, policies and procedures that regulate police behaviour and action in the first place.²³

Although ‘back-end’ accountability should theoretically result in developing more effective rules at the front end by policing authorities or others, this does not happen in reality.²⁴

As a result, public engagement in police accountability has the potential to develop into an adversarial relationship, enmeshing the public and the police in a cycle of criticism, defensiveness and impunity. This can lead to mistrust between the police and the community they serve, a loss of legitimacy around policing and the inability of the police to serve their functions in that community – the antithesis of the principles espoused by procedural justice and police legitimacy.

Mechanisms of public accountability

Despite significant shifts in the global context since 2000, as well as in policing theory and practice, Stone and Ward’s conceptualisation of social control mechanisms remains relevant, albeit with some developments. Each of these mechanisms is briefly explored in this section, with examples of how some of them have been implemented in different contexts across the globe.

Civilian complaint reviews

These are entities made up of civilians who are mandated to investigate and/or review individual or community complaints about police misconduct. Some of these have the authority to investigate allegations of misconduct while others review internal police investigations into misconduct and evaluate competency and fairness. Still other agencies examine patterns of police misconduct as a whole and contribute to drafting policies and practices to deal with such systemic problems.

The Independent Commission of Investigations (INDECOM) in Jamaica is a civilian-staffed oversight agency established in 2010 to investigate incidents involving members of the security forces that result in death, injury or abuse of the rights of members of the public. It makes recommendations to charge, institute disciplinary action or make procedural changes.²⁵

Amnesty International reports that INDECOM has significantly overhauled the way investigations into

police abuse are conducted – in addition to its own investigators (including forensic examiners and ballistic experts), INDECOM has ‘secured access to an international network of experts willing to provide support in pathology, voice recognition and enhancement of video CCTV’.²⁶ INDECOM reported:

For the period 2011–2018, INDECOM commenced investigations into over 6 400 incidents involving members of the Security Forces; this included over 1 700 deaths. Over 5 500 of these investigations have been completed as at December 2018. More than 120 officers have been criminally charged and there have been 21 convictions in the Courts for offences ranging from murder to breaches of the INDECOM Act.²⁷

From a peak of 357 police-related fatalities in 2010, when INDECOM was established, the number of people killed by the police in Jamaica has remained below 200 for the last five years (before which the number had been above 200 for nine years).²⁸

INDECOM has met with resistance, including from the government of the People’s National Party when it was in power, which accused the oversight body of ‘tying the police’s hands with overzealous investigations’.²⁹ However, INDECOM has fought back in court, where several legal challenges to its remit and powers have been rejected, ‘allowing the Commission to effectively pursue its mandate’.³⁰

External auditors

An external audit can fulfil a number of police accountability functions, from reviewing police investigations into deaths and the public’s complaints to reviewing administrative practices, training curricula and police codes of conduct. External auditors can also review the police’s implementation of recommendations made by civilian oversight bodies and can make recommendations themselves on the processes and investigations that they review.³¹

Audits are a form of back-end or ‘after-the-fact’ accountability, performed by independent individuals or institutions appointed by either police management or another oversight mechanism.

Human rights monitors

Human rights monitoring will usually involve a national human rights institution (such as a human rights

commission) that, in terms of its mandate to promote and protect human rights, will document, investigate, report on and make recommendations regarding human rights violations committed by the police.

Human rights commissions often have broad mandates and therefore do not exclusively focus on the police but will investigate specific incidents of police brutality or misconduct as they arise, or investigate and report on trends of police human rights violations brought to their attention.

Policing research and policy institutes

Research organisations, think tanks, non-governmental organisations and universities play an important role in police accountability by conducting research and disseminating the findings to a broad range of stakeholders, including police leadership, policymakers, journalists, donors and the public.

The number of people killed by the police in Jamaica has remained below 200 for the last five years

Research can cover a wide range of issues relating to the police, including policing methods, practices and operations, crime trends and analysis (including validation or critiques of police crime statistics and reporting), as well as public opinion on matters relating to policing. The latter often takes the form of surveys on public opinion or perceptions about crime and safety, victimisation and confidence (or lack thereof) in the police.

Research or policy institutions are able to use their research findings to inform front-end public engagement with the police, such as helping to develop codes of conduct, guidelines, standing orders or training, and capacity-building programmes. They can also contribute to back-end accountability by identifying and raising awareness around harmful policies, police misconduct and failures in internal police accountability mechanisms.

The United States’ (US) National Initiative for Building Community Trust and Justice (NI) is led by the National Network for Safe Communities at John Jay College of Criminal Justice and implemented in collaboration with the Center for Policing Equity, the Justice Collaboratory at Yale Law School and the Urban Institute.³²

The project uses the concept of reconciliation to guide a process that builds trust between the police and communities, and fosters front-end accountability involving the public in six sites across the US. The process, as shown in Figure 1, involves four steps:

- A public acknowledgment and apology issued by the police of historical and contemporary harms, whether intentional or not
- Listening and narrative-sharing sessions between the police and the community at different levels
- A fact-finding mission to document an objective account of the history that has necessitated the reconciliation process, with contributions from both the community and the police, identifying and highlighting specific areas for improvement and action
- A consultative and collaborative undertaking to specify, develop and implement concrete changes to police policy and practice, which are periodically revisited and evaluated

The process requires commitment from both sides: a police agency willing to reach out to the community to demonstrate its willingness to engage in a transparent manner; and representatives of the public willing to engage constructively with the police, especially on the development of realistic policy and practice changes.

This form of public engagement, which is a long-term commitment that recognises the need to establish mutual trust, respect and goals, is not just about making both sides feel better but is a public safety strategy to make policing easier and communities safer through mutually generated policies and practices.³³

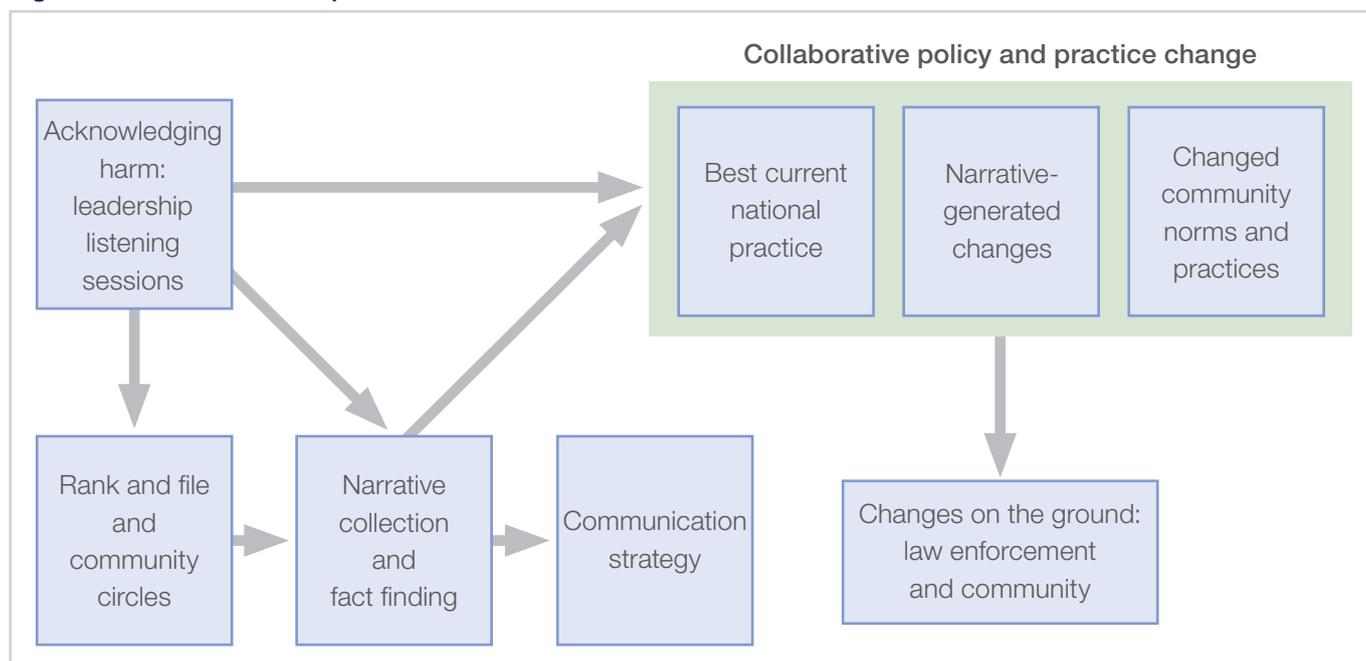
An evaluation of this project conducted by the Urban Institute found that two of the cities observed a drop in the amount of ‘use of force’ incidents, while arrest rates dropped across the sites. However, there was no reduction in the racial or ethnic disparity of those events.³⁴

The report concludes that the findings ‘suggest that improving relationships with community members and police officers’ interactions with them are possible, but require faithful and consistent implementation and consistent, strong leadership on the part of police executives’.³⁵

The media

The media, in its expanding range of formats, plays an important role in public engagement in police accountability by investigating, reporting on and publicising stories of police abuse, corruption and crime. It also gives a voice to public concerns over police misconduct.

Figure 1: NI reconciliation process



Source: S Kuhn and S Lurie, *Reconciliation between police and communities: case studies and lessons learned*, New York: John Jay College, 2018, 130.

New media formats and platforms have expanded media output, enabling individual members of the public to both generate and publish content. Importantly, this has given the public a voice, including in spaces where the freedoms of traditional media have been limited by or are controlled by the government.

Social media, as a new form of media, either individually or through the social media accounts of organisations or advocacy groups, allows the public to engage in police accountability by sharing videos, photographs or stories of police misconduct on platforms such as Facebook, Twitter, Instagram, etc.

While some of these posts go no further than the individual's immediate friends or followers, others are shared widely and 'go viral'; those with '@ tags' referencing a particular person or group signify that those people, institutions or organisations are being talked about or requested to respond to an issue or concern, while those with '# tags' about specific topics or events are referencing a broader ongoing social media conversation.³⁶

Individual acts of public engagement are brought together to create collective pressure to demand change

So-called 'citizen journalists' form part of this kind of engagement, writing stories in blogs or sharing stories on social media that may be taken up for use in advocacy campaigns or even turned into evidence for use in court proceedings.³⁷

Witness is an international organisation that grew out of the recognition that the public have the power to use advances in technology (such as cell phones and smart phones to take photographs and record videos) to document and expose human rights violations in order to achieve justice and accountability.³⁸ Witness relies on spontaneous acts of public engagement (i.e. taking video footage or photographs of police violence or harassment) that feed into a formalised process of collecting and curating evidence for advocacy and evidence purposes.

In this more confrontational route to police accountability, many individual acts of public engagement are brought together to create collective pressure to demand change. Visual evidence can

'connect the dots around repeated incidents of misconduct over time',³⁹ is easily disseminated to the general public through social media and is accessible to a wide range of people, making it an effective tool for public engagement in police accountability.

Through partnerships with local community-based organisations (CBOs), Witness has secured the conviction of two high-level police commanders in Brazil for their role in the unlawful invasion of private homes, leadership changes in New York's 72nd Precinct and increased oversight of policing during a New York neighbourhood's annual Puerto Rican Day parade, resulting in a safer environment for the public during this event.

Neighbourhood safety councils

The idea of neighbourhood safety councils – joint police-community forums – has developed into what has become known as 'community policing'. Community policing models aim to identify, find solutions to and prevent crime in communities through local-level interaction, collaboration and partnership between the police and the community.

Much has been written about the successes, failures and promise of community policing in the context of police/community relations, which will not be repeated here.

Such approaches have included a wide range of activities, for example regular meetings between police and communities, crime prevention education and awareness raising in communities, police-sanctioned neighbourhood watch groups, increased foot patrols, improved communications between the police and communities (such as newsletters), police–community liaison officers, and events involving the police and the community that do not entail law enforcement activities (such as fundraising, celebrations, etc.).

Once again, however, these initiatives more often involve the police engaging with the public in the public's domain rather than the public engaging with the policies and procedures of the police.

Community-based organisations

CBOs can play a role in police accountability in various ways, from partnering with the police on specific causes to raising awareness, running advocacy campaigns and organising protest action. CBOs are able to voice the concerns of specific groups in society or the community,

especially those that find it difficult to access the police because of particular vulnerabilities.

Targeted advocacy campaigns are often set up by groups of activists or concerned members of the public. Campaigns can range from very low key to highly sophisticated, entailing anything from printing T-shirts and badges with slogans to sending text messages, running phone banks, raising awareness by going door to door in communities and gathering written or electronic signatures on petitions to hand to local government officials.

The rate of homicides has dropped in the areas where the PJP works, while there is a 95% conviction rate for the crimes in which the PJP has become involved

More adversarial action on the part of CBOs can entail interrupting formal events, protesting, holding rallies and striking. These can be spontaneous if angry members of the public start to converge on a particular police station or government building based on a specific incident or problem, or can be organised by a group of concerned members of the public by handing out or electronically distributing community advocacy pamphlets or flyers that set out the concern, outline the public's demands and propose a plan of action (with specific dates for protests and strikes).⁴⁰

The Association for a More Just Society (AJS) is a Christian organisation that aims to promote access

to justice and a more accountable justice system in Honduras.⁴¹ Two of its projects are relevant here:

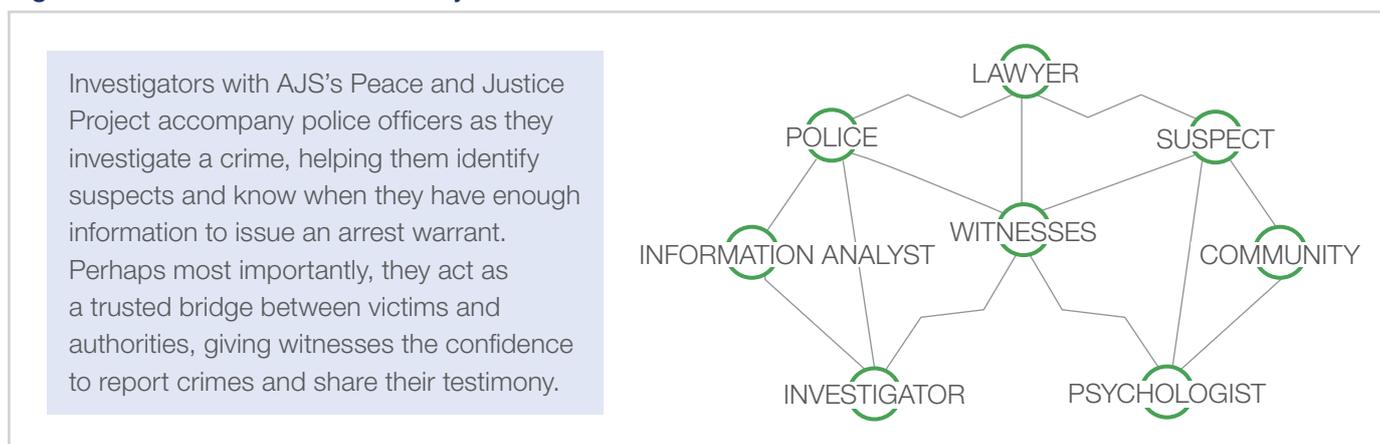
- The Peace and Justice Project (PJP) aims to bridge the trust gap between the community and law enforcement officials in a context where high rates of violent crime are compounded by a corrupt, overloaded and under-capacitated criminal justice system
- The Alliance for Peace and Justice (APJ) is a collective of civil society, church and academic organisations that advocates for security sector reform

The PJP provides support, guidance and capacity to the Honduran police in a variety of ways (see Figure 2):

- Gathering background information on crime dynamics and structures in specific areas
- Building trust with and listening to key informants and witnesses
- Supporting police officials throughout the course of an investigation
- Providing resources, such as capacity, skills, expertise and funding
- Following up on information provided by witnesses and checking on the progress of investigations
- Organising and analysing information on investigations, as well as holding training workshops for officers on the use of police databases

The APJ works as a public awareness and advocacy campaign, through public meetings and media coverage, supported by research demonstrating the impact of corruption in the police force on public safety and security.

Figure 2: The Peace and Justice Project



Source: Association for a More Just Society, How to solve a murder in Honduras, <https://www.ajs-us.org/content/how-to-solve-a-murder-in-honduras>

Both projects have shown noteworthy results. The rate of homicides has dropped significantly in the areas where the PJP works, while there is a 95% conviction rate for the crimes in which the PJP has become involved (a rate almost 24 times the national average).⁴²

After five years of advocacy by the APJ and increasing pressure from the public, a Special Commission for Police Reform was established in 2017. It removed over 4 000 corrupt police officers from the force, extradited six high-ranking officers to the US to face trial for drug trafficking, and hired 3 900 new officers under strict application and training procedures.⁴³

The two AJS projects take different approaches to police accountability. The collaborative approach of establishing a direct link between victims of crime and the police, thereby developing understanding and trust on both sides, has created an effective and long-term mechanism of police accountability from below. The more confrontational approach of advocacy through the media and public meetings was successful in applying the pressure that was needed for urgent institutional police reform.

However, despite the dramatic results achieved through the commission, a series of scandals involving the commission in 2018 demonstrates that police reform is almost always an on-going task, requiring continuous transparency, institutional coordination and political will for success.

Challenges to public engagement in police accountability

There are many challenges to involving the public in police accountability, especially in emerging or fragile democracies.

A disparate public

The public is not a homogenous entity and the different groups (and even sub-groups) that comprise the public will not have the same problems, needs, priorities or perspectives on the role and function of the police. As the United Nations Office on Drugs and Crime (UNODC) points out,

In countries suffering from high levels of violent crime, certain groups, in particular the poor, may find themselves marginalized and criminalized, and in fact left 'unpoliced' [while in] countries emerging

from conflict situations, societies are often even more fragmented than usual, with groups in society seeking protection for, or benefits for, one ethnic group only.⁴⁴

As such, if not carefully developed, those members of the public who have the most to gain from engaging with the police may still be excluded from accountability and participation initiatives owing to hierarchies and inequalities within the country itself.

The World Bank acknowledges that social organisations that represent the public's interests are not always 'motivated by a vision of a more equal and just society. These organizations can also reinforce social hierarchies, be captured by narrow interests, or be used by reactionary and extremist groups for exclusionary purposes.'⁴⁵

More marginalised groups may be excluded or under-represented in civil society organisations

Members of the public with higher education levels and socio-economic status are more likely to be politically engaged, as well as to have the skills and confidence to engage with the police, debate the issues and participate in the decision-making process. In addition, more marginalised groups – such as women, LGBTQI, disabled, undocumented migrants, etc. – may be excluded or under-represented in civil society organisations.

Incompatible interests

The objective of changing policing culture needs to be accepted as a long-term project required to achieve police accountability, as structures and systems are built to achieve this. This takes consistent, progressive and courageous political and police leadership and will, as well as officers at all levels willing to begin a new relationship with the communities within which they work. This understanding alone may take years to achieve within policing agencies.

In Africa's wide range of situations, this challenge is exacerbated for two reasons:

- There is often a mix of security actors charged with law enforcement in any one country, including civilian

police agencies, the military, paramilitary agencies and other hybrid forms of law enforcement actors, including civilian groups officially authorised to serve policing functions.

- In contexts where the police serve as the enforcers of a ruling elite, resistance to changing police culture and making the police accountable, transparent and collaborative will be inevitable.

It is common cause that many policing and security agencies in several African countries reflect the patronage-based politics, authoritarian governance and militaristic characteristics of the states to which they belong; characteristics that are closely related to but not exclusive legacies of colonial rule.⁴⁶ Leaders in some African countries have used patronage networks that include the heads of security agencies, such as the police, to quell dissent and strengthen their grip on power.

Dependent on each other for power, Alemika argues that

neither the rulers nor the head of these agencies desire relative autonomy of the police forces [and given] the continuing legacy of authoritarian government and policing, there is no political will to ensure effective oversight and accountability of the police.⁴⁷

In contexts where the police are used as the enforcers of authoritarian rule, often in brutal and unlawful ways, it is the police themselves who are the source of insecurity, injustice, fear and threat to the public in that country.

Allowing for local ownership

Finally, this kind of police reform, which in the development context has linkages to wider security sector reform (SSR), cannot be imposed by international actors and donors – or even by well-meaning research and policy institutions – without ensuring local ownership.

In its *Handbook on security sector reform*, the Organisation for Economic Co-operation and Development (OECD) emphasises that local ownership should be the point of departure for any SSR programming, because ‘the bottom line is that reforms that are not shaped and driven by local actors are unlikely to be implemented properly and sustained’.⁴⁸

While external organisations and funding may play a role in resourcing and providing technical assistance, their

support needs to be guided by the countries themselves, in cognisance of those countries’ national contexts. This should take specific account of civil society and its positioning in relation to government at all levels, especially the most local levels.

In this regard, it is important that civilians be given specific capacity building to allow them to contribute to police reform and help build in civilian oversight and accountability mechanisms – such as engaging constructively with the police, and taking part in strategic analysis and planning, policy formulation, monitoring and evaluation.⁴⁹

It is important that civilians be given specific capacity building to allow them to contribute to police reform

National partners need to be given the space and time to make progress and adapt to evolving circumstances without unnecessary pressure being brought to bear by international partners who may not be wholly familiar with the local context, pressures, dynamics and cultural factors.

Rather than adhering rigidly to a blueprint, programmes that aim for public engagement in police accountability need to be allowed to develop and be implemented as organic processes. In such processes, those involved can move ahead when they find receptive stakeholders and inventive ideas but can pull back and reassess their options when they encounter resistance or indifference.⁵⁰

The OECD points out that

The process of identifying and fostering ownership requires continuous attention, and it cannot be assumed that ownership will be easily identifiable or coherent at the point at which international actors begin to engage. Flexibility is needed to respond to trajectories and trends of ownership, differentiated across security system organisations and beneficiaries, both state and non-state, and over time.⁵¹

Towards harnessing public engagement for police accountability in African contexts

Emerging from the literature are four key steps that are worth considering with the aim of harnessing public

engagement for police accountability across various contexts where the police have lost or are struggling to re-establish their legitimacy.

Embarking on these steps assumes that the timing is right: security forces need to be at the point where they recognise that they cannot do their job without community support, are willing to acknowledge their shortcomings and collaborate on finding solutions to shared challenges; communities, on the other hand, need to be ready to overcome mistrust and fear and want to cooperate with the police.⁵²

- Decreasing the distance between the police and the community by opening lines of communication: As a starting point, there should be practical and accessible ways in which the police can communicate with the community, and vice versa. This can be achieved through making better use of formal lines of communication (such as public–police forums, community meetings, newsletters, outreach programmes, etc.), as well as using more informal lines of communication, such as social media. Social media allows individual members of the public, groups and institutions (like the police) to use those forms of technology to which they have access in order to communicate information, complaints, news and successes in a direct and accessible way.
- Starting to build trust-based relationships through dialogue and mutual responsiveness: The role of dialogue is critical in building trust-based relationships between the police and the community by dispelling myths and fostering understanding.⁵³ For dialogue to be constructive and forward leaning, it needs to entail carefully and expertly facilitated discussions that allow each side to both listen and share their experiences, concerns and narratives. But there should also be room for creating alternative and less formal opportunities for views and experiences to be exchanged, such as police station open days, school visits, information and awareness campaigns, etc.⁵⁴
- Developing multiple partnerships at multiple levels to maximise interaction and impact: Quinney explains that

actors at any given level are best equipped to understand and address problems at that level ... having multi-tiered partnerships allows the programme to operate at different social and decision-making levels of society (grassroots,

mid-level and elite) and serve as a conduit between these levels.⁵⁵

Complementing forums between the community and police officers at a grassroots level with meetings between community and police leaders at a higher administrative level helps to facilitate the exchange of experiences, challenges and lessons learned, and can lead to the development of ideas and solutions that can be presented jointly to the representatives of political parties and local government.⁵⁶

- Collaborating to identify and address problems and challenges at the community level: The police and communities should use a collaborative, problem-solving approach to find joint solutions to their shared problems. These solutions should entail the development of concrete policy and practice changes that can be implemented, monitored and evaluated periodically.⁵⁷ This approach shifts the approach from ‘accountability as responsiveness’ to ‘accountability as answerability’. The police are expected to do more than respond to the needs of the public or engage with the public to be accountable to the public. Accountability as answerability begins to emerge when the police and the public apply the sanctions that they have jointly decided upon during a process of solving a common problem.⁵⁸

There should be practical ways in which the police can communicate with the community

In writing about rethinking social accountability in Africa, Tembo notes that public engagement quickly loses its strength when social accountability programmes ‘fail to acknowledge the dynamic nature of ... incentive-driven power plays, pursuing instead a technical process which is removed from the contextual reality in which the citizens and state actors operate’.⁵⁹

Rather than importing external public accountability models, there is a bigger chance that the process will achieve the buy-in of both the community and the police if the change is driven by local realities, specific community–police relationships and jointly developed solutions.

All mechanisms of public accountability will have individual limitations and challenges. The implementation of a strategic combination of public accountability mechanisms that include one or more of the steps outlined in the approach above can maximise the chances that the public can promote change and make the police more responsive to their needs and rights.

Conclusion

The African Union (AU) recognises the need for police reform and accountability across Africa. Resolution 103a notes that

accountability and the oversight mechanisms for policing forms the core of democratic governance and is crucial to enhancing rule of law and assisting in restoring public confidence in police; to develop a culture of human rights, integrity and transparency within the police forces; and to promote a good working relationship between the police and the public at large ...⁶⁰

Importantly, the AU urges member states to ‘establish independent civilian policing oversight mechanisms, where they do not exist, which shall include civilian participation’.⁶¹

However, there has been insufficient exploration across the myriad of African contexts into what mechanisms or channels members of the public are using or could use to promote police accountability from below, the challenges they have faced, where and how such initiatives have been successful and what factors cause such initiatives to fail.

In addition, little research has focused on the concept of ‘pushing on open doors’, that is, exploring the opportunities for promoting police accountability through public–state engagement that involves two willing parties.

Direct engagement and collaboration between the public and the police hold significant potential for achieving front-end accountability – concrete policy and behaviour change – that is proactive and sustainable. Engagement that provides a place for people’s voices to be heard, transparent policy development at the local level that recognises the needs of the community based on their

input and the operationalisation of that policy not only builds trust and legitimacy but also allows for the back-end accountability mechanisms outlined above to work more effectively.

As Ponomarenko and Friedman point out, research has consistently shown that

individuals are more likely to cooperate with the police if they perceive policing as legitimate – and that an essential component of legitimacy for all government institutions is voice ... When community members are given a voice in setting policy, they are more likely to view the policies and the police themselves as legitimate – even if they disagree in part with some of the policy choices that police officials ultimately make.⁶²

This is reiterated in the UNODC *Handbook on police accountability, oversight and integrity*, which states that public accountability measures and mechanisms allow the police to ‘show that they appreciate community concerns and take these into account in setting priorities. By being responsive to the public, police can enhance “public consent”, which is commonly seen as a precondition for effective policing within a democratic framework.’⁶³

There are no shortcuts, silver bullets or one-stop solutions to policing reform

As a key component of democratic policing, public engagement in police accountability provides an accessible way to start this process at the grassroots level, with the aim of finding joint solutions to shared problems at the local level that will feed into long-term policy changes and reform at the sub-national and national levels.

There are no shortcuts, silver bullets or one-stop solutions to policing reform and achieving an acceptable level of police accountability. As a ‘complex, multi-level and multi-dimensional system’, police accountability ‘requires all stakeholders working together to ensure its effectiveness’.⁶⁴

Notes

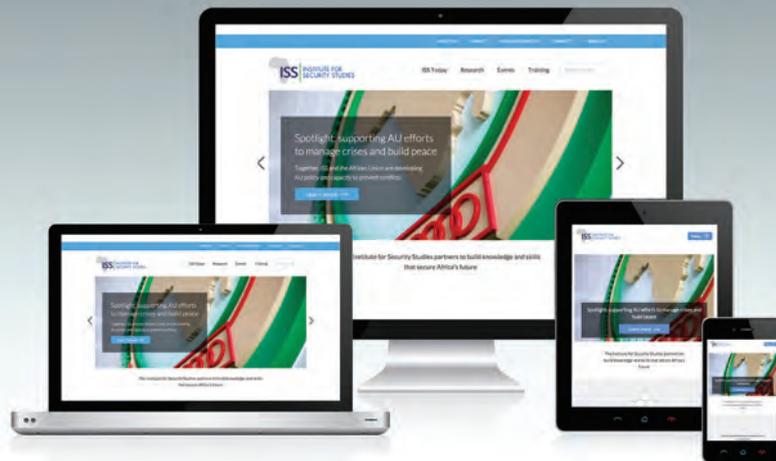
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