

# CHALLENGES OF POLICING DEMOCRACIES

**A WORLD  
PERSPECTIVE**

Edited by

**Dilip K. Das**

and

**Otwin Marenin**

Gordon and Breach Publishers

**Challenges  
of Policing Democracies**  
**A World Perspective**

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## FOREWORD

This volume is based on a series of papers presented at a symposium held in May 1995 at the Oñati Sociology of Law Institute in Spain. Participants from fifteen countries, mostly European, met to discuss perceived global challenges of policing democratic societies during a decade of dramatic geo-political change.

Nowhere was this change more evident than in Eastern Europe—the region represented most extensively at the symposium by participants from Estonia, Hungary, Poland and the Russian Federation. From the Balkans, still reeling from the bloody conflict arising from the disintegration of the former Yugoslavia, came representatives from Macedonia and Slovenia, while the strife torn regions of the Middle East had a single representative from Israel. The continents of South America and Africa were represented singly—the former by a participant from Chile and the latter by a participant from South Africa. Both Chile and South Africa remain nations emerging only recently from long periods of rule by brutal and repressive regimes.

To complete the mix of nations participating at the Oñati symposium were representatives from Austria, Switzerland, The Netherlands and the United Kingdom—all European countries with established democracies but still possessing a rich diversity of legal, political, cultural and allied traditions. In the case of three of these countries—Austria, The Netherlands and the United Kingdom—these traditions have the additional and shared overlay provided by their respective membership in the European Union.

In his introduction to this book, Professor Dilip Das has referred to the conceptual dilemmas encountered in any international gathering of this type at which the participants possess such varied backgrounds and experience regarding the topic under review. The two principal concepts being considered—policing and democracy—contain sufficient room even within a single society for extensive dialogue and debate about their content and meaning, let alone among the sixteen representatives at Oñati. Not surprisingly, no common understanding seems to have been reached about the definition of these concepts at Oñati, but the discussion flowing from the symposium, which is now reflected in this book, provides valuable insight and guidance for anyone seeking to advance policing within the context of democratic principles.

Considerable attention has already been given, principally at the level of the United Nations, for the development of common norms and standards of law enforcement including the use of force, the handling of juveniles, the prosecution of suspects and the treatment of offenders. The translation of these norms and standards into specific policing practices and procedures adopted by each of the member states of the United Nations remains a matter of ongoing concern. The Oñati symposium papers identify many of the difficulties being encountered along the road to reform in the area of law enforcement. Professor Das has expanded these policing reform dilemmas under three principal headings—organizational, operational and professional. A similar approach is adopted here.

The organizational challenges for policing which confront nations in a state of transition to democracy continue to be formidable. These challenges are not

confined usually to settling upon and putting in place a desired structural model for policing. Frequently, they extend to the design and implementation of an entirely new justice system. Policing reform can be quite meaningless if it leaves untouched former criminal laws and procedures used to maintain a non-democratic regime in power. Sweeping away an entire justice system of this type and replacing it with one which both espouses and operates according to democratic principles is a complex and time consuming task. In South Africa, for example, it is a task which has been encompassed as part of a process of drafting and passing into law a new constitution for the country, and the entrenchment within that constitution of a bill of rights. The process continues with public hearings before a National Truth and Reconciliation Commission to allow those who committed crimes in the past to seek atonement for their misdeeds—and reintegration into South African society. This Commission has already dealt with many cases involving current members of the South African police responsible for wrongdoing under the former apartheid regime.

Operational concerns also place significant obstacles in the path of policing reforms within nations experiencing radical change, such as South Africa. For example, the significant growth in organized crime which afflicts contemporary South Africa, and to an even greater extent the Eastern European nations, is well documented. So too is the troubling growth in violence associated with much of this criminal activity. There have been major and related shifts of populations across national boundaries as people seek to flee from the brutality and hardships of their own societies to safer and more prosperous havens. Much of this movement of people has occurred in Europe, exerting great stress upon the humanitarian and liberal principles espoused by Western European democracies and leading to calls for more repressive policing measures to combat illegal migration. Similar developments have occurred in the United States where the surge of “economic” migrants from Latin America and elsewhere continues to be a significant problem for United States law enforcement officials.

Many professional challenges to policing reform were also identified by the Oñati symposium participants. Foremost among these were various forms of police deviance, including the excessive use of force and corruption. Such deviance is certainly not limited to police in nations undergoing a transition to democracy. The pressures and temptations to behave in violent and corrupt ways are, however, no doubt more compelling and explicable in a society where in the past the police were required to act as the repressive bastion for non-democratic and corrupt regimes. Quashing such police misconduct and replacing it with acceptable and lawful behavior requires much more than the introduction of a code of ethics and like provisions. Much of the deviance exhibited by the police mirrors that which continues to be displayed by ruling elites in the new “democratized” societies they now serve. Rooting out this deeply entrenched corruption remains a serious problem and a significant threat to the long term viability of many of the supposedly democratic governments established over recent years in Eastern Europe and other parts of the world.

Despite the presence of these serious, sustained and widespread challenges to the implementation of new ideals and practices in the policing of many emerging democracies, the general message which arises from the Oñati symposium papers contained in this book is both optimistic and encouraging. Less than a decade ago it would have been impossible to contemplate, let alone organize, a gathering like this to discuss a topic which touches upon one of the rawest nerves in any society, namely the nature and quality of policing. The paradigm shift which has occurred in the global balance of power following the end of the Cold War has now fostered an environment which permitted representatives of the thirteen nations participating



in the Oñati symposium to engage in an open and frank dialogue about matters which would previously have trespassed immediately into barred and secret affairs of state.

Further dialogue of this type must be an essential ingredient of the change process required to bring about lasting police reform in countries such as those represented at Oñati. It should also be recognized that such reform cannot be delivered overnight. A timely reminder of this fact, and of the need for patience and an understanding of the difficulties involved, is contained in this book. The last great era of international policing reform, at least from the perspective of the common law, took place near the beginning of the nineteenth century with the establishment of the London Metropolitan Police Force by Sir Robert Peel. From this development spread the concept of a permanent and publicly funded system of policing to service community needs and operate with community support and control. That concept required more than a century to be adapted and implemented across the broad reaches of the then British Empire. Hopefully, the new democracies of this and the next century will require less time to embrace democratic policing. The present book promises to assist in facilitating and hastening the process of reform.

*Duncan Chappell*

## PREFACE

A book is the product of many contributors. Most of the papers which now constitute this volume were first presented at the second International Police Executive Symposium at the School of Sociology of Law at Oñati, Spain in May 1995. The conference was supported by a grant from that school and was attended by police officials and academics from thirteen countries. The organizing framework for each chapter—types of challenges to democratic policing and the policy responses undertaken by governments and the police—was developed at the conference and is summarized and elaborated in Das' introductory chapter in this volume.

The Oñati meeting was the second in what has become a series of international symposia organized by the International Police Executive Symposium (IPES), an organization founded by Dilip Das in 1994 to encourage international, cross-cultural and cross-occupational dialogues among police officials, academics and policy makers by bringing them together in intensive four-day workshops in interesting parts of the world, normally during the first week in June of each year. Here they can discuss specific issues, policy proposals and developments in comparative and international policing. The first IPES annual meeting was hosted by the Ministry of Justice and the Police in Geneva in 1994, on the theme of "Police Challenges and Strategies." After the Oñati conference, successive symposia dealt with "Organized Crime" (hosted by Kanagawa University in Yokohama, 1996), "International Police Cooperation" (hosted by the Austrian Federal Police in Vienna, 1997), and "Crime Prevention" (hosted by the Dutch Ministry of Justice and EUROPOL in The Hague, 1998). The theme of the symposia for 1999, hosted by the police of Andhra Pradesh (a state of the Indian Union), was "Public Order Policing."

As mentioned, the papers in this volume were initially written by participants to the Oñati symposium. However, all the papers were subsequently rewritten to fit the organizing scheme developed by the symposium participants in order to highlight policing challenges and responses in each country. In some cases revisions were done by the original authors; in other cases we and the original authors asked recognized experts to join as co-authors or become sole authors; in one case we specifically commissioned a paper on a country which we felt would be of interest as a case study (Croatia), and finally a concluding reflections chapter by Marenin was added. Some of the original papers which could not be rewritten extensively are included in the Appendix. They are included there mainly because their organization was not as complete in following the "Challenges..." organizing framework as were the other chapters. Our goal was to make the organization and discussion of challenges and responses to democratic policing as consistent, comparative and informative as possible.

We would like to thank the contributors to this volume. The book is their work. We only proposed and suggested and sat back to watch the fruits of their labors roll in. We wish to thank Kirsty Mackay, Lauren Orenstein and Louise Timko whose unstinting support (including some delicious breakfasts and dinners) sustained this work, kept us on track and, by providing the promise of a final product, motivated us to pursue what sometimes felt like a tedious and endless task. We hope our efforts, as well as those of

the contributors, repay their support, commitment and faith. We also want to thank Pam Robertson, who supervised the final editorial work on this project. Without the editors the book would not have achieved the professional look it now has. Mark Simon deserves our thanks for his continued support. We are grateful to Duncan Chappell for the "Foreword" which he graciously wrote for this volume, despite his frighteningly busy schedule in moving from one challenging assignment to another in various parts of the world.

We hope that this work will encourage a dialogue among practitioners, policy makers and academics in the fields of policing, criminal justice and related topics. This is one of the most important objectives of the International Police Executive Symposium.

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# **Section I**

## **Challenges of Policing Democracies**



# Challenges of Policing Democracies: A World Perspective

DILIP K. DAS

## INTRODUCTION

The Second International Police Executive Symposium (Oñati, May 1995) was organized on the theme of "Challenges of Policing Democracies: A World Perspective." It was attended by police leaders, academics and justice professionals from thirteen countries<sup>†</sup>. Among them there were six emerging democracies, four established democracies, and three mixed democracies. The countries placed in the first category were Estonia, Hungary, Macedonia, Poland, the Russian Federation, and Slovenia. Included in the second category were Austria, the United Kingdom, the Netherlands, and Switzerland. Chile, Israel, and South Africa were incorporated in the third category (see Table 1.1). Chapters on Israel, Macedonia and Chile, however, are not included in this book.

For the purpose of the symposium, the most relevant characteristics of the emerging democracies were that they had just recently thrown off decades of authoritarian rule and were attempting to adopt democratic political cultures and institutions. They were struggling to survive economically and all of them were passing through varying degrees of anomie (see Merton, 1938; 1957) as they strove to adjust to unprecedented developments. They were the young democracies. The police in these countries were considered by the established democracies to be in need of modern equipment and training (Lintner, 1994). The established democracies were

**Table 1.1.** Levels of democracy of the participating countries

Established	Mixed	Emerging
Austria	Chile	Estonia
United Kingdom	South Africa	Hungary
The Netherlands		Macedonia
		Poland
		The Russian Federation
		Slovenia



the stable western European countries, highly affluent and willing to export police technology to the emerging democracies. The countries in the category of mixed democracies had democratically elected governments. They were economically better off in their own regions. But they were characterized internally by volatile politics, ethnic violence (for example, Israel and its relations with the Arabs) and residues of recent authoritarian regimes (Chile and South Africa) which had unabashedly restricted democratic rights (see McCormack, 1990). The police had a rather severe image in these countries. Chile's police, for example, were part of the military junta and were charged with the extermination of opposition leaders.

Keeping in mind that the police were regarded as anathema or a potential threat in a democracy (Alderson, 1979; Alderson and Stead, 1973; Goldstein, 1977; Skolnick, 1975), the objectives of the symposium were established as follows: (1) to appreciate at first hand what the police in emerging democracies regarded as challenges in operating within the newly democratic political environment, the established democracies and the mixed democracies were invited to present their contemporary experiences of these challenges; (2) to explore the similarities and the differences of the challenges, if any, from one category of democratic societies to another; and (3) to discuss the responses and the remedies adopted by various countries at different levels of democratic achievement.

## PERSPECTIVES ON THE CONCEPT OF DEMOCRATIC POLICING

In order to facilitate a meaningful exchange of views on the theme, the participants were exhorted to spell out their concepts of democratic policing. It was recognized that such concepts were likely to be colored by culture (Triandis, 1994). Shelley (1995) referred to numerous conceptual problems she encountered in a similar gathering held in Budapest because the participants from Western Europe and those from Central and Eastern Europe came from vastly different societies. In the symposium under review, there were participants from Asia, Africa, and South America; so it was recognized that they were likely to analyze the challenges of policing and crime in very different ways. They were using similar words, but these denoted different concepts. It is easy to agree with Shelley that the participants from established, emerging and mixed democracies were perhaps not using the same intellectual arsenal to interpret the experiences of their police.

The Israeli participant's perspective was that the police were militaristic, armed and a coercive instrument of control at the disposal of the government (see Bittner, 1970). They could be utilized for policing democracies but they could not be democratic. His point of view was based on his experience in Israel, where the police were heavily armed, disproportionately engaged in security and protection roles, and only minimally involved in service tasks (see Friedman, 1986). A similar position was adopted by the Estonian participant who argued that the police could not be more democratic than the society they came from. Estonia was just emerging as a democracy but the police had been traditionally militaristic. Yet judged by the fact that they treated all criminals alike (Russians, Estonians and other groups) and that religion did not play a role in police policies, policing in this country should be viewed as democratic. The Hungarian participant stated that the police who worked with the community were democratic if they worked in accordance with popular wishes. Those engaged predominantly in law enforcement tasks could be democratic if proper and adequate supervision existed to ensure their conformity to democratic principles.

The Austrian participant viewed democratic police as people-oriented police—as giving citizens a role in crime prevention and control. It was recognized that, in the