

Police Reforms: Public Perception and Introspection

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Introduction

In order to carry out the Prime Minister's vision of providing relief to the common man, reforms in police as in all branches of government are long overdue. Before looking outwards, there is a dire need for introspection as policing needs internal accountability through transparency and limiting discretion. Likewise, reforms have to be above oscillating impulsive reactions to public pressures, but rather a continuous process of engagement. Considering that police is the agency authorized by the state to use force against its own citizens, it must be held at a higher pedestal of accountability. Proposals for accountability must include democratic oversight by Public Representatives who have been elected by people to safeguard their rights. At the same time, interventions planned must be debated with all stakeholders so that police can make informed and sustainable choices.

The Public Perception of Police¹

Proposals for Police Reforms will be successful only if we identify the problems first, find out the causes and finally come up with solutions by targeting the causes. Additionally, this reform process must start from the basic point of contact of police with the common man, which is the Police Station. In recent days, the conduct of Punjab Police came under severe criticism due to a number of incidents like the Sahiwal incident, the custodial death of Salahuddin in Rahim Yar Khan and the discovery of the dead body of a missing child in Kasur where police had not registered an FIR.

These three cases are related to issues with investigations, non-registration of FIR and implicating innocents in false cases, which are a bane in the existence of better service delivery. In a public opinion poll 64% of the 12,603 respondents polled corruption as the worst problem with the Police Station. Torture, non-registration and false cases remained at 12%, 11% and 13% respectively. Incidentally, the largest group of the 660 police officers i.e. 41% also listed corruption as the worst problem in the Police Station in a separate survey. Many commentators were of the view that it is primarily corruption, which is the source of all wrongs and others are just means to this end.

¹ (Ahsan, Twitter, 2019) Online survey conducted through Twitter and a field survey on the same questions conducted from police officers of the ranks of ASI to Inspector.

To the query regarding which process or place was corruption more rampant in, 42% of the 10,495 respondents polled for investigations, 29% for registration of FIR and 22% mentioned police pickets as the major source of corruption. Additionally, the survey shows that public perception is clear that there is petty corruption on the pickets, it is higher for registration of FIR and the most during investigations as someone explained, it is there that 'briefcases are exchanged'. Police officers in their survey were even clearer with 64% identifying investigations as the primary process where corruption was most prevalent.

The difference of opinion comes to light between the public and police officers on the means to control corruption. 61% of the 13,827 public respondents are of the opinion that strict punishments is the solution to control corruption but 77% of the police officers are of the view that this corruption emanates from need and not greed as the government does not provide them sufficient funds to cater for the costs incurred on investigations. At the same time both public and police officers agreed on their second choice being training.

42% of 9,905 public respondents blame government's poor pay structure for the incidence of corruption but 50% police officers hold government responsible on a different account, for not paying the costs of investigation to the police officers. Considering the use of torture, 81% of the 12,701 respondents believe that police officers lack investigation skills and therefore use third degree methods to bridge the gap. On the other hand 60% police officers believe that third degree methods are used to make recoveries due to pressures by police leadership, media and the public etc.

Public perception is that police leadership, the Police Service of Pakistan, has failed due to their lack of professionalism. This view is supported by 42% of the 6,335 respondents but 62% of junior officers are of the view that the major failure of police leadership is its disconnect from the junior ranks. To support this view, they cite that all reform initiatives focus on the macro level and not the Police Station, which is the principle point of contact with the public, resulting in failure of these measures. The junior officers also voiced their concern that they are not part of any reform process although they are major stakeholders.

Perception vs. Reality

It can be assumed from the surveys that corruption is the major problem with police stations, which affect the common man. The main sources of this menace are the police investigations, registration of FIR and pickets in the same order. Public has identified the salary structure as the major cause of corruption, nevertheless, the salary structure of police is the same if not better than other government departments. Secondly, taking any assignment is a choice we make

considering all the associated advantages and risks involved. We have to be very clear that corrupt practices are not acceptable under any circumstances.

Police officers put forward the excuse of lack of funds for costs of investigation but have no plausible explanation for the other two sources of corruption that they have themselves identified in their own survey. If the conditions and resources do not permit the police to work at full efficiency, they must focus on the optimum utilization of resources rather than using unfair means or even bending the rules. Considering last year's budget, Punjab Police was allocated Rs. 203,308,000² as costs of investigation for 449,532 cases investigated in the same period, which comes to Rs. 452 per investigation. The allocation for costs incurred on investigations must be rationalized and it must be ensured that the money is provided to the investigation officers in advance so that they do not shift the burden to the public.

The public demand for awarding strict punishments was also fact checked. In the year 2017 only, a total of 64,458³ disciplinary proceedings were initiated against officers in Punjab Police having 198,960⁴ sanctioned uniformed members, which comes to 32.4% of the total strength. These proceedings resulted in 49,673 punishments meaning that 25% of the total strength is being punished in one year alone. This is an extremely high rate of awarding punishments by any standard. Moreover 22,228 disciplinary proceedings were taken against Assistant Sub-Inspectors and Sub-Inspectors, which resulted in 19,786 punishments awarded. The total strength of Punjab Police in these ranks is 24,815 officers, which means that 90% of the officers faced disciplinary proceedings in one year and 80% of them were awarded punishments.

Nonetheless, only 158 punishments were awarded for delay in registration of FIR to Inspectors, SIs and ASIs, which is 0.59% of all officers in these ranks and a total of 25 punishments were awarded in the whole year for torture or death in custody, which is 0.014% of the total present strength. For faulty investigations, 1,068 punishments were awarded to Inspectors, SIs and ASIs, which is 4.27% of all officers in these ranks. From the above-mentioned statistics, it can be assumed that the police leadership through arbitrary punishments using excessive discretion has alienated the junior officers. At the same time, as the punishments are not focused and do not correlate with problems and complaints against the police, they failed to have any corrective and deterrent impact.

²(Our Budget: Punjab Police 2018)

³(Police Reforms Committee 2019)

⁴(Punjab Police 2019)

To check the quality of investigations by junior ranks a simple study of cases disposed off in courts give a clear understanding of their investigative skills and reasons for use of torture. Last year's figures of disposed off cases shows that the overall conviction rate stands at around 55%⁵ in Punjab. This may be acceptable considering the resources at the disposal of police in this part of the world. However, a little deeper study shows that the total conviction rate is enhanced because of 66.8% conviction against illegal arms, prohibition and other laws, which do not even require much investigation skills. Conversely, the conviction rate in property cases falls down to 18% and conviction in offences against person takes a further dip to 11.5% only.

It is evident from surveys, both internal and public, that corruption is most rampant in the process of investigation and it is during investigations that torture is used, which at times results in custodial deaths. This also puts a question mark on the supervisory role of the police leadership resulting in the lack of public trust in their professionalism. This view is substantiated by the fact that out of 2,478 cases challaned in 5 police stations in 5 different subdivisions in Punjab, only 5 cases were actually checked by the SDPOs or any senior officer. When asked, the IOs were of the opinion that senior officers do not want to take responsibility and face the courts.

Recommendations for Reform

It is time that police officers and especially the leadership take affirmative action to change the negative public perception about police and take immediate steps to improve service delivery. Police training must be reorganized especially in the field of investigations through certification of each officer according to his capacity. Secondly, the accountability mechanism should also be improved by setting up priorities and giving clear directions that officer will be evaluated primarily on compliance. Supervision of the junior ranks must be formalized and our leadership must take responsibility in accordance with the authority that they exercise. Finally, internal review and accountability of all police processes and operations must be done as a continuous exercise. A viable internal accountability mechanism will reduce the burden on public representatives and enable their democratic oversight without jeopardizing police autonomy.

Certified Investigator Levels (CILs)⁶

⁵(Punjab Police 2019)

⁶(College of Policing 2017)

Certifications for the IOs must be introduced to complement the present training regime at various levels. As Police Rules and certain laws require the IOs of different ranks, the Certification levels can also be established on the same principles. These certifications may not be used for the purpose of promotions but must be used for qualifying officers on cases they can investigate. Police officers may be allowed 03 attempts to attain any certification level. The certification of investigators will also limit the discretion in assigning cases to officers arbitrarily at the Police Station. In addition to that it will provide a pool of trained certified officers to the district heads for appointment as SHOs in the districts.

Certified Investigator Level – 1 (CIL-1)

CIL-1 may be awarded to Assistant Sub-Inspector on promotion that has passed the intermediate class course. The CIL-1 IOs are eligible to investigate cases that have 7 years or less punishment. This level may also be awarded to direct recruited SIs and ASIs on the completion of their Probationary and ABCD courses. The certification will be revoked if the officer fails to get promoted or pass the Investigation Course.

Certified Investigator Level – 2 (CIL-2)

CIL-2 may be awarded to the top 50% ASIs and SIs who appear in the CIL-2 examination, have passed the Investigation Course, have attained CIL-1, investigated 50 cases of CIL-1 and have 2 years of field service. This certification will allow the IOs to investigate serious and complex crimes except cases tried by ATA courts. The certification will be revoked if the officer fails to get promoted or pass the Upper Class Course.

Certified Investigator Level – 2S (CIL-2S)

CIL-2S may be awarded to the top 25% of the officers who appear in the CIL-2S examination, have passed the Investigation Course, have attained CIL-2 and also completed additional modules of managing teams of IOs, handling organized crimes and managing resources and accounts. Only those Sub Inspectors who have attained CIL-2S may be appointed as SHOs. The certification will be revoked if the officer fails to get promoted or pass the Upper Class Course.

Certified Investigator Level – 3 (CIL-3)

CIL-3 may be awarded to Inspectors on promotion that have attained CIL-2, have investigated 25 cases of CIL-2 and passed the Upper Class Course. This certification will allow the officers to investigate all major crimes including those that are tried by the ATA Courts. The certification will be revoked if the officer fails to get promoted or pass the Advance Class Course. Only those inspectors who attain CIL-2S and CIL-3 may be appointed as SHOs.

Certified Investigator Level – 4 (CIL-4)

CIL-4 may be awarded to DSsP on promotion that have attained CIL-3 and passed the Advance Class Course. CIL-4 will stand revoked if the officer fails to get promoted or to pass the Junior Command Course. CIL-4 may also be awarded to ASsP at the National Police Academy after they complete a specialized course on high profile, complex and major crimes and management of investigations. The certification may be awarded to DSsP/ASsP after the certification is validated by the FPSC. Only CIL-4 officers may be appointed as SDPOs or as ASP/DSP Investigation.

Costs of Investigation

Case may be taken up with government for provision of funds for costs of investigation. Presently, available funds do not even cover 10% of the total costs. Moreover, the rates that have been fixed for advances need to be revised and limits put on advances must not be construed as limits on total expenditure. There are only 12 heads where advances are allowed,⁷ which may be clarified and advances given for all investigations. It must also be ensured that cost of investigation is actually available in Police Station; IOs must be given advances and not financially burdened to claim reimbursements later.

Till such time that the government is not able to provide additional funds, Punjab Police must rationalize budget; shut down offices and police stations especially in urban centers that are costing rents and electricity as a stopgap arrangement and re-appropriate as much funds as possible to the costs of investigation. An exercise can be done to set up bigger urban police stations as given in the Police Reforms proposal and appointing senior officers as in-charge of the Police Station. Such an action will also gain favor with the public and the government. The amount of funds police is able to divert to cover the costs of investigation will proportionately improve public perception of police and be instrumental in rallying support for police point of view.

Disciplinary Action Matrix⁸ and Audit

A disciplinary action matrix has already been proposed and circulated in Punjab Police. The matrix establishes clear guidelines for proportionality in disciplinary action and reduces discretion and consequently arbitrary action. It is recommended that the matrix must be implemented and monthly audits carried out of the disciplinary action taken by all the police officers.

⁷(Investigation Branch, 2005)

⁸(Internal Accountability Branch, 2019)

Enhancing the Role of Internal Accountability Branch

A separate office for internal compliance may be established within the IAB to report on issues of compliance according to laws, rules and standing orders in each police station and other police offices in the district. The mandate of the compliance office can be debated, however, initially it can keep tabs on illegal detentions, use of third degree methods, whether arrests in police stations are made in accordance with the law and raids are conducted with warrants unless permissible otherwise by law. The compliance office should also check whether the Police Stations are getting their funds and that advance is made available to the IOs for costs of investigation. The office must also report on compliance of the discipline matrix in districts. These actions will without doubt affect the output and police will feel bound down but in the long run, this will enhance professionalism in all aspects of policing.

Secondly, allowing the IAB to initiate inquiries on its own accord will enhance the role of IAB and strengthen its deterrent value. Presently action by the IAB is taken on complaints received against any police officer or non-uniformed employees. It is recommended that a certain set of issues must automatically trigger inquiry by IAB. The list must include any death or injury of a police officer or by a police officer, whether the circumstances arouse suspicion or not. A list of these actions whereby inquiry by IAB will be mandatory may be issued through a Standing Order.

Conclusion

Interventions are required in the basic policing unit i.e. the Police Station in the form of enhancing their capacity as well as providing them with the resources in accordance with the job that is expected out of them. These interventions must start with focused training and skill development, provision of tools and resources and then holding them accountable for their omissions and commissions.

Biography

- Ahsan, A. (2019, September 29). *Twitter*. Retrieved October 05, 2019, from <https://twitter.com/AbbasAhsan/status/1178337698710470657>
- Ahsan, A. (2019, September 30). *Twitter*. Retrieved November 3, 2019, from <https://twitter.com/AbbasAhsan/status/1178727794022465536>
- Ahsan, A. (2019, October 1). *Twitter*. Retrieved November 3, 2019, from <https://twitter.com/AbbasAhsan/status/1179078909981315073>
- Ahsan, A. (2019, October 1). *Twitter*. Retrieved November 3, 2019, from <https://twitter.com/AbbasAhsan/status/1179022142488371201>

- Ahsan, A. (2019, October 2). *Twitter*. Retrieved November 3, 2019, from <https://twitter.com/AbbasAhsan/status/1179264476039790597>
- Ahsan, A. (2019, October 1). *Twitter*. Retrieved November 3, 2019, from <https://twitter.com/AbbasAhsan/status/1179078909981315073>
- Ahsan, A. (2019, October 1). *Twitter*. Retrieved November 3, 2019, from <https://twitter.com/AbbasAhsan/status/1179022142488371201>
- Ahsan, A. (2019, September 29). *Twitter*. Retrieved October 05, 2019, from <https://twitter.com/AbbasAhsan/status/1178337698710470657>
- Ahsan, A. (2019, October 2). *Twitter*. Retrieved November 3, 2019, from <https://twitter.com/AbbasAhsan/status/1179408477627789312>
- Ahsan, A. (2019, September 30). *Twitter*. Retrieved November 3, 2019, from <https://twitter.com/AbbasAhsan/status/1178727794022465536>
- Devon and Cornwall Police. (2017). *Professionalising Investigations Programme*. Coventry: College of Policing.
- Internal Accountability Branch. (2019, January 17). Standing Order No. 12 of 2018. *Guidelines for Finalizing Disciplinary Proceedings in Punjab Police*. Lahore: Central Police Office Punjab.
- Investigation Branch. (2005). Standing Order No. 1 of 2005. *Cost of Investigation*. Lahore: Central Police Office Punjab.
- Our Budget: Punjab Police*. (2018). Retrieved October 05, 2019, from Punjab Police: https://www.punjabpolice.gov.pk/our_budget
- Police Reforms Committee. (2019, January 14). *Law and Justice Commission of Pakistan*. Retrieved October 6, 2019, from <http://ljcp.gov.pk/nljcp/assets/dist/Publication/b1896-title-brochure-final-14-01-2019-pdf.pdf>
- Police Reforms Committee. (2019, January 14). *Police Reforms: Way Forward*. Islamabad: Law & Justice Commission of Pakistan.
- Punjab Police. (2019). *Statutory Annual Report 2017-2018*. Punjab Police. Lahore: Central Police Office.