Police Accountability, Oversight and Integrity to Enhance Professionalism in the Police Service

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Abstract:- The study aimed to investigate culture of accountability in law enforcement, which is of particular importance. Police departments need to create a system of internal checks and balances to make sure officers carry out their duties properly and act with integrity. Police accountability ensures that officers can work together effectively. They can trust their commanders to make ethical decisions. They know their fellow officers will put the needs of the department and the public ahead of personal interests. A culture of accountability in law enforcement also builds trust between the police and the community. The public holds the police to high standards. When police violate the rules, they break public trust and lose credibility. This ultimately makes policing more difficult, as people are unlikely to cooperate with police if they don't trust them. The second aim of the study was to investigate oversight and integrity in the police. The third aim is to identify how the levels of police professionalism within the South African Police Service could be improved. A literature review on adult learning, training and development, as well as SAPS professionalism, was conducted.

Keywords:- Police Accountability, Police, Oversight, Police Integrity, Police Professionalism; South African Police Service

I. INTRODUCTION

Professionalism is the aim, conduct or qualities that characterize a vocation that requires advanced training in some liberal art or science. It is characterized by service to others, assessment of the client's needs, practice as well as ethical conduct. Many confuse the term especially when it comes to law enforcement with a soft image, cool, aloof officer with no feeling, crisp uniform, and using high tech as an expert at fighting crime. Responsibility on the other hand is defined as assuming accountability for an action, task or a decision. Professionalism in the police force has several positive impacts that include good service to the public, better pay for the constables, ethical conduct, strong community support as well as respect and a stronger role in a Criminal Justice System. In ethics, the aspect that matters is doing things in the rightful way irrespective of the individual in question. Police officers as law enforces must safeguard the public's trust to perform their jobs effectively. Because ethical conduct greatly impacts public trust, law enforcement

agencies must closely examine their policies, reward systems, and training to ensure that their agency fosters a culture of firm ethical values. Entrenched police attitudes can impede professionalism by encouraging promotions based on attrition and political affiliation, resisting change, and failing to appreciate the value of training.

II. POLICE ACCOUNTABILITY

Accountability is understood to mean the relationship "between the bearer of a right or a legitimate claim and the agents or agencies responsible for fulfilling or respecting that right". This means that a government must be able to execute its mandate, and indeed explain how it did so. The point has also been made that the normal features of a democracy (eg multi-party elections and universal suffrage) are necessary, but not sufficient to ensure healthy accountability between citizens and the government. Democratic elections therefore do not make for clean government and new democracies remain haunted by human rights violations, nepotism and corruption, which do not disappear with the advent of democratic elections.

Effective police accountability involves identifying and punishing those who have committed misconduct, and ensuring accountability after the act. Because police officers act on the basis of directives, accountability includes responsibility for the direction, control or diligence exercised before and during operations to ensure observance of the law and policies and of human rights. This is known as accountability before the act, which also includes the notion that the police are acting in accordance with the stated requirements of the general public or their representatives. In other words, effective accountability involves: "Guidance for the police on what to do and how to do it (before the act)" Supervision of the police and awareness of the need for accountability (during the act) "Remedying improper police actions and omissions (after the act)" Feedback and opportunities to reflect on lessons learned (after the act).

Given that accountability includes responsibility for giving directions and preparing police officers for their work, it follows that accountability is not limited to the actions of individual officers but applies to supervisors as well as the agency as a whole. Misconduct is seldom restricted to one individual. Supervisors need to be aware of the conduct of those under their command and are responsible for it, as are

their supervisors, in turn. Accountability also means that the police as a whole need to be accountable to society at large for their success in maintaining order and security and in controlling crime in a cost-effective way and with integrity.

In all countries, the police are accountable to the line of command within the police force and also to external authorities, usually, at a minimum, the minister of the interior and/or the prime minister (who can command the police), the judiciary (whose verdicts and other orders the police have to comply with) and the legislature (which drafts laws and approves the police budget); and there is often a national human rights institution that plays a role in police oversight. Offices of the auditor-general may also exercise financial oversight over the police. Additionally, in some countries, the police have to report to and cooperate with independent and civilian oversight bodies. Accountability is in fact a "conglomerate of processes" in which different actors share responsibility:

➤ Internal accountability is assured through an effective internal chain of command that includes the reporting system and internal disciplinary system.
➤ Accountability to the State can be divided among the three branches of Government:
• **The executive.** The police are accountable to the government department responsible, usually the Ministry of the Interior, and to the auditor for spending the police budget and resource allocation.
• **"The judiciary**. The police are accountable to the law and to judges and prosecutors (this is also known as legal accountability).
• **"The legislature.** The police are accountable to the public through their representatives in parliament and the city council (also called democratic or political accountability).
➤ **Public accountability** is any mechanism through which police are accountable to the public either directly or indirectly, including community policing forums, civilian oversight boards and the media (use of such mechanisms is also known as "civilian oversight").
➤ **Independent accountability** refers to any mechanism that does not represent a particular entity, State or civilian, and whose prime concern is the quality and non-arbitrariness of policing, such as a national human rights institution, ombudsmen, police complaints commissions and bodies (this is also known as civilian oversight).
➤ **International accountability** refers to the international scrutiny that police may be subjected to by international human rights treaty bodies such as the South African Human Rights Commission for the Prevention of Torture, and in some instances also to specific agreements on oversight laid down in peace accords and other agreements.

In many countries, police accountability is limited to internal and State accountability, and hence to State-related institutions. The State is often believed to be best placed to serve the public interest: the executive is seen as neutral, with the judiciary providing independent oversight and the legislature representing the public. Thus, it is argued that public and independent accountability are redundant. Unfortunately, the assumption is questionable, as there is ample evidence that oversight actors representing the executive tend to be biased towards State actors (including the police) and, as a result, tend to find it difficult to take a critical standpoint. This may even include such impartial and independent institutions as judges who in some countries are in fact closer to the executive, instead of being fully independent in other words, in practice, international prosecutors and mayors alike, and sometimes even judges, as well as Ministries of the Interior, tend to rely on the police's judgement and are reluctant to scrutinize them. Indeed, even if officers are implicated in criminal cases, they are rarely criminally prosecuted let alone tried.

III. MANDATES OF INDEPENDENT POLICE OVERSIGHT AND COMPLAINTS BODIES

Independent police oversight bodies as they currently exist have different mandates. Some focus on receiving, investigating and/or recording complaints; some have general oversight functions (over police performance in general, usually without focusing on specific cases); some provide policy guidance for police deployment; some mandates focus on personnel issues, usually specifically focusing on the selection and appointment of the national chief of police; some mandates focus on oversight over police detention and some have a mandate combining some or all of these functions.

Independent police oversight bodies have several mandates:
➤ Dealing with complaints.
➤ General oversight: operational and policy compliance review.
➤ Direction-setting: policy input and priority-setting.
➤ Personnel management issues: "hiring and firing".
➤ Oversight over detention facilities.

Dealing with complaints and general oversight are evaluation functions aimed at correcting or punishing misconduct while direction-setting and personnel management are functions aimed at providing guidance and preventing misconduct. Oversight of detention facilities is a combination of evaluation after operations and giving directions beforehand. The evaluations resulting from dealing with complaints and general oversight also provide input for new procedures and policies aimed at preventing a recurrence of problems in the future. A single independent body may perform all five functions, or the complaints may be handled by a specialized oversight body. In any case, for effective police accountability, it is essential that an independent body is mandated to deal with complaints against the police. Various models are used for oversight bodies whose mandate is only to deal with complaints but in South Africa the " Investigative and quality assurance models are used and the Independent Complain Directorate (ICD) investigate all cases against the South African Police Service. The Independent Complaints Directorate (ICD) was established and implemented under the 1995 South African Police Service Act. ICD has a presence in nine policing areas in the country.

Mandate: The South African Police Service Act stipulates that ICD shall investigate any death in police custody or as a result of police action; may investigate any misconduct or offence allegedly committed by a South African Police Service member; and may, where appropriate, refer such an investigation to the Commissioner concerned. Additionally, in 1998, ICD was tasked to monitor the implementation of the Domestic Violence Act and to present a biannual report to parliament on incidents of non-compliance by the police, which it should also investigate. ICD is primarily an investigation department that is less active in the areas of monitoring and oversight. It investigates the more serious cases and refers the remaining complaints to the police for investigation. These can then be overseen by ICD. Also, an ICD investigation does not prevent the police from carrying out their own investigations. Recommendations by ICD are not mandatory. ICD investigators are conferred with policing powers and enjoy the same powers as members of the South African Police Service. They can conduct independent investigations and make recommendations for criminal prosecution or disciplinary action. They have search and seizure powers and can make arrests (with or without a warrant). They can also use South African Police Service detention facilities.

These share responsibility for investigations into allegations of misconduct with the police. They usually deal only with certain types of complaint and more serious complaints. Under the complaints structure sometimes referred to as the "post box" model, the independent body can receive the complaint and refer it to the police, but cannot investigate or make recommendations. Some of the review and appellate models are perceived by the public as "post boxes" only, thus hindering their effectiveness. Although in general it is considered good practice for the independent body to have investigative powers and the capacity to initiate an investigation, this does not mean that it needs to investigate all complaints. It is considered good practice for it to investigate serious complaints only and monitor the rest. In principle, the independent body must investigate all deaths and serious injuries suffered in police detention or as a result of police action; arguably, any use of lethal force (firearms) must always be investigated independently. It must be mandatory for the police to report these incidents to the independent body, and the investigation must commence immediately upon receipt of a complaint involving an allegation that could lead to criminal or disciplinary outcomes.

IV. PRESERVING AND ENHANCING POLICE INTEGRITY

For police to be able to carry out their job fairly and effectively, the necessary conditions, including guidelines and codes of conduct, well-prepared police staff and good working conditions, need to be in place. However, not all of the elements are resource intensive, such as a code of conduct that supports officers in their work by helping them to achieve professional judgement, training that prepares recruits for the future rather than preserving conservative values and recruitment from a representative pool. Police integrity is best

thought of as 'the normative inclination among police to resist temptations to abuse the rights and privileges of their occupation' (Klockars, Kutnjak Ivkovic, and Haberfeld, 2006: 1).

This definition of integrity used by Klockars and colleagues has five components:
- It is normative: that is to say it concerns beliefs, not just conduct; it is morally charged in that it is explicitly about 'right' and 'wrong'; and, it combines a belief with an accordance to behave in line with that belief.
- It involves an inclination to resist: it acknowledges that it is only one source of resistance to misconduct, but it is likely to exert some pressure.
- It focuses on 'police' rather than 'police officer' or 'officer' because it is not reducible to the characteristics of individuals but, rather, can also be a characteristic of groups and organisations.
- By focusing on temptation it draws attention to the different environments in which police operate and makes these crucial to understanding conduct.
- At its core lies the notion of abuse, recognising that corruption is not innocent or defensible and cannot have 'noble' causes.

➤ *Codes of conduct*

Laws set the framework in which police are to operate, and international law sets the framework for national legislation. The legislative branch of Government is responsible for ensuring that domestic legislation is in accordance with international law and the Ministry of the Interior and the police are responsible for ensuring that policy guidelines and standard operational procedures accord with the spirit of the law. Some codes formulate values to guide police conduct aspiring to the highest ethical standards (for example: "a police officer is always honest"), while others contain concrete "do's" and "don'ts" (for example, a police officer must not accept gifts for carrying out his normal duties) that can be used as a benchmark for disciplinary proceedings. Restrictive codes often state precisely which behaviours officers must practice or avoid. An example is the Code of Conduct for Law Enforcement Officials. Such codes of conduct often incorporate articles from other regulations, standard operational procedures and laws. In fact, they tend to summarize articles relevant to police work.

Values guiding professional conduct, such as honesty, integrity, non-discrimination and respect for human rights must obviously be at the heart of every code. In post-conflict situations, it may be helpful if the code includes specific references to the prohibition of gender-based violence and the promotion of inter-ethnic cooperation and respect for the rule of law. These issues need to be regulated, whether as part of a code or through another statutory process:
- Standards relating to police management;
- Standards on the use of police powers, most notably the use of force and the power to arrest and detain;
- Standards of conduct when carrying out policing tasks not requiring the use of police powers;
- Standards relating to engaging the public;

- Standards related to the use of information (privacy issues, confidentiality of information and whistle-blowing);
- Standards related to the acceptance of gifts and/or money;
- Standards of conduct related to conduct among colleague;
- Standards of conduct when off-duty (for example, relating to whether side jobs are accepted and how these are to be reported;.
- Standards on dealing with misconduct (reporting misconduct, investigating misconduct, procedural rules for disciplinary and criminal proceedings);
- Standards on receiving, recording and investigating complaints by members of the public.

V. POLICE PROFESSIONALISM

Professionalism in the police force has several positive impacts that include good service to the public, better pay for the constables, ethical conduct, strong community support as well as respect and a stronger role in a Criminal Justice System. In ethics, the aspect that matters is doing things in the rightful way irrespective of the individual in question. College-educated officers appear to be more analytical, hence they are more objective with the public" (1989:76). Paul Strong says that, "this type of training increases and builds integrity in the officers and promotes the ethical standards they are expected to uphold" (2005:70). According to Travis, there are certain factors that are characteristic of police professionalism (1997:15). These factors include justice, wisdom or rather prudence, courage as well as ones' sense of responsibility. When one is arrested, the decisions governing law enforcement, prosecution and passing of a judgment are made using the guide of what is right and just for the people or person in question.

The concepts of professionalism and professionalisation have evolved in parallel with the emergence of complex organisations and educational institutions that prepare people to work in them. These concepts are often used interchangeably, but they are not synonyms. Professionalism refers to 'the conduct, aims, or qualities that characterize ... a profession' (Merriam-Webster 1995:930). This definition hinges, therefore, on the distinction between occupations and professions. Moore (1970) suggested that professions are highly specialised occupations in which specialisation is based on a 'substantive field of knowledge that the specialist professes to command' and a 'technique of production or application of knowledge over which the specialist claims mastery' (Moore, 1970:56). Professionalisation, on the other hand, is a process (our emphasis) that can be seen to occur at several levels of analysis. For an occupational field professionalisation is understood as the process whereby the field develops methods of 'instrumental problem solving made rigorous by the application of scientific theory and technique' (Schön 1983:21). This is the ostensible model of professionalisation to which our analysis responds. Traditionally, the term 'profession' or 'professionalism' implied a 'monopoly of judgment' (Greenwood, 1957) or 'monopolies of competence and bourgeois ideology' (Larson, 1977), where in its 'pure'

form, professions had exclusive occupational control (Noordegraaf, 2007). They are able to gain status and effectiveness by establishing themselves as distinctive groups within a stratified society and controlling the content of knowledge that defines them as professionals (Noordegraaf, 2007). In theory, professionalism and professionalisation centre on how knowledge or skill is used by its owners as leverage and social capital (Torstendahl, 1990). In practice, some professions create exclusive shelters in the labour market and ultimately acquire their own status categories in official classification systems (Brint, 1994).

VI. PROFESSIONAL ATTRIBUTES AND CHARACTERISTICS

Various attributes are associated with professions and professionals. They include: knowledge through advanced training and education; testing, official certification, or licensing that reflects the mastery of knowledge or professional training; a service orientation or humanitarian approach in the application of this knowledge; discretion and autonomy or freedom from lay control in carrying out this power or occupational role; self-regulation, peer evaluation, and normative values; a code of ethics regulating conduct and relations with clients and colleagues; and organisational cultures that support the aforementioned attributes (Beckman, 1990; Blumer, 1966; Greenwood, 1957; Haug, 1973; Moore, 1970). Consequently, professions are recognised as knowledge systems consisting of problem solvers who are deferred to and are wielders of authority and autonomy as a result of their professionalism and professionalisation of their occupational field (Beckman, 1990; Torstendahl, 1990).

Griffin (1998), for example, identified five ingredients to police professionalism: integrity, intellect, initiative, industry (i.e. work ethic), and impact (i.e. influence). While few would challenge the merit of these attributes being exhibited by police officers, this quasi-definition of professionalism is clearly not rooted in the relevant sociological literature. At best. Griffin's definition and that which emerges from the classical professionalism literature converge on the tangents and only by coincidence.

According to Hall, professionalism entails five (somewhat similar and somewhat different) criteria. First, the professional depends on organizations as a major referent for guiding ideas, standards, and judgments. For example, professionals depend on journals and meetings as mechanisms for the maintenance of professional competence (Snizek, 1972). Hall (1968) then suggests that professionalism exudes a firm belief in public service, primarily visible in the conviction that its occupational services are indispensable for societal well-being. Belief in self-regulation as a requisite is important because it evinces the mentality that only colleagues possess the intellectual tools and expertise to judge the merits of decisions and actions and usually resents intrusion from all others (Hall, 1968; Snizek, 1972). The fourth requirement is a sense of calling to the field that is so intense that it commits to a lifetime of devotion without regard for associated benefits.

Lastly, the freedom to make decisions without interference from others (outsiders and even employing organizations) is a hallmark of professionalism. Concerning this belief in autonomy, however, Crank explains that it is "not illogical for a person to agree that decisions in general and his own decisions in particular are reviewed by others, and yet still express confidence in his ability to be his own boss, to use his own judgment, and to make his own decisions . . ." (1990, pp. 409–410).

Friedson (2001) argued that professionalism, where the practitioners hold the knowledge, is essential to enhance autonomy and discretion for practitioners allowing them to retain dominance over the delivery of work. In his report, Neyroud recommended the creation of a professional body, developing a framework of accredited qualifications across the organisation, adopting a code of ethics, and developing a strong knowledge base dictated by scientific evidence. Recently, the police service in England and Wales has adopted these traits through establishing the College of Policing, graduate entry through the Police Qualifications Education Framework (PEQF), the pursuit of and the adoption of a code of ethics and a strong emphasis on the need to adopt evidence-based policing (Sherman 2013).

VII. CHALLENGES THAT THE POLICE ENCOUNTER

The police are faced with multiple challenges in their line of career that range from being rejected by the people in the community they work from to having to stay calm when faced with a hard situation that can cost them their lives. The police are known to be crime-fighters and doing dangerous jobs that require them to outsmart the challenge. This can jeopardize the sacred love, peace, unity and harmony of the entire nation. It would obscure the long-term goal of crime eradication, justice for all and protection of the individual's right. The sole beneficiary of all these should be the public. In correction of the perpetrators of the rights of the others, the police make arrests and forward them to the courts of law without infringing their rights at any one given time during the arrest or even thereafter (Liqun, 2011:56).

Von Hirsch says that, "While people will disagree about what justice requires our assumption of primacy of justice is vital because it alters the terms of the debate. One cannot, on this assumption, defend any scheme for dealing with convicted criminals solely by pointing to its usefulness in controlling crime, one is compelled to inquire whether that scheme is a just one and why" (1976:5).

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Professionalization seeks to clothe a given area with standards of excellence, to establish rules of conduct, to develop a sense of responsibility, to set criteria for recruitment and training, to ensure a measure of protection for members, to establish collective control over the area, and to elevate it to a position of dignity, and social standing in society (Blumer, 1966: xi).

IX. COCLUSION

Professional fields become increasingly dependent on shifting external and internal circumstances. This is evidenced through recent shifts within the police service in South Africa and changes to governance structures, work patterns and workforce, increased specialisation and the changing nature and re-location of crime. While this loss of autonomy was already underway, due to other pressures, such as managerialism, shifts in governance, increased visibility and demand added to the destabilising of occupational identity further. The solution to this tends to revert to traditional values of professionalism as a solution to re-assert police legitimacy and professional status. What this article has shown is that recent attempts to 're-professionalise' the police in this way through the adoption of particular traits have led to continued debates between organisational and professional logics rather than creating an understanding of professionalism that moves beyond these dichotomies. To fully understand the current context of police professionalism, police accountability, oversight and integrity more interdisciplinary research, flexible definitions and further empirical enquiry are required.

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