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PAPER

Oversight of the Liberian National Police

David C. Gompert, Robert C. Davis,
Brooke Stearns Lawson

Prepared for the Office of the Secretary of Defense

Approved for public release; distribution unlimited

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Preface

This paper is a supplementary component of a RAND Corporation research project for the U.S. government under which RAND was asked to advise the Liberian and U.S. governments on security sector transformation in Liberia. This follow-up work to the broader study focuses more specifically on the question of police oversight. This paper should be of interest to the Liberian government, the U.S. government, the United Nations, other countries and organizations now engaged in reforming Liberia's security sector, and students and practitioners of security sector reform and police oversight in general.

By agreement with the U.S. and Liberian governments, and by RAND's own tradition, the analysis and findings reported in this paper are independent. Although RAND worked closely with both governments while performing its study, the results are not to be interpreted as the views of either government.

This research was sponsored by the Office of the Secretary of Defense and conducted within the International Security and Defense Policy Center of the RAND National Defense Research Institute, a federally funded research and development center sponsored by the Office of the Secretary of Defense, the Joint Staff, the Unified Combatant Commands, the Department of the Navy, the Marine Corps, the defense agencies, and the defense Intelligence Community.

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Summary

The Liberian National Police (LNP) will become the chief provider of security in Liberia as the United Nations Mission in Liberia (UNMIL) is reduced.[1] Given the LNP's capabilities and complexity, its past manipulation by former President Charles Taylor, and a pattern of police misconduct in much of Africa, the question of oversight is critical. At the request of the U.S. government, RAND analyzed the issue of oversight of the LNP to identify options and make recommendations for consideration by the Government of Liberia and its principal supporters, the United States and the United Nations (UN).[2] This paper contains the results of RAND's analysis.

This paper is based on and organized according to an analytic approach that examines LNP oversight in light of African experience and Liberian conditions. A summary of police oversight models and the relevant experiences of other African states is followed by our identification and assessment of broad options for Liberia and our recommendations.

There are three LNP functions that require external oversight: government responsibility, professionalism, and assuring the public. This paper addresses how these functions should be performed and assesses options based on three criteria: manageability, permanent professionalism, and public confidence.

Analysis of the range of police oversight mechanisms, other African cases, and Liberia's situation leads us to the following conclusion: *Liberia needs a mixed (i.e., government-independent) LNP oversight system with a broad mandate for enhancing police professionalism and assuring the public. Such a system should be clear, relatively simple, manageable, and comprehensible to the Liberian people. It should complement and strengthen both the government's normal management of the LNP and the LNP's ability to operate. These goals would be best achieved by a government-chaired, mixed-membership, multi-tiered system with the authority and competence to (1) consider every aspect of police policy and performance and (2) make recommendations that the government would be obligated in turn to consider and address.* Such a system would borrow from government-independent hybrid systems used elsewhere in Africa (see Chapter Two) and offer manageability, permanent professionalism, and public confidence (see Chapter Three).

This oversight system should include a high-level policy body and a subordinate body to investigate individual allegations of police abuse and look for patterns of such behavior within

[1] We assume that LNP personnel will eventually be armed, except for those forces performing functions in which arms are clearly not needed.

[2] This work follows an earlier and broader RAND analysis of Liberia's new security sector as a whole. Those earlier recommendations have mostly been or are being implemented. See David C. Gompert, Olga Oliker, Brooke Stearns Lawson, Keith Crane, and K. Jack Riley, *Making Liberia Safe: Transformation of the National Security Sector*, Santa Monica, Calif.: RAND Corporation, MG-529-OSD, 2007.

different parts of police agencies. In addition, the groundwork should be laid for the eventual creation of local police forums to promote local connectivity and confidence. These recommendations adapt relevant practices from South Africa, Nigeria, and Ghana, but are simpler than those used in South Africa. Furthermore, they are more reliable than those adopted by Nigeria and Ghana. By keeping the oversight system as simple as possible (but always consistent with needs), both government manageability and political support—two keys to success—can be strong.

The high-level body—which we call the LNP Policy Council (LPC)—would be responsible for reviewing general Ministry of Justice (MoJ) and LNP policies on police conduct, use of force, crowd and riot control, training, salary structure, promotions, recruitment procedures, and compliance with human rights. It would also recommend and monitor performance indicators that would provide a way of monitoring police effectiveness and equity in fighting crime, dealing respectfully with the public and different ethnic groups, and using resources efficiently.

The second body—which we call the LNP Investigative Council (LIC)—would be responsible for investigating citizen complaints against the police. It could be subordinate to the LPC or to the MoJ, or independent of both. Of these options, subordination to the LPC would be best, given the role envisioned for the LPC in setting and monitoring the performance standards that the LIC would apply. Like the LPC, the LIC would be MoJ-chaired and have governmental and nongovernmental members, preferably in the same proportions. Its findings would be delivered to the MoJ, the LNP, and (when appropriate) the courts.

At the appropriate time, local forums would be created to anchor police forces to the communities they serve. Each forum would monitor the performance of the local police force, help police leadership set priorities consistent with community concerns, and serve as a vehicle to discuss community concerns about police conduct or policies. The forums would share their findings with the national LPC and their specific concerns with the LIC.

As shown in Table S.1, we expect the proposed approach to be more effective than other oversight options.

If one criterion deserves to be weighted more heavily than the others, it is public confidence, especially at the current stage of Liberia's political recovery. To ensure that such a system succeeds in practice, special attention needs to be given to the following issues:

- The relationship between LNP oversight as specified in our proposed approach and normal MoJ responsibilities for the LNP (e.g., for funding, general management, personnel, and implementation) must be clear and compatible.

Table S.1
Comparison of Oversight Options and Proposed Approach

Criteria	Government Oversight Only—Light	Government Oversight Only—Heavy	Independent Oversight Only—Light	Independent Oversight Only—Heavy	Proposed Approach
Manageability	H	M	M	L	M
Permanent professionalism	M	H	L	M	H
Public confidence	L	M	M	H	H

NOTE: The probability of effectiveness is rated H (high), M (medium), or L (low).

- The relationship between LNP oversight and the LNP's own control systems (e.g., internal affairs, inspections, and professional standards) must be mutually reinforcing.
- Given Liberia's state of development, manageability must be made a priority (through, for example, minimizing duplication and red tape).
- Public confidence can be created and enlarged by publicizing plans, inviting comment, and involving nongovernmental actors from the outset and throughout the process of establishing LNP oversight.

The Emergency Response Unit (ERU), whose combat capabilities and roles differ from those of the rest of the LNP, needs special oversight. The fundamental principles of professionalism, commitment to public well-being, and accountability that apply to the LNP as a whole should also apply to the ERU. However, rules governing the use of force should be different, yet no less clear and consistently applied. Rather than having separate oversight for the ERU, both the LCP and LIC should have explicit guidelines (and, possibly, subcommittees) governing the ERU. It is therefore important that LNP oversight councils include members who are aware of the requirements, constraints, and pitfalls associated with this type of force.[3]

As for next steps, we recommend that the MoJ, augmented with outside experts with broad experience, be charged with developing details and implementation plans for consideration by Liberia's president and the country's main supporters. The MoJ should involve the LNP inspector-general, whose views should be made known to those who review the MoJ plan. Public support should be sought and secured through eventual legislation.

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[3] In addition, we recommend that attention be given to the question of operational control over the ERU, especially when that force is called upon for combat within Liberia or to operate with the Armed Forces of Liberia. This matter is not subsumed under the oversight system recommended here.

Acknowledgments

Numerous individuals made significant contributions to this study throughout the course of this project. Above all, we want to express our admiration and encouragement for those Liberians, starting with President Ellen Johnson Sirleaf, who are working tirelessly to bring peace to their country and their region. We are also particularly grateful to Theresa Whelan, who encouraged and supported the project from the outset. We would like to thank LTC Mark "Duke" Ellington, Pete Davis, and Steven Koutsis for making this research possible. We also appreciate the important insights provided by John C. Nielsen, UN Police Senior Advisor to the Inspector-General/Liberia National Police, and Deputy Special Representative of the UN Secretary General Henrietta Mensa-Bonsu.

At RAND, Olga Oliker and K. Jack Riley offered candid and insightful reviews, and Camille Sawak provided invaluable administrative support.

Abbreviations

AFL	Armed Forces of Liberia
ERU	Emergency Response Unit
IG	inspector-general
INCHR	Independent National Commission on Human Rights
LIC	LNP Investigative Council
LNP	Liberian National Police
LPC	LNP Council
MoJ	Ministry of Justice
NGO	nongovernmental organization
SAPS	South African Police Service
UN	United Nations
UNMIL	UN Mission in Liberia

CHAPTER ONE

Introduction

Purpose

At the request of the U.S. government, RAND analyzed the issue of oversight of the Liberian National Police (LNP) to identify options and make recommendations for consideration by the Government of Liberia and its principal supporters, the United States and the United Nations (UN).[1] This paper contains the results of RAND's analysis.

Background

The primary missions of the LNP are to prevent and fight crime and maintain public order and safety. These missions call for a sizable, community-oriented police force that earns the Liberian people's willing cooperation, which is both the surest measure of public trust and one of the keys to effective policing. The LNP will encompass most of Liberia's previously autonomous internal-security forces, including the airport, seaport, Monrovia city, and forest police. In addition, Liberia will have a mobile, combat-capable Emergency Response Unit (ERU) to help regular police meet heightened dangers, confront armed groups formed in defiance of the state's authority, and operate with the Armed Forces of Liberia (AFL) in countering major internal or external threats.

If the police are well trained, well led, and funded as a top priority by the government, this design should give the LNP the attributes it needs to perform effectively: authority, flexibility, responsiveness, and geographic reach. It will also increase the capabilities and complexity of the LNP. Although the LNP forces, except for the ERU, are not yet armed, they will become the chief provider of security in Liberia as the UN Mission in Liberia (UNMIL) is reduced.[2] The AFL, in contrast, will be small and outwardly oriented.[3] Given the LNP's capabilities and complexity, its past manipulation by former president Charles Taylor, and a pattern of police misconduct in much of Africa, the question of oversight is critical.

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[1] This work follows an earlier and broader RAND analysis of Liberia's new security sector as a whole. Those earlier recommendations have mostly been or are being implemented. See David C. Gompert, Olga Oliker, Brooke Stearns Lawson, Keith Crane, and K. Jack Riley, *Making Liberia Safe: Transformation of the National Security Sector*, Santa Monica, Calif.: RAND Corporation, MG-529-OSD, 2007.

[2] We assume that LNP personnel will eventually be armed, except for those forces performing functions in which arms are clearly not needed.

[3] The existence of an ERU reduces the need for the AFL to intervene to provide domestic security.

Anticipating the importance of LNP oversight, the UN Police Commissioner, in conjunction with UNMIL, shared with the Liberian Ministry of Justice (MoJ) in 2007 a 2005 concept paper on the idea of a Police Council for Liberia. Independently, RAND highlighted several options for police oversight: exclusive MoJ authority and management; a public, quasi-governmental management board; independent boards and/or ombudsmen to build public confidence and monitor professional conduct; and strong internal LNP controls. As of this writing, although the MoJ and LNP are working out management arrangements, there has been no decision or legislation on overall police oversight. Because the previous regime controlled fragmented police forces directly from the presidency to serve its purposes, Liberians have little experience with effective and accountable policing or oversight. Therefore, it is important to consider models observed in other African states. While Liberia starts with a clean slate, the government must begin now to craft, gain consensus on, and establish LNP oversight.

In accordance with earlier RAND recommendations, internal security services apart from the LNP will continue to exist, including agents of the Bureau of Immigration and Naturalization, Customs, and the Executive Protection Agency. This paper addresses only LNP oversight.[4]

Approach

This paper is based on and organized according to an analytic approach that examines LNP oversight in light of African experience and Liberian conditions. The second chapter summarizes police oversight models and the relevant experiences of African states. The third chapter contains our identification and assessment of broad options for Liberia. The final chapter contains recommendations.

Before proceeding, it is important to clarify the fundamental reasons for police oversight and the associated general criteria against which options should be assessed. Police oversight is needed for four distinct but related reasons:

- maintaining operational control—i.e., the disposition and employment of police
- ensuring government responsibility—i.e., political accountability, general management, policy-setting, funding, and personnel systems (e.g., compensation)
- enhancing professionalism—i.e., standard-setting and monitoring for quality and conduct
- assuring the public—i.e., reporting on deviation, restitution, and remedy.

Of these functions, only the first, operational control, must lie within the LNP itself, at least for routine missions under normal conditions. If LNP leaders—i.e., the inspector-general (IG) and the IG's top subordinates—are carefully selected for and consistently display reliability, competence, integrity, and public trust, operational control can and should safely be entrusted to the LNP. Placing control of LNP operations in bodies external to the LNP—whether governmental or nongovermental—is a recipe for indecision, delay, and real or perceived political interference. Of course, abnormal conditions or operations—large shows or

[4] We do not mean to suggest that an identical or similar proposed oversight approach should not be applied to other internal-security personnel.

uses of force, for example—should have clear and specific governmental (e.g., MoJ) authority. In general, good non-operational oversight from outside the LNP will help ensure that the LNP manages its operations wisely and well.

Thus, three LNP functions require external oversight: government responsibility, professionalism, and assuring the public. The rest of this paper explains how these functions should be performed. Given the nature of the functions, and taking Liberia's situation into account, we suggest the following criteria for assessing LNP oversight options:

- manageability—the ease, effectiveness, and consistency of oversight
- permanent professionalism—the fostering and institutionalization of high professional standards, pride, and conduct
- public confidence—the clarity and certainty with which the public knows of police standards, conduct, problems, and remedies.

We identify and assess options for LNP oversight according to these criteria after considering wider relevant African experience considered.

CHAPTER TWO

African Experience

Forms of African Police Oversight

In much of Africa, political liberalization and transition toward democracy are in the early stages of development, if they are underway at all. Often, police have been used as instruments of the government in power to suppress political opposition and oppress disfavored ethnic, political, sectarian, and other groups. Significant efforts have been made across the continent to reform police agencies and make them more accountable to the public. However, traditions of regime manipulation, as well as violations of human rights, instability, high crime rates, and a culture of violence, have made this a halting and uneven process. Of only a few—if any—African countries can it be said that issues of police abuse of power and violation of human rights are in the past.[1] Thus, it is possible to learn from both successes and frustrations.

Efforts at improving police accountability and oversight have taken a number of forms, the most common of which include the following:

- *Ombudsmen or public protectors.* Countries such as Lesotho, Malawi, Mauritius, Mozambique, and South Africa all have ombudsmen, high-level public officials, appointed by a legislative body, who should be impartial and independent of government. Ombudsmen can investigate complaints of abuse of power, human rights violations, and corruption against government agencies (including the police) and make recommendations and issue reports. However, public agencies being investigated may refuse to cooperate with the investigations of ombudsmen, and ombudsmen's recommendations are not legally binding on the agencies targeted in an investigation. Ombudsmen's offices are often under-resourced, and in some cases, their independence has been compromised.
- *Human rights commissions.* Human rights commissions are a common form of police oversight in Africa. They typically have extensive investigative powers to collect and weigh evidence of violations of human rights, including violations committed by the police. Some human rights commissions are authorized specifically to investigate or oversee investigations of complaints against the police. In some cases, these commissions bring charges or litigate on behalf of victims. The main limitation to human rights commissions is that most lack the power to enforce recommendations. Some report to the executive branch of government, which calls their impartiality into question.
- *Police councils.* Police councils are high-level governmental bodies that advise the heads of state on police matters, including candidates for high-level police posts and the estab-

[1] E. A. Foley, *The Police, the People, the Politics: Police Accountability in East Africa*, 2006.

lishment of broad policy directions. The councils are composed of senior staff from the executive branch, the "top cop," and the police IG. These councils are rare in Africa, but notable examples exist in Nigeria and Ghana.

- *Police complaint bodies.* Although many African countries continue to rely on internal affairs units to investigate complaints against the police, countries are increasingly establishing complaint bodies that are independent of police agencies. The composition and reporting authority of these bodies vary widely, but the bodies typically share a common set of problems. Often, they must rely on police officers to conduct investigations for them. Some are hampered in their ability to conduct investigations by lack of subpoena power and by a lack of cooperation from police agencies. Finally, complaint bodies seldom can do more than make findings and recommend corrective action: Disciplinary actions in substantiated complaints are often left to the discretion of police administrators.
- *Local police forums.* Some African countries, most notably South Africa, have local policing forums that oversee district police. These forums often represent the broad spectrum of people within the local community, but some observers have deemed them ineffective in curbing police brutality.
- *Special commissions.* A number of countries (including Liberia) have established truth and reconciliation commissions to try to heal deep societal wounds caused by civil war. While these commissions are not meant to provide routine oversight of the police, they have recommended changes to police policy and oversight.[2]

Relevant African Practices in Police Oversight

Experts consulted by RAND about the governance of police in Africa offered consistent recommendations for particular "best" approaches, although they noted that implementation did not always match the standards established. The countries identified as having developed relevant models were South Africa, Nigeria, and Ghana. While none of these countries has been through recent war and collapse that match Liberia's, they are of particular interest because of South Africa's rich experience in this domain, Nigeria's importance in West Africa, and Ghana's more comparable size.

South Africa

Through its current constitution, South Africa transformed security services in the country, including their accountability structures. The new framework provides for both democratic oversight and police-community partnerships. Oversight encompasses broad oversight by parliament and the cabinet at the national level, and by legislative bodies and executives at the provincial level. It also includes the creation of national and provincial secretariats for safety and security, community police forums, and an Independent Complaints Directorate that investigates allegations of police abuse and criminality. Nongovernmental organizations (NGOs) have also played an important oversight role.[3]

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[2] J. Berg, *Audit of Police Oversight in the Eastern Africa Region*, Cape Town, South Africa: Institute of Criminology, University of Capetown, 2005.

[3] Open Society Foundation for South Africa, *Strengthening Police Oversight in South Africa*, 2005.

The national Secretariat for Safety and Security was established to support the policy-making and oversight functions of the Ministry for Safety and Security, the organization in which the South African Police Service (SAPS) is located. Although the secretariat was established to check the influence of SAPS over the minister, this function has largely been ignored.

The Independent Complaints Directorate is an independent oversight body whose mandate is to investigate complaints of misconduct from the public and to review all deaths in custody and other allegations of serious misconduct. The head of the directorate is appointed by the Minister for Safety and Security.

Community policing forums are local bodies comprised of police officers and members of the community. One of the key functions of the forums, as envisioned, was to provide local oversight of police activity. In practice, however, the forums have been more successful as providers of public support and assistance to the police rather than of oversight.

The complex police oversight mechanisms in South Africa are bolstered by stringent requirements to report on police performance. The performance indicators produced by SAPS are among the most sophisticated in the world: SAPS is required to present an annual report to government oversight bodies that analyzes performance of police departments (i.e., Administration, Visible Policing, Detective Service, Crime Intelligence, and Protection and Security Services) against predetermined objectives.[4] To fulfill these requirements, SAPS has developed a set of performance indicators that includes data from contact surveys and police records. The dimensions of performance include

- operational measures—e.g., the investigation of complaints, emergency calls, offenses, or alleged offenses, and bringing the perpetrators to justice
- information measures—e.g., crime information from computer databases
- resource measures—e.g., the allocation of personnel and vehicles, professional conduct, and absenteeism
- customer orientation measures—e.g., satisfying customer and community needs and expectations.

Each police station compares its current performance with its own previous performance. The result is an easy-to read "report card" that allows for quick analysis of the performance of various stations.

Not surprisingly, the results of South Africa's police-oversight architecture do not uniformly meet the highest expectations of its architects, or of the South African people: Crime rates remain high, and police problems persist.[5] Still, South Africa's police-oversight system is the most advanced, and most complex, in Africa.

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[4] D. Bruce and R. Neild, *The Police We Want: A Handbook for Police Oversight in South Africa*, Johannesburg, South Africa: Centre for the Study of Violence and Reconciliation, 2005.

[5] J. Berg, *Police Accountability in Southern Africa Commonwealth Countries*, Cape Town, South Africa: Institute of Criminology, University of Capetown, 2005.

Nigeria

Nigeria has elaborate oversight mechanisms and an active NGO community that monitors police performance. The 1999 constitution established two main bodies for oversight of the Nigeria Police Force: the Police Council and the Police Service Commission.[6]

The Nigeria Police Council is chaired by the country's president and includes the governors of each state, the chairman of the Police Services Commission, and the police IG. The constitution gives the Nigeria Police Council authority over the organization, authorizes it to provide general supervision of the Nigeria Police Force, and establishes its advisory role to the president in appointing the police IG. The council can address structural problems that contribute to police abuse and hold the police accountable for policies and programs that the council introduces. However, the council has not established strong mechanisms for monitoring accountability.

The Police Service Commission is composed of a chairperson and seven to nine members drawn from a broad spectrum of society. Members have included a retired judge, representatives of commerce and the mass media, a retired senior police officer, an advocate for women's issues, and representatives of human rights organizations. The commission is designed as a powerful oversight agency that is empowered to appoint persons to offices in the police force and to exercise disciplinary control over members of the police force. In practice, the commission has yet to realize its potential due to inadequate funding, hostility between the commission and the police force, and failure to develop performance guidelines.

In addition to these bodies, Nigeria also has a National Human Rights Commission empowered to investigate human rights violations. Although the body's findings are only advisory and the commission does not possess prosecutorial or quasi-judicial powers, it has occasionally issued bold statements about the government's actions.

In 2003, the IG established the Police Complaints Bureau, which accepts reports of police misconduct for internal investigation in each state command. Offices now exist in all police commands, as do Human Rights Desks, which are charged with investigating complaints relating specifically to human rights abuses by police. Identified problems have included shortages of staff, training, and office equipment, and a lack of transparency.

Other mechanisms for accountability include an ombudsman to mediate between an aggrieved victim and the police and a Code of Conduct Bureau that enforces provisions of the police code of conduct and receives complaints about breaches of the code.

Despite the many mechanisms of police oversight in Nigeria, police corruption, brutality, arbitrary arrest and detention, and excessive use of force remain commonplace, according to recent U.S. State Department human rights country reports.[7]

Ghana

Police oversight in Ghana is the domain of a number of bodies, including the Police Council, regional police committees, the Commission for Human Rights and the Administration of

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[6] E. E. O. Alemika, *Police Oversight Organizations in West Africa*, Jos, Nigeria: Department of Sociology, University of Jos, 2005.

[7] Cited in E. E. O. Alemika and I. C. Chuchwuma, *Civilian Oversight and Accountability of Police in Nigeria*, Lagos, Nigeria: Centre for Law Enforcement Education, 2003.

Justice, executive and legislative authorities, and an active NGO community.[8] In spite of the extensive oversight mechanisms, there has been a shortage of political will to implement recommendations. Human rights groups continue to note excessive use of force by the police and police failure to act on complaints.[9]

The Police Council is empowered to regulate the effective and efficient administration of police services. Its domain includes ranks, salaries, pensions, powers of command, and delegation of authority over discipline. The council is chaired by a presidential appointee, and membership includes the Minister for Internal Affairs, the police IG, the attorney general, a lawyer nominated by the bar association, a representative of the Retired Senior Police Officers' Association, two members of the Ghana Police Services, and two additional presidential appointees. The council meets monthly, and its deliberations, considered to be matters of national security, are not publicly available. The Police Council has had a long and uneven history that stretches back to the 1950s. Observers have criticized the council for being ineffective, underresourced, overly subject to presidential influence, and insufficiently independent of police influence.

Regional police committees were designed to support the Police Council by monitoring the conduct and performance of regional police forces. They are also empowered to gather ideas, suggestions, and recommendations about how regional forces could function more effectively. The committees are chaired by the regional minister and comprised of the two most senior regional police officers, an appointee of the district assembly, a local attorney, and representatives of the attorney general and Regional House of Chiefs.

The Commission for Human Rights and Administrative Justice is mandated to investigate breaches of fundamental rights and freedoms, injustice, and abuse of power. The commission's powers are generally recommendatory: If it finds that a police officer has engaged in misconduct, the commission makes a recommendation to the police IG, who then makes the final determination. The commission can bring a court action to stop an offending activity or challenge a law. The commission's effectiveness in holding the police accountable has been criticized because the commission is underfunded to carry out its broad mandate, and because it lacks expertise on police issues.

The Parliamentary Select Committee on Defence and Interior, which consists of 18 members, examines all issues relating to defense and internal affairs. The committee may call for investigations into malpractice, summon the police IG, and review the annual police report. It has full parliamentary investigative power, can subpoena documents and witnesses, and can propose legislation. The ministries of the interior and national security and the attorney general all have roles in monitoring police functions.

In all three countries, certain NGOs play a helpful role in advocating for and watching police compliance with international human rights norms. Although various NGOs are active in Liberia, it is unclear whether any could augment formal police oversight. The Liberian government should erect an oversight system that encourages but does not depend upon NGOs to take a role.

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[8] E. K. Aning, "An Overview of the Ghana Police Service," *Journal of Security Sector Management*, Vol. 4, No. 2, 2006, pp. 1–37.

[9] Commonwealth Human Rights Initiative, *The Police, the People, the Politics: Police Accountability in Ghana*, 2005.

CHAPTER THREE

Options for Liberia

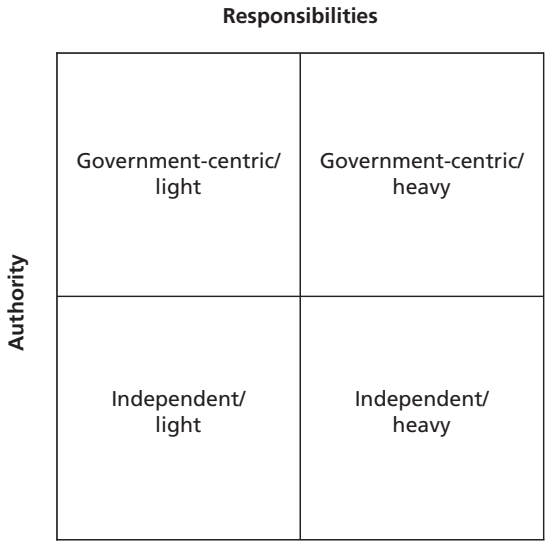
Liberia's political and security conditions, past and present, will be well known to many readers of this paper. Of particular relevance to the question of LNP oversight are the following:

- *The unprecedented nature of the LNP, which is an integrated police force that is dedicated to public safety, trust, and cooperation.* The LNP answers officially and in fact to the MoJ, a ministry of the elected government, and is charged with a wide role in the country's post-UNMIL internal security. Under such conditions, the importance of building and institutionalizing competence in the LNP and the MoJ is matched by the difficulty of doing so.
- *The complexity and capabilities of the LNP and its missions now that the LNP encompasses most policing functions and services and has an ERU.* With the AFL being small and externally oriented, the LNP will be a major presence and, depending on its eventual armament, a major force in Liberian life. This places a premium on the effectiveness of oversight that is independent of the LNP.
- *Deep doubts about the competence and integrity of police among Liberian citizens who have experienced the opposite of what the new LNP is meant to be.* Until these doubts are permanently laid to rest, the LNP will not enjoy the cooperation it needs to be effective, and citizens will attempt to provide for their own safety from crime and violence, with counterproductive effects.

Against this backdrop, we have identified four conceptual options for LNP oversight based on two variables: government-centric versus independent authority, and light versus heavy responsibility. The resulting options can be depicted in a simple matrix (see Figure 3.1). The approach we recommend for Liberia goes beyond simply selecting one of these conceptual options, which are meant to structure analysis and clarify general direction.

Government-centric authority means that LNP oversight would be more or less fully under the control of the government. The natural home for oversight would be the MoJ, which already has governmental authority over the LNP. Placing LNP oversight responsibility in another ministry would be unworkable, and entrusting oversight to the presidency could complicate the MoJ-LNP relationship and raise concerns about direct presidential control (which would be reminiscent of the Taylor regime). To foster police professionalism and public credibility, other organizations besides the MoJ, including the executive branch, the legislature, and persons or constituencies outside the government, would have to be involved in oversight. This could be done via a police council that is chaired by the Minister of Justice and comprised of governmental and nongovernmental members.

Figure 3.1
Conceptual Options for Oversight



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Independent authority means that the government would have little or no role, except for the general management role the MoJ already has. The rationale for this strategy is that both the LNP and the government's management of the LNP require independent oversight.[1] Instead of government ministers and officials, private persons of relevant experience and high standing would constitute all or most of the membership and the leadership of oversight mechanisms. Although they would not contest or complicate the government's normal role in LNP management and accountability, independent oversight bodies would not be constrained by or dependent on government. They would answer to the people or their representatives.

Light responsibilities means that LNP oversight bodies would only observe and report—in effect, they would fulfill a watchdog's function. Beyond that, they could recommend (but not decide on) policy, standards, and remedies. Thus, the government would not be bound by the reports or proposals of independent oversight bodies. Light oversight could also mean that the topics addressed would be limited; for instance, they could be limited to known problems (rather than, for example, policy, standards, and general performance). The less comprehensive and less powerful the oversight bodies' responsibility is, the simpler the bodies themselves could be. The argument for a light oversight system is that it would place more pressure on the government—particularly the MoJ and the LNP itself—to develop institutional capacity and competence in police oversight.

Heavy oversight means a broad, perhaps comprehensive, mandate and significant capability to call the LNP to task and to make recommendations, or even to set policy, standards, and remedies. Heavy oversight could mean that more-elaborate mechanisms, such as multiple bodies and tiers, may be needed. Obviously, oversight that is both independent and heavy could infringe on the government's own authority and ability to manage the LNP via the MoJ.

[1] See S. Walker, *The New World of Police Accountability*, Thousand Oaks, Calif.: Sage, 2005, for an expanded discussion of the advantages and disadvantages of police oversight by nongovernmental versus governmental bodies.

Using criteria proposed earlier, we assess these conceptual options in terms of expected effectiveness in Table 3.1.

We assume that *manageability* would be greater in lighter oversight structures, and easiest to achieve if light oversight is conducted by government organizations. Conversely, an elaborate oversight structure that is independent of the government could present major manageability problems. *Permanent professionalism* would most likely be encouraged if oversight is heavy and remains the responsibility of government; this is because standards and reforms would most readily be institutionalized. Light, independent oversight would provide little inducement to institutionalize police professionalism. For obvious reasons, more-robust and more-independent mechanisms of police oversight would lead to greater *public confidence* that performance shortcomings will be revealed.

If the criteria are weighted equally, the implication is that heavy, government-centric oversight is the most attractive option, and that light, independent oversight is least attractive. However, the criteria cannot be weighted equally because they are not of equal importance. The question of credibility and legitimacy is an especially crucial one for the acceptance and effectiveness of the LNP. This suggests that police oversight that is entirely contained within the government is not adequate for Liberia. This concern can be addressed by introducing strong nongovernmental participation into the government's participation in oversight. For example, while the government could chair oversight mechanisms, nongovernmental participants could constitute the majority of members. Also, records and reports could be made public (unless they were classified for genuine security reasons).

Table 3.1
Assessment of Conceptual Oversight Options

Criteria	Government Oversight Only—Light	Government Oversight Only—Heavy	Independent Oversight Only—Light	Independent Oversight Only—Heavy
Manageability	H	M	M	L
Permanent professionalism	M	H	L	M
Public confidence	L	M	M	H

NOTE: The probability of effectiveness is rated H (high), M (medium), or L (low).

CHAPTER FOUR

Recommendations for LNP Oversight

Analysis of the range of police oversight mechanisms, other African cases, and Liberia's situation leads us to the following conclusion: *Liberia needs a mixed (i.e., government-independent) LNP oversight system with a broad mandate for enhancing police professionalism and assuring the public. Such a system should be clear, relatively simple, manageable, and comprehensible to the Liberian people. It should complement and strengthen both the government's normal management of the LNP and the LNP's ability to operate. These goals would be best achieved by a government-chaired, mixed-membership, multi-tiered system with the authority and competence to (1) consider every aspect of police policy and performance and (2) make recommendations that the government would be obligated in turn to consider and address.* Such a system would borrow from government-independent hybrid systems used elsewhere in Africa (and as described in Chapter Two) and offer manageability, permanent professionalism, and public confidence (as described in Chapter Three).

This oversight system should include a high-level policy body and a subordinate body to investigate individual allegations of police abuse and look for patterns of such behavior within different parts of police agencies. In addition, the groundwork should be laid for the eventual creation of local police forums to promote local connectivity and confidence. These recommendations adapt relevant practices from South Africa, Nigeria, and Ghana, but are simpler than those used in South Africa. Furthermore, they are more reliable than those adopted by Nigeria and Ghana. By keeping the oversight system as simple as possible (but always consistent with needs), both government manageability and political support—two keys to success—can be strong.

The high-level body—which we call the LNP Policy Council (LPC)—would be responsible for reviewing general MoJ and LNP policies on police conduct, use of force, crowd and riot control, training, salary structure, promotions, recruitment procedures, and compliance with human rights. It would also recommend and monitor performance indicators that would provide a way of monitoring police effectiveness and equity in fighting crime, dealing respectfully with the public and different ethnic groups, and using resources efficiently. The performance indicators would be published annually and allow the public to view how well the police were doing their jobs. The board would be composed of high-level government officials, well-respected individuals from civil society, and heads of police agencies. It would meet infrequently (e.g., four times per year), but have staff who carry out its mandates between meetings.[1]

[1] This kind of board and the use of performance standards have been instrumental in restoring confidence in the police in Northern Ireland. South African police oversight has been bolstered by stringent requirements to report on performance.

The LPC would be chaired by the Minister of Justice. Other government representation would include but not be limited to the Ministry of Finance, the Liberian National Security Advisor, and provincial governors. The LNP IG would be a member, except in specific cases in which there could be a conflict of interest (e.g., in investigations into the LNP). Independent members might include respected statesmen, highly regarded former police, parliamentarians, community leaders, NGO figures, eminent lawyers, and journalists. Although the LIC would be government-chaired, consensus would be required and results would be issued, thus ensuring that independent voices are heeded.

The second body—which we call the LNP Investigative Council (LIC)—would be responsible for investigating citizen complaints against the police. It could be subordinate to the LPC or to the MoJ, or independent of both. Of these options, subordination to the LPC would be best, given the role envisioned for the LPC in setting and monitoring the performance standards that the LIC would apply. Like the LPC, the LIC would be MoJ-chaired and have governmental and nongovernmental members, preferably in the same proportions. Its findings would be delivered to the MoJ, the LNP, and (when appropriate) the courts.

The LIC is essential for assuring the public. Thus, it must be structured in such a way as to earn public confidence in the complaint process and encourage people to lodge complaints. Ensuring the following attributes of the organization would help in this regard:

- a staff of trained investigators (not police) with the tools, including subpoena power, to conduct independent investigations
- standing or ad hoc review panels (consisting of nongovernmental civic leaders who are independent of police organizations) that substantiate complaints or make determinations that they are unfounded
- management tools to ensure timely disposition of complaint investigations
- an ability to refer cases for prosecution in the event of criminal behavior on the part of an officer
- a transparent complaint investigation process in which recommendations and actions taken by police administrators in response to these recommendations are made public in individual cases
- a public intake process that encourages citizens to lodge complaints.

At the appropriate time, local forums would be created to anchor police forces to the communities they serve. Each forum would be chaired by the local political leadership (e.g., the mayor, governor) and would include the commander of the local force and representatives drawn from local civil society. Each forum would monitor the performance of the local police force, help police leadership set priorities consistent with community concerns, and serve as a vehicle to discuss community concerns about police conduct or policies. The forums would share their findings with the national LPC and their specific concerns with the LIC.

As shown in Table 4.1, we expect the proposed approach to be more effective than the conceptual oversight options.

Again, if one criterion deserves to be weighted more heavily than the others, it is public confidence, especially at the current stage of Liberia's political recovery. There could be some concern among citizens that the government would dominate independent members of the proposed hybrid system. To some extent, such concerns could be allayed by the existence of other mechanisms that help ensure the integrity of LNP oversight. One such organization

Table 4.1
Comparison of Conceptual Oversight Options and Proposed Approach

Criteria	Government Oversight Only—Light	Government Oversight Only—Heavy	Independent Oversight Only—Light	Independent Oversight Only—Heavy	Proposed Approach
Manageability	H	M	M	L	M
Permanent professionalism	M	H	L	M	H
Public confidence	L	M	M	H	H

NOTE: The probability of effectiveness is rated H (high), M (medium), or L (low).

would be Liberia's Independent National Commission on Human Rights (INHCR), which would investigate alleged human rights violations and make proposals to the government for specific or systemic action. Though not limited to police activities, INCHR jurisdiction includes human rights abuses by the police. In addition, Liberia's Truth and Reconciliation Commission and its planned independent anticorruption commission should reinforce public confidence in LNP oversight. Moreover, depending on public reaction, independent membership and influence in the LPC could be strengthened.

To ensure that such a system succeeds in practice, special attention needs to be given to the following issues:

- The relationship between LNP oversight as specified in our proposed approach and normal MoJ responsibilities for the LNP (e.g., for funding, general management, personnel, and implementation) must be clear and compatible. A contentious or confused relationship between MoJ and police oversight would be quite deleterious. This is a good reason to have the Minister of Justice chair the LPC.
- The relationship between LNP oversight and the LNP's own control systems (e.g., internal affairs, inspections, and professional standards) must be mutually reinforcing. The objective of oversight is not to relieve the LNP of responsibility to hold itself to the highest standards but to encourage it to do so and ensure that it does.
- Given Liberia's state of development, manageability must be made a priority (through, for example, minimizing duplication and red tape). None of the three key criteria is served by turning oversight into bureaucracy.
- Public confidence can be created and enlarged by publicizing plans, inviting comment, and involving nongovernmental actors from the outset and throughout the process of establishing LNP oversight. The objective should be to convince the Liberian people that oversight exists to serve them and will answer to them.

The ERU, whose combat capabilities and roles differ from those of the rest of the LNP, needs special oversight. The fundamental principles of professionalism, commitment to public well-being, and accountability that apply to the LNP as a whole should also apply to the ERU. However, rules governing the use of force should be different, yet no less clear and consistently applied. Rather than having separate oversight for the ERU, both the LCP and LIC should have explicit guidelines (and, possibly, subcommittees) governing the ERU. It is there-

fore important that the LNP oversight councils include members who are aware of the requirements, constraints, and pitfalls associated with this type of force.[2]

As for next steps, we recommend that the MoJ, augmented with outside experts with broad experience, be charged with developing details and implementation plans for consideration by Liberia's president and main supporters. The MoJ should involve the LNP IG, whose views should be made known to those who review the MoJ plan. Public support should be sought and secured through eventual legislation.

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[2] In addition, we recommend that attention be given to the question of operational control over the ERU, especially when that force is called upon for combat within Liberia or to operate with the AFL. This matter is not subsumed under the oversight system recommended here.

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