Realizing the Goals of Law and Order, Police Authority and Increasing Police Professionalism

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Abstract: **This article integrates police responsibilities, operational independence, police powers, arrest and custody, criminal investigation, and improving police professionalism in order to fulfill law and order goals. The article's goal is to outline the environment in which the police function. The upkeep of order is one of the State's primary functions, if not its primary function. As a result, we begin by looking into the ideas of order and disorder. In order to foster respect and ensure that actions are consistent with widely held beliefs of human rights, the second section explains the problems and examines the connection between those rights and the police. Understanding Policing is an attempt to integrate the professional police and human rights viewpoints while serving as a brief introduction to each of these genres of literature. The article attempts to lay out the essential obligations of law enforcement in society as well as the principles and values that ought to direct them. The major objective of the article is to raise police professionalism. Instead of taking a legalistic stance, understanding policing assesses the likelihood that police will uphold human rights in practice. This suggests that we will surpass the standards established by other countries.**

Keyword: *The Connection between Police and Human Rights, Attaining Law-and-Order Goals, Police Duties, Operational Independence and Police Professionalism.*

I. INTRODUCTION

Policing is not only a basic function of the modern state, providing security for its citizens, but also a display of sovereignty designed to demonstrate the state's claim over the monopoly of legitimate coercion. Police are a State institution that function within and within the bounds of national sovereignty. They serve as the State's most noticeable representatives in the eyes of many. They may be structured at the federal, state, or local levels, and may be separated into judicial or uniformed agencies. They may also operate in a central or decentralized manner. In actuality, there are as many different police forces as there are countries. The State and its residents are the police's primary sources of support, and they will always reflect the nation (or region or locale) in terms of its political climate, social makeup, population, and economics. This simple concept has huge implications. Policing is shaped by political realities: Police are unlikely to follow democratic standards if the State structure does not. Police must not be misconstrued for always being sympathetic to the concerns of a community; it is inevitable that they will develop and exhibit feelings typical of the society they are tasked with policing. The police are likely to share societal viewpoints that are adverse to specific population segments.

If the country is struggling with high levels of corruption, alcohol misuse, physical violence, etc., it is assumed that these concerns will be reflected within the police institutions. As a result, addressing these concerns will be difficult and may call for a point of entry other than the police. The professional police standards, particularly those pertaining to the rule of law, accountability, and transparency in decision-making, are, in fact, largely universal. But the police must work within the bounds of cultural norms and economic realities. It is true that the professional police standards—including those relating to the rule of law, accountability, and decision-making transparency—are mostly universal. But the police must work within the bounds of cultural norms and economic realities. The uniformed police force and the police officer on the street provided for the public an "important aspect of the iconography of the nation state" and a "significant constitutive element in the production and reproduction of political order and community" (Loader and Walker, 2001: 20). The police symbolize the promise embedded in the state, its sovereignty, the norms and rules associated with it and the sense of community it attempts to evoke.

II. CONCEPTUAL FRAMEWORK ON POLICING

In order to establish a police force to control the social unrest brought on by the fast urbanization and industrialization occurring in the city of London, Sir Robert Peel, the Home Secretary of England, proposed the Metropolitan Police Act to Parliament in 1829. On September 29, 1829, the London Metropolitan Police was established as a result of Peel's efforts. The London Metropolitan Police is regarded as the first modern police force by historians and academics alike. Sir Robert Peel is frequently described to as the "father of modern policing" because he was instrumental in founding both this department and a number of fundamental ideas that would later serve as the foundation for police agencies in the United States. In order to pay tribute to Sir Robert Peel's work, past and present police personnel employed by the London Metropolitan Police Department are frequently referred to as bobbies or peelers (Kelling, 1987).

According to Peel, the primary goal of the London Metropolitan Police should be to prevent crime from happening rather than to respond to it after it has already happened. To do this, the police would need to operate centrally and in coordination, cover a wide area within a designated beat, and be accessible to the public both day and night (Orlando, 1950). Preventive patrol originally became popular at this period as a strategy to perhaps stop criminal activities. If residents saw a significant police presence in their neighborhood, the theory went, they would be more reluctant to commit crimes. In comparison to the early watch groups who irregularly and randomly patrolled the streets, this method of policing would be very different (Police Guidelines, John F. Kennedy School of Government, 1975).

Unlike the preceding watch organizations, Sir Robert Peel wanted the newly established London Metropolitan Police Department to be perceived as a genuine institution by the general public (Goldstein, 1977). The police must be under government authority, have an organizational structure akin to that of the military, and have a central headquarters that is situated in a location that is easily accessible to the general public, among other characteristics that Peel established to help with this legitimation. Additionally, he believed that the caliber of the men picked to serve as police officers would enhance the legitimacy of the organization. For instance, he thought that the finest police officers would be guys who were calm, quiet, and capable of applying the right kind of discipline to civilians (Parker, 1954).

Peel also insisted that his soldiers don the proper attire, display badge numbers so that citizens could easily recognize them, refrain from carrying weapons, and obtain the training they need to do their jobs well (Crompton and Lamb, 1989). During this time, American police agencies also embraced many of these concepts, and some of them are still in use in some police departments today. It is significant to note that there has recently been some discussion regarding whether Peel actually held the aforementioned beliefs or ideas or whether they were the product of diverse readings (or misreadings) of the development of English policing.

➢ *Police Law Enforcement:*
The police, as law enforcement officers, are required to uphold the law at all times, protecting everyone from criminal activity in accordance with the high level of responsibility required by their line of work (Article 1 of the European Convention and Article 16(3) of the American Convention). All judicial authorities, whether appointed or elected, who use police powers, particularly the power to make arrests or hold people in custody, are referred to as "law enforcement officials." According to Article 1 of the European Convention, providing services to the community is meant to encompass, in particular, providing help to community members who, due to personal, economic, social, or other situations, require immediate support. This clause aims to cover all unlawful

behaviors, including those that are violent, predatory, and damaging, as well as the complete spectrum of offenses covered by criminal laws. It encompasses actions taken by people who cannot be held criminally liable.

Law enforcement officials are defined as follows in Article 1 of the UN Code of Conduct for Law Enforcement Officials (UN Code of Conduct): "The term 'Law enforcement officials' includes all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest and detention. Members of these services will be considered law enforcement personnel in countries where military authorities, whether uniformed or not, or state security forces wield police authority. The UN definition suggests that any officials who have the capacity to make arrests and hold persons in detention should be recognized as law enforcement agents and follow the guidelines in the UN Code of Conduct, regardless of their designation—Security Forces, Gendarmerie, or Military Police. The "Guidelines for the Effective Implementation of the Code of Conduct for Law Enforcement Officials" (Resolution 1989/61 and Resolution 44/162) also reflect this notion.

It is interesting to note that the definition of the UN Code of Conduct does not expressly mention the police's right to use force against members of the public (in times of peace). It's common to see the use of force as a distinguishing police quality. The police are legally allowed to use force to uphold order, whereas ordinary members of the public frequently have to only use it in self-defence. This is frequently described as the police having a "monopoly on the use of force" during tranquil periods. Due to their exclusive right to use force, the police occupy a special and precarious position within the State structure, necessitating adequate control measures to prevent abuse. The special authority of police to use force is reflected in the European Code of Police Ethics, which refers to police as "traditional police" and presumes that everyone is aware of what that term entails. It states that the "hardcore characteristic (...) entrusted to all existing public police bodies in Europe [is] the power to use force to maintain law and order in civil society" (UN Code of Conduct).

The phrases "police" and "law enforcement official" are frequently used in literature interchangeably. The phrase "policing" has a variety of meanings; perhaps the most common is that it refers to the process of "ensuring conformity with the law" in all of its manifestations. It should be clear that the police cannot ever ensure such compliance on their own. Moreover, policing may involve more organizations and groups than just the police, and it is occasionally viewed as a social process involving the entire civil society rather than a function performed by a State agency. The ability of police to properly carry out their role as an agency of the criminal justice system should be consistently improved. This is because police have a significant responsibility for dealing with serious crime. However it should be remembered that how well the police are able to fight crime is frequently greatly influenced by

the effectiveness of other groups, both inside and outside the criminal justice system.

By communication, cooperation, and a concerted effort that benefits all parties, the system's participants must cooperate. The police and the entire criminal justice system must operate effectively, thus this endeavor is crucial. In addition to discovering and apprehending people who are committing major crimes, the police also need to do difficult and many jobs if they are to operate at their most effective level. The protection of certain rights, such as the right to assemble and speak, participation directly or in collaboration with other public and social agencies in the prevention of criminal and delinquent behavior, upkeep of order and control of pedestrian and vehicular traffic, conflict resolution, and assistance to citizens in need, such as a disabled person, are just a few of the other police duties. The standards' recommendations are founded on the belief that this multiplicity of responsibilities is likely to persist and, more crucially, that police power and expertise are required to handle a wide range of community issues in an appropriate manner.

Many government responsibilities have been delegated to the police, and they have done so largely without any cogent planning on the part of state or local governments as to what their primary goals or priorities should be. Instead, a variety of circumstances that affect how involved they are in meeting various governmental or community demands decide what police do mostly on an as-needed basis. These elements consist of:

- Extensive legal requirements for the police;
- The police's legal ability to use force;
- The police's capacity for investigation;
- The police's availability around-the-clock;
- Police are subject to community pressures and legal rulings.

Assessing acceptable goals and priorities for police service is one of the major duties of the police. Local communities should first be aware that most police organizations today have the following responsibilities:

- Recognize criminals and criminal behavior, apprehend criminals if necessary, and take part in future legal proceedings;
- With preventive patrols and other measures, lessen the chances that certain crimes will be committed;
- Assist those who are in imminent danger of physical injury;
- Uphold constitutional protections;
- Make it easier for people and cars to move;
- Help people who are incapable of caring for themselves; settle disputes; spot issues that could pose severe challenges for the government or law enforcement; and foster and preserve a sense of security in the neighborhood.
- Encourage and uphold law and order; and

- Provide additional services as needed.

In order for everyone under its authority to fully exercise their rights, the State's first duty is to maintain the peace. It is widely acknowledged that the Functions of police include:

- Crime prevention and detection
- Preservation of public order
- Providing aid to the general public (Rover, 1998 and Crawshaw, 1998)

A strong premium must be placed on ensuring that the police are held completely accountable for their acts to their police administration and the public because protecting democratic processes is one of the main functions of the police. Inherent in this duty is the police's obligation to preserve the level of public order necessary to preserve our diverse society and that is consistent with freedom.

Police must offer the greatest potential for enacting desired social change using publicly accessible, legal, and orderly means when carrying out their many responsibilities. It is appropriate for the government to place an emphasis on those social and behavioral issues that may call for the use of force or the use of the unique investigative skills that the police possess in order to make the best use of the distinctive power and capacity of the police. Nonetheless, government should firmly establish the notion that the police should be limited to using the amount of force reasonably necessary in reacting to any scenario, considering the enormous ability of the police to use force and the necessity of prioritizing life preservation.

➤ *Operationalizing Functions of the Police:*
The "police for the future" research by Bayley, published in 1994, examined what police personnel actually do while on duty to accomplish their goals. 3 Three different categories stood out:

- *Patrolling:*
Strives to help members of the public, preserve peace, and stop crime. Patrolling is moving around on foot, by bike or car, keeping a watchful eye on what occurs, and essentially waiting for an occasion or a command to act. Radio dispatch could produce work (following requests from members of the public or from colleagues and superiors). Patrol teams are typically organized geographically, and patrol personnel are typically stationed in a certain location. Patrol officers typically perform 24-hour shifts. The police are typically the only government organization that is open around-the-clock. This could result in instances where police handle a variety of jobs even some that are formally the responsibility of others. For example, police occasionally care for the mentally ill, the poor, and other people in need of help. It also results in the police becoming "omnipresent," which can both increase and decrease people's sense of security.

- *Crime Investigation:*

Primarily seeks to identify crimes after they have occurred, while it is anticipated that it will also have a preventative effect. Criminal investigators, sometimes known as "detectives" or "CID officers," frequently work in plain clothes and tend to have a greater informal prestige within the police force, albeit they may not necessarily possess higher ranks. Criminal investigative departments typically have a wider geographic scope and are more structured. Considering different types of crime (fraud, vice, juveniles and children, drugs, homicide etc.). Criminal investigators typically work throughout the afternoon. Crime detection involves many specialized fields, including forensics, criminal intelligence, surveillance, information analysis, etc.

- *Traffic:*

Is to keep the public order and prevent crimes related to traffic. Often, the traffic department mixes numerous 'tests' with patrolling duties (testing alcohol usage, safety belts etc.). In addition, they typically carry out investigations into traffic collisions.

In general, the police's efforts to deter unlawful activity have a limited impact. Only a small portion of illegal acts are reported to the police, including patrol officers and criminal investigators. The majority of requests made of the police (both by the general people and the authorities) are either related to keeping the peace or to providing aid and support in times of need. The management of law enforcement institutions, however, "tends to prioritize the prevention and detection of crime. Given the limited success and efficacy (...) in this particular subject, this emphasis could be seen as odd. (...) Serving the community, defending victims, and preventing new victimization face law enforcement with difficulties that don't seem to be as fun as the classic cops-and-robbers game.

III. HUMAN RIGHTS AND THE POLICE

Several pertinent connections exist between policing and human rights. The UN Code of Conduct resolution, which declares that "any law enforcement agency should be representative of, and responsive and accountable to, the community as a whole," is frequently disregarded yet merits consideration (UN Code of Conduct, 17 of 1979). This suggests that police should interact with the population they are supposed to serve in order to determine their goals in a collaborative process with those whose interests they are supposed to act.

The role of the police is to guarantee that others can exercise their rights. Yet, both human rights supporters and the police frequently disregard the rights of police officers themselves. Police officers are occasionally told by their superiors that they are not entitled to civil rights since they are not citizens. Clearly, this is untrue. According to the International Covenant on Economic, Social, and Cultural Rights (ICESaCR) and the ICCPR, police have the same

rights as everyone else, including the right to free time, equal opportunity for advancement, fair compensation, and reasonable working hours (Guidelines for the effective implementation of the UN Code of Conduct for law enforcement officials). Resolution 34/169 of the General Assembly, dated 17.1979, which adopted the UN Code of Conduct, reads as follows:

- In accordance with the high level of responsibility demanded by their profession, law enforcement personnel shall always uphold the obligation imposed upon them by the law, serving the community and protecting everyone from illegal acts.
- In the course of their work, law enforcement officers must uphold and respect everyone's human rights as well as respect and protect human dignity.
- Police officers may only use physical force insofar as it is absolutely essential to carry out their duties.
- Law enforcement authorities must maintain the confidentiality of any sensitive information they have on hand, unless doing so is absolutely necessary for the administration of justice or the performance of their duties.
- No member of the law enforcement community may engage in, incite, or tolerate any act of torture or other cruel, inhuman, or degrading treatment or punishment. Additionally, no member of the law enforcement community may use higher orders or exceptional situations, such as a state of war or the threat of war, a threat to national security, internal political unrest, or any other type of public emergency, as a justification for torture or other forms of such treatment or punishment.
- Law enforcement agents are responsible for ensuring the complete protection of the health of people under their custody and, in particular, for acting quickly to secure medical assistance when necessary.
- Police officers are not allowed to engage in any corrupt behaviour. Additionally, they must vehemently oppose and stop any such actions.
- Law enforcement officers must adhere to the current Code and the law. Additionally, they must prevent and vehemently fight any infractions of them to the best of their abilities.

A pamphlet titled "Police officers have rights too!" was released by the European Platform for Police and Human Rights, which operates under the auspices of the Council of Europe and includes both police and NGOs (including Amnesty International). The following rights are covered in the pamphlet:

- *Rights at work:*
- ✓ *The privilege of life*

- *Workplace Civil Rights:*
- ✓ *The privilege of privacy*
- ✓ *The freedom of association and expression*
- ✓ *The freedom from discrimination right*

- *The Right to Reasonable Working Circumstances*
- ✓ *Rights when Facing Disciplinary or Criminal Action:*
- ▪ *The community, the law enforcement agency they work for, and the whole profession of law enforcement should respect, fully support, and cooperate with law enforcement personnel who uphold the terms of this Code.*

➤ *Realizing the Goals of Law and Order:*

In order to achieve policing that complies with human rights, it is important to consider how these two facets of policing are balanced rather than whether they are a force or a service. The police are the State's strong arm, acting in the general welfare. To put it another way: The use of force by the police is permitted under the law in order to accomplish their legitimate goals. The relationship between the practical balance of force and service and the place of police in society cannot be overstated. Police work will invariably be less successful if one side is ignored. As a result, discussing "police forces" or "police services" is inappropriate. Instead, we advise using the impartial term "police agency."

➤ *Law and Order are the Province of the State:*

Defence of public order is described as "the nature of the functions of law enforcement" in the resolution creating the UN Code of Conduct for Law Enforcement Officers (General Assembly Resolution 34/169 adopting the UN Code of Conduct, 17 of 1979).

- *Police Directive:*

A fundamental right guaranteed by Article 3 of the Universal Declaration of Human Rights is the right to security and the responsibility to uphold order, with "secure" denoting "not bothered by danger or dread; safe, protected," and "security" denoting "a secure sense" (UDHR). Given that there are so many variables involved in guaranteeing security, it is a challenging right to guarantee.

People may feel uncomfortable and uneasy as a result of high crime rates, whether they are actual or perceived, and this may make it easier for people to support a stricter anti-crime policy that may jeopardize the rights of others. According to Article 28 of the UDHR, "the right to order" is closely related to "the right to security," suggesting that order is important for people to realize their rights and freedoms and realize their goals. In the preambles of both the ICCPR and the ICESCR, Article 28 is expanded upon: "*The goal of free human beings enjoying civil and political freedom and freedom from fear and want can be realised only if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social, and cultural rights,*" says the United Nations.

An atmosphere that is secure and safe, where there is "order," is one of these requirements. It is also clear from Article 29(2) of the UDHR and Articles 12, 18, 19, and 224 of the ICCPR that some rights may be restricted to ensure "public safety, (public) order, health or morals," "national security," or the respect for the rights or reputations of others (though some rights may never be restricted). Everyone must participate because everyone "has duties to the community" (as stated in Article 29(1) UDHR), and order must be maintained since it is in everyone's best interests.

Order is described as "a state of peaceful concord under an established government" in the Concise Oxford Dictionary of 1990. Yet, the concept of order is not entirely neutral. Some will contend that the absence of lawbreakers equates to order. Others would counter that order is maintained in order to preserve the unequal distribution of resources. According to this perspective, laws often criminalize behaviours that the (middle-class) voter finds most troubling, which are often criminal offenses like burglary, stealing, pickpocketing, street violence, etc. According to this line of reasoning, crimes like fiscal infractions, which are usually committed by the "well to do," typically attract much less public attention and are not seen as a danger to order. Those in positions of power frequently interpret order as the absence of any challenge to their own authority. Political authorities may try to restrict people's freedom to combine and gather for this reason in order to prevent the creation of any opposition that would contest their position. This justifies the suppression of dissidents as "a necessary step for the maintenance of order."

- *Law and Order:*

The UDHR's preamble states: "Human rights must be preserved by the rule of law if man is not to be forced to resort, as a last resort, to rebellion against tyranny and oppression." The UN defines the rule of law as follows": Rule of law (...) refers to the principle of government in which all people, institutions, and organizations, both public and private, including the State itself, are responsible to laws that are publicly promulgated, equally enforced, independently adjudicated, and compliant with international human rights norms and standards. Taking action is also required.

The mission of Amnesty International is to: "Amnesty International urges all governments to uphold the rule of law," includes the rule of law as a vital component of durable peace. The terms "rule of law" and "democracy" are closely related; in fact, numerous UN publications indicate that the three should always belong together because they are so closely related. But there is some debate over what the term "rule of law" actually means (Kleinfeld Belton, Rachel, 2005). Regardless of how laws are created and what they contain, procedural formalists contend that the phrase "rule of law" merely refers to the presence of laws and a system that ensures their observance. To ensure adherence to the values of the rule of law, justice for everyone, responsibility to the law, fairness in the application of the law, the separation of powers, participation in decision-making, legal clarity, avoidance of arbitrary decision-making, and legal transparency.

Another definition of the term "rule of law" emphasizes on the institutions required to sustain it, such as thorough legislation, efficient courts, impartial judges, and effective law enforcement. Yet, establishing the rule of law might also mean working toward certain objectives, for which these institutions are necessary but insufficient. These objectives are:

✓ A legally obliged government.
✓ Justice for all under the law.
✓ The rule of law.
✓ Decisions that are reliable and efficient.
✓ Upholding human rights.

Human rights organizations like Amnesty International support this latter normative understanding of the rule of law, which calls for the creation of institutions aiming to fulfill all five objectives. It is obvious that human rights must be a fundamental component (for "procedural formalists," however, the first four points would be sufficient). This stance also implies that advocating for the creation of institutions that uphold the rule of law is insufficient.

One of the objectives of the rule of law is to establish order, which must then be founded on the rule of law. A state can maintain order by establishing and upholding the rule of law. Since the rule of law creates boundaries for police power and functions, establishes standards for police conduct, and incorporates the police into the greater security system, it should go without saying that the establishment of the rule of law is crucial to human rights-based policing). The rule of law clearly requires an effective legal system that preserves people's rights, whether they be civil, cultural, economic, political, or social rights. Although officers occasionally complain that the law "restricts their work," the legislation really gives them the freedom to carry out their duties.

- *State Obligation:*
According to Bayley and Shearing (2001), one of the fundamental goals of the State is to maintain order because it is essential to the survival of the State itself. "Protecting people's lives and property is the most essential function of the government. In fact, there is a tautological link between personal security and the government. If individuals aren't given at least some protection, government isn't considered to exist. In actuality, any somewhat stable government would establish some security and justice frameworks, including the establishment of law enforcement organizations, and be tasked with upholding the rule of law and preserving order. Whether the government is democratic or dictatorial, this is true.

Additionally, States are legally required to maintain order. In order for their populations to fully enjoy their human rights, Governments are ultimately accountable under international law for preserving and securing peace and security inside their borders. This is in accordance with the UDHR's preamble, which reads: "Whereas Member

States have hereby undertaken to promote, in cooperation with the United Nations, the universal respect for and observance of human rights and fundamental freedoms." The ICESCR and the ICCPR both restate the following in their preambles: the responsibility states have under the UN Charter to advance and uphold human rights and freedoms on a global scale. Amnesty International works to make sure that States follow their obligations under international law in the area of human rights (AI, 2003).

- *Police Authority:*
Law enforcement officials are required to uphold, respect, and protect everyone's human rights while performing their duties. Article 2 of the UN Code of Conduct for Law Enforcement Personnel. Article 3 of the UN Code of Conduct for Law Enforcement Officials (UN Code of Conduct) and the Basic Principles on the Use of Force and Weapons by Law Enforcement Officials are the main regulations defining how the police may use force and firearms (hereafter Basic Principles). Working in law enforcement can be risky and violent on occasion. The prologue of the Basic Principles emphasizes that police provide a "social service of substantial value," while also acknowledging the hazards that officers endure while doing their duties. Furthermore, they stress the role of care in safeguarding the wellness of officers and providing counseling to those who had to use force or a firearm.

- *Force Utilized by Police:*
Even though there are many restrictions and requirements, the police are one of the few authorities who can use physical force. For instance, police officers are only permitted to use physical force as a last resort and only when absolutely required. Just the minimum amount of force required to defuse a situation, make an arrest, or safeguard the safety of others should be used by law enforcement officials. Lethal force, less-lethal force, and basic verbal and physical restraint are all included in the continuum of levels of force that police deploy. There isn't a single, widely accepted definition of the use of force. According to the International Association of Chiefs of Police (IACP, 2001), use of force is the "amount of effort required by police to obtain cooperation by an unwilling person").

IV. ESSENTIAL RULES FOR THE USE OF FORCE

Legality, necessity, proportionality, prudence, and accountability are some of these guiding concepts. All five must be satisfied because they are cumulative. National legislation and other administrative provisions must lay out the rules controlling the use of force, including the permissible weaponry.

➤ *Legality:*
National legislation and other administrative procedures must specify the guidelines for the use of force, including the permissible weapons. States Parties to the ICCPR, like South Africa, are obligated to take all

necessary precautions to stop arbitrary life deprivations or disproportionate use of force by their law enforcement personnel, including the passage of suitable legislation regulating such personnel's use of force. In accordance with the African Charter, States are also obligated to create and put into effect a framework of laws and policies that respect, safeguard, advance, and realize the rights to life and against cruel treatment. The general concepts of legality, necessity, proportionality, precaution, and accountability should be properly reflected in legislation and conduct regulations.

➢ *Necessity:*
The police and other law enforcement personnel may only use force when it is required to do so for a valid law enforcement purpose, in addition to satisfying the criteria of legality. Law enforcement authorities may only use force when it is absolutely necessary and to the amount necessary for them to carry out their duties, according to the UN Code of Conduct from 1979. Only use as much force as is absolutely necessary in the circumstances. Where achieving the same goal requires employing less force, or none at all, that course should be taken. No additional force is legal once the need for force has passed, according to the 2020 UN Less-Lethal Weapons Guidelines. Never should an arrest or detention be used as an excuse for using disproportionate, abusive, or punishing force or for administering any kind of cruel, inhumane, or humiliating treatment or punishment. No extra force may be used, for instance, when a suspect is shackled and not resisting arrest.

➢ *Proportionality:*
A law enforcement professional may only use force if it is both necessary and proportionate to the threat the suspect poses and/or the harm they are trying to prevent. 18 Even if the use of some force is required under the circumstances to stop a crime from happening or a suspect from escaping, proportionality places a limit on the amount of force that can be used. According to the commentary to the 1979 UN Code of Conduct, force that is excessive compared to the legitimate goal that needs to be reached is never permitted. Particular attention should be paid to proportionality when using guns. Any force used during an arrest should be appropriate for the goal being pursued and the level of resistance encountered. Arrests must only be made to further a justifiable law enforcement goal. Particular attention must be paid to the proportionality principle when dealing with someone who is trying to elude capture. The severity of the threat posed by the person trying to escape must be weighed against the amount of force needed to stop them. Lethal force may not be used to stop escape, even if there is no other way to stop the proverbial apple thief.

➢ *Precautionary Measures:*
The risk of death or harm must also be minimized when planning operations. The State is required to take all necessary precautions to safeguard life and avoid the overuse of force by its law enforcement personnel. There are a number of steps that need to be performed, such as, but not limited to, providing the necessary tools and training, as well as, whenever practical, carefully planning out particular operations. The distribution of both personal protective equipment and less-lethal weaponry for the officers is part of this outfitting (weapons that are less dangerous than firearms). The employment of such weapons in public order police, prison settings, and during arrest is covered by the 2020 UN Guidelines on Less Lethal Weapons (for example demonstrations). The Guideline outlines what uses of police batons, kinetic impact projectiles, and tear gas would be in violation of fundamental human rights as well as how they may be employed in accordance with human rights standards. For instance, it is forbidden to aim for the head. A code of conduct for law enforcement professionals must contain or have annexed to specific standing operational procedures outlining the proper use of each less-lethal weapon. Everyone who has been hurt during action by any law enforcement official, even a criminal suspect, must receive medical attention.

➢ *Accountability For Potentially Unlawful Use Of Force:*
Furthermore, the use of force by the police and other law enforcement personnel will be held accountable. Regardless of the weapon employed, every use of force must be warranted and justified. Procedures for ensuring that law enforcement authorities are responsible for the weapons and ammunition issued to them should be part of the rules and regulations governing the use of firearms. When there is cause to suspect that an act of arbitrary deprivation of life, torture, or other ill-treatment may have occurred, the state must guarantee a thorough investigation and, when necessary, bring charges against those responsible. In 2016, the Minnesota Protocol updated the guidelines for who is responsible for unnatural deaths that also result from the actions of law enforcement authorities. According to the Minnesota Protocol, if a detainee dies while in custody or if a State agent is suspected of being responsible, this must be immediately reported to a judicial or other competent authority that is separate from the detaining authority and has the authority to conduct prompt, impartial, and effective investigations into the circumstances and causes of such a death.

➢ *Forces in Classes:*
Seven alternative technologies exist for less-lethal tools:

● *Energy-Conducting Devices:*
✓ Certain CEDs, such as the Taser, can generate uncontrollable muscle contractions that temporarily knock people out of it. Others stop someone from acting in a particular way. Stun weapons and belts are examples of this. Read about the science behind CEDs' operation and safety.

● *Energy-Directed Tools:*
✓ This method produces the same impact as blunt force, but has a lower risk of injury.

- *Chemicals:*
  They include pepper spray, tear gas, and stink bombs (commonly known as OC, or oleoresin capsicum).

✓ Visit the NIJ website to read a report on the effectiveness and safety of pepper spray.
✓ Read the NIJ Journal article titled Calming Down: Could Sedative Drugs Be a Less-Lethal Option. Read the panel discussion report on using tranquilizers to put an end to riots.

- *Distraction:*
✓ People are only momentarily rendered helpless by this technology, which does minimal harm. Examples include the use of a laser dazzler, bright.

- *Lights And Volume:*
✓ Technology for stopping vehicles. During high-speed chases, these equipment can halt moving vehicles. Visit the NIJ's Pursuit Management website to learn more.

- *Barriers:*
✓ They include physical barriers, foams, and nets.

- *Blunt Force:*
✓ People are deterred from taking a certain action by projectiles used for crowd control.

Some producers combine several effects onto a single product. A multimodal stun grenade, for instance, combines force, chemicals, light, and sound. Stun grenades cause confusion among the public, allowing police to make an arrest without endangering anyone.

➢ *Less-Lethal Force:*
The majority of law enforcement agencies have guidelines regarding when and how to use force. These policies provide an escalating sequence of measures an officer may employ to deal with a situation. Officers are advised to use a level of force suitable to the scenario at hand when responding to this continuum, understanding that they may move quickly from one portion of the continuum to another. This is an illustration of a continuum of force:

- *Police Presence*: There is no use of force seen as the most effective method to handle a situation.
✓ Just having a law enforcement officer around reduces crime or calms a situation.
✓ Officers display a professional and nonthreatening demeanor.

- *Verbalization:* Force is not-physical.
✓ Let me see your identification and registration, for example of Police deliver calm, non-threatening directives.
✓ Officers may try to get more compliance by speaking louder and giving shorter orders. "Stop" and "Don't move" are two examples of short orders.

- *Empty-Hand Control:* Officers use bodily force to gain control of a situation.
✓ Gentle method. Officers detain a person using grabs, grips, and joint locks.
✓ Complex technique. Officers employ kicks and punches to restrain a person.

- *Less-Lethal Methods:* Officers use less-lethal technologies to gain control of a situation.
✓ A soft impact. To immobilize a combatant, police may employ a missile or baton.
✓ Chemical. To restrain a person, officers may deploy chemical sprays or projectiles that have been impregnated with chemicals (such as pepper spray).
✓ Gadgets Using Conducted Energy (CEDs). CEDs can be used by officers to render a person motionless. CEDs send out a far-off, high-voltage, low-amperage electric shock.

- *Deadly Force:* Police take charge of a situation by using lethal force. If a suspect poses a substantial threat to the police or another person, it should only be utilized.
✓ Police employ lethal instruments, such as firearms, to put an individual's acts to an end.

- *A Lot of Force:* It is challenging to determine how frequently police use of force incidents fall under the categories of justified or excessive (lpert, Geoffrey, Roger, and Dunham, 2004). There is no national database of shootings involving police or instances of excessive force by officers.

Police officers occasionally have to restrain aggressive, dangerous individuals. Use-of-force protocols control their behavior in certain situations. Less-lethal technology provide law enforcement with an alternative to deploying more direct physical force, which could be more harmful to both officers and suspects. Conductive energy weapons (such as Tasers), beanbag bullets, pepper spray, and stun grenades are among the contemporary technology in use.

➢ *Safer Arrest Procedures:*
The mission of the National Institute of Justice's less-lethal program is to arm prisons and law enforcement personnel with tools that safeguard both them and the general public, lowering the risk of injury or fatality. When conducting or organizing research, NIJ works with foreign professionals from a variety of sectors (such as medical, scientific, and military). Important areas of investigation include:

- Allowing law enforcement and prison organizations to securely bar people or groups from entering certain locations.
- Making projectiles safe at all ranges by simulating the equipment and methods that police can employ to use less-lethal force.

- Being aware of how less-lethal technologies, such as chemical, kinetic energy, and conducted energy devices like Tasers, affect human health.
- Examining data on occurrences involving the use of force against people, including the type of force used and the types of injuries sustained.

➢ *Selecting the Best Time and Method for using Less-Lethal Gadgets:*

While considering whether to employ less-lethal equipment, police take into account the situation and agency policy. The use of less-lethal force is covered by written policies at almost all bigger law enforcement organizations. Agencies frequently have an approved use-of-force continuum as part of their policy to assist officers in determining the appropriate level of force for a situation — higher levels of force in the most severe circumstances, and less force in other situations.

V. ENHANCING POLICE PROFESSIONALISM

➢ *Police Professionalism:*

Some fundamental elements, such as impartiality toward all people, moral agreement, responsiveness to society, and officers' representation of the society they serve, are crucial for preserving and enhancing police legitimacy (Reiner, 2010). The more general concepts of professionalism and professionalization have developed alongside organizations and the educational learning processes that prepare people to work in them (Williams, Brower, and Klay, 2016: 154). For policing, these concepts relate to a variety of skills, values, and standards of fairness, integrity, and human rights (Marenin, 2005:109). The police profession has undergone a demanding transformation over the past century, moving from responding to crimes to covering the wider range of "preventing" crimes and problem-solving (Hayes, 2013:557). This transformation has highlighted a shift in the coproduction of public safety towards a model of community-oriented policing. Hayes (2013), Shearing (2003), Roberg (2004), Bonn (2004), and Geller (1995), Shearing, Johnstom (2003).

Professionalism of police Reviewing Bourdieu's (1992:241) strident rejection of the notion of "profession," Schinkle and Noordegraaf (Schinkle, Noordegraaf, 2011:67) note that his rejection may seem startling when set against the wealth of sociological literature from the early twentieth century on professions, leading observers to wonder if the Bourdieusian approach to professionalism is even possible. They emphasize that adopting Bourdieu's approach facilitates a feasible and empirically useful conceptualization of professionalism as Bourdieu in his rejection of "professionalism" facilitates an explanation of how power is established, appropriated, and exploited in a society. However, they argue that it is possible to uphold Bourdieu's contention against such weight if professionalism is viewed as a form of symbolic capital in what Bourdieu (1992:55) terms the "field of power" (Brogden: 2006:70-81). While "professionalism" is described as complex and difficult to define by Brenhm et al. (2006), Clarke contends that there are two essential components to what it means to be a professional: first, expertise, which includes specialized knowledge, learning, and skills, underpinned by ethical behaviors. The second, which critically follows the first, focuses on the respect that the public holds for the profession. In the context of this paper, it could be argued that this respect is a crucial component of public perceptions of police legitimacy, which may suggest a connection between Clarke's ideas on professionalism and those perceptions.

Research on police officers' perceptions of professionalism reveal their dedication to a high standard of service as well as their moderate support for self-regulation. Entry-level officers also exhibit higher degrees of professionalism (Crank, 1990: 33). The expansion of police partnerships with academic institutions and universities across the USA, Europe, and the UK, which foster training, education, research, and knowledge transfer, is evidence that current literature also identifies education and training as essential to the professionalization and modernization of police (Lumsden, 2017:8). (Goode, and Lumsden, 2018:75) The TFPI is unambiguous about the fact that policing in Ireland should not be viewed as a job but as a profession backed by a professional culture and fundamental features, such as a cultural commitment to CPD (Commission on the Future of Policing in Ireland, 2018:85). It suggests that increasing the engagement of HEIs in educational processes will increase professionalism. Neyroud's proposals on police professionalism in the UK, which were centered on collaborations between the police and HEIs, were reflected in Commission on the Future of Policing in Ireland, 2018: 85). Neyroud (2009:96) contrasts the police with the legal or medical professions by saying that they share a number of characteristics, such as a CoE. Holdaway (2017) describes it as a fair method of evaluating a profession based on a set of characteristics and claims that it ignores the larger social context of the evolved entitlements of the profession. Claims of professionalism are neither made nor analyzed in this situation, nor are their implications taken into account. Lumsden (2018: 98) further argues that Abbott (1998)'s sociological analysis of the systems of professions, which avoids the problems raised by the traits-based approach and aids in comprehending the complex and varied perspectives of the police themselves, discredits the trait-based approach to professions. Who has "control of what, when, and how" is the central question that Abbott raises by pointing out the relationship between a profession and its job as a jurisdiction that is contested by other occupations and professions in conflict (Abbott, 1998: 102).

Police officers "seem to presume that the police are already a profession and then go on to talk about professionalizing the service," according to Holdaway's research (Holdaway, 2017: 3). Additionally, even though some police officers may oppose top-down reforms in policing, branding the police as professionals is seen as elevating their stature in the eyes of the general public and

politicians. This has positive effects on recruitment in terms of the caliber and diversity of candidates (Lumsden, 2017:16).

According to Lumsden's research, professionalism may be seen as a control and discipline technology, driving the occupational reform of police function and culture. She suggests that professionalism is a combination of the following:

- The external political drive for policing to become more professional;
- Police recruiting and training with a focus on professionalism;
- A foundation of data developed through academic study and collaborations between police and academic institutions aimed at professionalizing policing;
- The tenets of new public management, such as efficiency and performance management;
- Policing morality (Lumsden, 2017: 10–16).

We now move to the final aspect of Lumsden's definition of professionalism, namely the critical role that ethics play in police.

➢ *Police Code of Ethics:*

Neyroud et al. (Neyroud, and Beckley 2001: 3-4) note a number of internal and external issues as policing develops and make a compelling case for the integration of human rights with policing as a necessary condition for the success and continuous advancement of policing. They cite the Independent Commission on Police for Northern Ireland's observations, which note the following (Independent Commission on Policing for Northern Ireland, 1999: 28):

The essential goal of police should be to safeguard and uphold the rights of everyone, according to a key tenet of this research. Police must uphold human rights (Independent Commission on Policing for Northern Ireland, 1999: 18).

While the earlier ICPNI study proposed a Code of Ethics as being crucial to integrating human rights into all police conduct, Neyroud and Neyroud (2001:4) place particular emphasis on the claim that "ethical policing" with human rights at its center is fundamental to the reform process (Independent Commission on Policing for Northern Ireland, 1999: 20). Following suit, England and Wales introduced a CoE in 2014 as the benchmark for all police decision-making. This CoE is now theoretically based on the national decision-making model. Neyroud, and Beckley 2001: 115–116), and is seen as an additional step toward policing achieving full professional standing on par with those of medicine and law. Concerns have been raised about whether it has actually spread to all 43 English and Welsh units, though. (House of Commons, 2016:6). The distinction between perceptions of the police as a "profession" and their perceived need to "professionalize" must be emphasized once more. For instance, Lumsden (2017:14) notes in her research that police officers in

England and Wales may not view the CoE as a way to professionalize policing because they already view policing as a profession, citing Abbott (1998) who states that occupations can be successful in pursuing professional standing as long as they are skilled in defending claims to specialized knowledge. As a means of protecting professionalism against the "top-down" technology of professionalism, Lumsden also notes a reliance on this specialized knowledge. 2017:14 Lumsden). Since professionalism and ethics go hand in hand, it is the responsibility of An Garda Sochána, as a responsible employer, to offer sufficient, ongoing, and current professional development, training... The Code unfairly burdens each member in the absence of organizational support to acquire professional competency (Hennessy, 2019).

➢ *Police Workplace Culture:*

As individuals respond to the pressures and events they face, cultures emerge. These complex ensembles of values, attitudes, symbols, norms, recipes, and practices are interpreted through the cognitive frames and orientations people bring from their past experiences (Reiner, 2010:116).

Bowden (2018: 3) extends on Reiner's (2010) notion of a "cop culture" by citing policing research that shows the police's propensity for "group think." Bowden (2018: 3), which he describes as a unique occupational police culture, is intended to protect the organization from perceived external threats, including criticism by distrusting individuals, and as a result makes them ever more resistant to public inspection. He believes that AGS's history demonstrates how much its own culture has influenced it (Bowden, 2018). In their argument that this culture challenges Irish policing reform and that it is simply not the straightforward adoption of reforms to policing, Charman and Corcoran note that this culture is not something that AGS "has," but rather characterizes informally what the organization "is." (2015) (Charman and Corcoran: 489). Connolly argues that AGS had a "police culture" that was resistant to outsiders and fused internally in the face of external threats, making it difficult to look into misconduct and impeding responsibility (Marenin, 2005:99). Similar conclusions were made in the independent 2018 report "Play Your Part, Culture Audit of AGS," which was commissioned by the Commission, which primarily found an organization that was not a professional service (Commission on the Future of Policing in Ireland, 2018: 83).

According to Gundhus (2012:178), new regimes frequently encounter resistance due to both the perceived threat to already-existing professional systems as well as the police culture's obstinacy. In actuality, police culture differs within and between forces, as well as depending on the social and political environment in which they operate (Green and Gates, 2014:78). Reforming the culture of these organizations is an important strategy for changing police culture because they are crucial to the socialization of

officers (Community Orientated Policing Service, 2015: 23). According to Goffman (1961), resocialization of police recruits takes place in "total institutions," which are settings where people's social and physical liberties are constrained. It is described as a two-step process: first, the "mortification of self," in which personal attitudes, viewpoints, and behaviors are eliminated; second, a "re-socialization," in which new values and beliefs are introduced. In "total institutions," new officers interact with more seasoned officers to reinforce new values that bring them in line with the ethos and cultures of the institution (Kenney, McNamara, 1999). This is reflected in Conlon's statement that "the day the new recruit walks through the door of the police academy, he leaves society to enter a professional environment" (Conlon, 2004: 9).

VI. SUMMARY

Human rights and policing are connected topics. In nations where human rights are violated, police are virtually always involved in some capacity. Abuse of police authority (illegal use of force, illegal arrest, and detention) and a lack of care in performing police duties are two examples of how the police have violated people's human rights. A police department that is unable and/or unwilling to pursue its legitimate goals with appropriate care may do so owing to corruption, lack of motivation, disinterest, lack of training, and other factors. Yet, human rights breaches continue to happen even in nations where police undergo significant training, where sophisticated recruitment and selection techniques have been devised, and where there are plenty of resources, as is shown in many of Amnesty International's country reports. Why is this the case, and how can human rights activists create pertinent and efficient strategies for engaging with the police.

Any reasonably stable administration, whether democratic, dictatorial, or any other type, is in charge of maintaining the law and keeping the peace. As a result, it will adopt some security and justice policies, including the creation of law enforcement organizations. Non-State actors will always have a role in the security sector. Police collaborate with other security and justice organizations and entities, both State and non-State actors, in order to carry out all of their duties and accomplish their goals. Nevertheless, the police and other organizations might have similar goals. The strength of each individual entity in the chain—which is interdependent—determines how successful the security and justice system as a whole will be. The chain is only as strong as its weakest link. The efficacy of the system depends on each agency having clear guidelines and instructions on how to carry out its specific duties, together with descriptions of its specific roles, lines of accountability, and points of interaction. Accountability is a key outcome of this dependency. Infractions, institutional misunderstandings, a lack of coordination, holes in policy, etc. that are the fault of other "partners" in the security and justice chain cannot and should not be held against the police. To successfully aim their study and advocacy efforts, human rights advocates must be aware of the various agencies' roles within the structures put in place to maintain order.

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