

OPEN GOVERNMENT PARTNERSHIP POLICE AND PUBLIC SECURITY SAMPLE COMMITMENTS

September 2011

Police and Public Security¹

I. Initial Steps

Across the globe, the primary point of contact most citizens have with their government is a police officer. Competent and honest law enforcement is a mainstay of the rule of law. Insufficient or ineffective investment in the public security sector can result in weak or non-functioning security institutions, unable to respond to, or deter, crime and violence.

Goal: States make information on budgets, personnel and crime publicly available in a timely and accessible manner.

Justification: Basic information on budgets, line accountability and crime rates is necessary for citizens to assess the costs of policing and distribution of law enforcement resources relative to public safety needs as well as to other spending priorities.²

¹ OSF thanks Prof. David Bayley, State University of New York at Albany, and Prof. Hugo Frühling, University of Chile, and Director of the Center for Studies on Public Safety, for their comments

² Countries organize their police systems in different ways. Most of them have more than one police force—e.g., state police, communal police, municipal police, and/or judicial police. Some also undertake military duties (e.g., gendarmerie), and in some countries military forces supplement police forces in national emergencies (Mexico, Egypt) and/or to help carry out basic police functions (Nigeria). There may also be special police forces or units (e.g. tax and military police). In some countries, the main forces operate at the state and local levels, and national police forces specialize in addressing particular categories of crime (e.g., drug enforcement, immigration and customs enforcement).

Recommendations:

1. States should publish all laws and regulations setting out police powers (including regulations concerning the private security sectors).
2. States should publish basic budgets and lines of leadership and authority for national police force(s).
3. States should publish basic data on number of personnel (distinguishing sworn officers and administrative staff); number of police officers per capita and by region; names and functions of special units; numbers of officers assigned to each special unit; and weapons and non-lethal equipment assigned to officers.
4. States should publish the number of recorded crimes, breaking out violent crime from property crime, and within violent crime, noting numbers of homicides and rapes and other gender violence.
5. States should publish the arrest rate and clearance rate (rate of handling cases) on an ongoing basis and in a timely and accessible manner.
6. States should provide information to citizens on how to register a complaint against the police (including where and how to file a complaint, protection for whistleblowers, the process for reviewing complaints, time-frames for adjudication).

II. More Substantial Steps

Goal: States disclose more detailed information about budget allocations; cases of misconduct and complaints against police; information about the actors involved in protecting citizens; and disaggregated information on patterns of criminality and justice.

Justification: Publication of information—about the structures and numbers of police personnel, salary scales, seized assets, persons in detention, and measures of core activities of the criminal justice system—is one of the most powerful ways to protect against corruption and mismanagement in police forces, support more informed discussion of operational approaches, and improve public perception of the police. Care, however, must be taken to avoid perverse incentives, a risk especially when activity measures are set as key performance indicators. Information about patterns of criminality, including distribution and level and rates of crime, allow citizens to assess whether remedial approaches being taken are effective and whether the police are addressing crimes that affect most people, or targeting special interests or groups to their advantage or disadvantage. For instance, if a country’s budget is published revealing high amounts for the police relative to other essential functions, and the numbers of crimes recorded and arrests made are relatively low, then the public is better positioned to raise questions about efficiency and good management, and assess whether the information suggests good policy or, to the contrary, mismanagement and corruption.

Recommendations:

1. States should publish information on lines of authority and chains of command so that responsibility is clear.

2. All police personnel—including senior management, district and regional chiefs and patrol officers—should be publicly identifiable (that is, they should be required to wear badges with names or ID numbers clearly visible).
3. Private security personnel should also be clearly identifiable by company name and badge number or name.
4. Basic pay scales, qualifications for entry to the police, recruitment and promotions processes should be public.
5. Data about assets seized by the police (including real estate, cars, weapons, drugs, and cash) should be made public on an ongoing basis, in a timely and accessible manner.
6. States should publish data on complaints against police, both those received directly by police and those made to prosecutors, independent complaint bodies and ombudsmen offices, including reasons for those complaints and their disposition (including rejected, substantiated, mediated, upheld) and all disciplinary actions taken against officers.
7. States should publish information on procurement rules, regulations and procedures. All tenders and major acquisitions should be public, as well as the names of companies winning contracts.
8. Crime data should be further disaggregated by age, sex, ethnic background or nationality, weapon used if any, and region.
9. States should publish data on persons held in police detention, including length of detention, age, sex, ethnic background and nationality, and geographic district.

III. Most Ambitious Steps

Goal: States publish national crime statistics and submit datasets and other information to international bodies so that progress can be tracked over time. Information is generated that enables scrutiny of each stage of the criminal justice system from police, prosecutors, courts, corrections and probation departments, as well as coordination among the various stages.

Justification: Timely information about national crime statistics is essential in order to be able to track and address overall trends and sub-trends, and compare criminal patterns across countries. Criminal justice systems include many components that do not work independently and problems frequently arise concerning coordination between various steps of the criminal justice process. Information that tracks the progress of individuals through the criminal justice system is important both to detect and address abuse and corruption and to support development of fairer and more effective policies.

Recommendations:

1. States should compile and publish annual victimization surveys/crime reports so that overall trends and sub-trends can be monitored.³
2. States should submit data to the UN Office on Drugs and Crime for the International Crime and Victimization Survey.⁴

³ See, e.g., the US Annual Crime report produced by the FBI, and the annual British Crime Survey published by the UK Home Office, <http://rds.homeoffice.gov.uk/rds/bcs1.html>.

3. States should publish data on the number of people in pre-trial detention, acquitted, and serving sentences in prison.
4. States should make national crime data bases (including victimization surveys) open and accessible to academic researchers and civil society organizations and the general public, and further publication should be permitted without restrictions.
5. Information should also be disclosed in a systematic fashion on-line and made available locally through media and posting at police stations.
6. Data sets should be available online in formats that are easily downloadable in order to facilitate comparison with other government data sets.
7. States should collect and publish detailed information on criminal justice statistics from policing through to probation, including the following:
 - *Police data.* Basic demographic statistics on the police force and administrative staff, including sex, age group, and ethnic background or nationality.
 - *Prosecution statistics.* Data covering all steps of decision-making by prosecutors, including initiating and abandoning prosecutions, bringing cases to court, and sanctioning offenders by summary decisions.
 - *Detention statistics.* Regular data on persons in police custody, in pre-trial detention, and on bail and electronic monitoring, including the legal bases (charges) and length of detention.
 - *Judicial (Court) statistics.* Integrated systems of data related to all actors in the criminal justice system.
 - *Conviction statistics.* Data on persons who have been convicted—i.e., found guilty according to law – disaggregated by offence and by sex, age group, and ethnic background or nationality of the offender.⁵
 - *Corrections.* Information on numbers of persons in detention, distinguishing juveniles and women, and type of facility (e.g., high, medium or minimum security), early release decisions, and numbers of persons on probation. Figures should enable analysis of repeat offending and cycling through the criminal justice system.

For more information, please contact:

Sandra Coliver, scoliver@justiceinitiative.org or Rachel Neild, rneild@justiceinitiative.org
www.justiceinitiative.org

⁴ UNODC crime and criminal justice statistics, <http://www.unodc.org/unodc/en/data-and-analysis/crimedata.html>.

⁵ See, e.g., European Sourcebook of Crime and Criminal Justice Statistics, fourth edition, 2010, http://www.europeansourcebook.org/ob285_full.pdf.