REPORT 4

BEST PRACTICES IN COUNTERINSURGENCY

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CREATING POLICE AND LAW ENFORCEMENT SYSTEMS

INSTITUTE FOR THE
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ABOUT THE INSTITUTE

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OVERVIEW

➤ Defense Secretary Robert Gates has stated that the realities of the international environment and the U.S. national security strategy demand that the government improve its ability to build partner capacity. This paper treats one discreet, but not inconsequential, aspect of building partner capacity— that is, creating police and law enforcement systems.

➤ The job of creating police and law enforcement systems in Iraq and Afghanistan would have been difficult under ideal conditions, but our false beliefs, our mistaken assumptions, overly ambitious expectations, and our bureaucratic procedures made the job more difficult still.

➤ Creating police is not a numbers game. Numbers are important, but they do not determine effectiveness. At least two other separate but related law enforcement factors are important: the confinement system and the judicial, or adjudication, system; and the local-to-national level institutions and processes designed to support and to continually improve the police. These include planning, training, education, leader selection and development, administration, logistics and acquisition, facility construction and maintenance, resource management, and internal affairs.

➤ In Iraq and Afghanistan, the "police task" requires transforming each nation's understanding of police and law enforcement. Adding to the complexity is that the effort often occurs during the violence of an active insurgency.

➤ Dealing with a national-level threat like an insurgency requires a national army and some form of a national-level, paramilitary police. Military or paramilitary police forces can impose security; local police enforce it locally once it exists. The difference is subtle, but important. Local police are not trained, armed, equipped, or organized to defeat insurgent attacks. Secure conditions must exist before local police can do their job.

➤ Once military and paramilitary police forces impose security and keep it in place long enough to sufficiently eliminate the conditions of police intimidation, the process of transforming the local police can begin.

  · These transformational activities will include changes in leadership, scrubbing police rolls to eliminate "ghost" police, arresting those police who are guilty of crimes, vetting the remaining police to ensure they meet minimum quality standards, recruiting new police, entering biometric data into a national data base, conducting initial training, putting in place a means for iterative improvement and continual professionalization, embedding advisors, and assigning a partner unit.

➤ Creating national police and transforming local police, however, also means creating local-to-national institutions and support systems: planning, training, education, leader selection and development, administrative, logistics and acquisition, facility construction and maintenance, resource management, and internal affairs. Police are only part of a nation's law enforcement structure; they must fit into the confinement and judicial systems.

➤ Establishing a sufficiently legitimate adjudication system usually requires a phased approach, and there is often a long time between phases. A mature judicial system takes time to develop. While it is developing, some interim process of adjudicating local disputes is necessary. The interim process will likely not meet the high standards common in most developed countries, but it must simply be, "good enough for now, given the circumstances." The same will be true of both the fielded police and the confinement facilities used.

➤ Creating police and law enforcement systems requires:

- Coherency, unity, and organization: Increasing the probability of success requires three essential ingredients: a coherent understanding of the task and the circumstances; an equally coherent plan derived from this understanding; and an organization that can achieve sufficient unity of action—from the local through the national levels—in execution of the plan and adapting to the circumstances as they change.

- An enterprise approach: Creating police is not just about training and equipping some number of people, placing them on the street, and declaring victory when a predetermined number is attained. Creating police is actually about fielding police under the right conditions while creating a local-to-national security and law enforcement scheme that reflects the history and culture of a nation and adheres to that nation's idea of what is just. Success in undertakings of this magnitude, therefore, requires an ability to plan, prepare, execute, and assess actions across an enterprise.

- Sequentiality: Not all that the enterprise approach requires can be done at the same time, nor does it have to. Processes and programs can mature only over time. Two basic principles are helpful. First, reinforce or establish security. Second, field a sufficient police force that expands security and legitimacy of the government, and then improve that force over time.

- Simultaneity: Police and law enforcement systems are necessary but not sufficient. Rule of law requires both courts and prisons. Efforts to establish an adjudication system and a confinement system must take place simultaneously with the police and law enforcement systems, but the results will be produced along significantly different time horizons. Some kind of satisfactory interim solution must be identified and promulgated, and it must be a solution that is appropriate for the particular nation's history, culture, and experience. The interim solution must also come with a development plan that incrementally moves the adjudication and court system to ever more mature levels.

- Partnerships and feedback: A single organization should be given the responsibility for developing police and law enforcement systems. Yet, no single organization, headquarters, or agency, however, can do all that is necessary with respect to creating police and law enforcement systems and the associated judicial and confinement systems into which police fit. At least three types of partnerships are absolutely essential:

  o The first, and most important partnership, is with the Minister of Interior and the key leaders within the ministry.

  o The requirement for embedded teams at the regional, provincial, or even lower levels necessitates a second partnership, one with the headquarters responsible for counterinsurgency operations.

  o Finally, the headquarters responsible for developing police and law enforcement systems must form a partnership with the international or multinational organization that may have overall operational responsibility

➤ Understanding what the task of creating police and law enforcement systems actually requires, envisioning the organization and resources that will be necessary to accomplish the task, determining whether our nation or a set of partnered nations can make a commitment over the time likely to be necessary—all increase the probability of getting it right the first time and decrease the likelihood of facing a "do over."

CREATING POLICE AND LAW ENFORCEMENT SYSTEMS

BEST PRACTICES IN COUNTERINSURGENCY: REPORT 4

By Lieutenant General James M. Dubik (U.S. Army, Ret.)

S trategic forecasters often project futures that bear little resemblance to the realities that actually unfold. History is replete with unpredicted security threats and challenges, and the United States is no different in this regard. The current debate among some observers—that the United States will never again enter into a conflict like that in Iraq or Afghanistan—is shortsighted and ignores history. It is the same kind of thinking that created amnesia among politicians and military leaders concerning our previous experiences in fighting insurgencies and nation building. Seeking to avoid such amnesia, Defense Secretary Robert Gates pointed out in his spring *Foreign Affairs* article that the realities of the international environment and our national security strategy demand "that the U.S. government get better at what is called 'building partner capacity.'"[1]

Whether as part of a counterinsurgency strategy, a larger nation building program, or a separate effort to build partner capacity, building that capacity requires a myriad of important elements, from the conceptual to the operational, from strategic to tactical. This paper treats one discreet, but not inconsequential, aspect of building partner capacity—that is, creating police and law enforcement systems. Initially in both Iraq and Afghanistan, strategists seemed to have misunderstood not only the complexity of this task, but also how to accomplish it. The cost of this misunderstanding was paid in blood, treasure, and time.

My first experience in building police forces and law enforcement systems was in Haiti in 1994. I was a colonel and the commander of 2nd Brigade, 10th Mountain Division, which was responsible for the second largest city in Haiti, Cap Haitien. Our first efforts to build police were unsuccessful and the initial failed attempt was accurately captured on the front page of the Washington Post.[2] The failure ultimately led to an entirely new approach, which was succeeding locally when we redeployed to Fort Drum. Despite success at the local level, it was not connected to a wider program of developing police and law enforcement systems. In retrospect, this was a significant deficiency.

Later, as the Commanding General of I Corps and Fort Lewis from 2004 to 2007, I participated in military exercises in Thailand, Japan, and Korea. The scenarios governing each of these exercises required police-military cooperation, and the basis for cooperation was guided by each nation's very different police and the law enforcement frameworks.

Then in May 2007, I arrived in Iraq to assume responsibility for the Multi-National Security and Transition Command, Iraq (MNSTC-I)—the headquarters responsible for developing the Iraqi Security Forces. I commanded MNSTC-I during the "surge" and its associated counteroffensive. During the fourteen months of my command, MNSTC-I contributed significantly to the success of counteroffensive operations by orchestrating an accelerated growth of the Iraqi Security Force—military and police—in size, capability, and confidence.[3] Toward the end of my tour, the acting commander of U.S. Central Command (CENTCOM), then-Lieutenant General Martin Dempsey, asked me to visit Afghanistan to determine how the development of the military and police forces of the Afghan National Security Forces could be accelerated.[4] I have visited Afghanistan each year since 2008 to study the Afghan military and police programs. In addition, over the past two years I have benefitted from participating in a number of national and international police development workshops.

Improvement requires learning from experience, and U.S. government approaches to developing foreign police and law enforcement systems are no exceptions.

"Helping other countries better provide for their own security," Secretary Gates wrote, "will be a key and enduring test of U.S. global leadership and a critical part of protecting U.S. security, as well. Improving the way the U.S. government executes this vital mission must be an important national priority."[5]

GETTING OUT OF OUR OWN WAY

In both Iraq and Afghanistan, the goal for the police seemed exceedingly simple: create a civilian police force that protects citizens and promotes the legitimacy of the government. In colloquial terms, we sought to establish "democratic policing." As Clausewitz reminded us, however, "everything in war is very simple, but the simplest thing is difficult."[6] Part of the difficulty with respect to creating police and law enforcement systems in Iraq and Afghanistan is found in the assumptions, biases, and expectations used in determining the feasibility of this goal as well as the methods used in execution.

Initially, our actions in both Afghanistan and Iraq reflected a belief that, in a relatively short fashion, we could recruit, train, equip, and leave—or at least move on to the next task. These beliefs reflect a remarkable level of naiveté. They led us down a path of counting the numbers of "trained and equipped" police with the expectation that when some number was achieved, the task would be complete. This was a frustrating and expensive path to nowhere.

We also acted as if we did not understand the

October 5, 1994 Port Au Prince, Haiti– Under the shade of camouflage netting, two civilian journalists interview the author, then Commander 2nd Brigade, 10th Mountain Division during Operation Uphold Democracy. (DoD)

transformative nature of the job that we had taken on. Neither Iraq nor Afghanistan had any recent history in democratic policing. Neither country's recent history included a police force that protected citizens and promoted the legitimacy of the government. In fact, the opposite was true in both cases. The police were the enforcers of regimes that preyed on citizens, often at the direction of the regime or its leaders. The confinement and judicial systems were similar in nature. Any system of continuous professionalization, evidence-based forensic investigations, or internal affairs, for example, had long since atrophied.

Finally, we divided responsibilities, giving the police job to the Department of State, the confinement and adjudication job to the Department of Justice, and the security job to the Department of Defense. Or, we gave one nation the lead for justice and another for police development. The result should have been unsurprising: separate reporting chains; competing visions and strategies; budgets unrelated to strategic objectives; and national preferences and inter-agency bureaucratic politics that played out on the ground in Baghdad and Kabul. The result was cacophony, not unity of effort.

The job of creating police and law enforcement systems in Iraq and Afghanistan would have been difficult under ideal conditions, but our false beliefs, our mistaken assumptions, overly ambitious expectations, and our bureaucratic procedures made the job more difficult still.

THE REAL DEAL

Creating police is not a numbers game. Numbers are important, but they do not determine effectiveness. At least two other separate but related law enforcement factors are important. The first factor concerns the systems into which policing fits: the confinement system and the judicial, or adjudication, system. The second involves the local-to-national level institutions and processes designed to support and to continually improve the police: planning, training, education, leader selection and development, administration, logistics and acquisition, facility construction and maintenance, resource management, and internal affairs.

A coherent approach that incorporates the entire "police enterprise" was necessary in Iraq and Afghanistan. Taking this kind of approach inherently acknowledges the need for a long-term commitment, which seemed counter to our initial "end it quick and transition" approach to both theaters.

In Iraq and Afghanistan, the "police task" was hardly retraining or even resurrecting police. A much more accurate description of the job was that of transforming each nation's understanding of police and law enforcement. Adding to the complexity was that the effort was often occurring during the violence of an active insurgency.

One of the ways insurgents take control of an area is to kill or intimidate local officials, to include police. Blowing up police stations, assassinating leaders, and raping or murdering police family members—all are insurgent tactics, and the brutality is usually in the extreme. Insurgents seek to create instability by their attacks and intimidation; then fill the void created with their shadow governments. Local Afghan and Iraqi police were the natural target of insurgents and were killed in numbers that exceeded both nations' armies. Good police are most often the ones killed first. Add to that mix the inadequate pay, poor leadership and lack of support at higher levels, and an environment of corruption as the norm. Then couple those conditions with weak, nascent governments and what emerges are the conditions for abuse of power as well as other behaviors that erode local police legitimacy. Trying to build local police when conditions like these still exist is the very definition of a Sisyphean task.

Dealing with a national-level threat like an insurgency requires a national army and some form of a national-level, paramilitary police. Military or paramilitary police forces can impose security; local police enforce it locally once it exists. The difference is subtle, but important. Local police are not trained, armed, equipped, or organized to defeat insurgent attacks. Secure conditions must exist before local police can do their job.

In Iraq, a paramilitary National Police force was formed, but they became so much a part of the sectarian violence problem that the Congressionally-mandated Jones Commission Report called for their disbanding.[7]

If they were not to be disbanded all together, they had to be transformed. The Iraqi Ministry of Interior and the Commanding General of the National Police (now called the Federal Police) took four major steps to affect this transformation. First, they changed leadership in both of the National Police divisions, all nine brigades, and seventeen of the twenty-eight battalions. Second, they completed training for all National Police brigades. Third, they began an intense battalion-by-battalion leader development and training program using the Italian Carabinieri. Last, they put in place a continuing professionalization and training program. By late 2007 and early 2008, the Iraqi National Police were a different organization than the one the Jones Commission observed. They began playing a vital role in improving security throughout the country and setting conditions under which local police could begin to function.

The Afghan equivalent, the Afghan National Civil Order Police (ANCOP), was formed much later. Initially, they were used to replace local police while the latter underwent retraining. When the retrained local police returned several weeks later, the ANCOP moved on to a new location. Though this approach has provided some benefits, it has not yielded permanent positive results, for the local police returned better trained but the conditions of intimidation and corruption had not been sufficiently eliminated. Only recently has the employment approach to ANCOP changed. Now they are being incorporated into a larger set of operation designed to clear away insurgents and their supporters as well as other corruptive networks and influences.

Italian MG Alessandro Pompegnani, the deputy commander of NATO Training Mission–Iraq, receives an award from the Commanding General of the Iraqi Federal Police, LTG Hussein Al Awadi for his part in transforming these police formations.

National paramilitary police are a necessary component to a full counterinsurgency strategy. National police can, usually in conjunction with military forces, impose security in areas where insurgents have co-opted local police. Once military and paramilitary police forces impose security and keep it in place long enough to sufficiently eliminate the conditions of police intimidation, the process of transforming the local police can begin.

These transformational activities will include changes in leadership, scrubbing police rolls to eliminate "ghost" police, arresting those police who are guilty of crimes, vetting the remaining police to ensure they meet minimum quality standards, recruiting new police, entering biometric data into a national data base, conducting initial training, putting in place a means for iterative improvement and continual professionalization, embedding advisors, and assigning a partner unit. To execute these activities, local police need the "protective space" of security imposed by military and paramilitary police forces, and they need sufficient time.

Creating national police and transforming local police, however, also means to create local-to-national institutions and support systems: planning, training, education, leader selection and development, administrative, logistics and acquisition, facility construction and maintenance, resource management, and internal affairs. Police are only part of a nation's law enforcement structure; they must fit into the confinement and judicial systems.[8] If creating national and local police is hard, creating the institutional support necessary for police is even harder. Matching police forces and institutions with an adequate confinement system and a functional judicial system is hardest of all.

The difficulty of all three related tasks does not mitigate the requirement to tackle all of them at the same time. We failed to do this in Haiti. Fielding police, national or local, is not an end in itself. Rather, fielding national or local police is, or should be, a means to stimulate development in the set of institutions and processes that emanate from a country's Ministry of Interior, through whatever other echelons of command a country may employ, down to local police stations. Without these organizations functioning at

least at a sufficiently effective level, the fielded police will never become self-sustaining and normally will return to corrupt and predatory behaviors. Whatever improvements training may make in the skills of local police, the improvements will be fleeting.

Simultaneously, functional confinement and judicial systems must also begin to emerge. When police arrest suspects, they need a place to put them. Not all of those arrested are guilty, and a system of adjudication is needed to sort them out. The ultimate goal is to synchronize apprehension, incarceration, and adjudication with the nation's legal code to create coherent rule of law. The road to that goal, however, is neither straight nor fast.

In practice, establishing a sufficiently legitimate adjudication system usually requires a phased approach, and there is often a long time between phases. Birthing a fully developed, mature, and functional legal code, court system, and barrister program with all of the associated procedures—and one that fits a country's history and culture—is simply not possible. A mature judicial system takes time to develop. While it is developing—through the inevitable fits, starts, re-starts, arguments, and appeals—some interim process of adjudicating local disputes is necessary. Whatever interim process is adopted, it will not meet the high standards common in most developed countries. It will be simply, "good enough for now, given the circumstances."

The same will be true of both the fielded police and the confinement facilities used. There is no other alternative to "good enough for now." Good enough is only acceptable, however, if it is associated with a reasonable chance to get better over time. That is why institutions and systems are so important. While there is no guarantee, without these in place, positive transformational trends will likely devolve to previous patterns of behavior.

The institutions needed for a country in the midst of an insurgency and with fledgling bureaucracies will be different from those that develop in nations at peace and with mature bureaucracies. Peace, stability, and maturity allow a proper separation of institutions and processes—those associated with crime from those associated with war. Insurgencies, like those in Iraq and Afghanistan, threaten the territorial integrity

and political sovereignty of a nation. A government trying to establish its legitimacy under these extreme conditions must create institutions that can get them to a point of peace and stability; then they can adapt and mature these institutions as security improves.

SOME APPROACHES THAT WORK

I. Coherency, unity, and organization

Creating police is very complicated, even under the best of conditions. Active insurgencies, high levels of violence, unfamiliar cultures, and weak or remote history of "protect and serve" police (if any such history at all), make it all the more difficult. Increasing the probability of success requires three essential ingredients: (a) a coherent understanding of the task and the circumstances; (b) an equally coherent plan derived from this understanding; and (c) an organization that can achieve sufficient unity of action—from the local through the national levels—in execution of the plan and adapting to the circumstances as they change. Lose one of these ingredients, and the probability of success plummets exponentially.[9]

Understanding the task and circumstances is a relative matter. As important as a complete analysis "up front" is, only a partial understanding is possible prior to immersion into the task and the environment. Therefore, what is initially sought is as comprehensive, unbiased, and honest an understanding as is possible. For example, believing that, in a matter of months, democratic police can be trained and fielded on the streets of Afghanistan and Iraq suggests a gross misunderstanding of the task and the environment. Setting in place a plan that emphasizes training local police in community-based policing when communities are under the domination of insurgents who can intimidate police and outgun them, is another example of gross ignorance of the task and the environment. Imposing a police model without considering the actual history, culture, and other local conditions is yet third example of a plan doomed to fail. Finally, placing responsibility for creating police among multiple organizations, each with separate chains of command, funding streams, and visions of what is to be done is a fourth example of naiveté.

Conceptual starting points matter. Invalid assumptions,

Afghan National Police officers practice riot control techniques taught by Italian Carabineri advisers at the Kabul Military Training Center in Kabul, Afghanistan, Sept. 29, 2010. (DoD)

weak factual data, faulty logic, insufficient knowledge of culture and history, and poor organizational constructs all reduce the probability of success. It matters less whether a military or civilian organization should be in charge, or whether the police effort should be under the auspices of one nation or multiple, or whether contractors or governmental agencies (civilian or military) should do the job. Rather, the issue is creation of an organization with the highest probability of success, which requires clarity of the task and circumstance. Then, that organization must be resourced with leaders, staff, and funding in such a way that supports, not hinders, execution.

Though finding a perfect conceptual understanding and organizational construct is never possible, there are muddled understandings and organizational schemes that clearly will not work. These can be avoided. Creating police in complex circumstances will involve concerted and coordinated effort. Multiple U.S. agencies and multiple nations will be involved. The effort is likely to take years and billions of dollars. Any understanding, plan, or organization incapable of an effort of this magnitude will fail.

II. An enterprise approach

Creating police is not just about training and equipping some number of people, placing them on the street, and declaring victory when a predetermined number is attained. Creating police is actually about fielding police under the right conditions while creating a local-to-national security and law enforcement scheme that reflects the history and culture of a nation and adheres to that nation's idea of what is just. Success in undertakings of this magnitude, therefore, requires

an ability to plan, prepare, execute, and assess actions across an enterprise.

The ultimate aim is having police that the population believes will protect them and serve them fairly. Local police may be subdivided into categories of police with very specific and limited scopes of responsibilities—for example, traffic, investigatory, patrol, site protection, administrative, and perhaps others. This means that there must be processes and organizations to identify potential police in each category; recruit them; ensure they meet whatever standards are set; provide initial training and set up a scheme for iterative improvement; weed out those who cannot meet standards; and provide them with the proper equipment, leadership, and administrative as well as logistical support. These processes have an effect on policing at the local level, but often responsibility for their execution is consolidated at district, provincial, or higher levels. Ultimately, many—if not all—of these processes emanate from the nation's Ministry of Interior.

Unlike the United States, many nations have a national police force operating at the local level. Recruiting, training, leader selection and education, continuing professional development, promotion, purchasing, and pay, for example, are based upon national standards and executed by Ministry of Interior representatives at the regional or provincial levels—a system much more centralized than in the United States. Equipment and maintenance may also be national programs in the same sense. This kind of centralized approach is demonstrates of the necessity of taking an enterprise approach to creating police and law enforcement systems.

Working merely from the bottom up by training and equipping local police forces or fielding national police units without taking into consideration the processes, systems, and organizations needed to sustain police forces is a recipe for a short-term, unsustainable, and dependency-ridden solution.

Exposing the breadth of the police enterprise begins with understanding that Ministries of Interior have at least the following ten basic functions: (a) a force management function that defines the types of police forces the country needs, as well as the size and composition of each; the force management function also defines the infrastructure necessary to house, train, and sustain the police forces; (b) an acquisition function that recruits the people, purchases the equipment and supplies, and constructs the facilities needed by the force; (c) a training function that provides the initial training—whether done nationally, regionally, or locally—to convert civilians into police, police officers, or civilian administrators;[10] (d) a development function that establishes a leader selection process, a continuous professionalization training and education program for police and police officers, a promotion system, and a product improvement program for equipment and facilities; (e) a distribution function that distributes individuals or units as well as equipment and supplies according to requirements, authorizations, and priorities set by the force management function; with respect to personnel, the distribution function also includes the administrative procedures associated with pay and allowances; (f) a deployment function that moves individuals or units within a country based upon the security demands; (g) a sustainment function that monitors police levels of readiness and—in conjunction with other functions—ensures personnel, equipment, and supplies are sufficient to maintain unit and facility readiness levels set by the force management function; (h) a separation function that eliminates old, damaged beyond repair, and destroyed equipment or facilities from the inventory in addition to scrubbing retired, wounded, or deceased police from the rolls; (i) a programming and budgeting function that projects the costs of requirements set by the force management function, identifies the differences between funding requirements and actual allocated monies, distributes funds based upon priorities, and manages execution of the budget according to law and regulation; and (j) a management function that establishes repeatable, transparent, and accountable processes and organizations necessary to run the ministry, to include the mechanisms for internal affairs and auditing.

In some countries, these ministerial functions may be executed by multiple organizations, some associated only with policy and others only with execution. In other countries, policy and execution may be consolidated solely at the Ministry of Interior level. These functions may also be shared among various levels—local, district, provincial, regional, and national. Complicating the matter even more, the various police forces within a nation—federal police,

Iraqi Ministry of Interior Jawad al-Bolani speaks to the graduates of a Federal Police leadership program provided by the Italian Carabinieri. The leadership and personal commitment of Minister Bolani was important to police transformation in Iraq.

local police, border police, critical infrastructure police, and antiquity police, for example—each may be administered differently.

The breadth of these functions as well as the levels of police administration through which they must work again demonstrates why the task of creating police and law enforcement systems must be approached as an enterprise. The requirement to organize and operate as an enterprise gains further importance because police and law enforcement systems must fit within the country's idea of justice and the policies, procedures, and programs of the Ministry of Justice. Furthermore, police and law enforcement systems must also fit the country's confinement system—sometimes run by the Ministry of Justice, and other times run by the Ministry of Interior.

III. Sequentiality: Comfort with the imperfect and iterative quality improvements

Not all that the enterprise approach requires can be done at the same time, nor does it have to. Neither must everything be done as a "finished product." Processes and programs can mature only over time. Creating police and law enforcement systems generally hinges upon several initial questions.

First, how can police forces be generated and replenished? That is, how can existing police forces be better vetted, trained, equipped, and led; how can new police forces be created and fielded with sufficient training, leadership, equipment, and facilities; and how can new and existing forces be replenished as they suffer losses in police, leaders, equipment, and facilities?

The answers to these force generation and force replenishment questions are related to both immediate, short-term security needs and long-term institutional and self-sustainment requirements. Immediate, short-term security needs are met because the direct effect of the force generation or force replenishment processes is an increase in the proficiency and size of the fielded police forces. Long-term, institutional and self-sustainment needs begin to be met because the indirect effects of the force generation or force replenishment processes, if they are properly used as stimulants, are the means to ministry-to-local police systems necessary to reach any degree of self sufficiency.

The next important question is: how can the conditions necessary for local police to be successful be established? More often than not, insurgents target police for assassination, plan and conduct operations to ensure police cannot do their job, and intimidate not just police but their families. Quite often local police are also not adequately armed, protected, or equipped to deal with insurgent threats. Local police cannot be effective when insurgents can intimidate their families, when insurgents are so numerous that they can out-man local police, or when insurgents are so well armed that they can out-gun local police. Two distinct, but related, approaches are necessary at this point. First, identify where, if anywhere, the conditions are favorable to begin development of local police. Second, where they do not exist, fight to create them.

In the areas where the conditions are satisfactory, the set of transformative actions can begin. As mentioned above, these activities will include changes in leadership, scrubbing police rolls to eliminate "ghost" police, arresting those police who are guilty of crimes, vetting the remaining police to ensure they meet minimum quality standards, recruiting new police, entering biometric data into a national data base, conducting initial training, fixing and upgrading local police facilities, putting in place a means for iterative improvement and continual professionalization, embedding advisors, and assigning a partner unit.

In those areas controlled by insurgents, local police development takes a back seat to clear and hold activities. Clearing entails imposing security where either none existed or where the insurgents provided their brand of security. This work usually requires military and paramilitary police forces. Clearing also

includes dismantling enough of the insurgent shadow structures and support networks, disrupting insurgent intimidation operations, and then preventing their return long enough to convince the population that they will not return.

A clearing operation often takes many weeks, sometimes even months. A premature declaration that an area is cleared invites failure. The beginning of holding operations looks a lot like the end of the clearing phase. The clearing forces—friendly intervening forces as well as indigenous—continue to impose security in the areas long enough to slowly change the complexion of the security forces. At first, more indigenous military and paramilitary police forces augment the clearing elements. This larger force is necessary to dismantle the insurgents' shadow government, disrupt intimidation, and prevent their return. This larger force is also necessary to begin the initial reconstruction and development task associated with establishing the legitimate government and a sense of normalcy. Gradually, some of the friendly intervening forces can withdraw and be made available for clearing operations elsewhere.

Some must remain, however, to partner with the indigenous police forces. The temptation is to partner only at the fielded police force levels, station and district. This temptation should be avoided. Partnering with fielded police forces is important, but the headquarters between local and national levels need partners as well. These headquarters have an important role in either sustaining positive development or accelerating a return to corruptive police practices.

These clear and hold activities form the necessary umbrella under which development of local police may begin. Any attempt to develop local police without this umbrella is likely not just to fail, but also to cause unnecessary loss of life; waste time, money, and equipment; and create the need to do it again when the right conditions finally emerge.

The last important question concerns priority of effort. Every task in the police enterprise is a legitimate claimant for immediate priority. In an ideal world, they would get equal priority. In the real world, however, the physical limitations of time, money, personnel, and organizational attention come into play. Two basic principles are helpful. First, reinforce or establish security. Second, field a sufficient police force that expands security and legitimacy of the government, and then improve that force over time.

Security is the foundation for all other success. Where it does not exist, creating and employing paramilitary police that can clear and hold in conjunction with the indigenous army and the intervening force takes priority over local police development. As security is imposed, local police can begin to emerge. This means that both paramilitary police and local police must be generated and then replenished and sustained at the same time.

The second principle concern sufficiency, or what is "good enough." Sufficiency has a numerical component. Numbers do count in both imposing and enforcing security, but sufficiency has a non-empirical component as well. Police forces must be sufficiently competent to reflect the legitimacy of the government and to gain the confidence of the population, given threat conditions and the state of a particular society's human capital. Finally, police sufficiency also includes mechanisms to continually improve the quality of police—training programs, partnering programs, oversight methodologies, for example. "Good enough" includes an aspect of "getting better." What is sufficient during a highly violent period of an insurgency will not be once violence subsides. Continued growth toward an ever more competent police force ultimately may become the high-quality protect and serve police envisioned for all. Such a force emerges over time; it is not generated at once.

Other forms of police—border, infrastructure protection, and antiquities, and others—have to be worked into a longer term campaign-style plan as the local situation demands and permits. The development of local police, themselves, may be sequential: patrol and site protection, for example, may come before traffic and investigatory. Not all that the enterprise approach requires can be done at the same time, nor does it have to. Neither must everything be done as a finished product. Processes and programs as well as competence and confidence take time to mature.

IV. Simultaneity: Court and Prisons

Police and law enforcement systems are necessary but not sufficient. Rule of law requires both courts and

prisons. Efforts to establish an adjudication system and a confinement system must take place simultaneously with the police and law enforcement systems. The trouble is that each of these three systems develops at different rates. Paramilitary police can be created and fielded faster than local police. Correctional officers and wardens can be created faster than lawyers and judges, and facility construction has its own rate of production as well. All may be going on simultaneously, but the results will be produced along significantly different time horizons.

Satisfactory interim solutions—again, the issue of sufficiency—become *de rigure*. A fully developed rule of law system requires legislation, judges, court officers, and a host of other legal, personnel, and administrative requirements that only legal professionals understand. In the meantime, crimes and disputes among citizens need adjudication. Some kind of interim solution must be identified and promulgated, and it must be a solution that is appropriate for the particular nation's history, culture, and experience. The interim solution must account for the actual social and security circumstances on the ground, reflect governmental legitimacy by being transparent and accessible, and treat the population fairly and impartially. The ideal must fall to the practical. Of course, the interim solution must also come with a development plan that incrementally moves the adjudication and court system to ever more mature levels.

The same is true of the confinement system. If practical, any confinement facility associated with gross human rights violations should be closed, not used, and, if possible, dismantled. Where this is not practical, publically visible signs of change are necessary—changes not just in the leadership, administration and confinement procedures, but also in a physically visible way.

Prisons and other detention facilities are often the incubators for insurgencies. Prisons and detention facilities cannot be viewed as a "human warehousing and intelligence production" activity. If they become that, they also become conversion and training centers for insurgents, radicalizing those local citizens who had been detained or imprisoned wrongly.

Prisons and detention facilities must become part of the counterinsurgency fight. Initial screening and

questioning must separate hardcore insurgents from the economically-motivated, those motivated by revenge, or those coerced to participate in or support the insurgency. Initial screening and questioning must also identify those citizens who detained just because they happened to be in the wrong place at the wrong time. Each of these categories deserves different treatment and different release programs. Correctly, the hard core will be in for long-term interrogation and incarceration. Other, less dangerous detainees should be educated and reintroduced into their society in ways that reduce the probability of recidivism. Those accidentally detained should be treated very well and released as soon as possible. All should be treated in accordance with international law and conventions, as well as with respect for human rights. Doing otherwise fuels the insurgency, delegitimizes the government, and debases the values upon which the international community stands.

Establishing prison and detention facilities that contribute to the overall goal of reducing the effectiveness of the insurgency and supporting a legitimate government as one is fighting to impose security and create police forces and law enforcement systems demonstrates, once again, the complexity and transformative nature of the task as well as the necessity to take an enterprise approach. It requires vetting and retraining of indigenous confinement officers and administrators, providing a sufficient number of military and non-military security and correction professionals, having a demolition and construction plan, employing the correct approach to each category of detainee, and establishing an external inspection program to prevent abuse. All of this has to begin immediately, but none will be completed quickly. Improvements in courts and prisons will occur over time as security improves and other conditions emerge.

Courts and prisons, with police and law enforcement systems, are the three pillars of the rule of law. They will each develop at their own rate, but over time will be mutually supporting. Trying to produce this result quickly is simply unrealistic.

V. Partnerships and feedback

A single organization should be given the responsibility for developing police and law enforcement systems. Yet, no single organization, headquarters, or agency,

however, can do all that is necessary with respect to creating police and law enforcement systems and the associated judicial and confinement systems into which police fit. At least three types of partnerships are absolutely essential.

The first, and most important partnership, is with the Minister of Interior and the key leaders within the ministry. Without such a relationship, any advances made at improving police at the local levels will be short lived. Long term improvements, when they are achievable at all, result from indigenous leaders taking responsibility for change, setting in place processes and systems that will institutionalize change, then continually improving that institutional activity long enough to change organizational behavior.

Ministerial partnership should be centered upon all or a selected subset of the essential ministerial functions mentioned earlier—for example, planning, training, education, leader selection and development, administration, logistics and acquisition, facility construction and maintenance, resource management, and internal affairs. The organization responsible for developing the Ministry of Interior should embed teams within the ministry.

These teams should be made up of professionals who have experience in running national-level systems—identifying national-level executive leadership potential; setting and implementing policy; establishing staffing procedures; making and institutionalizing corporate decisions; establishing responsibility and creating transparent systems that hold individuals and organizations to that responsibility. The skills required most often reside in multiple organizations—civilian and military, government and private sector, U.S.-based or international. One organization or agency should be identified the lead and held responsible for coherency in both plan and execution; the actual skill sets required, however, will demand the involvement of multiple organizations and agencies.

At the outset, it may be impossible to create teams of professionals to embed into each of the ministerial functions. Thus, a priority of effort will be required. Over time, however, the highest probability of success results from teams embedded in each function. Even after security is established and the intervening force withdraws, the utility and necessity of these ministerial

The author inspects the on-going construction of a Police Academy in Irbil, Iraq.

teams may remain. Creating new patterns of behavior is a long-term endeavor.

In countries that require substantial assistance in developing police and law enforcement systems, ministries of interior often have representatives at regional, provincial, or even district level. To ensure coherency of policy implementation, teams of advisors should mirror this chain of responsibility. Otherwise, there is a risk that overall ministerial development is "capital-centric" and the systems put in place have no real effect at the local level.

The requirement for embedded teams at the regional, provincial, or even lower levels necessitates a second partnership, one with the headquarters responsible for counterinsurgency operations. Normally, this headquarters has a geographic responsibility. Hence it will be organized with subordinate units that can provide administrative, logistical, and security support to embedded advisors or trainers at the regional, provincial, and local levels. The activities of these embedded advisors and trainers must consistent with direction and policy from the Ministry of Interior. Consistency is also required with respect to training and continued professionalization.

The headquarters with responsibility for developing police and law enforcement systems normally conducts initial police and leader training under standards set by the Ministry of Interior. This training should be sufficient to field police and leaders who are capable of contributing to security and extending the legitimacy of the government. But this training will not produce a fully-trained police force or fully-developed leader. Continued training and professional development— iterative quality improvements to the police forces

and their leaders—is absolutely necessary. Given the exigencies of the situation, much of this continued training and professional development must occur locally—for example, in provincial police training facilities or regional academies—rather than nationally. The Ministry of Interior should certainly set the standards for continuing improvement programs by identifying the tasks to be accomplished; the standards to be met; the frequency of improvement training and education; and the associated reporting, certification, and inspection regimes necessary to ensure compliance. But execution will normally be done locally or regionally.

The fact that two headquarters are normally associated with police force and law enforcement systems development is beneficial, for local or regional embedded trainers and advisors can become objective evaluators. Those who generate police forces and law enforcement systems should not evaluate their own progress. The embedded trainers and advisors should provide objective and subjective feedback on the empirical status of police forces and a qualitative assessment of police effectiveness—in terms of police proficiency, leadership quality, and systems performance. This feedback should be used both by the headquarters responsible for police development and the Ministry of Interior to help develop a culture of continual learning, adaptation, and improvement. Though often awkward, discussions focused on these reports can be hugely effective in establishing the legitimacy of the government as well as improving the quality of police forces and the systems that support them.

Again, the skill sets necessary of the embedded advisors

The author (right) and then–Lieutenant General Ray Odierno conferring during a conference planning the expansion of the Baghdad police.

and trainers at the regional or provincial levels often reside in multiple organizations—civilian and military, government employees and contractors, within the United States as well as other nations. At these levels, police skill is necessary but insufficient. This focus is too narrow. Regional and provincial embedded trainers also require the skills associated with establishing and running region or province-wide pay, promotion, administrative, logistical, training, professional development, and internal affairs programs—and connecting these programs to policies set at the ministerial level.

Finally, the headquarters responsible for developing police and law enforcement systems must form a partnership with the international or multinational organization that may have overall operational responsibility. This partnership is necessary for several reasons. First, those providing the funding—whether U.S. or multinational—will want to ensure that their monies are being spent wisely. This aspect of the partnership necessitates establishing a reporting protocol and an external audit program. Second, police and law and enforcement systems, as we have seen earlier, must fit into the judicial and confinement systems as well as the overall program for extending governmental legitimacy. This aspect of the partnership requires that the activities of the headquarters responsible for police and law enforcement systems development fit into a larger, nation-wide civil-military plan. There are no independent operators when it comes to developing police and law enforcement systems. Rather, teams-of-teams—civilian and military—are the required norm. Third, legitimacy with respect to police and law enforcement systems is conferred by the citizens of a country.

Initially security can be imposed by the overmatching power of military and paramilitary police forces. Over time, however, imposed security must be replaced by enforced security. Police forces enforce security by enforcing already existing legal and social norms, the tacit agreement of a community to live together.[11] Measuring citizen confidence in police forces is, therefore, important. At the start of an intervention, the security situation may not allow citizen polling. As soon as possible, polling should begin so that a baseline can be established and progress—or lack thereof—can be measured. Of course, the polling must be sufficiently reliable and consistent and done at a frequency that

contributes to the other feedback mechanisms needed for police and law enforcement development. Polling of this nature is best executed by whatever national, international, or multinational organization may have overall operational responsibility. Thus, progress in police development will be viewed through four lenses: the lens of external financial audits, of reports submitted by the headquarters responsible for police and law enforcement systems development, of feedback by embedded trainers and advisors, and of citizen polling.

In each of the approaches mentioned above—achieving unity and coherency in vision and organization; working across the entire enterprise associated with police and law enforcement systems; identifying which of the many priorities must get done first, which must be executed simultaneously, and which can wait; and establishing the right partnerships—there will be tension between "what is" and "what ought to be," as well as between "ideal" and "good enough." These tensions are natural and unavoidable. They form the poles between which a healthy discourse can take place, expectations can be set, priorities can be established, and progress can be made. Each of the five practices described above will result in slightly different applications depending upon a particular nation's history, culture, and state of development. The application will also vary as to the resources—the time, staffing, and funding—that can be allocated to the task.

CONCLUSION

Each of the approaches mentioned in this paper applies to one discreet aspect of a partner capacity development program—that is, creating police and law enforcement systems. Such capacity is not defined merely by training and equipping some number of police, or by merely increasing the tactical proficiency of a foreign police force using trainers and advisors. This narrow approach may appear to succeed, but that success will be short lived and contribute little to improving our partner's security or our own.

Developing capacity involves a wider focus, both in time and scope. Lasting partner capacity with respect to police—the kind envisioned by Secretary Gates, needed to enhance our collective security, and required as part of a comprehensive counter-insurgency campaign—

results from adopting the broad enterprise approach described in this paper.

"Why is it," my Dad used to ask me, "that we always have time to do something over, but never to do it right the first time?" Understanding what the task of creating police and law enforcement systems actually requires, envisioning the organization and resources that will be necessary to accomplish the task, determining whether our nation or a set of partnered nations can make a commitment over the time likely to be necessary—all increase the probability of getting it right the first time and decrease the likelihood of facing a "do over." U.S. Army retired General Gordon Sullivan often reminded soldiers that "hope is not a method" when he would ask how a problem was being addressed.[12] His quip is applicable here. Hoping that "we'll never do this again," is no way to secure our nation's interests in an unknown future.

NOTES

[1] Robert Gates, "Helping Others Defend Themselves," Foreign Affairs, May/June 2010, pp. 2.

[2] John F. Harris, "Haitians Jeer US-Sponsored Policemen," Washington Post, October 10, 1994.

[3] I published "Building Security Forces and Ministerial Capacity, Iraq as a Primer" (Washington, DC: the Institute for the Study of War) August, 2009 (available at www.understandingwar.org.) to describe our efforts during the surge period.

[4] I wrote private reports, then published "Accelerating Combat Power in Afghanistan," (Washington, D.C.: the Institute for the Study of War), December, 2009 (available at www.understandingwar.org) to describe possible approaches to growing the Afghan forces.

[5] Robert Gates, op.cit, p6.

[6] Carl von Clausewitz, On War. Edited and Translated by Michael Howard and Peter Paret. (Princeton, New Jersey: Princeton University Press, 1976), p. 119.

[7] The Report of the Independent Commission on the Security Forces of Iraq, September 6, 2007.

[8] Unavailable at the start of operations in Afghanistan or Iraq is a book of singular quality: David H. Bayley and Robert M. Perito, The Police in War. (Bolder, Colorado: Lynne Rienner Publishers, Inc., 2010) Anyone associated with the task of establishing or reforming a foreign police force will do well to read and study this book over and over again.

[9] For an excellent account of trying to operate under less than satisfactory coherency, unity, and organization conditions, read U.S. Ambassador Ronald E. Neumann's The Other War: Winning and Losing in Afghanistan (Washington, D.C.: Potomac Books, 2010), especially pp. 73-79. 95-103, 119-124, and 164-170.

[10] See Bayley and Perito, op.sit, Chapters 5 and 6, "Fundamentals of Police Training," and "World Practice in Police Training," respectively.

[11] James M. Dubik, "Accelerating Combat Power in Afghanistan," op. cit, pp 12-13.

[12] Gordon R. Sullivan and Michael V. Harper, Hope is Not a Method, What Business Leaders Can Learn from American's Army (New York: Random House, 1996).

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