

Human Dignity/Human Rights and the Police: Training that Manifests Rule of Law Operations

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Introduction

Issues of human dignity and human rights are rooted in the principles of the rule of law. In fact, in societies that are often fragile, unstable and even corrupt human dignity and rights are usually sacrificed, making it difficult to preserve the rule of law. In light of this, the goal of training in this area should be to reacquaint participants with the inherent values in the rule of law.

Many private, public and governmental institutions have developed training programs that promote peace, democratic principles, social justice and human rights education (Scanlon 2002). Internationally there are a myriad of training programs on issues related to the rule of law and human rights. Much of this training employs innovative modules and tools that speak to best practices and the development of professionalism as a means of preventing violations of human rights and sustaining peace efforts. Training in “peacekeeping, peacemaking and peace building” for example, engage models that address preventive measures towards conflict and dispute resolution through planned social change (Green 2002: 97; Iribarnegaray 2002: 8). Through a focus on strategies that promulgate peace efforts these models are inextricably intertwined in their mission to ensure grater communication and less hostility that in turn operationalize the rule of law (Iribarnegaray 2002: 8).

The Human Dignity/Human Rights and Police Course much like other training in the area seeks to build bridges of understanding

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and address ways of dealing with injustice internally within any law enforcement agency as well as externally in the relationships that are developed with the community and other organizations. However, two basic tenets separate this training from others. One is the focus on dignity. The other is empowering participants to assess the issues they perceive as problems and collaborate on developing the best techniques they can use to facilitate highly participatory training sessions. In this vein, the trainers are trained to not tell the participants what to do but instead to work collaboratively, networking and paying attention to everyone's issues in order to help them determine the best approaches for their needs.

Buhler (2002), in assessing methods of participation asks us to take into consideration the struggle of the Zapatistas in Mexico who insist on achieving justice and participatory efforts by practicing human dignity. The Human Dignity/Human Rights and Police Course also emphasizes the respect for human dignity in course participation and seeks to "imbue law enforcement practice with a sharpened understanding of human dignity as an innate quality possessed by all human beings" (Curran and Rothlein 1999). By further developing this knowledge base the trainers and course participants work towards "acknowledging others [and themselves-added] as bearers of rights" (Kleinig 1999). Similarly to the Zapatistas (Buhler 2002) the focus on dignity seeks to provide an environment where respect for others and one-self is essential. The premise is not to place blame on others but to identify problems and develop solutions while at all times respecting, communicating, sharing the ideas, suggestions, thoughts and feelings of all whom are effected by the issues. Thus, the emphasis on dignity assists in providing a level of real participation which is essential in preventing "exclusionary practices" (Buhler 2002: 6).

The course facilitated an assessment of human rights, morality, personal integrity, and professional ethics (Curran and Rothlein 1999). It provided an opportunity to consider and carefully analyze our experiences and behavior in an effort to create positive institutional change by examining ethical decision-making, transitional leadership skills and creative implementation strategies via a focus on human dignity (Curran and Rothlein 1999).

The idea of a course which dealt with human dignity issues and the police was part of a collaborative initiative by faculty and administrators from John Jay College of Criminal Justice (City University of New York, New York, USA), the International Criminal Investigation Training Assistance Programme (ICITAP), and the Federal Bureau of Investigation (both U.S. Department of Justice). In keeping with the spirit of collaboration and the notion of dignity as a bridge, a team from John Jay College appointed by the College President developed the course methodology and curriculum. The methods were developed to assist participants in

evaluating institutionalized violations to their dignity as well as the publics. The course sought to develop self-awareness by having officers recognize how their own behavior and attitudes impacted on the public, within the organization and among peers. In groups, participants shared experiences and evaluated how negative behaviors and treatment could lead to human dignity violations that in turn result in social scars.

In all of the International Law Enforcement Academies (ILEA) the course served as a vehicle for law enforcement agencies from different countries to come together and discuss problems and solutions in approaches and methods that each organization had implemented. In country teams participants assessed policies, procedures, training and treatment that were in concert with or in violation of the rule of law practices. The groups were asked to develop a plan for implementation in their respective organizations that demonstrated how respect for human dignity, human rights and the rule of law would be strengthened and reinforced. These evaluations and the issues identified were then shared with all participants who further questioned and discussed how the commitment to human dignity and human rights was clearly reflected in the intended policies and practices presented.

Problem

Training is an essential ingredient in the preparation for any profession and is certainly significant in the professional preparation for law enforcement agencies. However, lack of training or poor training will eventually surface in issues of insensitivity during a response to any situation (Solis 2004). Thus, training for law enforcement professionals should offer greater opportunities to assess the ways law enforcement officers, as authority figures, do their jobs. It should also help them assess how they perceive themselves, their roles and their relationships to the communities they serve. According to Curran and Rothlein (1999), authority figures can do an enormous amount of good or harm in meeting their responsibilities. These authors contend that law enforcement officers “are part of a subculture prone to in-group, out group, we-they attitudes that interfere with objective analysis; that there are reasons why social outcasts are estranged from the larger society; and that given adequate self-reflection, attitudes and behaviors can change.” For law enforcement officers respecting and protecting the human dignity/human rights and the rule of law, requires affirmation of the fundamental importance of these values in their day-to-day work. Thus, training in this area should not encompass lectures that prescribe what to do. Instead, training must work to reacquaint participants with the fundamental “meaning of values and ethics in their own lives” and in their daily work (Curran and

Rothlien 1999). Training in this area should also view participants as collaborative learners incorporating their experience, knowledge and analysis as an essential part of the training. In addition, the training program should train the trainer to practice and implement the skills they are learning. Yet, few training programs focus on actually training-the-trainer. Little, if any, attention is paid to providing trainers with insight into the design of a course, exploring student-centered adult learning strategies and the application of these strategies in the approaches that might be used to refine or further develop a course to fit the specific needs of the participants. In the same vein, limited consideration is given to the issue of dignity, how we respect ourselves and others (Buhler 2002), when developing and implementing training that involves participatory approaches between law enforcement personnel and the public.

The Training Approach

The human dignity course serves as a collaborative learning approach which incorporates participants' experience, knowledge and analysis. The goal of training is to reacquaint participants with human dignity and human rights which are values inherent in the Rule of Law. A variety of experimental learning approaches including: role play, simulations, case studies and structured exercises are utilized throughout the course. These non-traditional teaching and learning approaches assist law enforcement officers in examining the results of negative interactions and the power of authority figures (Curran and Rothlein 1999).

Participants and course facilitators work in a collaborative and participatory manner to define human dignity. The definition then becomes part of the process that aids in assessing how human dignity fits into their work and lives. Thus, human dignity becomes the epitome of initial discussion in the course. By reflecting on their values, work and lives, participants develop a working definition or word picture of human dignity. Initially the definition is used to demonstrate how easily one can develop words that define human dignity. Moreover, facilitators use the definition to assist participants in recognizing the difficulties in actually implementing human dignity consistently. In this way dignity is not viewed as a tool to simply define a concept. Instead, it becomes the method used to assess what they did, why they did it and how they could ensure that everyone becomes part of the process in a way that assured respect and rights (Buhler 2002: 6, Curran and Rothlien 1999). Kleinig (1999: 12-13) suggests that the focus on human dignity reinforces the "United Nations codes of conduct for law enforcement officials." The human dignity course explicitly made this connection from the very beginning via the definition exercise. This goal became implicit in the final exercise on implementation.

The implementation exercise empowered participants to assess how the values stated in the code of conduct, using the United Nations Universal Declaration of Human Rights, could be implemented in a practical way within their respective law enforcement agencies.

The historical perspectives of human dignity and rights in law enforcement were connected to the dialogue by working on an exercise that provided information about persons or events identified by participants as champions of human dignity and rights. This exercise identified the champions of human dignity and human rights who were responsible for spearheading unheard struggles in a cadre of diverse communities, cultures, racial and ethnic groups throughout the world. In most cases such champions had to make great efforts to bring their message to the top of governmental and community agendas.

Participants assessed personal dignity violations before they moved on to examine themselves as authority figures. They engaged in an exercise that began a discovery process about their own vulnerability. They were asked to examine a time prior to the age of 15 when they believed an authority figure (parent, aunt, uncle, teacher, coach, *etc.*) hurt, humiliated, disrespected, them in the most devastating way. Participants usually “sympathize, empathize and identify with each other” (Pitt 1999: 67) in this exercise. They learned about each others’ exposure to helplessness, and gained a perspective on the power of authority and privilege (Pitt 1999: 67). Consequently, participants established trust amongst each other and with facilitators. This was the pinnacle for beginning a process of open and honest communication with all group members.

Law enforcement officers are then asked to examine the results of negative interactions with the public. They assess themselves as authority figures and learn to distinguish behaviors and attitudes and their impact on the public. They evaluate how negative behaviors and treatment could be “the results of social scars—viewing some as social outcasts, in-group/out-group subcultures and we-they attitudes” (Curran and Rothlein 1999). They critically assess police misconduct and public condemnation as well as how they are often “victimized” by their institutions (Pitt 1999: 68). Thus, the course methodology assists participants in evaluating organizational violations to their dignity as well as the public’s. It also assists them in developing “practical ideas, guidelines to deal with difficult people, employers, training courses in the police academy—incorporation of human dignity” in their daily work and lives (Pitt 1999: 73-74).

Trainer's Role

The trainer's role was to facilitate real assessment of values and behaviour and to ensure that there was sincere and candid communication and identification of real native problems. The trainers role is first to create and secondly maintain an atmosphere that was free of language and behaviour "construed as violations of human dignity" (Pitt 1999: 63-64). Trainers had to maintain a respectful setting and be exemplar in the practice of human dignity. They had to be active facilitators of the learning process. Trainers needed to listen intensively to participants' presentations, acknowledge their genuine contributions and collaborative efforts. They had to provide feed back, explain the reasons behind every exercise and ensure that all group members moved to the next level. Trainers had to encourage full participation from all involved in training process.

The International Law Enforcement Academy (ILEA) in Budapest, Bangkok, and Botswana

The human dignity course was developed by John Jay College in 1992. It was initially taught throughout Central and South America, and the Caribbean. This was made possible through the sponsorship from the United States State Department via ICITAP (Curran 2001). In 1995 the course became part of the core curriculum in the leadership training program at International Law Enforcement Academy in Budapest, Hungary (Curran 2002). The success of the course at ILEA Budapest helped secure the course offering at ILEA Bangkok in 1999 and at ILEA Botswana in 2001. A senior course facilitator from John Jay College was part of the needs assessment and curriculum development conferences for ILEA Latin America opened in 2006 in El Salvador. The Human Dignity and the Police Course served as a key component in the core curriculum of federally funded international programs for thirteen years.

The U.S. Department of State and the Department of Homeland Security "conduct needs assessment conferences to determine the training needs of law enforcement agencies of countries in the regions identified for service by the International Law Enforcement Agencies" (Pate 2005). These conferences are usually held in one of the participating countries. Each of the ILEAs Budapest, Bangkok and Botswana, and Latin-America, hold needs assessment conferences for their regions prior to the establishment of ILEA in a host country. The purpose of these conferences is to "identify individual country and regional law enforcement training needs that could be addressed by specialized training courses

provided by the ILEAs” (Pate 2005). The process involves networking with participating countries and gathering both qualitative and quantitative data. The data collection process is conducted by contracted services of the Police Executive Research Foundation (PERF). Representatives from the United States federal law enforcement agencies and John Jay College served as facilitators at the conferences for Latin America and Botswana. The conferences held in Budapest were facilitated by faculty from the University of Virginia with participation from the U. S. federal law enforcement agencies and John Jay College. At all the conferences the trained facilitators conduct workshops with the country teams to discuss and assess the crime problems and agency needs for each country represented. Participants are surveyed and results are tabulated by PERF representatives (Pate 2005)

Needs assessments and analysis for the ILEAs are followed through by Key Leaders Conferences. A Curriculum Development Conference is held prior to the opening of ILEA and then every year after to examine need changes in the curriculum and/or add new courses. Representatives from all of the participating countries in the region are invited to take part in all of the conferences. The United States federal law enforcement agencies have representation from The Department of Homeland Security including: Investigation and Customs Enforcement Bureau (ICE), Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), Alcohol Tobacco and Firearms (ATF), U.S. Marshals, International Criminal Investigative Training Assistance Program, Overseas Prosecutorial Development Assistance and Training Program (OPDAT), Department of State, the Financial Crimes Enforcement Network (FinCen) of the Department of Treasury, the Internal Revenue Service (IRS) (Pate 2005). In ILEA Budapest there were two institutions of higher education which formed part of the United States collaborative team in the conferences, the University of Virginia and John Jay College. However, John Jay College was the only institution of higher education involved in the conferences for ILEA Botswana and Latin-America.

The issue of Human Dignity/Human Rights was always identified by most participating countries. As a result of this, John Jay College has provided training in this area at all of the ILEAs. The issues of human rights are assessed through the process of examining behavior as influenced by personal decisions, peers, authority figures and professional responsibility. The course assisted participants not only in evaluating their own behavior but also in focusing on the concerns of others. Participants discussed and examined comprehensive communication strategies and developed methods to enhance their services, outreach and response to the communities they service. Participants also worked on strategies to protect society’s outcast, vulnerable populations, and the rights of

minorities. They were encouraged to evaluate their mandate to protect all people and develop policies they deemed as necessary to protect the dignity and rights of those identified as the most vulnerable in their communities. After working on the exercises participants presented very detailed approaches to resolve issues identified in every area discussed.

The United States Embassy sponsored Human Dignity Training in the Dominican Republic

Five years ago, at the request of the of the U.S. Embassy in the Dominican Republic and in collaboration with *La Policia Nacional* and the *Universidad Ibero-Americana* a train-the-trainer program was launched in the Dominican Republic. The objective was to train participants to facilitate the Human Dignity and the Police Course. Participants first experienced the course learning about the model and the student-centered adult learning approaches. Once they had gone through that process they were then encouraged to put their new skills and techniques to practice. Participants facilitated exercises they developed to meet the specific needs of the Dominican Republic. They received feed back from class participants and the senior facilitators on how to keep the overall focus on dignity and rights and get the most participation and collaboration from their groups (Curran 2002).

The most significant part of this session was that for the first time the participants were not all from law enforcement agencies. The population of participants in this training program was comprised of people from the community and law enforcement officers. In essence we were training members of the public to work collaboratively in teams with law enforcement officers and facilitate training on issues of human dignity, human rights and the police. Another interesting factor was that the training was occurring during a time when there were serious conflicts and tensions between the police and the community in the Dominican Republic. The United States Embassy was interested in investing in resources that could assist in resolving the conflict. The current administrators of The National Police (*La Policia Nacional*) in the Dominican Republic were also interested resolving the issues they were experiencing between the community and the police. The Chief of Police and his General Council/General of the Human Dignity Institute for the National Police had actually participated in the Human Dignity/Rights and the Police Course several years earlier. As a direct result of their participation in the course when it was sponsored by the State Department via the FBI, they developed a Human Dignity Institute in the Police Department. It was at their request that the U.S. Embassy contacted John Jay College of Criminal Justice to provide this training.

The training course in the Dominican Republic exceeded all of our expectations. A primary group of facilitators were trained and the course was redesigned and tailored to address issues specific to the police and community. John Jay College senior trainers continued to work with local facilitators and moved the training into 10 different towns or provinces in the Dominican Republic. Each training session had 30 to 40 participants. All training sessions had an equal number of community and police representation. All training sessions commenced with an enormous amount of tension between both groups. As we worked and insisted on placing human dignity above all things in our discussions we achieved the respect and rights of all. Both police and community members identified and confronted common dignity violations. They gained an understanding for the power of authority and privilege. They worked intensely in subgroups identifying and resolving negative encounters with citizens, police and institutions. They were able to demonstrate and “see how very vulnerable human dignity can be in face of intense, hostile, ‘in’-group/‘out’-group conflict” (Pitt 1999: 71). They learned that part of the process was to initiate a cooperative relationship with others.

Police and community members discussed issues of trust, corruption, abuse and overall service. Studies on issues of trust between police and communities indicate that the public tends to view police “as part of a system that cannot be trusted” (Solis 2004: 98; Peak and Glenser 1996: 211). The community group members in the Dominican Republic initially had similar perceptions of their police force. It was only by listening, communicating and working collaboratively with each other that they gained an understanding of each other’s perceptions and concerns. The focus on dignity in the collaborative participatory process enabled both the police and the community to respect each other and candidly talk about issues and gain trust in each other. Once trust was established the group was able to clearly identify problems and develop solutions. The Human Dignity/Rights Police Course in the Dominican Republic actually served as vehicle for real community policing and it supported the operation of the rule of law. Community policing was fostered in the cultivation of better communication between the police and the community which in turn promoted problem identification and resolutions and gave the community a role in the policing process (Trojanowicz, Steele and Trojanowicz 1985: 2; Solis 2004: 8). The of rule of law was applied as the ultimate goal was to create an environment where respect for human dignity and human rights was discussed, implemented and practiced at all times.

Conclusion

Despite the fact that the course fared well according to instructor evaluations in each of the ILEA academies, one of the major short falls has been the lack of follow-up program evaluation. There has only been one follow-up evaluation that dates back approximately over ten years. In 1993 there was an evaluation to study the implementation of human dignity course skills in Jamaica and Honduras. The course had received very favourable responses in class evaluations from these countries. Jamaica indicated in the implementation evaluation that they had incorporated the human dignity course into the police academy curriculum. As a result of this, they had seen both institutional and personal changes in their law enforcement personnel (Price 1999: 109). Since then, there have been no formal follow-up evaluations in any of the ILEA participating countries. Thus, there has been no official demonstration as to whether participants actually implemented the course material and training in their own institutions or academies and what success, if any they have had in implementing such a course. There have been very positive informal discussions in e-mails and courses as to the value of specific skills gained in the course. Graduates of ILEA often send e-mails or word back with current course participants about the implementation and use of skills used in the course. For example, ILEA graduates from Albania and Macedonia sent word to instructors with new ILEA participants about how a border dispute was settled between both countries. According to the information presented, those sent to settle the conflict had all participated at ILEA Budapest. They employed skills learned in the Human Dignity and The Police Course to settle the problem and there were no adverse effects. On occasion course facilitators also receive e-mail from graduates who discuss course implementation and ask further questions. While this by no means formally measures the success of the course, it does provide some insights and perhaps demonstrates a need for a more formal evaluation to be conducted.

The Dominican Republic may serve as the best example for course implementation. The Dominican Republic has actually institutionalized the program in their National Police Agency. They developed a Human Dignity Institute within the National Police after their first introduction to the course in 1993. In 2000, they reaffirmed their commitment to the Human Dignity and the Police Course through their collaborative efforts with the U. S. Embassy and *La Universidad Ibero-Americana*. Their objective was to identify and train police and community members to continue course facilitation throughout their country. To date these facilitators continue to work together to meet their goals of working with every province on issues of human dignity and human rights.

It is important to note other issues with reference to training at the ILEAs. While there was vast racial and ethnic representation between the ILEAs, women were under-represented as participants at all the academies. In comparison, ILEA Botswana usually had the highest representation of women in training courses averaging approximately 7 to 8 women per class. Participants at ILEA Botswana consistently voiced their concerns about the limited representation of women. In the Human Dignity/Human Rights and the Police Course participants from every country represented in ILEA Botswana always identified this as a problem needing resolution in their institutions.

The issue of the women's rights and dignity violations of women always surfaced at every ILEA and in the Dominican Republic. Even when there were no female participants in the course the major focus on course exercises became issues relating to women. Oftentimes, women were identified as outcasts in society and in law enforcement. Women have historically had fewer opportunities for employment and promotion in law enforcement. They have struggled with issues of sexual harassment and lack of representation (Schultz 1995). The fact that their male counterparts internationally are identifying them as more vulnerable, within and outside of the law enforcement organization, and that they demonstrate interest in protecting their rights and dignity denotes a substantial change in law enforcement practice. Thus, in the Human Dignity/Human Rights and the Police Course participants were not only assessing their relationship with the public but their relationship with their colleagues and gender issues.

Overall, the Human Dignity/Human Rights and the Police Course encouraged law enforcement officers to treat the community they service as well as each other in more humane and respectful ways. Through practical and collaborative efforts it instilled the impact of acknowledging and understanding the human dignity and rights of all persons in implementing law enforcement policies and practices. In addition, the collaborative relationship between the federal law enforcement agencies and institutions of higher education put forward a partnership that was both recognized and welcomed by international law enforcement agencies and communities. Such focused approaches can generate improved commitment from law enforcement agencies, governments and the public.

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Making Criminal Justice Transformation, Teaching and Training Work: Experiences Learned from Central Europe

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Introduction

In recent years, transnational organized crime has increased in scope, intensity and sophistication. The end of the Cold War, the collapse of state authority in some countries and regions, and the process of globalization – of trade, finance, communications and information – have all provided an environment in which many criminal organizations find it profitable and preferable to operate across national borders rather than confine their activities to one country (Williams 1999, 221; Adamoli, Di Nicola, Savona and Zoffi 1998: 23-91; Lyman and Potter 2004: 316-322).

Along with the fall of socialism and the emergence of global capitalism, the gap between richer and poorer nations of the world has continued to grow. This growth can be expected to increase opportunities for organized crime, as illicit relationships develop among supply countries, transit nations, and consumer nations. In an unbalanced world economy, legal economics tends to get replaced by illegal economies (Albanese and Das 2003: 15).

The trend of criminal activities in Europe is showing a decided growth rate. An increasing number of ever more serious criminal acts is linked to organized crime (see Lesjak 2001: 61-64). For instance for the last fifteen years the Netherlands and Spain have been the leading countries in the import of cocaine from South America and its distribution to the rest of Europe (Zaitch 2003: 7-17). Besides Italian groups (*Mafia*, *N'drangheta* and *Camorra*), the main criminal groups working in Europe are the Japanese *Yakuza*,

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the Chinese Triads, Colombian Cartels, Jamaican *Posses*, Russian criminal networks, West African syndicates, Turkish Clans, Iranian elements and other ethnic groups. Among others the activities of Chinese criminal groups have caused increasing alarm among law enforcement officials in Australia, Japan, North America, Russia South Africa, Southeast Asia, and Central and Western Europe (Curtis, Elan, Hudson and Kollars 2002: 19-57; Pływaczewski 2003).

Forced by the dramatic trends of the security and crime situation, European law enforcement agencies are searching for ways and means of effective international collaboration and combating and preventing border crossing and international crime. To control organized crime, far-reaching legal and institutional reforms have been passed in all European states and *ad hoc* instruments have been adopted by all major international organizations, ranging from the European Union to the Council of Europe and the United Nations (Paoli and Fijnaut 2004: 1-17; Vermeulen and Vander Beken 2002: 201-226; Haberfeld and McDonald 2005: 286-309)

Among others, cooperation of police, founded and built on specific international agreements and contacts, can bring desired effects. They require organizational, legal and human resources. This was the basis for the initiative, originated in 1991 by representatives of the police in Vienna and Austria, which led to establishing Austro – Hungarian training for police officers.

This idea was formalized on 12 March 1992 in Budapest. The ministers of interior of both countries signed a joint declaration, which included a call for direct police cooperation of the two countries. Still in the same year, a joint Austro – Hungarian advanced training course was conducted under the aegis of the Austro – Hungarian Police Academy (AHPA). Its participants were members of the police with many years of experience, who held officer's ranks or who had university education. In order to graduate from the course the participants were required to prepare a final paper on one of pre-selected police topics and to pass an oral examination. Upon the completion of the course both parties evaluated their experiences and made appropriate preparations for future specialist training in a broader formula.

An appropriate proposal in this respect was presented in June 1992 during a meeting in the Austrian Ministry of Interior with the ambassadors of the Czech Republic, Poland, Romania, Slovakia, Slovenia and Hungary. Simultaneously, general organizational assumptions for this center were discussed. The dates of the first course and detailed organizational – programmatic assumptions of the training were approved during the next few months.

The signing of the agreement that established the Central European Police Academy (MEPA–*Mitteleuropäische*

Polizeiakademie) with the participation of the representatives of the ministries of interior from Austria, the Czech Republic, Poland, Slovakia, Slovenia and Hungary took place on 1 February 1993 in Vienna (this topic was further developed by Goettel 1995: 75-81). It is worth noticing that the first MEPA course started even before this agreement was signed, that is on 18 January, 1993, and was completed on 25 June, 1993. Among 26 participants from 6 countries, there was one representative of the Polish police. The course took the form of weekly topic blocks (11 theoretical and 10 practical blocks) which were taught in Vienna, Prague and Budapest, as well as (for two weeks) in the Federal Criminal Bureau (BKA) in Wiesbaden (Germany).

Goals and Tasks of the Academy. Criteria for Selection of Participants.

Basic goals of the joint training of representatives of leadership circles of police from various countries are:

- To deepen the knowledge and experience of participants, necessary in the process of performance of cross-border and international tasks of the police. In the face of political, social and economic changes in Europe and their impact on the growth of new forms and techniques of crime, police structures cannot work only on domestic problems, and they have to pursue trans-border and international cooperation;
- To exchange professional knowledge with respect to legal and organizational conditions, as well as the methods and forms of international cooperation of police forces from particular countries;
- To familiarize participants with socio-economic and political conditions and experiences underlying particularly dangerous forms of international crime, such as organized crime, terrorism, economic and environmental crime;
- To support personal contacts and friendships which will not only contribute to creating an atmosphere of mutual trust, but most of all will make it possible to effectively perform required actions by a quick and informal transfer of information;
- To continuously enlarge the group of police officers whose joint training and strong personal ties are particularly important for international police cooperation.

Participants in a course are selected by member states based on the following criteria:

- age between 30 and 46 years (The upper age limit, however, has been lowered to 40 years, with the possibility to allow the participation, in justified cases, of a person who is not older than 45 years);

- university graduate (police school or complemented by police school);
- at least five years of service in the police;
- knowledge of the German language on a level that enables the participant to actively participate in classes.

Since 1995, parallel to the course for police officers, a course for Border Guard officers from member states is conducted following a similar formula (Mayer 2004: 7-10).

Annual Main Courses in the Academy. Final Examinations

Because the Central European Police Academy has no permanent location, classes that constitute a part of the program of a main course are held alternately in all member states. The organization and coordination functions are performed by two MEPA offices located in Vienna and Budapest, with the first having the status of the Central Coordinating Office. The main MEPA bodies are the Board, which determines the main directions and principles of training, and the Preparatory Committee (which also plays the role of the Custodian) that is responsible for preparation and administration of a course. National Coordinating MEPA units are located in member states. The Central Coordinating Office has been given the following tasks and responsibilities:

- organization and timely coordination of training courses;
- coordination of work of national Contact Units of MEPA;
- presentation of MEPA's achievements to other institutions, organizations, government agencies, as well as domestic and international entities;
- leading the preparation and editing of publications for training and information purposes in cooperation with national MEPA Contact Units;
- leading and coordinating the works of the Editing Committee;
- preparation of meetings of the board and other working meetings, as well as
- coordination and execution of national courses and seminars.

Each MEPA member country appoints its own project manager who is responsible for furnishing the organizational, administrative and functional prerequisites of MEPA and for attending to participants on the course. During courses, the project managers keep in contact and supply the central MEPA offices all information and material required for the courses and the MEPA journals. They meet whenever required to clarify pending problems and issues.

The first Polish edition of a MEPA course took place in the Higher Police Academy in Szczytno between 25 March and 6 April,

1994. Students of the Academy were briefed among others on the following issues:

- general information about Poland and brief historical background of police services in our country;
- police bodies as bodies of special administration;
- crime prevention in Poland;
- Polish Police on the background of the international system of cooperation;
- organized crime in Poland – symptoms and conditions;
- police work in combating organized crime in Poland.

Academy students were also introduced to the main tasks of the Central Criminal Laboratory in the Main Police Headquarters in Warsaw, and visited the Regional Police Headquarters in Olsztyn and the District Police Headquarters in Szczytno. They also went through fire training using weapons used by the Polish police (Świerczewski and Merta 1994: 169–171).

The topics presented above were repeated during the consecutive Polish editions of the MEPA course, taking into account the changes and additions in both the dynamics and the structure of criminal activities in Poland, the reforms of law enforcement bodies, as well as legal changes in the acts concerning the police and in criminal law. These topics have also been a part of the courses carried out in the International Center for Specialist Police Training in Legionowo (see Flis 2003: 112). The lectures and seminars for the students are traditionally conducted by professors of the Police Academy, experts of the Main Police Headquarters and representatives of academia from civilian universities who cooperate with the Polish police.

The so-called joint Polish – German weeks, conducted initially in the Land Police School of Brandenburg in Basdorf (Germany), and then in the Higher Professional Police School in Rothenburg have become an interesting training form within MEPA. The location of the School in Rothenburg allows – besides lectures conducted by German and Polish experts – for the participants to get familiar with the work of the Polish police in Zgorzelec, the German Police in Goerlitz, the Land Criminal Office in Saxony, as well as the functioning of the German border service on the border crossing point in Ludwigsdorf – Jędrzychów (Świerczewski 1997: 120-121). For many years multiple professional seminars have been organized for the graduates of the main MEPA courses and the specialist courses of the Border Guard.

The conduct of the main courses is facilitated by the MEPA manual (two editions have been in print so far), where every country prepares its own part, while keeping intact the subject structure (Róg, Pływaczewski, Hofmański, Merta and Lagoda 2001; Lelental, Pływaczewski, Róg, Wrześniowski, Lagoda and

Urwantowicz 2003). MEPA also publishes its own newsletter and has a web site (www.mepa.net).

During the first years of MEPA's existence, the course participants prepared final papers on pre-selected topics. Initially they prepared them individually, and in courses taking place later – in groups of several persons from different countries. The papers were reviewed by the members of the International Examination Committee, which in Budapest administers the final examination that resembles the defense of a graduation or master's degree thesis.

Since the first final examination after the Main MEPA Course on 23 May 2002, in Budapest, its formula underwent advanced modification. A new examination formula was applied involving a "case study". All course participants have now to solve together the case in question, in the light of regulations that are in force in particular states. Generally speaking, the International Examination Committee gave a positive evaluation of this method of administering the final examination, at the same time indicating directions for its modification, also taking into account critical opinions of course participants.

The Main MEPA Course of 2004 was also of special importance because during the course Poland, Slovakia, Slovenia, Hungary and the Czech Republic became members of the European Union.

Other law enforcement training in Central Europe

In the wake of the dramatic events of the late 1980s and early 1990s, including the fall of the Berlin Wall and the dismantling of the Soviet Union, the United States Government recognized the necessity of the training academy in Central Europe to enhance the skills of law enforcement officers facing a dramatically changing criminal landscape. As already mentioned in this anthology, this Government and the Government of Hungary agreed to establish in Budapest the International Law Enforcement Academy.

The Budapest-based ILEA runs topical 1- to 2-week seminars and courses, and an 8-week core course. Its program is similar to the domestic FBI National Academy Program in the United States, but is conducted with simultaneous translation to eliminate the requirement for students to speak English. The Academy offers training opportunities for up to 130 students at one time. The ILEA program is a personal and professional development program targeted at mid-level managers in the police services of former Communist/Socialist countries.

The program is conducted for fifty students in five sessions a year, for a total of 250 students per year. Each session involves

sixteen students selected from only three different countries, for a total of forty-eight students, to minimize interpreter and translation requirements. The remaining two slots are offered to Hungary, as the host country, in recognition of its support in the establishment of the ILEA Program. In addition, each country should nominate one counselor to serve as the official head of delegation during the eight-week program. The counselor should be at the appropriate rank to provide administrative and supervisory oversight to the student group. The counselors' primary duties are administrative, but each may attend classes when not otherwise occupied. Each counselor will also receive a diploma at the conclusion of the course.

Criteria for student selection have been previously furnished and are included on nomination forms which have been translated into each language and have been furnished to each embassy. Travel expenses, food, lodging, and other costs will be borne by the United States for all students and counselors.

The International Curriculum Committee (ICC) meets at the completion of each session in Budapest, to develop course content. The representative from each country should have knowledge of crime problems, training needs, and existing training programs for their particular country, and have the authority to recommend curriculum content based on these individual needs. Each representative should bring with them diagrams of their police organizational structure, and general demographic information concerning crime problems and trends in their country. This information should be submitted in English and copies will be distributed to each committee member.

The focus of the program for students is not on technical skills, but on leadership, personnel and financial management of the investigative process, and other contemporary law enforcement issues. Countries participating with the United States in providing instructors, to date, include Canada, Great Britain, Germany, Italy, Ireland, Russia, and Hungary. Other countries which are contemplating involvement in this cooperative effort include the Netherlands, Belgium, France, Spain, Austria, Sweden, and Switzerland.

It is important to emphasize that the ILEA's courses are intended to be challenging, requiring class participation, research, writing, and oral presentations. In addition, a strict code of conduct is enforced. Students not meeting these standards of performance and conduct may be dismissed from the ILEA following a thorough review of the individual by a panel of ILEA faculty and program administrators.

The ILEA creates an opportunity for interaction which facilitates close working ties and develops future international cooperation. The Budapest Office of MEPA is located in the main building of the

International Law Enforcement Academy. This is one of the factors which may improve mutual understanding and efficiency in international police cooperation and increase professional knowledge and experience as well (Caparini and Marenin 2004). Such cooperation should include more police educational institutions in Europe and beyond.

Conclusion

ILEA's and MEPA's activities lead to the conclusion that they play an important role in counteracting organized crime, especially because the requirement of international cooperation of law enforcement bodies in contemporary Europe and beyond has become a necessity. In this process of international cooperation the gained and exchanged knowledge, and the personal relations that have been established by police officers constitute a viable and constructive basis for effective fight against organized crime.

An important confirmation of this was the signing on 22 May, 2001, in Budapest, by ministers of interior of eight member countries, of the "Joint announcement in the framework of the Central European Police Academy", which constituted an unequivocal rise of the importance of the Academy to governmental level (MEPA 2001).

Currently MEPA maintains contacts with leading institutions of the European Union (EU), especially with the European Commission. It is also actively represented in the undertakings of the European Police Academy (CEPOL), AEPC (the Association of European Police Colleges - AEPC is currently conducting various training modules for the area of South Eastern Europe within the framework of the Stability Pact), in the Central Asian Project, the Organized Crime Training Network, the Police Training Seminar in Tampere, or in working groups of the EU Council in Brussels.

A majority of member states of the European Police Academy support establishing a "network of police schools", but with a better equipped Secretariat, while other countries opt for a permanent institution. In this situation, however, a unanimous decision is required, because this creates a danger – if the "network of schools" proposal is not fully accepted – of the lack of possibility for the CEPOL to obtain a legal status. The lack of legal status of the CEPOL (currently its Secretariat is in Denmark) is still causing problems. Changes in this respect are very much desired.

On the 1st of May 2004, five member states of the MEPA obtained – as was mentioned before – the status of members of the European Union, which makes it necessary to look for new solutions, also with respect to international training of police

officers. However, the regional character of the Academy will also play an essential role in the future. This necessitates keeping its consistency with its own "*curriculum vitae*". In relation to this, what is particularly important is the harmonization of law (first steps towards this goal have been made by Hungary and Slovenia).

For now, MEPA constitutes a certain model with respect to regional cooperation of police in Europe. This initiative can be a good example for other parts of the world as well for effective international collaboration as for combating transnational organized crime. Drawing on their knowledge, MEPA graduates know where to get the appropriate information and help quickly, how to use confidential information and who is allowed access to the information. Their fluency in German, knowledge of the police terminology and personal contacts provide the prerequisites for simple and effective border-crossing co-operation, therefore cutting through the red tape. Such improved communication will help to counteract the disadvantages arising from the widespread international networking of organized crime. Trust and quick collaboration between MEPA graduates from the various countries has already achieved success in numerous cases of international organized crime that would have been difficult if not impossible to attain without such cooperation. The academy should follow the rules that have been set so far and strengthen its position, which makes it necessary to intensify training and assume new directions for its activity.

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Education and Training in Four Countries: Getting Rule of Law Messages Across

Andrew Millie and Dilip Das¹

Introduction

For policing in democratic nations there is an assumed tension between “crime control” and “due process”, effectively between getting things done, and getting things done properly. For public policing to be effective, the public needs to have confidence in policing decisions; that these decisions have legitimacy in that they are carried out in the public’s interest and follow rule of law principles. In the contemporary climate of globalization, in terms of criminal behaviour and international and trans-national enforcement arrangements, developed nations should lead by ‘rule of law’ example. In this chapter our focus is on policing in four developed nations: Germany, Japan, Switzerland and France. We take the view that, without educating the police at home, such nations are less equipped to implement the rule of law.

This chapter considers the education and training of the public police from a rule of law perspective, in terms of trainee selection, the background philosophy of training, general organization and curriculum. The chapter draws largely from a series of interviews, observations and conversations conducted by one of the authors between 1998 and 2001 in each of the four countries. This has been supplemented by evidence from the research literature.

To summarize the findings, all four countries have an increasing emphasis on community in their training. In terms of recruitment, it is important to have recruits that agree with rule of law messages. This may be possible via psychological testing (Switzerland) or greater academic emphasis (France and Japan). A better understanding of minority issues and rule of law application may be possible simply by recruiting more from minority groups (Germany). Across the four countries there appears to be three distinct training

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philosophies: the law and democracy (Germany); community and citizen involvement (Japan and Switzerland); and human rights and multi-culturalism (France). There are not necessarily any right or wrong ways of doing things and rule of law messages are apparent in all three approaches; however, it may be sensible to tackle the issue from all angles possible. There are also lessons apparent in the training curricula of the four countries. For instance, the Swiss police training has a focus on “emotion, sensibility and understanding”; Baden-Württemberg in Germany offers conflict resolution training; and Japan’s training program includes cultural and personal development - which may make recruits more aware of wider societal norms and values.

However, none of the four systems are perfect and there have been concerns over police brutality and poor community relations in some of the nations. Where the four countries appear to be heading in the right direction is in their increased professionalism and work to make the police more representative. In order to improve, or maintain, public confidence it is important that policing is professional, has legitimacy in terms of representation and adheres to rule of law principles. We believe the quality of training and education that officers receive is central to this.

Problem

The very idea of policing is in many ways fundamentally problematic for democracy and the rule of law. Controlling the police has always been seen as one of the most difficult aspects of statecraft, as the Roman writer Juvenal’s famous question ‘*quis custodiet ipsos custodes?*’ - ‘who guards the guards?’ indicated two millennia ago (Reiner 2002: 21).

In order to achieve criminal justice in a democratic society it is often assumed there is a choice between a crime control model and a due process model (Packer 1969). On the one hand there is the pressure to gain enough evidence for a conviction (crime control) while on the other hand there is the need to protect the rights of the suspect (due process). How far to the left or the right we travel is a factor in the type of society in which we want to live; that the more crime control we have, the less due process, and the more due process, the less crime control (see also Skolnick 1966). In simple terms it is a balancing act between the pressure to get things done, and the pressure to get things done correctly. Of course it is not a simple dichotomous choice with many other pressures including those of culture, system, politics, public and media. Due process is intrinsically linked to the concept of “rule of law”; essentially characterized by neutrality, equality and universality. And central to ‘rule of law’ is the question of how much

power is given to the public police, and whether this power is used appropriately.

Rule of law as a concept certainly has a lot of political capital. As Carothers (1998) has observed: “The concept is suddenly everywhere - a venerable part of Western political philosophy enjoying a new run as a rising imperative of the era of globalization”. Internationally it is often assumed that democratic countries are more likely to adhere to rule of law principles alongside strict adherence to criminal justice and human rights; and it is the job of developed nations to teach these principles to those less developed. This view is somewhat misplaced, particularly post-9/11 with terror suspects having been held without charge in both the US and UK (certainly a “crime control” rather than “rule of law” emphasis). Following the United Nations Millennium Summit in 2000, the United Nations Secretary-General has reported:

“I strongly believe that every nation that proclaims the rule of law at home must respect it abroad and that every nation that insists on it abroad must enforce it at home. Indeed, the Millennium Declaration reaffirmed the commitment of all nations to the rule of law as the all-important framework for advancing human security and prosperity” (UN Report of the Secretary-General 2005: 35 (para.133)).

Some of these broader discussions are beyond the scope of this chapter. However, the declaration that “every nation that insists on [the rule of law – emphasis added] abroad must enforce it at home” is pertinent. Here we consider police education and training from a rule of law perspective in four developed nations. We take the view that, without educating the police at home, such nations are less equipped to lead by example. This is particularly true in the contemporary climate of globalization in terms of criminal behaviour and international and transnational enforcement arrangements. There is always difficulty in comparing different policing systems as each system has its own history, culture and problems (e.g., Mawby 1990). However, there is value in comparative study; the differences between the systems mean that ways of working can be identified that may not have been considered before.

Methodology

This chapter draws largely from a series of interviews, observations and conversations conducted by one of the authors between 1998 and 2001 (see also Das and Pino 2007) in Germany, Japan, Switzerland and France. The four countries represent a range of police systems and approaches to police training and, as such, a variety of lessons can be learnt. Evidence was gathered from police leaders, lower-level police officers, and academy instructors about

their training programs. Various levels of police training programs were visited: recruit training schools; training for intermediate level officers; and academies for the training of higher ranking officers. At each level program directors, teachers, and students were interviewed. Interviews were unstructured and all records were anonymized. The data collected was analyzed for key themes, with reference to the literature. The research was conducted within the major cities and centers of police activity in each of the four countries. While the training and education of senior officers is considered, the main emphasis of the chapter is on the training and education of police recruits².

Policing Systems

In order to understand better the emphasis placed on rule of law in police training and education within different countries, it is important to recognise the diversity of police systems and cultures. To consider the European³ examples first, there is no uniform system of policing across continental Europe; however, according to Mawby (2003), the traditional European model is centralized. Three main systems can be identified:

- Structurally centralized and militaristic;
- Functional emphasis on political and administrative tasks; and
- Closely tied to government and therefore less accountable to the public or law (see also Mawby 1990; 1992)

The model of public policing followed in France closely follows that of “structurally centralized and militaristic”, although some elements have become more localized (see Journes, 1993). France has two public forces, in theory allowing no one institution to carry too much power. The State Police (*Police Nationale*) come under the Ministry of the Interior, whereas the *Gendarmerie Nationale* has a militaristic emphasis, coming under the control of the Ministry of Defence. The French *Gendarmerie* now also contribute to a smaller European Gendarmerie Force (EGF), formed in collaboration with Italy, Spain, Portugal and the Netherlands - and inaugurated in January 2006 (see www.eurogendfor.org) - to be used in international post-conflict peacekeeping.

2 This was part of a larger project on police structure, leadership, functions, police-community relations and training which is being published as ‘Cross-Cultural Profiles of Policing’ by Dilip Das. It was recognized by the author that police training and education was one of the most important elements for professionalism of the police.

3 The Interpol website has a useful summary of criminal justice in many European countries; see <http://www.interpol.int/Public/Region/Europe/pjsystems/Default.asp>.

Germany's public police are divided by federal states (or *Länder*). In terms of education and training, each state has its own state police school (*Landespolizeischule*). The unique history of Germany, leading to reunification in 1990, has added extra pressure to police training and education as the West German police took responsibility for the former East Germany. As Harlan (1997) has documented, the East German police system followed a completely centralized model. It may be assumed that rule of law issues were more prominent in the former socialist East; however, things were not clear-cut. Harlan observed that complaints against the police certainly occurred in Western Germany. And even though members of the public in East Germany were "obliged" to forward information to the *Stasi*, according to Wolfe (1992: 97), "it appears that with infrequent exceptions police did adhere to the principles of rule of law". Of course the two nations may have had different understandings of what constitutes rule of law.

Switzerland has a distinctive area-based structure to its public police based on Cantons, and supplemented by various city police and border guard corps. There is slight variation in structure across Switzerland; to put things simply, German-speaking cantons are divided into criminal, security and traffic police, and French-speaking cantons have criminal police (*Sûreté*) and security police (*Gendarmerie*)⁴. Switzerland is often thought of as having low crime. Research by Eisner and Killias (2004) indicates that the Swiss may have a crime rate below the European average, but that this is not especially low. As with many countries, the crime rate rose over recent decades. Police training and education is based within each canton, although where regional differences were observed, these were not substantial. Some further training is now centralized at the Central Swiss Police School (*Zentralschweizerische Polizeischule*). Training was traditionally militaristic, however, the current curriculum at the Central Swiss Police School includes community policing, human rights and professional ethics.

That said, the United Nations has expressed concern about deviation from rule of law principles in some elements of the Swiss police:

The Committee is deeply concerned at reported instances of police brutality towards persons being apprehended and detainees, noting that such persons are frequently aliens. It is also concerned that many cantons do not have independent mechanisms for investigation of complaints regarding violence and other forms of misconduct by the police. The possibility of resort to court action

4 The Ticino (Italian-speaking) canton has its own geographical system with forces divided by sectors - see http://internet.bap.admin.ch/e/portrait/pol_struktur/i_index.htm.

cannot serve as a substitute for such mechanisms (UN Human Rights Committee 2001).

The supposed unique selling point of the public police in Japan (and the country's low crime rate – although this is rising) is its emphasis on community-oriented styles of policing (e.g., Bayley 1976; 1991; Ebbe 1996); that the West has much to learn from the police's involvement in counselling, advise, mediation and collective responsibility – that the police work with the community. However, according to Aldous and Leishman (1997) and Chwialkowski (1998) this style of policing owes much to post-war reconstruction. Before the Second World War Japan's public police was largely centralized, under direct control of the national government. After the war paramilitary police organizations were disbanded, the constitution rewritten along US lines, and the public police decentralized; "If power could be returned to the local communities, it was theorized, then the powers of democracy would be strengthened in Japan" (Chwialkowski 1998: 724). There have been changes; however, the local emphasis remains. The public police in Japan is divided into three tiers of operation. Firstly there is overall control by the National Police Agency (NPA) – answerable to the National Public Safety Commission of the Cabinet Office. Secondly, there is the regionally divided prefectural forces. And thirdly, public policing is delivered locally via community-centred stations, known as police boxes or koban.

As for the importance of rule of law within the Japanese police, there is no real consensus among scholars. According to Bayley (1991: 4), "the incidence of misconduct is slight and the faults trivial by American standards". However, according to Johnson (2003: 32):

[A] recent wave of police scandals raises doubts about officers' normative commitment to integrity and about previous claims that Japanese police behaviour is "astonishingly good".

The four nations included in this study have policing systems that have evolved in different ways due to various cultural, historical and political reasons. Nonetheless, all should have a common focus on the rule of law; as the United Nations Secretary General has observed, 'the rule of law [is] the all-important framework for advancing human security and prosperity'. (2005: 35 (para.133)). An understanding - and practical implementation - of rule of law, professional ethics and human rights (e.g., Das and Palmiotto 2002; Kleinig 1996; Neyroud and Beckley 2001) is essential for public confidence in policing, and for maintaining legitimacy for policing decisions. However, various policing scandals or reported misconducts have distracted from this, at least in some of the four nations. This chapter focuses on the role of police training and education in getting rule of law messages across. The focus is on

the public police in each country. There has been much research into non-public forms of policing/security - or plural policing (e.g., Shearing 1992; Loader 2000; Jones and Newburn 2005; Zedner 2006). Such developments have occurred within the four countries considered here. Whilst the need for rule of law training for these 'plural' agencies is essential, this falls outside the scope of this chapter.

Police Education and Training

The education and training of the public police within France, Germany, Switzerland and Japan is considered in terms of four key themes: trainee selection; the background philosophy of training; general organization; and curriculum.

Trainee Selection

One way to have police officers with greater regard for rule of law principles is to more carefully select raw police recruits. The four countries included in this research were somewhat different in their requirements for new trainees. The requirements varied mostly in the kinds of education needed for eligibility (they also varied by the type and number of examinations that needed to be successfully completed).

To start with Switzerland, in order to attract recruits for the *Kantons Polizei* in Zürich, the school advertises in newspapers and on the radio. There are usually 40-50 applications every month, and an approximate 20 per cent acceptance rate. There is no need for any specific level of schooling, but recruits are required to have had another profession before joining the police and are tested on:

- Knowledge of German and French;
- Arithmetics and geography;
- Political knowledge of Switzerland; and
- Sports and psychological tests.

The sports component is seen as very important. Interviews are held with the chief, the personnel chief, the police psychologists, and others. The requirements for males and females are the same. For the gendarmerie in Geneva there are height requirements, but not for the *inspecteurs* (police detectives in the *Sûreté*).

In Japan greater emphasis is placed on school or university education. For instance, high school graduates receive 21 months training whereas this is reduced to 15 months for university graduates. At the International Research and Training Institute for

Criminal Investigation, recruits need to be college graduates. Thirty percent of the total police personnel have university degrees, and about 50 per cent of the new constables, the lowest ranking uniformed police officers (*Junsa*), have degrees.

In Germany most recruits join the police as *Wachtmeister-anwärter* (trainee constable) after the *Mittlere Reife* (school examination at age 16) – although the situation has changed in many states with the abolition of lower ranks and hiring starting at *Kommissar* level (see Das and Palmiotta 2004). In one area visited, Baden-Württemberg, the following avenues were available for entering the police:

- Those with high school final examination (Hauptschulabschluss) up to the age of 15, plus 3 years in a profession which includes the Vocational School Certificate (Berufsschule) – 15 per cent entered through this avenue, although this has since discontinued;
- Persons with *Mittlere Reife* certificates at age 16 - this accounted for 55 per cent of the students; and
- Those who had completed education in a Gymnasium (at age 19), and had achieved university entrance qualifications - 30 per cent of all police entered through this avenue.

Black and minority ethnic groups are under-represented within the German police (Murck and Werdes 1996). According to recent media reports (e.g., Phalniker, in *Deutsche Welle* 2006) the police in Berlin are trying to address this issue. Non-German recruits have been accepted by the police since the early 1990s; however, the entrance exam is thought to be a barrier to immigrants (with its demand for good high school education and fitness), along with other cultural or psychological issues of acceptance.

In France, the candidates for the 'Guardians of Peace' positions must pass a National Entrance Examination. There are additional age, health, and educational requirements. Candidates must have studied up to Baccalaureate level (although they may not have completed) and hiring takes place on an order of merit based on the results of the entrance examination. Inspectors and Officers of Peace (commissioned uniformed officers) also have to fulfil special requirements in regard to height, weight and other physical characteristics (and Inspectors have to have passed the Baccalaureate examination). *Commissaires* must have completed three to four years of university education and there is a National Examination for this position.

The four countries all have their own style and criteria for police recruitment. How effective each system of recruitment is for gaining candidates in sympathy with rule of law principles is unknown. The psychological testing and the need for some level of knowledge of the political system in Switzerland might filter out some

“undesirable” candidates – depending of course on the type of testing used. That said, this expectation might also filter out certain social or ethnic groups, leading to poor representation. The efforts in Germany to recruit more people from Black and minority ethnic groups is commendable and may eventually lead to a force that better understands minority issues – perhaps improving rule of law application? Japan and France have a strong emphasis on academic education. This may produce candidates that are better equipped to understand rule of law training and this is certainly an area where more research is needed.

Background Philosophy of Training

If candidates are successful, the training they receive in France, Germany, Switzerland and Japan appears to have an increasing emphasis on community – be it via a focus on community-styles of policing, or broader public-relations awareness training.

However, this was not always the case. In Switzerland, for example, police training has historically been militaristic. That said, the current emphasis is on developing integration of a number of competences:

- Appreciating and understanding emotions;
- Developing sensibility;
- Developing a comprehension of all types of situations that police are likely to become involved in during the course of their work; and
- An equal emphasis on technique and psychological and value-oriented comprehension.

Police training currently emphasizes the use of psychology, citizen involvement, and developing good public relationships. Through this ‘softer’ focus, the community’s, the victims’ and the defendants’ situation is hopefully understood and this in turn leads hopefully to fewer breaches of rule of law principles.

Current police training and education in Japan focuses on community-policing alongside ethics and cultural training. In terms of ‘rule of law’, the ethics training that recruits receive is especially influential. Ethics courses focus on:

- The correction of negative attitudes;
- Warm-heartedness and common sense; and
- A sense of justice, responsibility, and service.

The Hyogo Prefecture Academy and the Tokyo Academy are run in a militaristic and formal manner, with cadets staying in dormitories during the week. However, on weekends the cadets can go home and are now not asked to wear suits and ties (this used to be a requirement). This particular policy is supposed to allow cadets to identify with the rest of their community, especially their own age group. While there is not a specific course covering public relations, it is emphasized through all aspects of training. The staff of the academies are aware that there has been a negative police sub-culture in Japan, and they try to control it.

Police training in post-war Germany had a particular focus on how democracy works and the separation of the powers of the various branches of the government. According to Fairchild (1988), police reform movements tried to include demilitarization, communalization, democratization, and improved community relations and public accountability. More recent reforms have involved community-oriented policing, communication, conflict resolution, and modern management skills and techniques (Feltus 2002).

There used to be a strong emphasis on militaristic discipline within German police training. This has diminished and current training is concerned primarily with education on police laws (university law degrees have a greater focus on general laws). Law is the main focus in the training of lower ranks, and only about 10 per cent of training of higher ranks involves working with people. The police laws tend to be taught within the context of rule of law and democracy; that the State must be built on the rule of law (*Rechtsstaat*) and that democracy (*demokratischer staat*) must co-exist with it.

In France the training of the State Police (*Police Nationale*) has 'generalization' as a guiding philosophy; that the police should be generalists. The objective is to produce officers who can perform all of the required tasks associated with police work (see Souchon 1981). Police officers are given also a general level of criminological understanding. In terms of rule of law principles they are also trained to be:

- Aware of the pluralistic facets of the community; and
- Sensitive to human rights issues.

As the *Gendarmerie Nationale* is in effect a military organization, the training very much reflects this with recruits living in barracks.

The training philosophies of these different countries appear to include rule of law messages, but from different perspectives. Germany, for example, emphasizes the law and the interplay between rule of law and democracy. Japan has more militaristic training structures but emphasizes, for example, positive attitudes, warm-heartedness and a sense of justice. Although Switzerland

had historically a militaristic training emphasis, the police currently receive training in psychology, citizen involvement, and developing good public relationships. And finally, the French National Police are made aware of rule of law issues through training in human rights and multi-culturalism. All four countries have in common an increasing emphasis on community-oriented policing philosophies that focus on working with the public to solve problems.

General Organization of Training

Each country has different categories of training, and there is variation in duration of basic and on-the-job training. Much of the variation in requirements is related to the preparation for the different specialized tasks, level of previous education, and the general organizational structure of the public police in each country.

In Switzerland there are different forms of training for the criminal police (*Sûreté*) and the Gendarmerie, on-the-job training from lateral appointees, and an emphasis on continuing education. There is also a great emphasis on the role of sports in training. As noted, the public police in Switzerland is based on area Cantons; so too is police training. In the Zürich canton, for instance, recruits train for five months and then take an examination in order to become the lowest ranking police official. They then have to do two and a half years of training with the Emergency Police (*Bereitschaftspolizei*). After that they come back to school for professional police courses (*Polizeifachkurs*) for five additional months. After completing this training, they are given the choice of going to traffic police, or to the prosecutor's office (*Bezirkanwaltschaften*) where they serve as secretary of the examining magistrates (*Untersuchungsrichter*). After four to five years of service, they can choose to work for the *Sûreté*, traffic police or police district (*Bezirk*). In other cantons the training program may vary. For instance, in Lausanne, the *Sûreté* and the Gendarmerie are trained together. Cadets are trained for one year with 90 per cent training in common and 10 per cent devoted to specialization. In Geneva the Training Academy has two parts - one for the *Sûreté* and one for the *Gendarmerie*. After seven months of theoretical training, a cadet remains for three more years as a trainee working alongside a more experienced officer. On average, basic training lasts one year throughout Switzerland, but it can range from five months to two years, depending on the police role and the canton.

At the Hyogo Prefecture Police Academy in Japan, the Personnel Division of the Hyogo Prefectural Police selects trainees. Dormitory accommodation is provided for up to 600 trainees. Across Japan, high school graduates receive 21 months training

(10 months pre-service training, 8 months on-the-job training and 3 months for a pre-service comprehensive course). University graduates have 15 months training (6 months pre-service training, 7 months on-the-job training and a 2 month pre-service comprehensive course) (see NPA 2005). Japanese police officers are divided into uniform police and detectives, with detectives engaging in criminal investigations. After Prefectural Police School, officers can move onto a Regional Police School for Sergeant or Inspector training, and then the National Police Academy for Inspector or administrative training.

Police training in Germany is very much practice-oriented. As noted, Germany's public police is divided across its federal states (or *Länder*). Taking the state of Bavaria as an example, here there are seven police schools, all under the Emergency Police Department. In some other states where lower ranks have been abolished (Hessen, for example) basic police training is given by the Police Technical College (*Polizeifachhochschule*) (after one years training they receive a certificate). Other training can be provided by the common police school (more of a theoretical school). An alternative practice-oriented model first assigns candidates to a police station where they take leave from police work to attend police school for training. Regular training is undertaken in the Police Technical College (*Fachhochschule*) where training lasts for 3 years. If officers do not have University Entrance Qualifications, they must have the Police Technical College certificate. After finishing the Technical College, the pupils go to work with the Emergency Police; however, they are sent to police stations to work when there are no emergency situations.

Training in France has become more professional, has been redesigned to reflect social priorities and is no longer confined to the narrow goals of the police organization. Key areas of concern include having a dynamic approach, awareness of diversity issues and psychological aspects to policing. Police recruits go to a police training school for one year and go through practical training for another year. More emphasis has been placed on continuing education for the officers. French police leaders in supervisory positions and at executive rank are all university graduates. Although university education is not required at the lower levels, more university-educated people are joining the police.

Again, the four countries have their own approaches to training in terms of organization and structure, and there is also some variation within countries. If rule of law messages are to get across to recruits, it is important to appreciate these different contexts. While the variation in the total length of time required to train as an officer may not be too important (beyond the simple observation that the longer the time, the more the opportunity), the different availability of basic, theoretical and on-the-job training will be important. Similarly, the type of organization, be it the practice-

oriented German system, or the wider professional approach of the French system, will make a difference.

Police Training and Education Curriculum

Differences in training curriculum among the four countries center on how much training is in class versus on-the-job. There are different emphases on techniques, law, psychological exams, public relations, and length in school.

In Switzerland, the curriculum is concerned primarily with the appreciation of emotion, sensibility, and understanding of situations the trainees might find themselves in. There is less emphasis on policing techniques. Along with psychological training, these 'softer' qualities are considered essential for a professional police officer. However, despite the encouragement of a professional approach some police officers are, as noted above, still said to be repressive (e.g., UN Human Rights Committee 2001).

Taking the Geneva canton as an example, those training for the *Sûreté* and the *Gendarmerie* share courses in self-defense and sports, first aid and anatomy. For the *Gendarmerie* a range of competences are emphasized including: computer training, weapons training, physical training, psychology and public relations. Sports instructors have an important role as physical well-being is stressed. Martial arts training is also available.

The training curriculum in Japan has changed little over the past 30 years (Parker 2001) and was very similar at the Hyogo Prefecture Academy, the International Research and Training Institute for Criminal Investigation, and the Tokyo Police Academy. Trainees at the Hyogo Prefecture Academy are given courses in general academic subjects, such as Japanese, geography, and economics. They also take a law class focusing on the constitution, police administration law, criminal and civil laws, criminal procedure, and the law in general. Professional on-the-job training includes patrol, investigation, traffic regulation, crime prevention, and guarding duties. Physical training includes classes on arrest techniques, physical exercise and, where force is required for arrest, the students are taught numerous forms of martial arts, including karate, judo, and kendo along with boxing. There are also shooting classes and riot drill training. About thirty specialist courses are run every year, and last from ten days to three weeks. These courses include traffic, investigation, English language and computing. Of particular relevance to this chapter, ethics classes are also taught, along with community-oriented policing. As noted, the Academy has a very strict militaristic schedule for each day. This discipline extends to the students' personal development. For instance, each Wednesday, an hour-long class is devoted to

personal refinement, including activities such as the tea ceremony, flower arrangement, calligraphy, painting, Japanese chess, folklore, music and poetry.

In the Bavarian *Land* in Germany all stages of training are completed with the Emergency Police. The curriculum is comprehensive and includes the following:

- English (communication);
- Psychological training (how to treat people in everyday situations);
- Information and communication (including computer handling);
- The law (traffic laws, criminal law, police laws and procedures);
- Police work (police duties, rights, filling in forms);
- Criminalistics (interrogation, protection of the crime scene, and collection of evidence);
- Special police laws (environmental laws, asylum law, *etc.*);
- Self-defence and sport;
- Special training (driving, first aid, guard duty, *etc.*);
- Weapons training,
- Group strategy and operations;
- World affairs and elections; and
- Study time (all police trainees live in the academy, although local students can stay at home).

In Baden-Württemberg the police training is less structured, although subjects can include German, natural sciences, communication and typing, psychology and how to work with the public. While some instruction is given in police-community working - including conflict resolution - it is expected that trainees will learn more "on the job". There are also refresher and vocational courses on offer. The present form of training allows a lot of freedom. The downside of this is that trainees may still need to learn a lot of practical work when they arrive at their first station. In Lahr (Baden-Württemberg) an emphasis is placed on policing techniques (*Polizeidienstkunde*) - for instance, filling out the forms, making arrests, how to stop a car, do a search, testify, and other similar actions. Also covered are emergency techniques (how to handle demonstrations, events or disasters). Other areas covered include operational work, working with mentally ill persons and self-defence.

In France there tends to be a dynamic and pragmatic approach to training with courses frequently changing - recent additions being psychology and computing. As noted, officers in the *Police Nationale* are trained to be generalists. In terms of rule of law principles they are also trained to be aware of the pluralistic facets of the community and to be sensitive to human rights issues. In the *Gendarmerie Nationale* there are courses on surveillance, drug

addiction, techniques of investigation, evidence gathering, financial crimes, portrait drawing and detecting the use of false documents. Inspector trainees in the *Gendarmerie* take courses in law, penal procedures, police procedure, “criminalistics”, civil law, police intelligence, legal commentary, sports, self-defence, typing, police techniques, weapons and emergency rescues.

Lessons can be learnt from each of the four countries in terms of their training curriculum. The emphasis that the Swiss police training has on “emotion, sensibility and understanding” ought to be positive for rule of law understanding. From a practical perspective, the coverage of police laws and procedures by the German trainers in Bavaria should give trainees an understanding of what they can and cannot do. If this is taught alongside the conflict resolution covered in Baden-Württemberg then breaches of “rule of law” ought to be less frequent. This of course is an ideal, and this chapter does not indicate the quality of training that is on offer; however, the basic principles remain. Japan leads the way in cultural training and personal development and the Police Nationale in France has training in human rights and multi-culturalism. However, as the riots of 2005 in Paris demonstrated, police-community relations in France are strained in some areas. When and where such tensions occur, it is imperative that the police have a real understanding of rule of law.

Conclusion

The training of police officers in all four countries includes elements that ought to make rule of law messages more apparent. However, the countries are clearly marked by diversity in how these messages are delivered. As the police in each country is professionally trained, there are some similarities in training curricula, the amount of education needed and other factors. Differences are due to a combination of historical, cultural, political, and other pressures. They are also a result of the different policing structures.

In terms of recruitment, it is important to have recruits that are amenable to rule of law messages. The psychological testing used for Swiss recruits and the strong emphasis on academic education by France and Japan may produce ‘better’ or more able students, although more research would be needed here. The efforts in Germany to recruit more people from Black and minority ethnic groups may lead to a force that better understands minority issues - perhaps improving rule of law application. The German police could look towards England and Wales where all new police recruits are meant to take part in a two-day “attitudinal” course”, “aimed at ensuring they have a healthy attitude towards people from different

backgrounds”⁵. England and Wales has also been actively recruiting from Black and minority ethnic groups.

While all four countries included in this study have an increasing emphasis on community, there appears to be three distinct training philosophies. Firstly, in Germany the emphasis is on the law and the interplay between rule of law and democracy (see also Das 1998). It may be important for students to understand what they can and cannot do under the law; however, there is a risk that this is at the expense of training centred on police-community relations. The conflict resolution training provided in Baden-Württemberg goes some way to address this issue. Both Japan and Switzerland have a more militaristic tradition. Despite this, training in both countries focuses on community, including such things as positive attitudes, a sense of justice, good public relations and citizen involvement. The third approach is provided by the French, with rule of law issues presented through training in human rights and multi-culturalism. There are not necessarily any right or wrong ways of doing things and rule of law messages are apparent in all three training philosophies; however, it appears sensible to tackle the issue from all angles possible.

The four countries have their own approaches to training in terms of organization and structure, and there is also some variation within countries. If rule of law messages are to get across to recruits, it is important to appreciate such local contexts, especially in terms of the availability of basic, theoretical and on-the-job training. Similarly, the type of training organization is important, be it, for example, the practice-oriented German system, or the wider professional approach of the French system.

Lessons can be learned also from the training curricula of each country. For instance, the emphasis that the Swiss police training has on “emotion, sensibility and understanding” ought to be positive for rule of law understanding. The conflict resolution on offer in Baden-Württemberg is an important development, of course depending on the quality of that provision. Japan’s inclusion of cultural training and personal development may make recruits more aware of wider societal norms and values (e.g. Sellin 1938). And the training in human rights and multi-culturalism provided for the *Police Nationale* in France may similarly help to make rule of law breaches less frequent.

However, none of the four systems are perfect and they really ought to be described as “works in progress”. As noted above, in Switzerland there have been concerns over police brutality. This has been a concern also in Japan, along with corruption and nepotism (Johnson 2002: 2003). The riots in Paris and other major cities in France during 2005 have shown that - despite all the

5 See www.homeoffice.gov.uk.

training in multi-culturalism - police-community relations can still be strained. In Germany, there has been the added pressure of policing a reunified country and inheriting police organizations with very different histories, cultures and, perhaps, understandings of rule of law.

There are pressures on the public police through increases in the privatization of security. There are also many external pressures due to the globalization of crime and law enforcement. Numerous countries are facing rapid change and challenges to accepted rule of law principles; police organization and training must be aware of these realities and the renewed tension between rule of law/due process and crime control. That said, the United Nations has produced a set of standards and norms for crime prevention and criminal justice (UNCJIN 1999), and rule of law is very much part of these standards.

Where the four countries appear to be heading in the right direction is in their increased professionalism (and improvements to police training are central to this) and in work to make the police more representative, particularly in Germany. In order to improve, or maintain, public confidence in the public police it is important that the service the public receives is professional, has legitimacy in terms of representation and, finally, adheres to rule of law principles.

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V. INTERNATIONAL CRIMINAL JUSTICE TEACHING AND TRAINING AGENDA

Culture of Lawfulness Training for Police¹

James O. Finckenauer²

Introduction

Too often, in too many places, the police – although charged with upholding and enforcing the law – instead engage in practices that are outside legal boundaries; that are in many instances indeed criminal. For any of a variety of reasons, e.g., because they are outmanned and outgunned, because they are poorly trained and poorly supervised, because they are unprofessional and unaccountable, and/or because they are simply brutal and corrupt, the police operate in lawless fashion. As country after country today strives to become or maintain itself as a rule-of-law state, these countries find that this already ambitious and challenging goal becomes impossible to achieve if their principal law enforcement entity – the police – do not themselves accept and adhere to the rule-of-law.

So what then is specifically meant by the rule-of-law? What part do the police play in a society that embodies the rule-of-law? And, can anything be done to improve police performance in playing their part? In particular, can education and training assist in accomplishing this? After briefly addressing each of these questions, I will then focus upon the last one. My specific consideration will be ideas for a so-called *culture of lawfulness* curriculum for the police. I will offer an outline of such a curriculum,

1 The education and training approach described here has been developed over the past decade by the National Strategy Information Center in Washington, DC. Its driving force is Roy Godson, the president of the NSIC, and a professor of government at Georgetown University. The author has been a consultant for the project on and off for most of its duration, and in particular worked with both the Colombian and Mexican police curriculum developmental effort.

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in this case for the Colombian National Police, as an illustrative case example.

Society and the Rule of Law

The rule-of-law is an eighteenth century Enlightenment idea. The rule-of-law principle is derived from the idea that the state – the government – exists to serve and protect the people. The people's lives, liberty and property are to be protected against arbitrary government actions as well as from lawless fellow citizens.

The rule-of-law in practice means that the laws apply equally to everyone, including the police, judges and other government officials; that there are means and methods for people to participate in the making and changing of laws; that laws protect and preserve the rights of each individual; and, that there are formal means for enforcing the law and for sanctioning violators. Most importantly for this discussion, the rule-of-law means that the police cannot and must not act outside of the law – must not engage in criminal actions – in carrying out their duties. Their police shield is not a shield for abuse of authority and criminal behavior.

The rule-of-law is the very basis for the legitimacy of the police. We know from the research literature that citizen's compliance with the law emanates in major part from their perception that legal authorities and procedures are fair (See, e.g., Tyler 1990). As I have written elsewhere, the rule-of-law "is a concept intricately tied up with public perceptions of legitimacy, with acceptance of the necessity of law, and with compliance" (Finckenauer 1995: 14). If the police do not support and adhere to the rule-of-law, they not only betray the citizens they are supposed to serve, but they also sow the seeds of chaos in the very society they are expected to protect. Citizens cannot be expected to be law-abiding when the police are not. As the philosopher John Rawls pointed out: "not only must the authorities [e.g., the police] act in good faith, but their good faith must be recognized by those subject to...laws and commands" (Rawls 1971: 235-43).

A Culture of Lawfulness

We should recognize that in reality the rule-of-law is largely an abstract concept. It is an ideal. This ideal must be translated into a set of policies and practices – it must be operationalized – in order to exist in actuality. Before subjects can be expected to abide by the law, they must first know what the law is. Beyond that, however, they must hold attitudes that are favorable to law-abidingness. A

means for shaping such attitudes, and for translating the rule-of-law into practice, is to augment or create what has become generally known as a *culture of lawfulness* (COL). The ideas and practices encompassed in trying to build a culture of lawfulness have themselves evolved over nearly a decade (See, e.g., Godson and Kenney 1999; and Godson 2000). These ideas are derived from a combination of historical experience (especially in Hong Kong and Sicily), from some of the principles of civics education, and from legal socialization theory and practice (See Finckenauer 1998).

What is a culture of lawfulness? COL describes a culture in which the great majority of citizens and the civil institutions of society (religious, educational, business, labor, cultural and social organizations) support the rule-of-law; and, where the average person believes that the laws and the system for creating, changing and enforcing laws are fundamentally fair, and that the laws and the legal system operate in their best interest as well as in the best interests of the society. Building this support and belief in societies where such ideas have been suppressed, or perhaps never really existed in the first place, requires active intervention. It requires interventions of the kind first practiced in, for example, Sicily and Hong Kong. In the case of Sicily, beginning in the early 1980s, Sicilian children were introduced to what was called “educating for legality.” Arising as part of an anti-mafia crusade, this new pedagogy constituted “a profound change in the way that crime and mafia [were] represented – at school, in the media, and in public life....” (Schneider 1998: 12). In Hong Kong, where the problem was pervasive corruption, the Independent Commission Against Corruption (established in 1974) produced a wide spectrum of moral education packages that emphasized activity and life exposure in a “whole-school” approach (Lo 1998: 29). The ICAC effort included workshops for teachers and the provision of teaching aids and manuals as part of the “systematic teaching of moral education.” Although neither of these examples was a total success, they each provide a good foundation and good source of lessons learned for any new COL initiatives.

Creating a culture of lawfulness requires engaging the major institutions of society in pursuit of the rule-of-law goal. As indicated above, these institutions include religious institutions and other centers of moral authority, and the media – newspapers, television, and so on. But importantly, and perhaps most amenable to intervention, are the institutions of education and training. This is why the first efforts in this direction have been concentrated upon schools.

It is not, and not surprisingly, only school children and high school students who need this instruction. A key assumption underlying a culture of lawfulness is that citizen support for the police, as well as a strong civil society, are critical to a society that is to be law-abiding. Civil society operates (or unfortunately does

not as the case may be) pretty much independently of the police. But citizen support for the police in particular is very much determined by their perception that the police are legitimate and deserving of respect and compliance. Just as the rule-of-law is a necessary governor on the actions of the police, so too is police recognition that they must be part of a culture of lawfulness.

As Godson has pointed out, a culture of lawfulness needs enforcement, but at the same time the enforcers (especially the police) very much need that culture (Godson 2000). The latter is true for several reasons. For example, new police recruits come out of the dominant culture of their society, and as such come imbued with the attitudes and beliefs of that culture. To the extent that they bring with them negative attitudes of distrust, disrespect and disdain for the police, this constitutes a significant challenge for orientation and training. Why might persons holding such ideas want to become police officers in the first place? Perhaps because the job is secure and pays relatively well, or perhaps because it gives them a position of power and a license to steal and collect bribes? In any event, any ideas of the latter kind obviously must be confronted and rejected during police training, and any police recruits continuing to hold on to those sorts of beliefs must be dismissed.

The police need also to understand – and this is key – that their being part of the culture of lawfulness is vital to their success and effectiveness. In such a culture, lawbreakers will find themselves targeted not only by law enforcement, but also by other sectors of the society. Community cooperation and collaboration with the police is in fact a prime component of the universal move to community policing as the dominant policing style. Policing in accordance with rule-of-law and culture of lawfulness principles is not only more humane and consistent with democratic values, but is also far easier, safer and more effective – an unbeatable combination!

A Culture of Lawfulness Curriculum

Building upon the foundations mentioned previously, the first experimental offering of what was specifically a culture of lawfulness curriculum was in secondary or middle schools in Mexico (and to a very limited degree in the United States) in 1999. From a 30+ hour pilot, the curriculum was expanded to 60 hours, and has since been offered in *secundaria* (secondary) schools throughout Baja California, Mexico. It has also been offered in schools elsewhere in Mexico, in the Republic of Georgia, in Colombia, El Salvador, and Peru, and now (in adapted form) in Lebanon. There has recently been added a companion high school

curriculum that builds upon the lower school program, and is also being offered in Mexico.

The Baja *secundaria* COL curriculum focuses upon first, the connection between personal and societal values and decision-making, and the consequences of individual decisions. The goal is for students (and now police trainees) to understand that although many factors influence their behavioral choices, ultimately they have control over the choices they make and must be prepared to accept the consequences of those choices. A second focus is on the similarities and differences among customs, rules and laws; what is the rule-of-law (ROL) and how it differs from “rule *by* law”; what is the culture of lawfulness and how do ROL and COL relate; and, what happens when laws and values conflict. The third area deals with crime and corruption, including their different forms and their threats to the community, and the “ripple effect” from seemingly minor forms of crime and deviance outward upon the community and the larger society. Finally, the fourth focus is upon how societies can resist crime and corruption, the implications of individual choices, exercises in problem-solving, and the use of role playing. The book *Lord of the Flies*, and the film *Goodfellas* have been used to illustrate and drive home the points of emphasis in the lessons. In addition, field exercises and guest speakers are also relied upon to make the material covered real and practical.

An evaluation of the initial effort in Baja and U.S. schools produced mixed results in terms of its effects upon knowledge, attitudes, and legal reasoning (Godson & Kenney 1999). One conclusion from that study was that increased social competency skills could be an important outcome from the COL educational program. Thus, it was recommended that the problem-solving component be strengthened – engaging students in problem identification, analysis, and response formation. Specifically, it was recommended that the program should stress practicing these skills interactively. The proposed COL curriculum for police incorporates this element into the offering.

A subsequent study of over 10,000 Mexican youth who participated in the COL program for *secundaria* schools also produced very mixed results (Grant 2004). As in the pilot study, teacher competency, creativity and mastery of the material were quite variable. There was also considerable variability in the actual completion of the 60 lesson curriculum, with many teachers unfortunately falling short. Nevertheless, Grant (2004: 81) found that students demonstrated positive changes in such areas as locus of control, social responsibility and fatalism in the pre-post test evaluation. He concluded that interactive curricula that offer increased chances to participate in governance, rule creation, self-reflection, and problem-solving might best enhance these sorts of changes.

Not surprisingly, weak and poorly trained teachers who get through only a portion of the lessons do not provide a valid foundation and test of the worth of the COL curriculum. Obviously, any move to build COL subject matter into police training must make every effort to insure that the instructors are carefully chosen, fully qualified, and well-trained; that sufficient time is allotted to permit full and complete coverage of the material; and, that there is clear organizational support and commitment. Consistent monitoring must occur to insure that these requirements are being met.

In general, assessments of the school-based program in Mexico (and to some degree in Georgia as well) suggest that affective learning methods (active, interactive, hands-on) are the preferred method for presenting this curriculum. And to reiterate, these assessments also demonstrate the critical importance of having creative, committed and innovative teachers and instructors. Rote learning methods do not work; and, instructors who are simply going through the motions and do not evince a real commitment to rule-of-law and COL principles are not effective. The latter observation will become especially important in choosing instructors for the police training program.

As authorities, and particularly police leaders, in Mexico and Colombia have become aware over the past several years of what was happening in the schools, they became intrigued by the possibilities for the development of a COL training curriculum geared specifically for the police. We (NSIC and its consultants) were aware at the outset that developing such a curriculum would present some additional challenges – mainly arising from the critical differences between being a student and being a police trainee. One difference comes from the fact that the trainees are generally older, and thus more experienced and worldly-wise. In addition, given that in these cases they have grown up in Colombia or Mexico, they might be expected to be especially cynical and skeptical about such ideals as the rule-of-law. We thus decided at the outset that the COL police training must be focused upon showing how the rule-of-law and a culture of lawfulness actually contribute to more effective and professional policing. It is therefore not, or at least not only, idealistic, but also quite pragmatic.

A second important difference between the civilian and police students is the fact that for the former the COL curriculum is primarily an educational experience. It is intended to convey knowledge, understanding, and an appreciation of the importance of the principles of law and justice toward the end of challenging negative stereotypes and instilling more positive attitudes. For the police, on the other hand, this is “training.” As such, it is intended to not only impact knowledge and attitudes, but also to provide specific tools and techniques for application on the job. It is intended to directly influence behavior and performance. For police

officers and police supervisors, the purpose of the COL training is to spell out what specific actions and behaviors they must engage in – and avoid – in order to uphold the rule-of-law and to build and maintain a culture of lawfulness.

A Case Example: Colombia

The following describes a preliminary effort to develop, in conjunction with the Colombian National Police National Police School, a COL curriculum that is to be incorporated into the existing training regimen. Although not yet operational, the proposed curriculum is illustrative of how rule-of-law and COL principles and ideas might become part of law enforcement training. There is certainly every reason to think that this same sort of curriculum could be adopted and adapted for widespread application. To set the stage and provide an appropriate context, let me begin with a few words about policing and police training in Colombia more generally.

Plagued by guerrilla warfare, paramilitary groups, drug cartels, and violence, Colombia has long been one of the most troubled countries in Latin America. Its justice system – and specifically the police – has consistently been cited over the years by, for example, Amnesty International and the United Nations for human rights violations in responding to its multitude of crime problems. Corruption has also infected nearly every institution of the society, including most especially the police. In a recent report, the Special Mission of the Colombian National Police (Final Report 2004) concluded that a culture of laxity and permissiveness existed. When corruption occurs, according to the report, the police focus on preserving their image and covering up any wrongdoing from public view.

A jointly funded U.S./Colombian initiative, known as Plan Colombia, was introduced in 2000 in an attempt to address that country's crisis situation. A \$7 billion initiative, Plan Colombia is aimed at reducing and preventing guerrilla/paramilitary violence, interdicting and eradicating illegal drugs, and introducing human rights reform through fostering a culture of lawfulness in Colombia. Some of the key reforms – including training – are centered on the Colombian National Police (CNP).

With respect to training, the *Special Mission of the Colombian National Police* listed a number of criticisms of the CNP training programs. There was, they reported, an excessive emphasis on acquiring diplomas; and, the training was not oriented toward police professionalism, and the personal, social and ethical areas. This report has been a stimulus to seeking to incorporate COL training into the National Police School training. In her analysis of police

reform in Colombia, Maria Llorente (2004) describes a reform effort known as the “cultural transformation,” begun in 1995. This transformation was specifically focused upon improving relations between the police and the civil society, being more responsive to public demands, and promoting police-community partnerships. The desire for COL training is also related to this.

The Colombian National Police (CNP) is a force of some 99,000 sworn and uniformed officers. Roughly 80 percent are considered “professionals,” meaning they have graduated from the police training schools. The remainder are the *auxiliares de policia* (police assistants) doing their mandatory military service with the CNP. There are also about 6,000 civilian employees (Llorente 2004). The Police Administration or Cadet School accepts both high school (roughly 75 percent of total) and college (25 percent of total) graduates, with between 150 and 200 cadets in each class. The former attend for three years, with an additional one year field training requirement. The latter attend the school for one year, and then also have a one year field training requirement. All become sub-lieutenants – the entry-level officer rank – upon graduation. The existing curriculum is a combination of requirements and electives. It is in this context that a COL curriculum was requested and proposed for the training of the officer cadets for the CNP.

The goals of the proposed COL course are as follows:

1. To enhance understanding of and support for the rule-of-law and a COL;
2. To demonstrate how support for the rule-of-law and a COL contributes to effective and professional policing;
3. To provide cadet trainees with concrete tools and skills that will enable them to promote a similar understanding and appreciation among their subordinates and in the communities they serve.

To achieve these goals, a course requiring 60 hours of classroom instruction and additional fieldwork outside of the classroom has been designed. The latter is particularly intended to provide the kind of hands-on opportunity to apply skills referred to earlier. It is proposed that this instruction come towards the end of the training period in order to maximize the potential for post-training application. The following is the structural outline of the course.

TOWARD A CULTURE OF LAWFULNESS

PROPOSED CURRICULUM FOR OFFICER CADETS OF THE COLOMBIAN NATIONAL POLICE

1. The Rule of Law and a Culture of Lawfulness

Purpose: Connect the goals of policing, community support and police effectiveness to ROL and COL

- a. What is ROL? What are the roles/responsibilities of police under the ROL?
- b. What is COL? What are the roles/responsibilities of police in fostering COL?
- c. Why adhere to ROL when nobody else does? What if all the police are corrupt?

2. Goals of the Police: Defining and Measuring Effective Policing

Purpose: Increase knowledge/understanding of goals of the police and of police effectiveness

- a. Why are police needed?
- b. Goals: fight crime and seek justice
- c. What is “effective” policing and how to measure effectiveness?

3. Fostering a Culture of Lawfulness within the Police

Purpose: Teach cadet/trainees how to foster COL among the police they will supervise. Gain perspectives of patrol officers on the roles of police and community in fostering support for ROL and COL

4. Obstacles to Community Support: Identifying Problems and Possible Responses

Purpose: To recognize differences within/among communities affecting efforts to mobilize citizens

- a. Challenges to community support, *e.g.*, community lacks confidence in police effectiveness
- b. How do differences in communities affect police work?

5. Keys to Effective Policing: Community Support and Engagement

Purpose: Demonstrate how police effectiveness is linked to community engagement

- a. Challenges to effective policing
- b. How to increase police effectiveness (involve the community)
- c. Challenges to community mobilization (police crime and corruption)

6. Fostering a Culture of Lawfulness in the Community

Purpose: Teach cadet/trainees how, as individuals, to foster COL in the community. Gain perspectives of the community on the roles of the police and the community in fostering support for ROL and COL

- a. Creating and using a “beat profile”

7. Developing an Officers’ Guide for Culture of Lawfulness in the Field

Purpose: Create an action plan to guide behaviour as individual officers, and as supervisors of other police, in the field. Create understanding of situational leadership

The following are some specific examples of suggested content and teaching approaches for Sections 6 and 7 of the proposed curriculum.

Section 6: Fostering a Culture of Lawfulness in the Community

Among the core elements here is the development of a “beat profile.” This is a detailed picture of a neighborhood or community, including geography, transportation features, business and commerce, crime and delinquency problems including drugs, and most importantly, citizen views on neighborhood problems and possible solutions. The police trainees are instructed in interview techniques and question development and are then sent into the field to actually collect all this information. They are subsequently then to work in small groups (5 or 6 trainees) to develop a profile of each neighborhood from the information they have collected. These profiles must address a number of specific points, and it is recommended that a community member or activist (e.g., from a non-governmental organization) be brought in to assist and advise in this process. Once the profile is complete, the groups are asked to consider and address the obstacles they perceive in their

respective neighborhoods to the creation of a culture of lawfulness. The focus is upon what individual officers might do to promote a culture of lawfulness through their interactions with citizens and community leaders.

Section 7: Developing an Officer's Guide for Culture of Lawfulness in the Field

In this final part of the course, the trainees assess their previously gathered information (from both community and police interviews) in terms of what this means for effective policing. Working in groups, they then develop a guide that will help them work within the different situations they are expected to face. This guide is to be a plan of action for how the trainees will act as individuals, as supervisors, and as active promoters of a culture of lawfulness. Each group must present their plan to their classmates and instructors, and (preferably) to an in-house board of senior police officers as well. An even more ambitious goal is to have these plans also presented to the affected communities. Once finalized, the intent is that the guides become an obligatory document binding not only the individual officers to their goals, but also gaining the commitment of the police organization and the community as well. Plans may still be revised and improved based upon actual experience during the immediate post-training period (the CNP Police Administration Program contains both a block of instruction called "applied research in service," and another called "practical level"). These would be appropriate times to test the plans in action.

Conclusion

Much of what is proposed here is radically different from the traditional and fairly universal police training curricula. It obviously builds upon ideas derived from the experience with community policing. It also effectively combines idealism and utilitarianism. As such, the COL police training curriculum echoes the arguments of such policing experts as David Bayley about broadening the teaching of law and ethics to police recruits by introducing utilitarian arguments into the lessons, along with instruction on due process and the value of the rule-of-law in democratic societies (Bayley 2002). Further, Bayley's recommendation that it is most important that senior police executives be the focus of this kind of instruction is pertinent here as well. Although the Colombian police cadets are new entrants to the force, they are coming in as officers and thus

will be well-positioned to influence both their subordinates and the organization as a whole.

In sum, the kind of *culture of lawfulness* training outlined here can move us in the direction of what a number of police experts have recommended, namely convincing the police (and especially the police leadership) that, in Bayley's words, "it is in the interests of the police, both individually and collectively, to adhere to the rule-of-law... [because] defending human rights enhances police effectiveness [rather than] hampers it. [And because] illegality in policing is a risky and generally unproductive strategy" (Bayley 2002: 146).

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A Content Analysis of Comparative and International Issues in Popular Introductory Criminal Justice Texts

Sheryl L. Van Horne¹

Introduction

While the focus of introductory textbooks in criminal justice is on the purposes and process of the American criminal justice system, crime has become increasingly international and transnational. This study investigates the amount of space allocated to international issues in five of the bestselling criminal justice introductory textbooks. It was hypothesized that very little space will be devoted to international issues in the primary introductory texts. Since this particular research has not been attempted in the past, the types and topics of international information in the main text were also examined. The results indicate that a relatively small percent of space discusses international issues or international comparisons, though the results do vary by the text and subject matter, which is broken down as crime, police, courts, corrections and juvenile justice.

The Problem

Criminal justice programs have crept up across the country, and are still on the rise, with many new undergraduate and graduate programs being created. Colleges that have had criminal justice in their curriculum are expanding their course offerings. Typically, the criminal justice major is one of the most popular majors on American college campuses. Usually students who major in criminal justice are required to take some form of introductory class, which is often taught as a lecture-based class with a basic introduction text and covers the key components of the criminal justice system (police, courts, and corrections), and include discussions of crime trends and theories of criminality. Shichor (1982) suggests that introductory textbooks socialize the students of a particular discipline. They set the stage and framework for students who choose to take additional courses in that discipline. It is therefore important to know and understand the content that

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students are exposed to, as well as material that they are not learning.

While each introduction to criminal justice course content is to some extent instructor-driven, the material in the textbooks plays a key role in the material that is covered in classes. Certainly, American faculty enjoy their academic freedom and may choose not to use a text or to not use a traditional introductory text, the majority of criminal justice faculty still teach using a traditional introductory text. Instructors have a wealth of textbooks for introductory criminal justice courses. According to Withrow, Weible, and Bonnett (2004) finding the right text can be a daunting task. Thus, it is important to understand what material is covered in introductory texts, and how that material is presented. The way in which material is presented can have an impact on students' perceptions to this new material, as most college students have not had prior academic exposure to the criminal justice system and its processes (Meier 1980).

To date there have been no published studies examining the space devoted to international and comparative issues in introduction to criminal justice texts. There have, however, been content analyses conducted on textbooks for a variety of other purposes. Some studies have focused on introduction to criminal justice or criminology texts, examining specific types of content, including research methods and ethics (Rhineberger 2006), career criminals (Wright 1994), and white collar crime (Wright and Friedrichs 1991). One study examined the space devoted to critical theory, finding that critical theory in introductory texts was rarer than in introduction to criminology texts (Wright and Schreck 2000). Some studies examine particular topics to determine whether they are covered and the extent of their coverage of that particular topic. For example Wright (2000) examined the coverage of critical theory in introduction to criminology texts published between 1990 and 1999 and examines the average number of pages and the number of inches devoted to critical criminology. Other analyses of criminology texts have found coverage of biocriminality lacking (Wright and Miller 1998) or a minimal focus on female criminologists (Miller, Wright and Smith 2000). Another study examined the extent of coverage of jails in criminology and criminal justice introductory texts (Burns 2002). Thus, there have been a number of research studies examining criminology and criminal justice introductory textbook content, but nothing regarding the international or comparative content.

Content analyses of textbooks have been performed in other disciplines as well. Lynch and Bogen (1997) conducted a content analysis of introductory sociology textbooks to determine the sociological core curriculum and whether or not specific themes were addressed in the texts, specifically how the texts examined the sociology of scientific knowledge. In a similar study of

introductory psychology texts, Nairn *et.al.* (2003) looked at the important concepts in six best-selling introductory psychology texts to determine which core concepts seem to be the most important in the psychological curriculum. Another study examined how boys and girls were portrayed in educational psychology texts by examining 15 texts and how they described male and female characters within the texts (Yanowitz and Weathers 2004).

Many students move on to the field as police officers, attorneys, or correctional officers with little or no understand of or sensitivity to international issues. With the increased concern about terrorism, especially international terrorism, it is becoming more important that individuals have an understanding of the global concerns and agreements. Of course, terrorism is not the only crime that crosses national borders. In fact, if criminal justice students are made aware of other crimes that they may have to deal with in their career they may be better able to deal with them. Additionally, a better understanding of international norms and rules would benefit students in their careers in criminal justice, since it may enable them to be more critical in their thinking about the treatment of others in the criminal justice system.

Methods

This research examined five of the bestselling introduction to criminal justice textbooks, as ascertained by searching the Barnes and Noble website for “criminal justice” and ordering them by best-selling books. Then, only primary introductory texts were considered as the sampling frame. That is, texts that are written by one author, containing chapters that would be covered in typical Introductory Criminal Justice Courses across the country. Anthologies, texts that were not for an introductory criminal justice course, and supplementary materials were excluded. Five of the six best-selling texts that would be used in an introductory course were chosen based on the ranking of their sales. The fifth ranking text by Frank Schmalleger was excluded since Schmalleger had another text ranked number one. Since the texts would most likely contain similar coverage of the criminal justice system and related issues, the exclusion makes sense. In the end, the following texts were examined (in order of their best-selling ranking from first to sixth):

Criminal Justice: A Brief Introduction by Frank Schmalleger
Criminal Justice in America by George Cole and
Christopher Smith
Introduction to Criminal Justice by Siegel and Senna
Introduction to Criminal Justice by Bohm and Haley
Criminal Justice by Inciardi

Incidentally, the same search was performed on Amazon.com, another popular internet location for students to obtain their textbooks, and yielded 4 overlaps (Schmallegger, Cole and Smith, Siegel and Senna and Bohm and Haley), further validating the choices. The second most popular text at the time the search was performed on Amazon.com was Adler, Mueller and Laufer's *Criminal Justice: The Core*.

While Introduction-to-Criminology texts could have been utilized in such a research venture, introductory criminal justice texts were chosen for two reasons. First of all, there is a significant difference between the two. Criminology texts focus primarily, if not exclusively, on theory, while criminal justice texts focus on the main components of the criminal justice system, including laws, policing, courts, corrections, and sometimes on juvenile justice.

The primary purpose of this research was to ascertain the extent of international and comparative content that students in Introductory Criminal Justice courses read in their primary text. Once the sample was selected, each text was read in its entirety and each line of main text was measured. Many researchers have analyzed textbooks by examining the topics in the index; however, there are significant problems with this method. First of all, different publishers and authors may have different methods for what should be placed in an index. Additionally, many topics may not be indexed at all. Other content analyses involved counting the inches of text; however, centimeters is a more accurate measure of text, so centimeters were measured instead, rounded to the nearest half-centimeter. Thus, the number of centimeters was the unit of analysis.

This analysis only examined the number of centimeters of the primary text. Although many international comparisons will be found in textboxes, they were not coded for two main reasons – one practical and the other conceptual. Most textbooks that use textboxes use a different size font, which complicates the coding. For example, ten centimeters of text in 16 point font would be less text than the same length in 12 point font. Additionally, the majority of students may not read textboxes and ancillary material, presuming it is less important. So, it made sense to focus on the main text. Additionally, added importance is placed on material in the main content of the text. Any coverage in textboxes implies that there is something fundamentally different about such information, suggesting to students perhaps that it is separate information that does not quite fit with the main text.

International issues were defined as issues that the text described as affecting any country other than (or in addition to) the United States. Thus, content that mentioned another country, an important figure who lived in another country, statistics from other countries, and any event that had global significance was counted

as international. It was hypothesized that relatively little of the material would discuss international issues, concepts or comparisons. It is important to note, too, that if a theorist was mentioned who happened to be from another country, but that his country of origin was not mentioned, this was not coded as comparative. The reason for this exclusion is that introductory students would only know the individual's origin if their professor happens to mention it and the students make significant note of it. In other words, if the text did not indicate that the individual's origin was another country it is unlikely that students would know this, so it would have little impact on the student's perceptions of the importance of learning about international events.

Since this is the first analysis of criminal justice introductory textbooks that systematically investigates the percentage of text devoted to international and comparative issues, it was exploratory in nature. After examining the international content, three types of content emerged. The first was comparative content that was historical in nature and explained the American criminal justice system's European roots. Another type of international content was comparisons of current information. This includes similarities and differences in the rates of offending and recent crime problems discussed in other countries. The final type of international content was the material that focused on international issues. That is, discussions of crimes which are transnational by nature or crimes that were referred to in an international context, such as international terrorism. All of the content that either discussed issues that were of international import or any material that referred to another country or an international organization in some way was coded, then categorized as fitting into one of the above three categories.

Results

Many of the international and comparative issues pertained to historical beginnings of current U.S. criminal justice practices, especially the beginnings of law enforcement. Some of the text devoted international issues to the history of punishment in chapters dealing with corrections. Other comparative issues related to theories posited by non-American scholars. Though such information is not truly an international issue per se, it is important in that it lets students know that the American understanding of crime was and is influenced by thinkers from other countries.

Table 1: Percent of Different Types of Comparative and International Content by Text

	Comparative Historical	Current Comparison	International Issue	Total Percent
Inciardi	3.09	0.03	0.26	3.94
Schmalleger	0.42	0.28	2.47	3.16
Cole and Smith	1.59	0.33	1.89	3.67
Siegel and Senna	2.46	0.41	0.13	3.11
Bohm and Haley	2.48	0.35	4.40	6.89
Mean	2.01	0.28	1.83	4.15
Standard deviation	1.04	0.15	1.76	1.57

The text that clearly contained more international content than any other in the sample was Bohm and Haley's. The Bohm and Haley (2005) text had a greater percentage of main text devoted to international and comparative issues mainly because of its greater coverage of international issues, specifically its focus on terrorism and the American response to the events of September 11, 2001. While terrorism is certainly an international issue, the majority of the space devoted to it focused primarily on that one event and other policy implications of terrorism for the United States. Inciardi (2005) also had a significant amount of text devoted to historical comparisons, but offered very little text that examined international issues or compared other country's current experiences with crime and the criminal justice system. Generally, the texts did not devote much space to current comparisons, although percentagewise, Siegel and Senna (2005) did a slightly better job than the others at recent international comparisons. Overall, Inciardi (2005) had the second greatest percent of main text devoted to international or comparative issues, while Siegel and Senna (2005) had the smallest percentages overall.

Table 2: Percent of International and Comparative Coverage by Topic for Each Text Examined

	Crime	Police	Courts	Corrections	Juvenile Justice
Inciardi	3.56	4.14	1.91	5.41	1.11
Schmalleger	8.55	2.76	1.15	0.00	N/A
Cole and Smith	6.43	5.90	0.06	2.66	2.57
Siegel and Senna	3.56	2.46	2.66	3.26	3.43
Bohm and Haley	10.86	12.09	1.25	4.02	0.00
Mean	6.59	5.47	1.41	3.07	1.78
Standard deviation	3.18	3.94	0.97	2.00	1.52

Table 2 examines the types of chapters and the percent of text devoted to international issues and comparisons by type of chapters in each of the texts. The first category of crime includes chapters on crime statistics, victimization chapters, chapters on criminal law, and theories of crime. The categories of police, courts, and corrections are relatively self-explanatory, but it is important to note that juvenile justice was just one chapter when it existed. Schmalleger's text did not include a chapter on juvenile justice. The percent indicated in each cell is the percent of centimeters of main text of chapters that fell into that particular category that contained some type of international or comparative information. Chapters on courts and juvenile justice have the least amount of space devoted to international issues or comparisons. It is also quite clear from the table that the majority of international material in Bohm and Haley's text is in chapters devoted to either crime or the police. This is true of most of the texts, although Siegel and Senna (2005) spread their international content out more equally among each type of chapters. Inciardi (2005) has the largest percentage of international material in his corrections chapters largely because he committed a great deal of space to penal reformers like Cesare Beccaria, Jeremy Bentham, and Alexander Maconochie. Inciardi (2005) also devotes a great deal of space discussing the origins of American jails and their English roots.

The sections with the greatest percent of material extending beyond a purely American focus are "crime" and "police". This makes sense since many sections on criminal law examine the English roots of the American common law tradition as well as the English roots of the police today. Sections on types of crimes in

each of the textbooks devote at least some space to a discussion of terrorism. Both Schmallegger (2006) and Bohm and Haley (2005) are above the average of percent of space devoted to international areas relating to crime. Both Bohm and Haley (2005) and Cole and Smith's texts are above average on international content with respect to chapters discussing policing issues. Siegel and Senna (2005) and Inciardi (2005) are above average on the courts chapters, while Bohm and Haley (2005) and Siegel and Senna (2005) are above average with respect to the percent of space devoted to international content on corrections chapters. Siegel and Senna (2005) and Cole and Smith on average have a greater percent of international coverage in the chapter on juvenile justice.

Table 3: Percent of Different Types of Comparative and International Issues in Chapters by Topic

	Historical Comparison	Current Comparisons	International Issues	Total Space in Chapters (cm)
Crime	3.0	0.4	3.7	220837
Police	2.1	0.2	3.0	206165
Courts	0.8	0.3	0.2	209121
Corrections	2.6	2.9	0.0	186173.5
Juvenile Justice	1.4	0.0	0.0	38263.5
Mean	2.0	0.8	1.4	
Standard deviation	0.91	1.22	1.82	

Table 3 shows how the international and comparative material can be broken down by types of chapters. The primary international issue was terrorism, although some texts devoted a significant amount of space to organized crime or drug trafficking. Since a great deal of centimeters of space devoted to international issues focused on terrorism, it makes sense that the chapters dealing with crime and the police had the greatest percent of space devoted to international issues. Generally, terrorism is framed as a crime problem for the police to deal with. The types of chapters that had the greatest percent of historical comparisons were chapters dealing with crime and chapters about corrections. Most of the

historical material about crime had to do with early notions of justice, the Code of Hammurabi and the history of common law. Much of the historical international comparisons in chapters about corrections dealt with early notions of punishment. Nearly all of the material of current comparisons in corrections chapters dealt with uses of the death penalty, or more specifically, a reduction in the use of the death penalty in other countries.

International and supranational organizations are one outcome of an increasing global village. The United Nations has significant importance in the international arena. In the sample of five texts the United Nations is mentioned in only three. In one sentence of Bohm and Haley's text the U.N. is mentioned in the context of the death penalty. Specifically, the United Nations Commission on Human Rights is cited as condemning the death penalty in the United States. The United Nations is mentioned in passing in Siegel and Senna's text which specifically refers to the United Nations Convention on the Rights of the Child and its prohibition of the death penalty for individuals under 18 years of age. In Inciardi's text the United Nations is mentioned on two pages. The first briefly discusses the United Nations' role in seeking to prevent the trafficking of women and girls in Eastern Europe. The second mention of the U.N. is more in-depth and discusses the World Court as the "principal judicial organ of the United Nations" (Inciardi 2005: 325), mentioning the United Nations four times on the same page and discussing the role of the International Court of Justice as well as the International Criminal Tribunal. It should be noted, too, that in all but the one sentence in Bohm and Haley's text the material about the United Nations was in a text box, and not part of the percentages listed above.

Thus, overall very little space was devoted to comparative or international issues. Most of the coverage of international issues focused on terrorism, which is a problem because it may suggest to students that terrorism is the only international issue worth concerning themselves with. Additionally, the context of the material focusing on terrorism was largely about what the United States can do to prevent future attacks, not on how America can learn from other countries that have had greater experiences with terrorism, or of any lengthy discourse on whether the way we are going about "fighting" terrorism is the best method possible. Moreover, most texts focus on the threat of international terrorism, belying the fact that the United States has had more instances of domestic terrorism over the past decade or so.

Discussion

In many respects, it makes sense that introductory texts cover the basic material about the American criminal justice system. That is, it is expected that such texts teach first year college students how the American criminal justice system functions and what the jargon means. At the same time, a better approach to criminal justice learning would be to examine how other systems function and to what extent the American system is similar or dissimilar to other criminal justice systems. If introductory textbooks contained more international or supranational information students would learn that what occurs in other countries or in other supranational bodies is important and may reduce the ethnocentrism of many first year criminal justice students. Clearly, the amount of information devoted to international issues in introductory texts is insufficient.

It would not be difficult to tie in important criminal justice information of crime and criminal justice processing in other countries. This would achieve multiple goals. The first benefit of such international comparisons would be a broadening of students' understanding of crime and criminal justice. Americans are stereotyped as lacking in their understanding of international politics and issues more than students in European countries, for example. Such lack of knowledge may lead to the erroneous belief that one's own country's way of processing criminals, for example, is the same everywhere. So, the expansion of coverage would also help reduce ethnocentrism and narrow-minded thinking. To that end, additional international coverage would enhance students' abilities to apply critical thinking skills and foster the growth of such skills. When students know of the many different ways in which criminals are processed they are more likely to question what happens in America, and would therefore be better prepared to approach various problems differently. Since many criminal justice students graduate to work in the criminal justice field in some capacity, additional awareness of international issues and concerns as well as being well informed of various criminal justice applications in other countries will benefit them greatly, increasing the likelihood that they focus on fixing problems in intelligent and informed ways.

Since the world is living in an increasingly global community, international issues are of significant concern. If students were more aware of the fact that policies in one country can have a significant impact on other countries, they may have a greater concern for what takes place in other countries, causing students to want to learn more about other countries. Faculty can always supplement traditional introductory texts with additional information about international issues and comparative statistics.

Conclusion

Additional research needs to be conducted on the content, benefit, and perceptions of a more global focus of criminal justice material. It would be interesting to view the results of a systematic study of other kinds of criminal justice textbooks, like courts texts and corrections texts. From my own perceptions and experiences with assigning such texts in criminal justice courses that I teach I would hypothesize even less international coverage on upper level criminal justice texts (with the exception of comparative courses, naturally). Of course, one course cannot cover all relevant information, but a more international approach would be beneficial in so many different respects. It is very important to realize that texts and course content help shape students' understanding of criminal justice and students' ethnocentricities should be countered by providing them with a more well rounded view of the criminal justice process.

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Appendix:

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- Cole, G. and Smith, C. (2005). *Criminal Justice in America*, fourth edition Belmont CA, Singapore, Southbank, Australia, Toronto, London, Colonia Polanco, Mexico, Madrid: Thompson Learning, Inc.
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Developing an Agenda for International Criminal Justice Teaching and Training

Jay S. Albanese¹

Introduction

Emerging democracies, rampant corruption, the threat of terrorism, police abuses, and official misconduct by government officials, combine with economic disparity, cultural traditions, and history of an underground economy to create a need for planning and professionalism in responding to these problems and issues. Many social and economic problems result in crime problems, and corruption is criminal in its nature by exploiting public office for private gain. Therefore, the need for an organized response is manifest.

These issues are not limited to developing countries, although they suffer from multiple threats (economic, political, social), and therefore are in the greatest need. On the other hand, many developing nations continue to experience corruption, terrorism, and other forms of criminality, placing them in need of assistance to confront these problems effectively.

What Is Being Done?

The need for an improved response to crime, its causative conditions, corruption, and related matters has provoked a small industry in which “experts” travel around the world and offer training and technical assistance of various kinds. Some of this assistance is competent and helpful, and some is not.

Some technical assistance, education, and training is carried out by non-governmental organizations (NGOs), the United Nations and other international bodies, other countries, and private

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consultants paid by one of groups. Often the assistance is provided only when funds are forthcoming from donor countries to support the work needed or requested. The result is a hodge-podge of uneven assistance, not always provided to the places most in need, in the form most useful, or by the best available providers.

Can We Improve?

There are four ways in which a better effort can be made to provide useful education, training, and technical assistance in the most appropriate way. These include: cataloging providers, organizing curriculum, documenting experience, capturing and disseminating best practices.

Catalog providers

It is crucial to develop a catalog of who is doing what kind of education, training, technical assistance, and in what locations. Such a catalog, and interviews with providers, would help “map” the universe of these services, the source of the demands for training, education, and technical assistance, and the materials used.

Organize curriculum

The curriculum currently being used must be documented and catalogued to develop a clear understanding of the types of education and training that is available, in what locations, to what types of clients, in what languages. The relationship between available curriculum and requests for assistance should also be documented to assess gaps between demand and supply.

Documenting experience

Much work in criminal justice is characterized by the failure to document activity, outcomes, or long-range impacts. There has to be a great deal of activity in recent years in providing criminal justice education and training. What has been the impact of this training? What is its cost-benefit? What are the circumstances under which it was provided? Do some kinds of curriculum, delivery method, instructors, work better than others? What appear to be the reasons for observed differences?

Capturing and disseminating best practices

A better effort is needed to document the reasons for success or failure of various crime and justice interventions. Such documentation helps insure that “best” practices are being documented and finding their way into teaching and training

curricula. Systematic effort to create and disseminate good teaching and training materials also helps to insure the best teaching practices are preserved and imitated.

An Agenda for International Teaching and Training

The agenda for international teaching and training should be based on a rational approach for selecting subjects of greatest need—and linking them to good curriculum and instructors, and assessing the impact of this work in reaching its objectives. In developing an agenda for the future, seven elements must be addressed:

1. Institutional base – university, government, NGO, private organization?
2. Sources – proactive, reactive, specific?
3. Educational basis – Degree/certificate v. training programs?
4. Curriculum – source, how developed, goal?
5. Instructors – who are they – backgrounds?
6. Delivery method – types, comparative effectiveness?
7. Impact – retention, cost-benefit, professionalism measures?

If the answers to these seven questions were systematically gathered and organized, a clearinghouse of criminal justice teaching and training curriculum would exist. Once instructional materials from around the world were gathered and organized, experts could review it and add to it, revising it into “state-of-the-art” teaching and training material.

This work should be coordinated insuring that recent findings, cases, and best practices became incorporated into teaching and training efforts. Meaningful distinctions between on-line and in-person options for instruction could be made and recommended, as well as overcoming language barriers. Experimentation with the documentation required to assess various combinations of in-person and distance teaching and training and the results that they produce (in terms of retention, student satisfaction, cost, and professionalism).

The result would be a database which agencies, potential instructors, students, and agencies could query to determine availability of who is doing training, the types of materials being used, and the delivery methods being used.

In this way, existing broken connections among instruction, curriculum, and student/agency needs would be addressed in a systematic way, producing a cohesive linkage among training needs, available content, and instruction. Such a systematic approach offers a rational approach to developing an international agenda for criminal justice teaching and training.

Table 1: Examples of training and education for criminal justice agencies

Agency	Type of service	Substantive areas	Clients
International law enforcement training academies	Supervisory police training	Police in Eastern Europe, Africa, Asia	Mid-level police managers from around world
Science Application International Corporation (private) for the Department of Justice	Investigative training	Drug enforcement, anti-terrorism, community policing	U.S. states and non-U.S. police
International Criminal Investigation Training Assistance Programme	Investigative training	Democratic anti-corruption, terrorism, organized crime, police professionalism	17 developing countries
United Nations Office of Drugs and Crime	Field-based technical cooperation projects to improve capacity of Member States to counteract illicit drugs, crime and terrorism	Services by request, based on funding from governments	All government personnel
World Bank	Programs on anti-corruption, money laundering, capacity-building	Services by request	Mostly government personnel
Sam Houston State University	In-service training for police and corrections personnel	Management, supervision, command, community policing	Police and corrections officers

North Carolina Justice Academy	In-service training for police officers	Management, Investigation and Traffic, Legal, and Tactical	Police officers in southeastern U.S.
Virginia Commonwealth University Public Safety Institute	In-service police training	Public Safety and Your Anti-terrorism, leadership management, legal aspects, research, planning, budgeting	Mid-level police managers

Table 1 presents the results of a Google search using the terms “international criminal justice training.” These agencies turned up in the first 100 hits. (When the term “education” was added, a very large number of university programs in criminal justice entered the search.) It should be noted that there is a mix of government, private, NGO, and university-based organizations providing criminal justice training. It is also clear that the vast majority of this training is directed toward police. This emphasis on police is probably due to the fact that there are more police than any other kind of criminal justice professional, but it begs the question whether the training needs of others in the field are being served adequately. A more comprehensive survey is needed to assess that possibility.

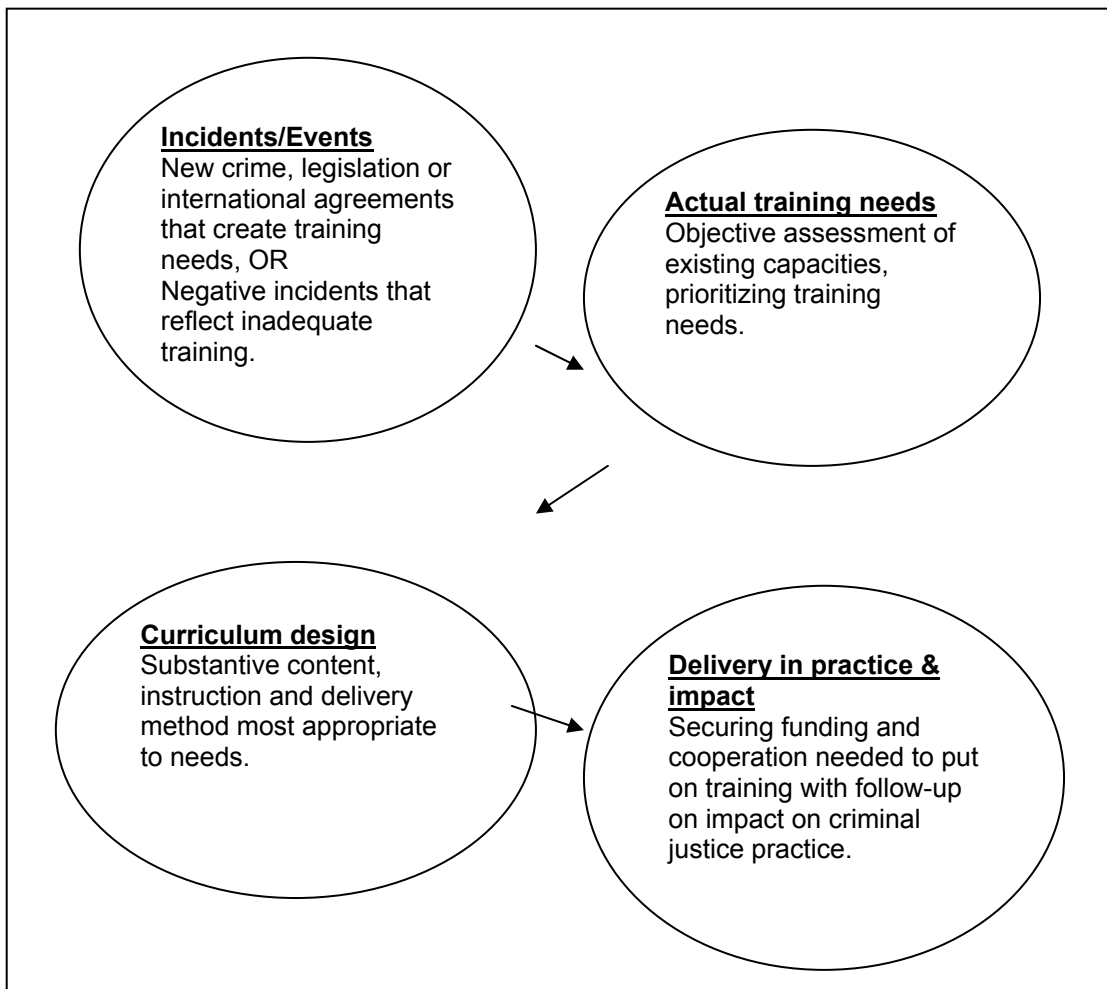
From what could be gleaned from web sites, it appears that most international criminal justice training is paid for by donor governments (primarily to enhance the capacity of developing nations), and by criminal justice agencies themselves (by paying for the training of individual officers or by contract with a service provider).

The evaluation of web sites indicated that instructors were primarily contractors who developed their own curriculum, or used curriculum that had been developed by a government agency or other sponsor. Instructors most often were those with practitioner experience on the subject they taught, or were academics.

It was difficult to get a sense of the delivery method of the curriculum through Internet accounts, although most appeared to use face-to-face instruction, supplemented by web-based materials and correspondence between instructors and students. No information was found that offered data about impact, cost-benefit, retention, or professionalism. Such information is crucial to determine which type of curriculum and delivery methods produced the best results. Follow-up would be required to generate this kind of data, and it is unlikely that much emphasis has been placed on the importance of this information in training efforts thus far. As training needs and providers become more numerous, however, it is likely that some indicators of impact will be needed to distinguish the highest quality instruction.

A final note related to the source of the training. It appears that nearly all training arises from perceived needs based on new crime, legislation or dramatic negative incidents (e.g., riots, corruption, use of force against citizens). It is difficult to document without conducting a series of interviews with those in the field the rational connection among these incidents, perceived and actual training needs, curriculum design and delivery in practice to those in greatest need. The training is later assessed to evaluate its impact in practice. Figure 1 diagrams this connection.

Figure 1: The connection among incidents, training needs, and delivery in practice



Conclusion

There is a great need for increased professionalism in criminal justice agencies. Emerging democracies, new crimes, negative incidents in all countries, and new legislation and international agreements have created the need for criminal justice training, education, and technical assistance on a broad scale.

The response to this need has been largely unplanned thus far with a plethora of trainers, curricula, and instruction delivery methods that have not been assessed to determine their success in improving the capacity and professionalism of criminal justice agencies. The rationale steps outlined here should be carefully followed to insure that the resources devoted to improving criminal justice practice are not wasted and produce the results desired by all.

VI. TEACHING AND TRAINING EXPERIENCES IN INTERNATIONAL CRIME PREVENTION

Criminal Justice Training in Korea – Korean Institute of Criminal Justice Policy and the Development of Training Program for Asian Developing Countries

Joon Oh Jang¹

Introduction

The Republic of Korea has a long tradition of rule of law. This idea has been realized according to political and social situations². Korean people see the modern idea of rule of law, or *Rechtsstaat*, as a standard of justice and human rights in a society. They also understand well that teaching and training of legal principle and laws is essential in realizing the idea. Criminal justice education and training is thus top priority of criminal justice policies of the Korean Government. Several government agencies such as the Ministry of Justice, Public Prosecutors' Office, National Police Agency, and National Intelligence Service provide various training programs to carry out the rule of law in the field of crime prevention and criminal justice.

Among diverse criminal justice education and training programs, those related to cybercrime are prominent. The number of Internet users in Korea has dramatically increased since the 1990s. The rate of cybercrime has also skyrocketed from 121 to 77,099 in 1997

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2 Chongko Choi, 'Historical foundation of Rule of Law in Korea'. In Dokyun Kim *et al* (eds.), *The Foundation of Rule of Law*, Seoul National University, 2005.

and 2004 respectively.³ To combat cybercrimes, such government agencies as those mentioned above have built cybercrime-specialized centers and training programs from the mid 1990s.

The Korean Institute of Criminal Justice Policy (hereinafter KICJP), a government financed research institution, joined the initiative of the United Nations Office on Drugs and Crime in criminal justice education and training. As a member of the United Nations Crime Prevention and Criminal Justice Programme Network of Institutes (PNI), in cooperation with the Korean Ministry of Justice, KICJP is developing the Virtual Forum against Cybercrime. One of the main objectives of the Virtual Forum is to provide on-line training program in cybercrime control and prevention for law enforcement personnel in Asian developing countries.

Law Enforcement Training Program of the National Police Agency

The Korean National Police Agency (NPA) has classified cybercrime into “cyber-terror type crime” and “general cybercrime”. Cyber-terror type crime includes crimes such as hacking, denial of service (*dos*)⁴ and virus distribution that require high level of technology and attack the information and communication network.⁵ Denial of service is an attempt to make a computer resource unavailable to its intended users. Hacking covers a “simple intrusion⁶, user id theft and spam mail.⁷ Virus distribution means a distribution of malicious codes, ranging from Trojan horse, Internet worm to spyware. General cybercrime is illegal behavior using the Internet, such as fraud, violation of copyrights, illegal and harmful sites, cyber defamation, intrusion of privacy, and cyberstalking.⁸

3 Website of Cyber Terror Response Center, <http://ctrc.go.kr>.

4 *Dos* means all types of activities that cause interruption of the service by sending massive amount of data to the network or causing system overload, originated from Website of Cyber Terror Response Center, <http://ctrc.go.kr>

5 Website of Cyber Terror Response Center, <http://ctrc.go.kr>.

6 Simple intrusion means invasion into information and communication network without proper authority or in excess of allowed authority, originated from Website of Cyber Terror Response Center, <http://ctrc.go.kr>.

7 Website of Cyber Terror Response Center, <http://ctrc.go.kr>.

8 Website of Cyber Terror Response Center <http://ctrc.go.kr>. These criminal activities are covered by the following acts: Act on Promotion of Information and Communications Network Utilization and Information Protection, *etc.*(*Amended in 2006 Act No.8031, Hacking, Infringement of Personal Data, Harmful Internet Site, Cyber Defamation, Sexual Crime, Spam mail*), Act on the Protection of Information and Communications Infrastructure (*Amended in 2005 Act No.7428, Hacking, Virus Distribution*), Criminal Act (*First enacted in 1953, Internet Fraud, Infringement of Personal Data, Harmful Internet Site*), Act on the Punishment of Sexual Crimes and Protection of Victims Thereof (*Amended in 2005 Presidential*

In 2006, the Cyber Terror Response Center of the National Police Agency established “Internal Training Course” for domestic cybercrime police officials and “International Cybercrime Investigation Education” for foreign cybercrime investigators.⁹

The Internal Training Course includes a basic program for cybercrime investigation, an intermediate program, and an advanced program. Through these courses, participants acquire Internet skills, knowledge in digital evidence, and cybercrime investigation and related laws.

Internationally, the Center has also participated in several international cybercrime investigation training courses and overseas training programs to broaden cybercrime response skills and investigation techniques.

Law Enforcement Training Program of the Supreme Prosecutor’s Office

The Supreme Prosecutors’ Office put the current High-Tech Crime Investigation Division in place in 2000. It has developed effective investigative methods and systems to ensure swift and effective responses to high-tech crimes by training and personnel management, operating the digital forensic center, and managing cybercrime information and database.

The High-Tech Crime Investigation Division has established a cooperative network system with relevant private, business and government sectors. Internationally, it plays a role as contact point of the Republic of Korea in “the International Cooperation System for High Tech Crime Investigation” on a 24 hours/7 days basis.

The Seoul Central District Prosecutors’ Office (hereinafter SPO) has also recently launched a Digital Investigation Team¹⁰ affiliated with Internet Crime Investigation Center of the High-Tech Crime Investigation Division in April 2007. The team has ensured digital forensic equipment and digital forensic expert investigators.¹¹

Decree No.18873, Sexual Crimes), Protection of Communications Secrets Act (Amended in 2005, Presidential Decree No.19011, Infringement of Personal Data), Copyright Act (Amended in 2006, Act No.8101, Violation of copyright), Computer Programs Protection Act (Amended in 2001, Act No.6357, Violation of copyright), Resident Registration Act (Amended in 2006 Act No.7900, Infringement of Personal Data).

9 Presentation Paper of the National Police Agency, introduced in: *Expert Group Meeting on the Development of Virtual Forum against Cybercrime Report*, published June 28-30, 2006, Seoul, Republic of Korea.

10 Digital Investigation Team has responsibility for ensuring information, which is saved in digital devices such as computer, to go to court as evidence (Report Paper of Prosecutors’ Office, 2 April, 2007).

11 The Digital Forensic Expert Group is composed of 1 Director and 6 Investigators (Report Paper of Prosecutors’ Office, April 2, 2007).

The SPO led an initiative to establish the “National Computer Crime Research Institute” in 2001 to conduct joint research on cybercrime with prosecutors and law professors. In 2005, the SPO launched a one year-long academy course, titled “Experts Program for High-Tech Crime Investigation,” covering accounting auditing, asset investigation, computer-related crime investigation, technology outflow and intellectual property related crime investigation as well as interrogation techniques. The program is specified by course levels and personal grades to secure experts in cybercrime.¹²

In the same year, the SPO also hosted “the third APEC Cybercrime Legislation and Enforcement Capacity Building Conference of Experts”¹³ to develop effective response measures to cybercrime. In addition, in 2007 the SPO has established the “Advisory Committee on Digital Crime Investigation” to provide technical and academic advice and develop its specialty in the cybercrime.¹⁴

Law Enforcement Training Program of the National Cyber Security Center of the National Intelligence Service

The National Cyber Security Center (hereinafter NCSC) of The National Intelligence Service (NIS) has six major operations. The NCSC coordinates efforts in national cyber security policy, and conducts cyber security proactive actions. It also takes the roles of collecting, analyzing and disseminating information on cyber threats. Its tasks include ensuring the safety of information technology security products, responding and analyzing incident, providing recovery supports, and sharing cyber threat information with domestic and international relevant organizations¹⁵ to crack down cybercrime.

The NCSC co-hosted “ASEAN Regional Forum (ARF) International Seminar on Cyber Terrorism” with the Korean Ministry of Foreign Affairs and Trade in 2004. Since then, the NCSC has held a nation-wide “Cyber Security awareness tour” every year for officials responsible for information security in governmental

12 Report Paper of Prosecutors’ Office June 13, 2005.

13 “APEC Cybercrime Legislation and Enforcement Capacity Building Conference of Experts” was co-hosted with KICJP and U.S. Department of Justice in June 22-24, Seoul, Korea (Report Paper of Prosecutors’ Office June 21, 2005).

14 The Advisory Committee on Digital Crime Investigation is co-established with the Electronics and Telecommunications Research Institute (ETRI) and Korea Information Security Agency (KISA), originated from the Established Rule of SPO, published in May 23, 2007.

15 A guideline published by NIS and Website of NCSC, <http://www.ncsc.go.kr>.

organizations and 16 local governments. The NCSC has developed “Cyber Incident Handling Courses” as a curriculum of the NIS graduate school and retained over 100 cyber security experts annually.¹⁶

In addition, based on a “Basic plan for *Eulji* drill”¹⁷ from the Emergency Planning Commission under the Office of The Prime Minister, the NCSC carries out security mock drills in coordination with the private, public and military sectors in order to enhance nation-wide response capabilities against cyber attacks.¹⁸

The NCSC has established the “Korea National CERT Council” to respond to various forms of cyber attacks coming from overseas and establish information sharing systems with foreign countries in 2006.¹⁹

KICJP and International Cooperation in Criminal Justice Training

The Korean Institute of Criminal Justice Policy organized the meeting “United Nations Crime and Justice Information Network: Providing Information to and from Developing Countries” held in Seoul in 1996, in collaboration with the Korean Ministry of Justice. Since then, KICJP has been actively involved in international efforts against cybercrime.

In 2004, KICJP has become the fifteenth member of the PNI. In 2005, the declaration adopted by the Eleventh United Nations Congress on Crime Prevention and Criminal Justice noted that:

“In the current period of globalization information technology and the rapid development of new telecommunication and computer network systems have been accompanied by the abuse of those technologies for criminal purposes. We therefore welcome efforts to enhance and supplement existing cooperation to prevent, investigate and prosecute high-technology and computer-related crime, including by developing partnerships with the private sector. We recognize the important contribution of the United Nations to regional and other international forums in the fight against cybercrime and invite the Commission on Crime Prevention and Criminal Justice, taking into account that experience, to examine the feasibility of providing further assistance in that area under

16 A guideline published by NIS and Website of NCSC, <http://www.ncsc.go.kr>.

17 South Korea-U.S. joint military drill known as *Eulji Focus Lens*.

18 A guideline published by the NIS and Website of the NCSC, <http://www.ncsc.go.kr>.

19 *Cyber Security*, a Monthly Magazine of the NCSC, published in January 2006.

the aegis of the United Nations in partnership with other similarly focused organizations”.²⁰

At the same Congress, KICJP organized the workshop on “Measures to Combat Computer-Related Crime.” Many experts made presentations on cybercrime, including recent trends in cybercrime, the universality of the problem and the need for international responses to cybercrime, legal harmonization in cybercrime control in substantive criminal law and procedural law, international cooperation to prevent and combat cybercrime, international cooperation in cybercrime research, technical assistance in investigating computer-related crime, training legislators and criminal justice professionals, and a public-private strategy in the digital environment.

At the Workshop it was Noted that:

“Considerations should be given to the establishment of a virtual forum or online research network to encourage communication among experts throughout the world on the issue of computer-related crime²¹; Technical assistance and training should be provided by UNODC to States in order to address the lack of capacity and expertise to deal with the problems of computer-related crime. International cooperation should be developed in the areas of information exchange, research and analysis concerning computer-related crime.”²²

KICJP produced the outcome of the Workshop at the fourteenth session of the United Nations Commission on Crime Prevention and Criminal Justice in 2005. The Crime Commission noted in its reports that:

“The observer for the Korean Institute of Criminology made a presentation on the Workshop on Measures to Combat Computer-Related Crime. The outcome of Workshop could be practically translated into a proposed technical assistance project on the prevention and control of cybercrime, the scope of which would be the development of a model training course for law enforcement personnel from developing countries with a rolling curriculum that included control and prevention. An expert group meeting will be held in Seoul in 2006, with the Criminal Justice programme network and the private sector, to develop the

20 In the declaration adopted by the Congress and endorsed by the United Nations General Assembly (A/RES/60/177).

21 A/CONF.203/18para. 340 (a)

22 A/CONF.203/18para. 340 (b)

project to produce the model training course. The project would include a virtual expert forum under the auspices of UNODC to facilitate the exchange of information on new trends and approaches in the fight against cybercrime”²³

As a result of the Workshop, the Virtual Forum against Cybercrime has been adopted to be implemented for strengthening international cooperation in cybercrime prevention and control.

Development of the Virtual Forum against Cybercrime

Since the workshop on “Measures to Combat Computer-Related Crime” in the eleventh United Nations Congress on Crime Prevention and Criminal Justice in 2005, KICJP and UNODC took efforts to establish the Virtual Forum against Cybercrime.

The main goal of the Virtual Forum against Cybercrime is to provide a training program for law-enforcement personnel to combat cybercrime and disseminate practical information on cybercrime for researchers and the public at large.

The Virtual Forum has four objectives: first, to deliver technical assistance; second, to provide training and education; third, to build a network of cybercrime research; and fourth, to act as a clearinghouse in the field of cybercrime control. Its cybercrime training program is for law enforcement and other relevant government officials engaged in the prevention and control of cyber crime of developing countries.

So far, KICJP in conjunction with the UNODC has organized three Expert Group²⁴ meetings in Korea: a preparatory meeting in June 2006, a steering committee²⁵ in November 2006, and International Consultant Group Meeting²⁶ in May 2007. Through those meetings, decisions were made on the organizational structure including the secretariat, roles and functions of three ICGs, development plans for the training program and infrastructure of the pilot project.

The first Expert Group Meeting was held in Seoul, Korea from 28th to 30th June in 2006. A total of 45 participants from 11 countries attended the meeting to discuss the development of the Virtual Forum against Cybercrime. The objectives of the first meeting were to assess the steps for developing the virtual forum and the modalities for developing the research and training

23 A/CONF.203/18para. 52.

24 Expert Group Meeting (official title is the 1st Expert Group Meeting).

25 Steering Committee Meeting (official title is the 2nd Expert Group Meeting).

26 International Consultant Group Meeting (official title is the 3rd Expert Group Meeting).

components of the forum by discussing some of the key challenges posed by computer-related crime.

As to the recommendations and action plans of the meeting, KICJP has taken the lead role in partnership with other relevant institutions including the recipient country and decided to establish the platform in Korea for developing the pilot project.

As a follow-up of the first meeting, the second Expert Group Meeting was convened in Gyeongju, Korea on 8th - 9th November, 2006. The second Expert Group Meeting was organized as the steering committee meeting with 11 participants from 4 countries to assess the practical steps and needs for developing the Virtual Forum against Cybercrime.

The steering committee decided to set up 3 working groups called International Consultant Group (ICG): Infrastructure ICG, Training ICG and Research Network ICG, and the secretariat of the Virtual Forum. The steering committee also discussed the needs of the pilot project and has chosen the pilot project recipient country as Vietnam and the People's Police of Vietnam as the partners in the recipient country.

The Third Expert Group Meeting was organized as the ICG meetings in Seoul, Korea on 14th - 15th May in 2007. A total of 19 participants from 6 countries attended. The objectives of this meeting were to define the role of each working group; to discuss the pilot project with implementation plan in detail and the training program guidelines; to establish follow-up schedules.

Three International Consultant Groups have been set up as proposed at the steering committee meeting, with the detailed role of each ICG and the chair for each ICG and the secretary general for the secretariat have been appointed. The preliminary action plan for the pilot project, a training curriculum and the development of a cybercrime research network were discussed in this meeting as well.

Training Program of the Virtual Forum against Cybercrime

The training program of the Virtual Forum consists of introductory course for officials in the criminal justice system, and introductory and advanced courses for specialists. The Introductory Course covers the issues of understanding emerging trends in ICT and cybercrimes in the information age, structure of the Internet, digital divide, vulnerabilities of ICT, forms of ICT and network security, forms of intrusion and hacking, E-commerce and forms of electronic payment.

For understanding cyberspace laws, the course includes the topics of definitions of cybercrime, cyber-violence, anti-social

contents in cyberspace, cyber-property crimes, cyber-terrorism, jurisdiction and the roles of national and cross national law enforcement, international developments in the control of cybercrimes, compatibility of international conventions on cybercrime with domestic laws, mutual legal assistance, procedures and practices for online cooperation for law enforcement agencies, and digital evidence, preservation and presentation of evidence for non-forensic specialists.

In the introductory and advanced courses for specialists, the following topics will be covered : Computer investigation techniques of PCs and Networks, investigation system and procedure of advanced countries, understanding the rules of digital evidence, *modus operandi* of cybercrimes and countermeasures, including computer viruses, hacking and botnet, cyber stalking and electronic vandalism, computer fraud and phishing and computer terrorism, and digital evidence, preservation and presentation of evidence, cybercrime monitoring and automated systems, network security, criminal threats against e-commerce and banking, incident response teams: priorities and team building, and case studies of investigative best practices.

The topics of the digital forensic course are to understand and apply the rules of digital evidence, to acquire forensic images and preservation of computer evidence, computer forensics tools testing, analytical procedures and investigation techniques, including program analysis, network analysis, database analysis and digital evidence analysis, e-mail investigation, keyword analysis, Internet activity analysis, encryption and stenography, and computer security risks and remedies, including e-commerce security and e-mail security.

The advanced course consists of special online-seminars with issues on Privacy and data protection, Obscenity and offensive/racist materials, Online gambling, Assessment of potential threat from wireless technology, Biometric/bioinformation applications in cyberspace, Intellectual property, and Cyber-terrorism: forms, functions and *modus operandi*.

Pilot Project of Cybercrime Training Program

A Pilot project must be implemented to determine the contents of virtual forum training program and identify technical requirements. KICJP and UNODC had considered Vietnam as the first recipient country, and eventually expand the project to other developing countries in Asia.

The pilot training program for Vietnam consists of 7 modules and 10 lessons (60 minutes for 1 lesson) as the introductory course for

officials in the CJS. The course title is “Understanding Information & Communication Technology” and consists of lessons: Understanding emerging trends in IC & cybercrimes in the information age, Structure of the Internet & digital divide, Vulnerabilities of ICT, ICT & network security, Forms of intrusion & hacking, E-commerce & form of electronic payment, and Digital evidence & digital forensics.

To develop and launch the pilot training program in Vietnam, the KICJP has had constant consultation with the People’s Police of Vietnam. The expert visit²⁷ to Vietnam took place between 3rd - 8th July, 2007 with a fact-finding mission to verify the feasibility of the pilot program with Vietnamese authorities. Currently, the KICJP is working on the infrastructure of the forum and the course outline.

According to the action plan of developing the pilot project, the fourth Expert Group Meeting will be held soon to finalize the training program and infrastructure issues. After reviewing the details of the pilot program, the KICJP plans to sign the Memorandum of Understanding with the People’s Police of Vietnam and implement the pilot training program. By the first quarter of 2008, training ICGs and Infrastructure will perform thorough evaluation on the pilot program.

Conclusion

As modern society has rapidly shifted into the age of information and communication technology, a new type of crime, cybercrime, has emerged. Cybercrime spreads quickly without borders and poses threats to personal freedom and the security of society. This demands the rule of law in cyberspace. Proper training programs for law enforcement should be provided to control crimes, and thus to protect people in cyberspace. In this respect, the Government of the Republic of Korea has since 1996 been actively involved in such efforts to promote teaching and training programs in cybercrime control.

As efforts to create a global system of cyber-security have become a major policy initiative around the world, the KICJP is now organizing a Virtual Forum against Cybercrime, in cooperation with the UNODC. This will deliver a comprehensive understanding of cybercrime to law enforcement as well as the public, and will support Asian developing countries to build effective criminal justice systems against cybercrime. The Virtual Forum will promote international cooperation in developing criminal justice training

27 The expert visit is the visit to Vietnam to have consultation with Vietnamese authorities.

programs, which will contribute to raise the quality of the rule of law.

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Teaching Cybercrime Prevention: Lessons Learned from Academia¹

R.G. Broadhurst²

Introduction

The rapid uptake of information communication technologies (ICT) and its convergence with the Internet has required law enforcement agencies to prepare investigators for the demanding roles required of collecting evidence about cybercrime. The demands for training in computer literacy, investigations and forensic applications are now ubiquitous and a focus on training a few experts no longer suffices: both generic and specialist training with common standards are now demanded. The complexity of this task in the context of the transnational nature of much of cybercrime is also a challenge and the provision of training and technical assistance to less capable jurisdictions is essential.

The UNODC and KICJP initiative to establish a “Virtual Forum on Cybercrime” arose from the deliberations of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice (2005) workshop on “Measures to combat computer related crime”, and is an example of how active e-ready states and international agencies may set out to meet this challenge. The key to the success of such a global project is the stress upon developing partnerships between industry, academia and law enforcement. The role of meshing the results of research (including the significant contributions of industry and the universities) with the practical needs of investigators is a fundamental task of the academy. Research and training about cyber-crime will increasingly focus on the problems of crime prevention in ‘cyberspace’. Evaluative research will attach greater importance to evidence-based methods and theoretical developments in information communication technology (ICT) and criminology about deviant behaviour in “cyberspace” will merge. Educational qualification and industry training will become more

1 This papers draws on the author’s earlier papers: Broadhurst 2005; and Broadhurst and Chantler 2006.

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tailored for various groups, including law enforcement and information security specialists.

Universities will also become increasingly involved in accreditation, continuing professional education and the research that underpins these activities and those of practitioners. A greater emphasis will also need to be placed on general public education and computer user awareness. The work undertaken for AGIS³ in developing standards and guidelines for the training of various levels of law enforcement from first responder to forensic specialist marks a significant start in developing common standards and raising the quality of forensic and other specialist education.

Crime involving technology is now part of everyday policing and has an effect on all types of crime. “A comprehensive training program that reaches the widest audience is therefore essential... Any crime scene could be an electronic crime scene and the correct handling of this type of evidence can positively affect an investigation. However, detections, disruptions, prosecutions and crime reduction/prevention can only be achieved with properly trained personnel who are appropriately equipped to investigate the various aspects of computer-enabled criminality that they encounter in their daily duties” (Jones 2005: 1).

The diversity of the forms of teaching and research in the academy about the “information age” engages many disciplines and crucially, novel cross-disciplinary approaches. Multi-disciplinary collaborations have begun to be fostered within the academy to address the complex problems arising in cyberspace and are more successful when partnerships with police and the ICT industry occur. Given the cross-border character of many crimes experienced on the Internet, mobile telephones and other networked environments, a strong comparative (law and criminology) element will also be obligatory in any training program. As we learn more about the dynamic phenomena of cyber-crime, and especially the response of governments, industry and private actors, the dissemination of what is known will be a vital element in crime prevention. In addition there will be the need to constantly update the training of non-specialists and continuing education will be mandatory for them.

The rapid progress made in some jurisdictions provides models for others. For Example in 2003, the United Kingdom (UK) National Police Training (Centrex) began to develop a high-tech crime training program for all UK police and this is now a key component of the National Specialist Law Enforcement Centre (NSLEC). With this background the UK made a bid for funding under AGIS—an EU

3 AGIS is the European Union integrated crime and justice assistance programme for member states and through the funding provided the EU Cybercrime Training programme has recently been developed. Agis was one of the dual kings of classic Sparta.

funding program—to provide an accredited, modular European training program to enable law enforcement agencies to combat cyber-crime⁴. There were several objectives of the AGIS project also applicable to the broader aims of a *Virtual Forum* in Asia:

- Develop, deliver and evaluate a collaborative cyber-crime training program for law enforcement and harmonize training across international borders;
- Identify and liaise with countries able to contribute to the program and deliver training in the future;
- Provide a sustainable framework for delivering and developing cyber-crime training;
- Make available the training materials *free of charge* to encourage sharing and ensure consistency of standardized training;
- Realize significant cost savings by avoiding the need for everyone to devise their own training material;
- Involve academia to establish accreditation and to support the development of advanced level training (Jones 2005).

With AGIS a regional program developed for Europe some of the challenges for the East Asian based Virtual Forum are less daunting but the diversity of Asia presents unique problems of implementation.

The Global Context: the Problem of Combating Cybercrime

The emergence of trans-national networks of Computer Emergency Response Teams (CERTs), G8 24/7 law enforcement contact points,⁵ Internet Crime Reporting Centres, On-line Child Safety Networks⁶ and other public/user interest groups (.e.g., cyber-patrol, cyber angels) shows the intrinsic importance of crime prevention. However, the development of equivalent research and training responses has been less intensive and spontaneous. Crime prevention and the common training of specialist investigators, regardless of background or region, become essential when communities perceive that they indeed 'share the same fate'

4 Courses for sixty police commenced in 2004, with trainers from the U.K., Germany, Denmark, Ireland, Greece and Hong Kong. See also the related EU Cyber Tools On-Line Search for Evidence (CTOSE) program designed to enable faster mutual legal assistance (MLA).

5 Co-ordinated by US Department of Justice Computer Crime and Intellectual Property Section, involving some 40 countries in mutual legal assistance: <http://www.cert.org>.

6 A number of US sites illustrate: CyberSpacers.org, Cyber-Hood-Watch.org, and StaySafeonline.info: an example is the animated program created by Microsoft and Boys and Girls of America to help children make safe use of the Internet, chat rooms and e-mail.

regardless of how distant or different they may be. The pressing need for international cooperation may be most readily realised by sharing training and educational opportunities.⁷ Nevertheless, why should a global research and training website focus on Asia in its initial phase?

The risks of cyber-crime are not uniform and will reflect the diversity of criminal opportunity, the capacity of policing agencies (public and private) and the scope of the digital divide (in terms of e-commerce activity and the extent of technology uptake) both within and across nations. Risk of cyber-crime and the capacity to respond varies dramatically across nations but nearly half of Interpol's member countries lack the infrastructure for online communication (Noble 2003).⁸ Thus the response to cyber-crime (as with trans-national crimes in general) can be no stronger than the "weakest link" applies and compels the more able to assist the less able. A key priority is keeping abreast of legislative and enforcement capability across nations given differential risks arising from the relative development of ICT. A number of multi-lateral organizations (e.g., Council of Europe (CoE), Asia Pacific Economic Forum, Organization of American States, European Union, Organisation for Economic and Cooperative Development) have already undertaken initiatives to monitor legislative developments⁹ and undertake training but without co-ordination there is a real risk of duplication. Thus initiatives such as the *Virtual Forum on Cybercrime* provide a vehicle for minimizing the risk of duplication and offering model international programs of training and research dissemination.

7 For example, the Scientific Working Group on Digital Evidence (SWGDE) standardizes the exchange of computer forensics information among law enforcement agencies and guides the judicial system about the admissibility of digital evidence and the qualifications of experts.

8 Interpol has stressed financial and high-technology crime along with drugs, terrorism, people smuggling and organised crime as the top five priorities. Note that mobile telephone technologies may reduce these disparities rapidly.

9 Macro-risk or global assessment protocols have not been developed although strategies for harmonising legal definitions and procedures have been suggested (Kaspersen 2004).

Table 1: WORLD INTERNET USAGE AND POPULATION STATISTICS

World Regions	Population % of World	% Population (Penetration)	Usage % of World	Usage Growth 2000-2005
Africa	14.1 %	2.6 %	2.3 %	423.9 %
Asia	56.4 %	9.9 %	35.6 %	218.7 %
Europe	12.4 %	36.1 %	28.5 %	177.5 %
Middle East	2.9 %	9.6 %	1.8 %	454.2 %
North America	5.1 %	68.6 %	22.2 %	110.3 %
Latin America/Caribbean	8.5 %	14.4 %	7.8 %	342.5 %
Oceania / Australia	0.5 %	52.6 %	1.7 %	134.6 %
WORLD TOTAL	100.0 %	15.7 %	100.0 %	183.4 %

NOTES: (1) Internet Usage and World Population Statistics were updated for March 31, 2006. (2) Demographic (Population) numbers are based on data contained in the world-gazetteer website. (3) Internet usage information comes from data published by Nielsen//NetRatings, the International Telecommunications Union, local NICs, and other reliable sources. Source: Miniwatts Marketing Group www.Internetworldstats.com.

The general variations in access to the Internet around the globe are shown in Table 1 and this also shows growth rates are now slowing in those countries where access has been well established and growth elsewhere is still moving at a rapid 'catch-up' rate – a growth for Africa is estimated at 400% plus but from a very low base. Asia's growth rate remains higher than the rest of the world at around 219% in the past 5 years compared to the average of 185%. The digital divide thus remains extreme across the regions of the globe and in respect to Asia remain extreme and within countries themselves. A consequence of this is the variation in the uptake of e-commerce. On line sales as market share has been estimated to account for over 13% of transactions in the USA, 16% of transactions in Korea and Australia, about 9% for Japan and the Netherlands, and 7% for the UK. Forrester Research also noted that while the "...United States and North America currently preside over the majority of online transactions, that will shift in the coming years as Asia and European nations become more active."¹⁰

The economic consequences of these digital divides are significant as many countries are unable to benefit from the

10 North America had the lion share of the e-commerce market with 51% (47% in the US), Asia's share about 24% (Japan 13%), Europe 23% (Germany 5.7%) and Latin America 1.2%; see Forrester Research Inc, accessed June 18, 2006, <http://glreach.com/eng/ed/art/2004.ecommerce.php3>.

efficiencies and opportunities provided by e-commerce. In addition the social capital associated with access to both markets, networks and educational resources should not be underestimated.¹¹ Nor should the potential role of serious cyber-crime on unprotected sites or the exploitation of ill-prepared states to prevent their ICT services being used as launching pads for attacks in other states. The *Virtual Forum* in East Asia therefore responds to the region likely to develop e-commerce rapidly.¹² A number of Asian and Central Asian states are likely to be the focus of the pilot development of on-line training modules adapted from AGIS and the Korean National Police.¹³ These existing programmes offer a starting point but are not offered on-line.

Because of the digital divide, only a small number of jurisdictions will have the capacity to provide for comprehensive training and research capabilities. In the advanced ICT countries governments and relevant corporations have taken the initiative to support training; however, the focus has largely been on ensuring criminalization and intellectual property issues with child pornography catching most attention as a public safety problem.

While Internet and ICT connectivity continues to grow exponentially, how ready are the key players in the academy, private sector and government to undertake a global program of training research and dissemination? What should such a training program look like and how can it be done? This paper describes the educational agenda through the prism of (cross-disciplinary) criminology rather than the systems engineering or information security perspective. Such a perspective sees cyber-crime as a social rather than as a technical problem and, although it recognizes that the criminal behaviour is said to be taking place in 'cyberspace' or a 'virtual world,' the actors involved and their intentions are not, as sometimes supposed, literally in another dimension. Thus any research and training agenda must begin by finding a common language to identify the training priorities. For example addressing "social engineering" (referring to the human element in identity theft) requires sound knowledge about offender and victim interactions and so a clear picture of the various forms of cybercrime is crucial.

11 Forrester Research, a US market analyst, predicted that online commerce would reach \$7 trillion for both online business-to-business and business-to-consumer transactions – about 8.6% of worldwide commerce in 2004. Based on an estimated \$657 billion sales in 2000 e-commerce sales had grown tenfold to \$6,790 billion by 2004 a rate that represented an approximate doubling of sales volume every year. If indeed these rates continue to grow the value and market share of this form of trading will be increasingly crucial to economic wealth.

12 The web portal will be based on servers and systems developed by KICJP and NHN Corporation of Korea.

13 Training programmes offered by the US Department of Justice, Australian Federal Police and the Hong Kong Police.

Cybercrime Offences

A crucial challenge to developing training from first responder to specialist is to be clear about the scope of activity to be included. One problem is that in many jurisdictions any crime might involve computers but only some are substantively computer related. Although there is no definitive list of what constitutes cybercrime or computer related crime a consensus has emerged about what falls within the scope of the offences that occur in cyberspace. These are as follows:

- Telecommunications theft;
- Illegal interception of telecommunications;
- Piracy copyright theft;
- Cyber stalking;
- Electronic money laundering and tax evasion;
- Electronic vandalism, Cyber-terrorism, denial of service, extortion;
- Sales and investment fraud, forgery;
- Electronic funds transfer fraud and counterfeiting (carding);
- Identity theft and misrepresentation;
- Content crime - offensive materials;
- Espionage;
- Resource theft - illegal use of PC.

Hence as we can see from the above list cybercrime ranges across a wide spectrum of activities and behaviours. At one end are crimes that involve fundamental breaches of personal or corporate privacy, such as assaults on the integrity of information held in digital depositories and the use of illegally obtained digital information to blackmail a firm or individual. Also at this end of the spectrum is the growing crime of identity theft. Midway along the spectrum are transaction-based crimes such as fraud, trafficking in child pornography, digital piracy, money laundering, and counterfeiting. These are specific crimes with specific victims, but the criminal hides in the relative anonymity provided by the Internet.

Another aspect of this type of crime involves individuals within corporations or government bureaucracies who deliberately alter data for either profit, personal or political objectives. At the other end of the spectrum are those crimes that involve attempts to disrupt the actual workings of the Internet. These range from spamming, hacking, and denial of service attacks against specific sites to acts of cyber-terrorism—that is, the use of the Internet to cause public disorder or disturbances and even death. Cyber-terrorism focuses upon the use of the Internet by non-state actors to affect a nation's economic and technological infrastructure. Since the September 11 attacks of 2001, public awareness of the threat

of cyber-terrorism has grown dramatically.¹⁴ Training programs need to address this diversity and provide for some understanding of the vectors of attack. Some of the most worrying forms of attack involve what has become known as 'malicious code' and among these 'botnets' that target networks are among the most serious.

Malware or Malicious Code

Malware is software designed to infiltrate or damage a computer system, without the owner's consent. The term is a portmanteau of "mal-" (or perhaps "malicious") and "software", and describes the intent of the creator, rather than any particular features. Malware is commonly taken to include (often in combination):

- Computer viruses;
- Worms;
- Trojan horses;
- Spyware; and, in some cases adware;
- Botnets;
- Rootkits.

In law, malware is sometimes known as a computer contaminant. Malware should not be confused with defective software, that is, software which has a legitimate purpose but contains errors or bugs.¹⁵ A large part of any general and forensic training programme in computer-related crime will focus on the role these different forms of malware operate to effect crime.

Although we don't have comprehensive information about the prevalence of cybercrime in Asia a survey series in Hong Kong (HK) shows that the risks are high in e-ready jurisdictions. Questions about the extent of cyber crime were included in the household omnibus *UN International Crime Victim Survey* (UNICVS) implemented in HK early 2006¹⁶ and also in the *UN Crimes against Business Survey* (UNCABS). Amongst the 1192 HK UNCABS business respondents connected to the Internet in this survey (total n=1817) 61% experienced some form of cybercrime but they also shared the general pattern found with individual users who responded to the UNICVS, However, the differences between household and businesses experience of cyber crime are shown in table 2 below – the principal difference was that business were more often specifically targeted for monetary gain.

14 Cybercrime 2006, Retrieved June 15, 2006, from Encyclopædia Britannica Premium Service: <http://www.britannica.com/eb/article-235699>.

15 See <http://en.wikipedia.org/wiki/Malware>.

16 Results for the 2291 HK UNICVS respondents to a telephone protocol found that 58.3%¹⁶ had access to computer and 98% of these computer users had access to the Internet (n=1332).

Table 2: Types of cyber crime victims in Hong Kong in 2005¹⁷

Have you experienced any of the following computer-related incidents in the last 12 months?

	%	%
	ICVS	CABS
Fraud in purchasing something over the Internet?	1.6	1.0
Threats of harm or physical attack made while online or through E-mail?	2.5	2.1
Unrequested lewd or obscene messages, communications, or images while online or through E-mail?	41.5	4.7
Software copyright violation in a home business?	1.6*	4.0
Something else that you consider a computer-related crime?	7.6	5.6
Any attack on your computer from a source such as a virus, spyware, hacker, malware, etc.?	49.0	45.0

Notes: % not adjusted for don't know or refusals and estimates based on weighted samples for the UNICVS sample only; * % based on number of home businesses – raw estimate 0.3%.

Of the household respondents with access to a computer 67% experienced at least one form of cyber crime in the past year, somewhat more than the 61% of businesses. Nearly 12% either did not have a firewall or anti-virus software installed (4.7%) or did not know if they did (7%). Among business respondents 8.3% reported not having a firewall or anti-virus programme and 5.4% did not know. The main types of cyber crime reported by household and business respondents were obscene content and 'malware'.¹⁸

Action: Training and Research Networks

Growing concern about law enforcement capability in cybercrime has quickened the pace of development as shown in the gathering

¹⁷ I am grateful to my colleagues Dr. Kent Lee and Dr. John Bacon-shone for providing me with the preliminary findings of the HK UNICVS. Results are provisional.

¹⁸ About 13% of household respondents claimed that the cybercrime event incurred monetary loss and of these approximately 26% estimated the loss to be greater than \$HKD1001. Among businesses the losses were significantly higher with 14.5% reporting monetary losses and of these 40% had losses greater than \$HKD1001 and 12.5% losses exceeding \$HKD10 001.

of law officers, academia and the private sector¹⁹ at the Interpol General Secretariat for the *1st International Cybercrime Investigation Conference*, 19-20th September 2005 hosted by the Interpol Financial and High-Tech Crime Sub-Directorate.²⁰ Further regional conferences on training for cybercrime investigators (per those organised in the recent past for Child Safety on the Internet) are planned. Among the topics was an outline of the Interpol Training and Operational Standards Initiative for High-Tech Crime (TOPSI) and the introduction of Interpol's high-tech crime training web server. With such a dedicated web server a peer-to-peer undercover investigation training and forensic consultation and training service was mooted.²¹ As part of this conference the potential role of external accreditation was also raised with the example of the University College Dublin, (Ireland) proposed Master of Science degree programme in cybercrime investigation (see also Ciardhuan, Patel and Gillen 2003; Ciardhuan 2004).

This conference re-iterated the need for harmonised training materials and for the global exchange of training materials and the development of a "free" web training site. Although there was a shortage of trainers universities and private industry could support the development and delivery of training and educational modules. The delegates recommended *inter alia* that²²:

- Interpol facilitate²³ a global training cybercrime investigations course for managers, first responders, basic, intermediate and advanced levels, and ensure appropriate assessment and certification;
- Interpol continues to support the International Cybercrime Training Action Group (ICTAG);
- Interpol takes responsibility for the collection, retention and dissemination of training materials created by regional working parties and other training organizations;

19 Representatives from America Online, Microsoft and the International Federation of the Phonographic Industry were noted in attendance.

20 The conference was attended by 70 representatives from more than 30 countries.

21 This is a similar developed to the response to forgery and counterfeiting for Interpol's secure website for a Universal Classification System for Counterfeit Payment Cards that provided up-to-date information on trends and techniques of forgery of payment cards and fraud. Apart from illustrating how Interpol's unique clearing house function can be adapted to meet new problems, the site served as an example of how international agencies can assist with essential tasks, such as secure shared intelligence, and the potential role of private non-state actors in the prevention of crime. According to recent information the website has fallen into disuse.

22 Adopted from the report of the conference at (visited December 12, 2006) <http://www.interpol.org/Public/TechnologyCrime/Conferences/1stCybConf/Conference.asp>.

23 Interpol could provide, it was argued, training using its Mobile Classroom and the available training facilities of its Sub-Regional Bureaus.

- Interpol Regional Working Parties on IT Crime, working in co-ordination, shall develop training modules for all levels and provide training packages to other regions;
- Interpol supports the establishment of an international training network with appropriate membership requirements, recognising the existing European training network (AGIS);
- Universities should be encouraged to continue activities in the development of accredited training modules;
- private industry should be encouraged to participate in the development, delivery and sponsorship of appropriate training initiatives, in particular, the provision of international 'train the trainer' programmes;
- Interpol facilitates a communications mechanism to enable students and trainers of Interpol courses to maintain contact and share information and experiences.

Expectations that Interpol lead these initiatives was unresolved by the issue of resources. Further action was expected by close of 2006 including a 2nd Conference for cybercrime training.²⁴ Elements of these recommendations resonate with the proposals made at the Eleventh United Nations Congress but focus on the role of a single central agency. An alternative is to develop networks of training. In the proposal adopted at the Congress the combination of research and training was assumed to achieve greater synergy by the convergence of several training networks associated with nodes in established agencies, universities and industry. To succeed this mechanism of coordination would require a *virtual hub* located in an international agency (e.g., United Nations Office on Drugs and Crime (UNODC), or regional United Nations institutes such as KICJP, UNAFEI, AIC) or one of the university centres focusing on the social and technical problems of ICT. For a 'virtual hub' or forum to function as a training platform a dual function as an *on-line research forum* was ideal. Such a virtual hub could act as a clearing house about developments in cyber-crime, legislative innovations, the scope of relevant laws, capacities of law enforcement agencies, as well as disseminate research findings and act as an 'honest broker' of what constitutes best practice (Broadhurst 2005).

A training and research network would entail closer cooperation between the private IT security sector, academia²⁵ and law

24 At the time of writing the author is not aware of a second conference taking place.

25 The non-profit Computer Crime Research Center (CCRC) located in Zaporizhzhya, Ukraine is an example of cross-border initiative supported by public and private sponsors that seeks to improve co-operation on computer-related crime research, child pornography and cyber terrorism between CIS countries, Europe and the USA (see <http://www.crime-research.org/>, visited March 3, 2005).

enforcement than is usual and a degree of uncertainty about who pays and how cooperation could take place arises (Grabosky, Smith & Dempsey 2001). In addition a degree of potential rivalry and poor co-ordination among international agencies may risk the dilution of resources through the fragmentation or proliferation of similar efforts at addressing the problems.

Action: A Model Syllabus

Many police agencies in ICT advanced nations have recognised the increased interdependence of global markets and have responded to the general risks of cybercrime especially to commerce and financial services. For example, the response of the Hong Kong Police high-tech crime unit is typical of many police services and its mission broadly reflects the scope of public policing now required to address cybercrime:

- maintaining a professional investigation capability and broadening the investigation; *i.e.*, specialising and mainstreaming expertise;
- developing accredited computer forensics;
- proposing changes in laws and policies;
- prevention and education;
- intelligence management, and liaison with industry; and
- liaison with overseas law enforcement agencies and international MLA cooperation.

Each of these goals needs to be informed by adequately trained personnel capable of undertaking the operational demands of the comprehensive role envisaged by public policing agencies (see also Anon 2001; Johnston 2002). A highly useful function is formal risk assessment.²⁶ However, there are differences in the length and type of training that are provided by police agencies and very few courses have academic recognition²⁷ or are accredited outside the jurisdiction. In the following section I describe a proposed 'model' curriculum for on-line delivery in the UNODC/KICJP Virtual Forum in terms of aims, objectives, course outlines and delivery modes.

Aims and rationale of model syllabus

The online courses in cybercrime proposed by the UNODC/KICJP *Virtual Forum* seek to prepare introductory and advanced level

26 The UK, National Hi-Tech Crime Unit for example produced an annual hi-tech criminal and technological threat assessment as a component of the National Criminal Intelligence Service's national assessment.

27 The Hong Kong University of Science and Technology was an early partner with the HKP in developing a forensic diploma course.

courses for Law Enforcement Agency (LEA) investigators and prosecutors. These courses are based on evolving models of the investigative process drawn from variations of the standard crime scene protocol. A number of useful investigative models for digital environments have been proposed (see Casey 2000) and these recognise that awareness of the forms of malware is crucial to the subsequent nature of the (forensic) investigation. Because of the increased offender targeting of networks dynamic means of applying the investigative stages have also evolved – shifting from laboratory to site based practices. Recently Ciardhuan (2004) suggested a comprehensive model stressing awareness and effective chain of custody processes adding to the fundamental stages proposed by Reith, Carr and Gunsch (2002).²⁸

The *Virtual Forum* programme shares some similarities with the comprehensive programme proposed by the AGIS group, and also emphasises “awareness training” for senior managers. However, the three progressive (accredited) levels or stages of training recommended for European cybercrime investigators (for details see Ciardhuan, Patel and Gillen 2003) are modified. Awareness training will be essential in the context of Asia as well as the advanced levels courses that focus on the management of hard and software infrastructure, systems planning and criminology. The training programme is developed with three audiences in mind:

1. Basic introductory levels courses designed to sensitize all levels in LEA and judicial officers to computer-related crime in the context of information communication technologies and convergence;
2. All LEA officers: guidelines and procedures for first responders;
3. Introductory and advanced level courses for investigators, prosecutors, case managers and forensic specialists.

The training gives students a basic understanding of cybercrime in the context of a globalisation and all of its diversity (from Information & Critical Infrastructure Protection through to individual Internet banking and cyber terrorism). Methods for counteracting cybercrime and developments in policing and intelligence that utilise high-tech solutions to crime are the core skill/competencies to be developed. The aim of the training programme is to provide up to date expertise in identifying and combating cybercrime including the new roles to be adopted by high tech crime units in law enforcement and national security. It also recognises the growing need for computer related forensic and investigative skills because many traditional crimes also involve the investigation of computers and networks.

A website platform with interactive features will be the means to carry the structured self-paced learning programme for students of

28 Namely: identification, preparation, approach strategy, preservation, collection, examination, analysis, presentation of evidence and archive.

varying LEA backgrounds and skill levels. The on-line learning will also enjoy features for teachers and students that are similar to that provided by university online course software such as *Blackboard* or other e-learning platforms. The preferred on-line delivery mode may not be practical in some jurisdictions so face-to-face and other delivery modes are to be developed in tandem.

Training Objectives - Virtual Forum

Core competencies and skills are crucial for the conduct of any criminal investigation and this is also the case in the investigation of cybercrimes. Training at advanced and introductory levels is required and the various skills necessary to respond to cybercrime are described below.

By the conclusion of the introductory courses students should be able to:

1. Demonstrate a basic knowledge and understanding of cybercrime and ICT;
2. Recognise the risks associated with ICT and global networks;
3. Be aware of current and emerging trends in cybercrime;
4. Describe the types of cybercrime and the tools or methods utilised to commit cybercrime;
5. Understand the practical and evidentiary requirements for the seizure and protection of computer-related evidence (e.g., per the first responders role).

By the conclusion of the advanced (investigators) courses students should be able to:

1. Identify and trace computer-related crimes;
2. Apply investigative tools and strategies;
3. Apply data recognition, seizure and preservation procedures;
4. Understand the major forms of forensic interrogation of computers and related devices;
5. Describe the evidentiary aspects of cybercrime and the role of existing conventions and bi-lateral MLA arrangements;
6. Understand topical and emerging issues in the investigation and control of cybercrime;
7. Provide oversight and manage cases involving cybercrime.

By the conclusion of the forensic specialist courses student should be able to:

1. Acquire forensic images according to acknowledged protocols and methods;
2. Apply national and international legal and ethical protocols as required;
3. Recognise and resolve technical issues related to the examination of forensic images;

4. Critically use the products of analytical procedures;
5. Perform the role of the expert in investigations and in court.

Cybercrime training programme outline

An outline of the courses to be offered in the training programme provides for introductory, advanced, forensic and general courses covering the main subject areas.

A. Introductory level courses

Introductory courses are essential pre-requisites for advanced courses but may be offered as stand alone or terminal courses designed to increase *awareness* for a wider range of LEA personnel.

A.1 Pre-requisite course (or stand alone module)

A.1 Guidelines and procedures for first-responders at computer-related crime scenes.

1. Understanding Information Communication (ICT Technology)

- 1.1 Challenges of cybercrime in the information age;
- 1.2 Understanding computers and related devices;
- 1.3 Structure of the Internet, networks & the digital divide;
- 1.4 Emerging trends in ICT – ,e.g., broadband, internet services (e.g., VoIP) & wireless;
- 1.5 Vulnerabilities of ICT: including forms of intrusion & hacking, etc.
- 1.6 E-commerce (forms of electronic payment) & its threats: ID & account theft;
- 1.7 Forms of IT & Network security.

2. Understanding the Law of 'Cyberspace'

- 2.1 Criminality – definitions of cybercrime & computer-related crime;
- 2.2 History of cybercrime and its legal suppression;
- 2.3 Types of cybercrimes I – against the person (e.g., cyber stalking, content crime – offensive materials, identity theft & misrepresentation);
- 2.4 Types of cybercrimes II – against property (e.g., telecommunications theft/ interception, piracy, electronic money laundering and tax evasion, vandalism, denial of service, extortion, sales & investment fraud, forgery, electronic funds transfer fraud and 'carding');
- 2.5 Forms of digital evidence, preservation & presentation of evidence (for non-forensic specialists);

2.6 Jurisdiction: the roles of national and cross national law enforcement (e.g., Cyber Emergency Response Teams);

2.7 International developments in the control of computer-related crimes

- The Council of Europe Convention on Cybercrime;
- European Commission on Computer-related Crime;
- ASEAN and APEC responses to cybercrime and threats to e-commerce;
- Compatibility of international conventions with domestic laws

2.8 Mutual legal assistance: methods, procedures and practices for online cooperation.

B. Advanced and introductory courses for specialists

In relation to the courses and topics outlined below both introductory and advanced versions could be offered depending on the target group and level of technical proficiency. Thus the course outlines below are generic and will require further specification. The course entitled 'Special Online-Seminars' is provided as a catch-it-all course designed to address current and emerging topics: its content should be dynamic and responsive to emerging problems.

3. Computer Investigations: Overview

3.1 Investigation procedures and management;

3.2 Computer investigation techniques: networks and PCs;

3.3 Cybercrime monitoring & the role of automated systems;

3.4 Digital and computer forensics for investigators;

3.5 Modus Operandi of computer-related crimes

- Computer viruses, worms, hacking/intrusion,
- botnets, etc.;
- Cyberstalking & bullying, electronic vandalism;
- Computer fraud, forgery and phishing: ID theft & money laundering;
- Computer espionage and terrorism ;
- Content crime : violation of juvenile protection ordinance/regulation;
- Illegal production/destruction of electro-magnetic data.

3.6 Applying counter measures: variable measure;

3.7 Investigative Best Practices: case studies, e.g., Bloomberg/Honey Net Project;

3.8 Practicum: project exercise.

4. Computer Related Forensic Investigation

4.1 Computer security risks and remedies;

4.2 Incident response teams: priorities and team building;

- 4.3 Understanding and applying of the rules of evidence: the expert witness;
- 4.4 Principles of Computer Based Evidence (networks & PC));
- 4.5 Acquiring forensic images & preservation of computer evidence;
- 4.6 Evaluating & applying computer forensics software tools, (e.g., Encase, X-Ways Forensic Addition, Forensic ToolKit (FTK), Linux dd, iLook- DOS, Windows, Windows NT/2000/XP forensics, etc.);
- 4.7 Analytical procedures and investigation techniques: overview;
- 4.8 E-mail investigation;
- 4.9 Keyword analysis;
- 4.10 Internet activity analysis;
- 4.11 Encryption and stenography;
- 4.12 Practicum.

5. Special Online-Seminars: Issues and Topics

- 5.1 Privacy and data protection;
- 5.2 Obscenity and offensive/racist materials;
- 5.3 Online Gambling: issues for prohibition and non-prohibition jurisdictions;
- 5.4 Assessment of potential threat from wireless technology;
- 5.5 Biomatrix/Bioinformation applications in cyberspace;
- 5.6 Intellectual Property
 - Trademark infringement;
 - Copyright infringement;
 - Unauthorised access/download;
 - Unauthorised reproduction of protected programmes;
- 5.7 Special interest topics raised by participants – open forum on special cases;
- 5.8 Cyber-terrorism: forms, functions and modus operandi;
- 5.9 New e-commerce payment systems: implications.

The provision of on-line support via a dedicated chat room and discussion/bulletin board will be part of any *Virtual Forum* along with on-line course supplementary materials and resources. These resources should include a 'hot' reports section, articles, case studies, links to other sites and a reference section. Depending on the level of computer connectivity (broadband or modem) alternate delivery methods must also be offered in addition to on-line learning. The courses should enjoy standing and be articulated to formal qualification awarded by the relevant national higher education institutions.

Implementation and counter-measures

The widespread provision of training particularly in the developing world will allow the leading e-countries to manage if not prevent many of the cross-border problems (e.g., rendition of fugitives) now so evident in the delivery of phishing, DoS and other cybercrimes.

The development of cybercrime training and the ultimate improvements in investigative capability will still require the traditional craft skills of policing. In the on-line 'situation' the theft of information and the manipulation of identity and trust are the key. Consequently the focus of training has been on the means identity has been breached. Leading crime prevention scholars Newman and Clarke (2003) argue that a crucial factor is how trust is acquired and maintained when on-line merchants must be more intrusive about their (unseen) customers' identity and credit risk and the apparent ease in which trust is manipulated by fraudsters and others. Clarke and Newman also note the high risks posed in the post-transaction phase (*i.e.*, the delivery of goods or services ordered) is often overlooked. Efforts to reduce cyber-crime need to recognise these ingredients and the numerous pathways for crime. Therefore in the online environment crime prevention must be more integrated than the conventional environment. Neglecting routine police training or failing to build on the essentials of policing would undermine the benefits of high tech crime training. In some jurisdictions training may also be altered or 'humoured' in order not to offend particular regimes or practices. The more mainstream the rules of evidence and suspect rights are embedded in training and recommended procedures the more easy it will be to foster genuine 'rule of law' practices.

The nature and efficiency of private sector investments in security as an aspect of 'true' external costs must also be considered (Schneier 2003). Careful monitoring of the deployment of public police to counteract problems on the Internet or cyberspace needs to be tested against clear public interest criteria (Huey and Rosenberg 2004). The evaluation of police performance will have to be embedded in follow-up studies of the effectiveness of operations (and feedback into the needs assessment process of trainers).

The role of legal education

A key training and research focus are the regulations governing ICT environments such as the Internet and mobile phone networks. Many jurisdictions sought to use their existing criminal statutes to cope with unauthorized access, ID theft, malicious computer software and other offences while others introduced purpose built criminal laws or sought technologically neutral definitions to reduce

ambiguities about devices and media that were rapidly evolving²⁹ (Schjolberg 2004).

The CoE's *Cybercrime Convention*, which came into force in 2004 offered the prospect of a potential global treaty for the prosecution of cyber-crime. The convention provides a sound model of the definitions of cyber-crime and is a force for comity and harmonisation of law. It has been drawn on by many non-CoE nations in the framing of their own laws (e.g., Thailand). The many jurisdictions involved in the CoE convention realized that mutual legal assistance arrangements (MLA) were inadequate to deal with the speed and diversity of crimes generated by greater connectivity and efforts in improving MLA are as vital as harmonised definitions of the offences. The monitoring or mapping of legal changes (Kaspersen 2004) and jurisdiction (e.g., Brenner and Frederiksen 2002) across the globe are crucial priorities because there are many challenges in achieving uniformity of terminology and practice such that cyber-crimes might be prosecuted as with piracy at sea by any competent tribunal anywhere. Building in awareness of the development of the emerging legal responses will be a significant challenge in updating training. The introduction of common training standards can help to foster harmonisation but allowance for country variation will also be necessary.

Although there is consensus about the risks of computer-related crime, apart from criminalising the conduct at a global level, there is much less consensus about what might be done to prevent it. There is concern that the technological solution is a mirage despite improved software resistance to intrusion. Faith in deterrence-based approaches may also be misguided since deterrence is likely to succeed only in some circumstances, and experience with conventional crime suggests that over-reliance on law as a deterrent or moral educator alone is unlikely to be enough despite community support³⁰. Above all is the belief that training or education for investigators can be an 'all purpose solvent' but much depends on the quality and timing of training.

Countries differ in terms of their training priorities for law enforcement and the resources that are available. It would be useful to develop an overview of where cybercrime investigation and training fits among the many law enforcement training priorities. Part of the moderation of any 'global' training effort would be to understand (and address) the actual problems faced by individual countries. What kinds of cyber-crime are at the forefront:

29 Useful sites include 'FindLaw' see <http://cyber.lp.findlaw.com/criminal/>; and McConnell International see <http://www.mcconnellinternational.com/services/Updatedlaws.htm>.

30 Most incidents of cyber-crime do not proceed to conviction and we know little about the eventual sentences imposed or the levels of disparity within and across nations (Smith, Grabosky & Urbas 2004).

hacking, fraud, or theft of intellectual property? Are governments more concerned about infrastructure protection or child pornography? Given a basic training needs assessment the courses on offer may be tailored to incorporate material and cases that focus on the nature of the crimes most worrisome in the jurisdiction.

Recent developments in the general context of more data, places, customers and complexity suggest *likely priorities* for research and training updates as follows (see Grabosky and Broadhurst 2005):

- Accounting for changes in the form (*i.e.*, greater sophistication) and profit focus of criminal activity, especially fraud and deception-like offences (see Morris 2004). Updates in deception methods and malware deployment will be a crucial means of keeping investigators abreast of developments;
- The scope, prevalence, severity, and duration of cyber-crimes among different populations and how best to identify high-risk populations. Training that focuses on victims and their behaviour will be necessary in investigation but also crucial in crime prevention efforts. Crime prevention strategies will need to be based on mass campaigns;
- Understanding the role of organised crime and the overlap between traditional organized crime and new modes of crime facilitated by computers and Internet connectivity (see Council of Europe 2004, Brenner 2002). Training that focused on all stages of a network attack would help identify the role of serious criminal networks;
- Increased sophistication of malicious code now required better mechanism for the co-ordination of rapid and secure information sharing about such threats among CERTs. Common training regimes provide excellent support for a trusted intelligence environment;
- Despite increased cross-national cooperation, systematic evaluation of the progress made in developing comprehensive forms of MLA has yet to occur. The monitoring of compliance is a priority (Kaspersen 2004) and common training and standards among investigators will create the necessary climate for change.

Much of what we think will help in preventing cyber-crime is based on too little knowledge about offender and victim behaviour as it applies in the online environment. The poor training and capability some law enforcement agencies and the consequent risk of cyber-crime safe havens remains the most serious problem and fully justifies the priority given to training. Nevertheless, the separation of specialist knowledge (computer hardware and software content) from the disciplines of criminology and law must be bridged both in the academy and among LEA practitioners.

Conclusion

A number of issues related to the delivery and priorities of training in the Asian context are yet to be settled but some of these are summarised below. Questions about the sustainability of the *Virtual Forum* and audience priorities (*i.e.*, 'training the trainer' versus selected personnel and so on) are crucial to the success of this global pilot project. However, many specific details about delivery (including on-line versus intensive or combinations) can only be determined by a training needs assessment process for the pilot countries chosen to develop the on-line forum.

The *Virtual Forum* provides a plan for the implementation of a programme of courses appropriate for either an on-line or conventional learning environments. However, questions about the best means of involving tertiary educational institutions and the development of appropriate recognition of prior learning and specialist courses appear to depend on attracting Universities and industry to become part of the solution.

The issues below reflect the many matters that must still be addressed in implementation:

- What are the best forms of learning strategies (on & off-line) for different target audiences: from first responders to forensic specialists and prosecutors?
- Who are the priority targets for training: introductory, advanced, or awareness levels?
- Who will have final control over the access and oversight processes on the Virtual Forum?
- How will the online, practicum, project and other forms of examination or assessment be undertaken?
- How applicable are existing on-line courses for police in developing countries?
- Sustainability and technical assistance – who will pay in the long term?
- What are the best training delivery strategies for low-technology environments?
- How best to provide useful feedback for students and teachers/instructors?

Research on cyber-crime is in its infancy and providing an international evidence base for future policy development is a challenging task. Without this research and the requisite documentation the development of effective training regimes will be hampered.

The development of instructional handbooks and the reporting of case studies of individual investigations, successful or otherwise, are part of the learning process. Practical means of engaging police

managers and others occur if the computer can be de-mystified. One successful technique used has been to require trainees to re-assemble from its constituted parts a computer. The relative ease that this can be done re-assures the trainees and builds confidence³¹. Success stories can also help build confidence for new investigators. 'Recipes' for success may also be useful for training purposes. Studies of unsuccessful investigations are no less important and cyber-crime specialists need reflect systematically on cases that 'go wrong' (Broadhurst and Grabosky 2005).

Government has driven much of the response to cyber-crime but the private sector plays a crucial role in the prevention of digital crime and can also contribute to training and research. Microsoft's role in supporting with Interpol the training of police officers and prosecutors across the world in combating child pornography is but one example of what can be done. The NSLEC and similar agencies in other jurisdictions draw upon the expertise found in both industry and academia, however, many educational institutions lack the funding support to respond promptly and effectively to new problems. Until government and industry create strategic partnerships with Universities (especially those with technological capacities) the struggle to train and certify capable cybercrime investigators who are life long learners will continue. Shortages in the essential personnel with the appropriate (universal) standards of competence (as in other professions) will remain a significant constraint. Apart from the continuous demand for research and training two developments are essential: the creation of a viable international law enforcement mechanism supported by a cadre of capable investigators and prosecutors and, private and public partnerships that are genuinely collaborative and incorporate the role of universities in the education of those that are tasked to fight cybercrime.

31 Personal communication Nigel Jones for trainer for Centrax UK.

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Why Crime Prevention is an Essential Component of International Training and Technical Assistance: the Experience of the International Centre for the Prevention of Crime

Margaret Shaw¹

Introduction

The need to train personnel working in the criminal justice field is probably universally acknowledged around the world. Regardless of wealth and resources, countries recognize the need to improve the effectiveness and efficiency of justice systems, to effect changes in legislation or responsibilities, or implement new strategies. For countries which wish to develop new approaches such as community policing, introduce youth or family courts, or implement more recent approaches such as restorative justice, the offer of training from countries with experience of setting up such systems, or from specialized training institutes and organizations can be of considerable value. This paper is concerned with the impact of recent global changes on training and technical assistance in the field of criminal justice, but more specifically on the area of *crime prevention*, based on the experience of the International Centre for the Prevention of Crime (ICPC).

At the international level there is a long history of bilateral training and technical assistance, but it has often been characterized as disconnected and uncoordinated, and at times counter-productive, with countries or institutions offering competing models and paying little attention to the interests of needs of the recipient countries (Hebenton and Spencer 2001; Herman 2001). A number of important changes have taken place in recent years, which open up the opportunities for far more effective and appropriate training and technical assistance:

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- There is now recognition of the need for more coordination of training and technical assistance within countries and regions;
- There is more awareness of the need to be sensitive to context - that models developed in one country may not be appropriate nor easily transplanted to another;
- There is recognition that good experience and practice does not flow only from the North to the South, or from developed countries to those in development or transition;
- The impacts of globalization, and the exponential growth in technological change, have not only increased the demand for training among countries, but also the ease with which it can now be accessed and adapted;²
- Concern with transnational organized crime and corruption, and terrorism have helped to focus attention on the importance of training and technical assistance in the justice and security sectors and their role in development (Dandurand, Griffiths and Chin 2004).

The long history of international training and technical assistance in criminal justice has primarily been concerned with the justice system itself, with the training of police, prosecutors and defence lawyers, magistrates and judges, for example, or correctional service personnel. While these remain important, very rarely has such training been concerned with crime prevention. There are some important reasons why this needs to change.

Contemporary crime prevention has evolved very markedly from how it was conceptualized twenty years ago, and this evolution has resulted in a much wider range of institutions and people being involved in prevention activities and working in unfamiliar ways. New 'professions' have emerged, and all of this requires a new range of skills and capacities to be learnt. There are now international standards and norms for crime prevention, and more and more countries are beginning to develop national crime prevention strategies and policies. As with all aspects of criminal justice, there is a continuing demand for training in new skills, as attitudes and approaches evolve, but in the area of crime prevention this is more marked.

² See Zimring & Johnson (2005) for a discussion of how these factors have affected the field of international work on corruption.

The Crime Prevention 'Explosion'

Crime Prevention, as defined by the **2002 United Nations Guidelines for the Prevention of Crime**, '*comprises strategies and measures that seek to reduce the risk of crimes occurring, and their potential harmful effects on individuals and society, including fear of crime, by intervening to influence their multiple causes.*'

The field of crime prevention has evolved and advanced considerably over the past 25 years. The experience of ICPC, an international non-government organization established in 1994, mirrors these changes in crime prevention. Its creation was inspired in particular by the Bonnemaison model of nationally-supported city-based crime prevention developed in France (Bonnemaison 1982). Bonnemaison had established the *European Forum on Urban Safety* in 1987, an organization which now brings together some 300 local authorities on issues of urban safety.

ICPC's mission is to promote the use of crime prevention among governments at all levels, shifting the balance of attention and spending away from an exclusive reliance on policing, courts and correctional systems. It recognizes the limitations on the ability of the state to ensure the safety and security of its citizens without the support and participation of a wide range of institutions and organizations and of citizens themselves. This mission is accomplished through a combination of knowledge-gathering and dissemination, through facilitating exchange of expertise and experience between those involved in crime prevention, and through training and technical assistance. Even in the short history of ICPC, the field of crime prevention has advanced considerably.³

- It is no longer seen as the exclusive preserve of the police, or a minor activity limited to advice on household security, but one widely accepted as the responsibility of a wide range of government institutions at all levels, working together and in partnerships with community services, organizations and civil society;
- This evolution has been built on and supported by the accumulating body of evidence across countries demonstrating the effectiveness of a wide range of interventions and strategies which aim to prevent crime (e.g., NCP 1999). By the mid-1990s it was possible to demonstrate the enormous gains to be made through investing in good, effective and sustainable crime prevention strategies and programmes (ICPC 1999);

³ In 2005, in recognition of this evolution and the impact of global changes, ICPC adopted its *Strategic Development Plan 2005-2010*.

- Many developed countries now have well-entrenched national crime prevention strategies which began to take shape from the mid 1980s, including Denmark and Sweden, France, Britain, Canada, Australia and South Africa, for example. Evidence-based crime prevention interventions have become a major component of many country policies;
- The *Safer Cities Programme* of UN-HABITAT originally established in 1997 at the request of African mayors, has now expanded to assist countries and cities in Africa, Latin America and Asia develop strategic crime prevention, especially at the local-government level.
- The growth of international interest in crime prevention was in evidence at the workshop on community crime prevention organized by ICPC at the Tenth United Nations Congress on Crime Prevention and Criminal Justice in Vienna in 2000. This was also manifest at the Eleventh Congress in Thailand in 2005 (see below).

Conceptually, therefore, crime prevention has evolved from a primarily police-based advisory activity in the 1960s, through a series of conceptions as an alternative to incarceration in the 1970s, the recognition of the role of cities and municipalities in promoting urban security in the 1980s, as an integral component of the transformation of the police away from hierarchical models towards more community-based and problem-solving approaches in the 1990s, and in the new millennium, as a form of integrated governance (Sansfacon 2005). It encompasses a range of social, educational, situational and environmental interventions targeting individuals, communities or places at risk of crime and victimization, to strengthen, support and protect them. And it includes interventions and support for the reintegration of those released from custody. More significantly, perhaps, it requires working across sectors and disciplines, and in partnerships, using joined-up or 'whole-of-government' approaches unfamiliar to many governments and actors.

Developing International Standards for Crime Prevention

Until 1995 there were no internationally accepted guidelines on how crime prevention should be undertaken. In that year the Economic and Social Council (ECPSOC) adopted the *Guidelines for Cooperation and Technical Assistance in the Field of Crime Prevention* (UN 1995). Subsequently, in 2002, the *United Nations Guidelines for Crime Prevention* were adopted by ECOSOC (UN 2002). These guidelines have helped to establish norms and standards which an increasing number of countries are now beginning to apply.

At the Eleventh Congress on Crime Prevention and Criminal Justice in Bangkok, Thailand in 2005, the workshop on *Strategies and Best Practices in Crime Prevention, in Particular in Relation to Urban Areas and Youth at Risk* demonstrated the growth of crime prevention strategies and practice worldwide (UNODC 2005a). Again organized by ICPC in collaboration with UNODC and UN-HABITAT, this workshop provided ample evidence of the application of the principles and approach recommended in the *Guidelines*, as well as the spread of crime prevention internationally (ICPC 2006). Presentations from Australia, Japan and the Philippines, Nigeria, Tanzania and South Africa, Belgium, the Czech Republic and the United Kingdom, Brazil, Chile and Peru, showed the breadth of current strategic plans and good practice models. To accompany the workshop, a Compendium of 64 promising practices from around the world, targeting urban crime and at risk youth, was also published (ICPC 2005).

Yet how useful are broad guidelines in this relatively new field of crime prevention? Establishing a national or local policy and strategic plan does not guarantee that implementation will be assured or straightforward, nor that well-developed programmes will be effective. Much depends on how well programmes are implemented, on setting appropriate targets, on having sufficient resources, on the capacity of the partners involved to respond to the serious demands of working cooperatively, or their knowledge and skills to undertake the appropriate monitoring and evaluation, for example. 'What works' in crime prevention does not rest solely with well-designed programmes, much depends on the capacity of actors in the field to establish the conditions and manage the 'process', as well as on policy makers to understand the need for longer-term investment and planning, and not focus only on short-term results. Ensuring that strategies are maintained, well monitored and sustained beyond the life of a government is a further challenge.

One of the major lessons learned about *policy transfer* from one country to another, in the past ten years, has been that local conditions, local needs and local constraints must be taken into account (Sparks and Newburn 2002). Programmes which have been carefully developed and replicated in one setting, and found to be effective in reducing crime or insecurity, may not work in another country or city. This has been well demonstrated in South Africa, for example, where some crime prevention approaches developed in the North have proved to be inappropriate for a South African context (Pelser 2002). Even among developed countries it is clear that programmes are rarely precisely replicable (Jones and Newburn 2002).

Another major lesson has been that the *process* of developing and implementing good programmes is as important as setting goals or funding programmes. Implementing crime prevention

programmes requires a particular set of skills, experience and capacities on the part of communities and key individuals. England and Wales, for example, which has extensive experience in the development and evaluation of crime prevention, and which invested considerable funds in the 1998 Crime Reduction Programme, has witnessed substantial problems in the implementation of evidence-based programmes on a wide scale (Hommel, Nutley, Webb and Tilley 2004). Among other factors, there were just not enough people with the necessary skills to allocate and undertake the many projects funded across the country. More significant, perhaps, have been the limitations of scaling-up pilot and experimental programmes, and the over-reliance on evidence-based knowledge of 'what works', over-ambitious targets and time-scales, and slow-moving bureaucratic procedures (Maguire 2004).

On the basis of Canadian experience in the provision of technical assistance in the criminal justice field to developing countries, Herman (2001) argues that while many donor countries are good at providing support for 'commitment and knowledge development', e.g., through seminars and study visits, or specific targeted technical training, they often fail to consider *process* and the strengths and weaknesses of the *institutions* within which such training and knowledge needs to be applied. This requires capacity building, but also a broad and longer-term vision. Technical assistance will fail unless there is a broad vision of the context of criminal justice systems, careful and prior analysis of the broad range of factors influencing the system (including social and economic factors) and an agreed-upon strategy based on this integrated model (Herman 2001).⁴

These international lessons are beginning to lead to a more nuanced understanding of the role of crime and crime prevention, especially in developing regions. A recent report on crime and development in Africa (UNODC 2005b), for example, outlines the links between crime prevention and development. There is a clear need, therefore, for more detailed and practical support and exchange on the ground to aid the development and implementation of crime prevention strategies and practice, taking account of local contexts and capacities, and without imposing models and formulas from elsewhere.

4 See also the Background Paper for the Programme Network Institute's workshop on maximizing the effectiveness of technical assistance, at the 15th Session of the UN Commission on Crime Prevention and Criminal Justice, April 2006. (Shaw and Dandurand 2006).

Existing Crime Prevention Training and Technical Assistance

In relation to technical assistance and capacity building, the 2002 *Guidelines* (para.18) recommend that member states support the development of professional skills in crime prevention by:

- Providing professional development;
- Encouraging educational agencies to offer basic and advanced courses;
- Work to develop certification and professional qualifications;
- Promote the capacity of communities to develop and respond to their needs.

They also urge the greater use of exchanges between countries and regions.

To a large extent, most training offered in the field of criminal justice and crime prevention has been, and remains, police-related.⁵ This reflects the strong links between the traditional and more contemporary role of the police in crime prevention. Community policing and problem-oriented policing approaches entail considerable crime prevention components. Training and tools specifically geared to the needs of other crime prevention practitioners, such as community safety officers at the local authority level, or social mediators began to emerge in the 1990s. The University of Western England in the United Kingdom, for example, was among the first to develop an Internet-based distance learning course on crime prevention. Since the implementation of the 1998 Crime and Disorder Act, which mandates local authorities to establish crime and disorder partnerships and implement planned strategies on a three-year cycle, there has been a huge increase in academic courses and qualifications which touch on crime prevention at university level.

Training needs for the 'new' crime prevention professions have also been recognized in Australia, one of the first countries to establish a strategy of locally-based crime prevention. Such new professions have few existing guidelines and there is a need not only for what has been termed 'know-how' knowledge, but also 'know-who' knowledge (Cherney 2004). Capacity building is not simply a question of gaining knowledge and skills, but also about how to work.

More recent initiatives are beginning to expand the range of crime prevention training. Presentations at the Eleventh United Nations Congress crime prevention workshop by UNODC, UN-HABITAT and CSIR, and UNAFEI (Redo; Petrella and Shabangu; Someda 2005) were all concerned with aspects of capacity building

⁵ See paper by Jay Albanese in this volume.

and technical assistance. Based on its ten year experience in supporting the development of Safer Cities programmes in Africa as well as the Latin American and Asia-Pacific regions, UN-HABITAT have been developing a tool-kit to aid local governments in the development of such programmes, and more recently worked in collaboration with CSIR (Centre for Scientific and Industrial Research) South Africa. CSIR launched its own Local Crime Prevention Tool-Kit in 2003, in collaboration with the South African Police Service and a non-government organization UMAC, which had since been considerably expanded.⁶

Other recent initiatives include UNODC's *South-South Crime Prevention Project* established in 2004 in partnership with the University of Cape Town and the University of the West Indies. This is in recognition of the importance of bringing together countries and regions facing similar social and economic constraints and crime problems. The programme links the Southern African region with the Caribbean, and includes the development of an Internet site for accessing relevant publications, research reports and evaluations of good practice (www.southsouthcrime.org).

UNAFEI launched its first *Senior Seminar* on crime prevention in January 2005. This was an intensive five-week course which brought together practitioners and policy-makers from the Asia Pacific region, animated by a range of academics and practitioners from the region, and from Europe and North America (UNAFEI 2005). It used a practice-oriented and integrated approach to expand and share experience and knowledge among participants.

In recognition of the importance of community safety as a component of urban development, the World Bank has developed a series of tools to support local government crime prevention in the Latin American region which are being used to build the capacity of cities in countries.⁷ ICPC's web-site now contains links to over 100 web-sites, tools, guides and manuals on aspects of prevention relating to topics such as cities, policing, schools, the business sector, women's safety, and evaluation.

These examples remain fragmented, however, and a range of needs can be clearly identified including:

- Academic training and certification on concepts, theories, ethical issues, crime prevention approaches, good practice, effective crime prevention models, evaluation and monitoring, *etc.* for policy makers, practitioners, researchers;

6 CSIR www.crimeprevention.csir.co.za.

7 This series has been developed by the International Bank for Reconstruction and Development/The World Bank and included guides for urban safety audits, urban design, women's safety and city case studies (eg. Llorente and Rivas 2005).

- Learning exchanges – learning by doing eg. city-to-city exchanges;
- Tools and techniques – observatories or monitoring centres on crime and social problems; crime mapping and other technological aides;
- Process and implementation issues – the capacity of policy makers, practitioners and researchers to work across sectors and in partnerships *etc.*;
- Targeted training at different levels for practitioners, researchers, policy makers – high level, middle management, front-line.

Redo (2005) argues for technical assistance in crime prevention which is better targeted to capacity building, and which would allow governments to coordinate programmes. He also argues for better and more standardized data on crime and victimization, the importance of evaluating crime prevention projects (something also requiring capacity-building) and for the application of the *sustainable livelihood* approach, developed in the field of drug prevention, to crime prevention. Such an approach would include civic and citizenship education, the promotion of a culture of lawfulness, as well as job creation.

ICPC – Building Capacity in Crime Prevention

Over the past ten years ICPC has itself worked to further knowledge and commitment-building through exchanges and seminars, and the compilation of good and promising practices. It has long stressed the importance of taking a broad and comprehensive view of the problems of crime and victimization, of careful analysis of problems on the ground, the development of strategic plans, and the importance of focusing on implementation issues, tools and capacity-building. It has begun to utilize the burgeoning communications technologies with web-based information, virtual networks on specific issues, and e-learning.⁸

The gaps in training and technical assistance in this relatively new area are evident. As suggested above, the expansion of crime prevention has led to the creation of new roles and responsibilities. The new community safety professions have to learn to work laterally and co-operatively with other institutions and partnerships. This includes how to analyse problems comprehensively, develop plans which are shared and have clear indicators and realistic goals, to set up projects and implement them successfully, to

⁸ ICPC maintains a virtual network on Indigenous issues, for example,

monitor and evaluate their outcomes, and work to ensure their sustainability over the long-term.

It is also evident that there is a demand for senior-level training in crime prevention internationally. ICPC launched a pilot International Training Institute in October 2004 which confirmed that people working in senior positions within local, provincial or national governments felt a need for greater networking and exchange on crime prevention. Building on this pilot project, ICPC's first *International Training Institute* takes place in June 2006, bringing together practitioners, policy makers and researchers in senior positions from both the north and south, and using a problem-solving and contextualized approach, and to begin to strengthen international networks on the ground.

Building on its experience, ICPC has developed a series of projects which recognize the importance of local context and buy-in among local officials and practitioners if projects are to be sustained and embedded, and capacity built up. The *City Exchange Programme*, for example, was launched in 2004, and brings together the cities of Montreal in Canada, Bordeaux in France, and Liege in Belgium to work together on tackling problems of incivilities associated with drugs and prostitution. The cities have been meeting on a regular basis to work systematically on developing a detailed analysis of their respective problems, a strategic plan, and its implementation and evaluation. ICPC's role has been to facilitate the meetings and the process. The emphasis of this approach is on learning-by-doing and on the exchange of experiences with others confronted with the realities of balancing prevention, health and respect for rights, with maintaining safety and security and the quality of life in cities.

ICPC has collaborated in the production of a variety of tools for capacity development, including *observatories* on crime and insecurity, and crime prevention *tool kits* for municipal governments and the police. Observatories, or monitoring centres, have been established by a number of regions, national and local governments on issues such as drugs, crime or school violence, e.g., in France, other countries of the European Union, and Latin America. They have an important role in informing public policy and programme development, but few have focused on crime prevention and community safety. For the most part, information on crime tends to be limited to police statistics and victimization surveys. ICPC has been involved in the development of a pilot observatory on community safety, victimization and crime prevention for the Canadian Province of Quebec.⁹ Its overall purpose is to collate information from a wide range of sources to establish a good basis for the analysis of problems and

9 For more information on this project see ICPC's web-site www.crime-prevention-intl.org under Technical Assistance.

measurement of trends, and support the development of well-planned intervention strategies. One of the major benefits of such tools is that they bring together a variety of government and institutional sectors (such as housing, health, social services and environment as well as police and justice) to pool their data and work together, enabling them, often for the first time, to understand the interconnectedness of their respective roles and responsibilities in preventing crime and insecurity.

ICPC has also collaborated in the development of a local government toolkit *The Key for Safer Municipalities* (FPP/ICPC, 2005) which sets out the case for municipal leadership in crime prevention, how it can be developed in partnership with local institutions, community organizations and the business sector, and provides concrete examples of strategic interventions.¹⁰ Similarly, a *Police Tool Kit: The Role of the Police Crime Prevention* was developed following a series of international police exchanges organized by ICPC (ICPC 2002).¹¹

In the near future, a major opportunity for increasing the availability and appropriateness of technical assistance and training in the field, may be through the use of the Internet and the increasingly sophisticated communications technologies now available. The recent establishment of a virtual forum on cybercrime provides an excellent example (UNODC 2006). The virtual forum was initiated in June 2006 by UNODC and the Korean Institute of Criminal Justice Policy, with the aim of providing practical and educational information for law enforcement personnel engaged in the prevention and control of cybercrime. Its objectives include the provision of a medium for communication, delivery of training, education and technical assistance, and acting as a clearing house.

Conclusion

For the future, it is clear that training and technical assistance in crime prevention must become a priority for governments, as part of a more balanced approach to safety and security. Training in the criminal justice sector must also recognize the importance of developing good prevention strategies, which are likely not only to be cost-effective, but cost-beneficial, bringing benefits in terms of improved economic climates in cities, reduced health costs, and

10 The toolkit is available in English and French in paper and CD-Rom versions. It was produced by the *Fondation Docteur Philippe Pinel* in Montreal, with technical assistance from ICPC, and developed initially for a Canadian context. Adaptation and translation into Spanish is currently being developed.

11 The police tool kit was produced in collaboration with the National Crime Prevention Council of the USA.

more productive and engaged young people, families and citizens. This can help to relieve pressures on the justice system, and the heavy costs associated with policing, overcrowded court systems and prison facilities.¹² The importance of the links between good crime prevention and development have begun to be recognized, while local crime prevention programmes have a crucial role to play in fighting transnational organized crime, corruption and trafficking. Overall, it is important for the future for such training and technical assistance to include the following characteristics:

- To have a strong focus on processes and implementation, not just good practice and knowledge;
- To have a strong awareness of context – historical, cultural, political, economic and social realities and recognition of complexity of all social institutions;
- To be participatory – with the involvement of country or city or particular target groups;
- To focus on human rights and inclusiveness.

Training and technical assistance in crime prevention should also capitalize on the new communication technologies. Finally, it would benefit from a more coordinated regional approach, which recognizes the experiences of both developing and developed countries, is adapted to the needs of particular regions, and which includes the full range of types of training and capacity-building targeting different levels of involvement.

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