

Police Reform Perspectives

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Abstract

The article examines the policing system in Thailand compared with democratic policing models. It aims to adjust democratic models to a Thai context. More specifically, some main ideas of policing systems in the US, Canada, Australia and UK are investigated: administration, public participation, transparency, training and recruitment, and professionalism. The policing system in Thailand remains troubled; it has not reached an international standard, as political interference remains a key obstacle to reform. International models have improved in terms of widespread political interference, endemic institutional corruption, the spoils system, police misconduct and public mistrust, with several techniques having been created and implemented. Ethical considerations in the recruitment process and in-service training address police misbehaviour in the US. Canadian policing considers civilian oversight a crucial aspect of the democratic policing model so as to increase public trust and participation. Similarly, Australian policing has included improvements in police-society relations and public participation in accordance with public requirements. Remarkably, policing in Northern Ireland signified a case of radical police reform with political consensus. Policing in England is an outstanding example of police administration with triangular management in which the Chief Constable is independent of the executive arm of government: he is accountable only to the law. In contrast, implementing a democratic model seems difficult in Thailand, where politicians still employ the police as their political tool.

Keywords: *policing, police reform, political interference, police misconduct, Royal Thai Police*

1. Introduction

This article focuses on how to improve the policing system in Thailand by looking at international models of policing, particularly those in developed countries. One cannot understand police reform in Thailand by an exhaustive analysis of democratic models of policing, or even by a selective and partial analysis of such models, aspects of which might then be imported and modified to the Thai context. That approach simply ignores the elephant in the room: police reform in Thailand is highly politicized; it must be approached as such. As the country's crisis from 2006 to 2011 has shown, the position of National Police Chief is a highly political matter.

The Royal Thai Police has followed a colonial model since the period of King Rama IV (Royal Thai Police, 1983; Poothakool, 2012). This model was established and influenced by Great Britain, with a distinctive pattern of administration that had been applied to its many colonies throughout the world. Under colonial rule, policing was centralized and militaristic (Bayley & Mendelsohn, 1969) with officers living in barracks, wearing military uniforms and having military ranks. It was organized around a military model even though officers were not necessarily armed (Newburn, 2008). Colonial policing systems fostered a sense of unity among officers in a common purpose, 'keeping the peace', often seen as more important than 'enforcing the law' (Wilson, 1971). Policing derived its legitimacy from its colonial masters rather than the local population. Policing systems that continued to operate under a colonial model ultimately led to a lack of legitimacy, public support, trust and public confidence.

This article investigates the key concepts of democratic policing models in the US, Canada, Australia and UK compared with the Thai model that continues to embrace a colonial structure. Such key concepts are administration, public participation, transparency, training and recruitment, and professionalism.

2. The United States of America

The US is the first country to show policing improvement in terms of ethics, training and recruitment.

Policing in the US had been beset by political interference. Even by the second half of the twentieth century, the police forces of large cities such as New York continued to be dogged by corruption, nepotism and unequal treatment based on social status. In response, new training schemes have been introduced against a positive picture of falling crime rates, but difficulties persist, such as high-profile cases of brutality and misconduct by officers of the Los Angeles Police Department (LAPD).

Widespread corruption was so much part of everyday policing in the old Northern cities of the country, such as that reported by the Knapp Commission in New York in 1972, that special operations and units had to be set up to tackle the problem (Lundman, 1980). Administrators had to review ethics-training programs within the professional policing model. They accepted the failure of earlier training, which did not recognize the need to embed the subject as a core value. Also noteworthy was research from the Commission on Police Integrity, which investigated corruption in Chicago (Commission on Police Integrity, 1997), and was seen as essential to establishing higher standards in relation to recruitment and screening. Newburn (1999) summed up the key elements of the Commission's recommendations:

‘... the introduction of full screening of the background of all candidates; a higher minimum age to be set at 23, arguing that 21 was too low (in that it wouldn't allow for sufficient evaluation of adult work and behavior records); candidates with experience of higher education should be sought and those who continue with their education once hired rewarded; and, most controversially, the use of polygraph testing in its initial screening of candidates (a practice already used by some U.S. law enforcement bodies).’

Newburn (1999:28)

Common screening practices in the US now include: the Civil Service Exam; physical agility tests; psychological examinations and interviews; medical examinations; situational tests; polygraph examinations; and comprehensive background investigations (Jordan et al., 2009). Importantly, ethical considerations are included in the recruitment process and can be extended to strategic placement in new-hire and in-service training so as to tackle misconduct. In New York, training strategies were improved with a new focus on ethics, especially for those in supervisory positions (Giuliani & Bratton, 1995). However, such codes of ethics may have less impact on conduct when officers are confronted with actual situations (Delattre, 1989).

Policing development in the US is likely to be a blueprint for Thailand regarding ethics, training and recruitment. The citizenry tends to agree with requests from trustworthy officials more readily because their intentions and conduct can be ascertained with some degree of confidence (Luna, 2000). Law enforcement agencies that address the problematic behavior of officers enjoy greater public trust and, therefore, will obtain greater collaboration in programs designed to decrease crime (Bayley, 2002; Harris, 2005).

3. Canada

The policing system in Canada is an instance of the transition from a colonial model as part of the British Empire to a democratic model. The British Parliament kept limited rights of political control that were shed only by stages well into the twentieth century. The modern Canadian policing system is now highly decentralized, with a large and diverse number of local police forces supplemented at the provincial and national levels. In total, Canada has 461 police departments consisting of 450 municipal forces, 10 provincial forces, and the Royal Canadian Mounted Police (RCMP) at a national level. The RCMP also serves as a general-purpose police force in some regions, mostly in the prairies, the far west and the Maritime provinces.

The Canadian Policing system has two major issues to be discussed: central police training and civilian oversight. For the former, the RCMP supports the provision of specialist policing services for the various law enforcement agencies throughout the country. Central services include forensics, detection, intelligence and national as well as local training. Although police forces in the provinces also provide such

services directly, they can ask the RCMP for assistance. As a co-ordinated national service, the RCMP is needed to deal with such activities as organized crime, computer crime and terrorism. In principle, the Thai Police HQ in Bangkok should provide similar, co-ordinated assistance, but police regions are often left to their own devices.

Another crucial aspect of the democratic policing model is civilian oversight. In Canada, a civilian board acts as a central element in monitoring police activity by ensuring that policing has been up to standard and the police are responsive to community needs. It is seen as striking a balance between community interests and the authority invested in the police. Sources portray the Canadian police as well trained, understanding of the needs of the community, exercising fair internal discipline, and contributing to a free and democratic society (BC Police Board Handbook, 2005). Nonetheless, it has been claimed that existing oversight mechanisms are weak and lack broad-based community representation (Cooley, 2005). Critics argue that the system requires further reform to provide a regulatory framework that offers more support for democratic policing values.

In contrast with Canadian policing system, the Royal Thai Police still favour a colonial model; the policing system has not been decentralized (Poothakool & Glendinning, 2013). Police training, in particular, is tied to Police HQ's budget allocations. Provincial Police Regions 1-9 should be able to manage their own budgets based on local requirements. Meanwhile, the Royal Thai Police should play an important and active role in supporting an effective training program to Provincial Police Regions 1-9 so that policing strategies reach international standards.

A police transparency mechanism must be assessed and implemented, though Thai society is unlikely to accept public scrutiny. A study by the National Anti-Corruption Commission (2009) claims that a police career has the greatest number of associated corruption problems and the Police Department continues to be regarded as the most corrupt of all government agencies (ABAC, 2010). Related to these findings, formal (*Amnat*) and informal power (*Itthiphon*) are key to the operations of Thai bureaucracy (Riggs, 1966) and public administration: linking bureaucrats, politicians and businesses in relationships of mutual assistance (Tamada, 1991). Therefore, the establishment of civilian oversight can lead to more troubled circumstances in Thai communities.

4. Australia

Australia has seven state police forces and a federal force in the capital. The democratic model has been applied to all those forces. An astonishing aspect of the democratic model in Australia is police-public relations, especially the implementation of the community policing concept.

The notion of community policing in Australia continues to face significant obstacles. First, the meaning of community policing has been interpreted differently within the police service, even among senior managers. Some officers think it aims principally to re-shape geographical areas of command, others to deal with problems associated with vulnerable, disadvantaged or less well-educated social groups, and still others to allow officers to talk directly to the media. In addition, the majority of forces often fail to differentiate community policing from public relations. Policing needs to do both. Second, many officers assume the community policing approach is not a major goal of policing, but an add-on. It is seen by officers as irrelevant to the main duties of the police, such as apprehending offenders and protecting the public. In practice, officers see their function as traditional policing, patrolling and investigating crimes. Officers required to participate in community policing efforts are perceived as incompetent misfits. Consequently, officers pay less attention to community policing than to the traditional duties they see as their main functions as police officers.

There is no blueprint for incorporating community policing into traditional policing activities. Obviously, general policing responsibilities need to be met, but the new approach also has to be implemented. It is difficult for officers to do all of this while performing what they regard as their key duties without guidelines, particularly for rank-and-file officers. Besides, the equipment and resources may be unavailable to officers at the operational level. Managers must revise policies to integrate community-oriented policing with traditional policing patterns. Following on the 1997 Constitution, the most recent Thai administrative reforms to policing were intended to promote greater community participation, but representation on local police station committees that were set up throughout the country in 2004 was highly selective and biased, reflecting unequal treatment and discrimination on the basis of social status

typically experienced by the public. In practice, representatives of local police station committees are selected by the head of the police station. Locals are chosen primarily on the basis of social status, influence, their involvement with business and, due to chronic under-funding, on their ability to support the local police with money and other resources. Incorporating a community-oriented approach to Thai policing is appealing, but as the Australian experience shows, practical implementation is not easy, notwithstanding a democratic model and the cultural context.

5. The United Kingdom

Policing in England and a new arrangement in Northern Ireland are concrete examples of effective policing in terms of organization, public participation and transparency.

In England, a triangular arrangement of police administration appoints the Chief Constable (chief officer) of each Police Authority (region) as an autonomous agent whom the government cannot control and direct. Under this decentralized system, the Chief Constable is independent of the government's executive branch and is accountable only to the law. The Police Act delineates the relationship among three main agencies: central government, in the form of the Home Office; local government, in the form of Police Authorities; and Chief Constables, who are the senior officers of local forces within authorities (Brewer et al., 1988). These agencies supervise the police. The Home Office provides a wide variety of central services that include training, forensics and research. In operational terms, the senior government minister at the Home Office is charged to direct national police policy and inspection of the force. Police Authorities consist of elected local government officials and unelected local magistrates. Their main function is to ensure the maintenance of an adequate and efficient local force and to develop local plans with the region's Chief Constable, framed by the Home Office's wider objectives (Docking, 2003). However, in London, the capital city, the Home Office works with the Police Authority for the Metropolitan Police due to the Met's national role. The London Metropolitan Police – established in 1829 – is responsible to Parliament and can be directed by the Home Office to undertake national investigations and law enforcement (Bayley, 1992).

It has been argued that this tripartite structure exhibits particular strengths. In principle, it provides democratic supervision of policing. Even though there had been a drift towards more centralization (Reiner 1991; Reiner 1994; Jones et al., 1994), the policing system devolved authority to local forces. Forces largely run policing operations by themselves to cope with crime and public disorder. Nonetheless, all policing operations can be inspected by the Police Authority, and by this, the public. The structure is still seen as the mainstay of effective policing while maintaining the interests of justice and fairness rather than political favour (Tupman, 1999). For example, a study sponsored by the Home Office (2003) suggested that only about 1.5 percent of police staff (officers and civilians) were possibly (but not necessarily) corrupt. However, the issue of the use of what are seen as traditional policing methods has been under review in England since the 1980s.

Public participation in England plays a pivotal role in police transparency. Police Committee Consultative Groups (PCCGs), for instance, are part of the vision to increase accountability through greater transparency and to build, or re-build, confidence in policing (Mawby, 2002). They were set up to provide mediation among the local community, the police and Police Authorities. Typically, liaison committees work closely with local people and communities. Committees were intended as forums for the police to elucidate how they should proceed, but they also became forums for criticism of police and policing methods. Police forces in England also applied Neighbourhood Watch schemes, 'policing by consent' and 'police professionalism' to their activities. Additionally, aspects of human rights, civil liberties and a new code of conduct have been introduced. Policing in recent decades has emphasized the inclusion of local agencies and people to conduct audits to produce community safety plans. Overall, communities were to assume a greater role. Commentators such as Trojanowicz and Bucqueroux (1990) have argued that community-oriented policing is compatible with organizational and operational police structures. However, questions remain about how well policing has operated. The challenge has been to make the transition from a more traditional model to civil policing.

Indeed, only recently and after years of debate has policing in England moved fully to independent, external examination, despite considerable resistance within the force itself. According to the mission

statement of the Independent Police Complaints Commission (IPCC), which became operational in April 2004:

‘When such oversight is effective it plays a vital role in protecting individual human rights, ensuring public trust and confidence in the police, and promoting the efficient operation of law enforcement’.

(Independent Police Complaints Commission, 2006: 6)

The IPCC is an independent unit established by the 2004 Police Reform Act. Its primary purpose is to increase public confidence in the police complaint system by investigating the most serious complaints and allegations of misbehaviour by the police as well as handling appeals from people who were dissatisfied with the way the police had dealt with their complaints. IPCC decisions are made independently of the police, government and complainants (Independent Police Complaints Commission, 2010). In the Thai context, members of the Police Reform Committee cited the IPCC model. The 1997 Constitution enshrined the idea of Ombudsmen for the National Assembly to investigate complaints about the civil service and its agencies, but the Police Reform Committee considered establishing an Ombudsman’s Office to deal with complaints about the police in particular, alongside other public scrutiny mechanisms more akin to the IPCC. They were also particularly interested in the complete overhaul of policing, which had happened in Northern Ireland following recommendations in the Patten Report (1999).

Northern Ireland

The Northern Ireland experience represented an extreme instance of policing that was partisan and served the interests of only one social group. The role of the state in Northern Ireland for most of the twentieth century was to maintain (Protestant, British) Unionist rule, supported by the police as a state institution, against the claims of (Catholic, Irish) Nationalists in the province. The British had had a colonial presence in Ireland for many centuries. The Royal Ulster Constabulary (RUC), as the province’s police force after the partition of Ireland, was established when the previous colonial Royal Irish Constabulary (RIC) was disbanded in 1922. The RIC’s primary function in Ireland had been to deal with a history of rebellion and political disorder (Hillyard & Tomlinson, 2000). The RUC played a pivotal role in the conflict in Northern Ireland (Ellison and Smyth, 2000); it was widely censured for its abuse of power during the period of turmoil beginning in the 1960s. The RUC had inherited the colonial model of policing from the RIC and the subject of police misconduct inevitably became a major problem. Pino and Wiatrowski (2006) highlight the key elements of the RUC’s approach as: politicized policing; polarized communal relations; systematic bias in law enforcement; dual responsibilities for internal security as well as for everyday law enforcement; wide latitude in the use of power, including force; absence of effective accountability mechanisms; and group monopoly of top posts and lack of representation. The conflict in which the RUC was required to act on behalf of the state highlights the vexing question of the relationship between policing and politics, and more generally, between policing and the state (Ronald, 1995).

Thirty years after the first inquiry into policing in Northern Ireland conducted by Lord Hunt, the Good Friday Agreement in 1998 provided the framework for political reform. One element of the agreement was the foundation of an independent commission to consider the problem of policing. It was believed the ‘agreement provides the opportunity for a new beginning to policing with a police service capable of attracting and sustaining support from the community as a whole’ (Northern Ireland Office, 1998). The independent commission was to consider key elements of a democratic model for policing, namely: legitimacy, local accountability, decentralization, transparency, public participation and effective policing, as well as aspects of joint cooperation with Irish police agencies in the South. The Independent Commission on Policing in Northern Ireland issued its report in 1999, commonly known as the Patten Report. It was the blueprint for implementing a new model for policing in Northern Ireland after all previous attempts failed.

The Independent Commission’s reform proposals contained numerous aspects. First, a new Policing Board would be established with 10 political representatives from the Assembly and nine independent members nominated by the Executive. The board would have the authority to formulate

policing policies and goals and would hold the Chief Constable accountable for his decisions and actions. Second, a Police Ombudsman's office would be established as an independent agency. Its main function would be the investigation of all allegations of police misbehavior and complaints against the police service. To provide transparency, it would be open to public scrutiny. Third, a code of ethics and professional conduct was drawn up to international standards. An officer unable to achieve those standards would be liable to discharge from the service. Fourth, mechanisms of public involvement would be established to ensure that the whole community participated in the new arrangements. Each of 21 local districts would be required to have a Policing Partnerships Board (DPPB), whose members would act as community representatives chosen by local government to be involved in the process of local policing. Finally, the RUC was disbanded and the force was to be known as the Police Service of Northern Ireland (PSNI). Name and uniforms were changed.

The key message for police reform in Thailand is that successful implementation of the Patten Report's recommendations to establish a new system of policing in Northern Ireland – with its new Policing Board, Ombudsman's Office, Code of Ethics and Conduct, Police Partnership Boards and change of identity, name and uniform – would not have been possible without political consensus. The discredited RUC was disbanded and the legacies of colonial policing abandoned.

6. Conclusion

The Thai policing model is far from the alternative models of policing in theory and practice. Issues of widespread political interference, endemic institutional corruption, continuing operation of a spoils system of patronage and favours, serious police misconduct, abuse of power and deep-seated public mistrust are unlikely to be changed easily. Furthermore, the political arena still favours employing the police as a political tool, for example, police crack-down operations that target opponents and critics. The main aspects of the democratic policing model need to be rigorously implemented by the Royal Thai Police. These include decentralization, public participation, civilian oversight, training and recruitment, and effective policing. Apart from these, budget shortfalls at the local level should be addressed.

Thailand needs long-term strategic planning to implement a democratic policing model, though that implementation is not achieved easily. Existing oversight mechanisms in Canada, for instance, are weak and lack broad-based community representation (Cooley, 2005). Applying public participation as seen in Australia would be difficult due to differing cultural contexts. The key message for police reform in Thailand is that successful implementation of the Patten Report's recommendations to establish a new system of policing in Northern Ireland – with its new Policing Board, Ombudsman's Office, Code of Ethics and Conduct, Police Partnership Boards and change of identity, name and uniform – would not have been possible without political consensus. The Royal Thai Police force remains deeply enmeshed in politics, used as an instrument of political power to support one side or another.

7. References

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