

Transforming Police Reform: Global Experiences through a Multidisciplinary Lens

Tessa Diphoorn, Brianne McGonigle Leyh and Luuk Slooter

Introduction

‘We demand real transformation now. Transformation that will hold law enforcement accountable for the violence they inflict, transformation of this racist system that breeds corruption, and transformation that ensures our people are not left behind’ ([Black Lives Matter, 2020](#)).

Weekly news reports from around the world tell of unrest between individuals, communities, and police officers. Although such hostile interactions are not a new phenomenon, recent events have heightened their public awareness and global presence. This is largely due to the scope and impact of the Black Lives Matter (BLM) movement, a social movement founded in 2013 as a response to the death of Trayvon Martin, an unarmed African American teenager ([Bonilla and Jonathan, 2015](#); [Chernega, 2016](#); [Crusto, 2020](#); [Parsons *et al.*, 2021](#)). The BLM-protests gained further momentum after George Floyd’s death in May 2020, yet another unarmed Black male killed by the police. A video showed four police officers detaining him, while he was handcuffed and pinned on the ground, face down and begging for his life and telling the cops: ‘I can’t breathe’. The footage

went viral and resulted in (non)violent protests across the USA and spread to cities around the world, making it the most broad-based civil rights movement in US history ([Ralph, 2020](#); [Parsons *et al.*, 2021](#)).

In addition to shining a light on the disproportionate use of force against people of colour, the BLM movement has highlighted the institutional and structural racism shaping such acts, thereby reaffirming existing understandings that police behaviour and practices are shaped mainly by larger societal structures and conditions. As the quote above demonstrates, this has prompted a rethinking of the role of the police in society from the ground up and has resulted in many demands to defund, dismantle, or abolish police departments (see [McDowell and Fernandez, 2018](#); [Ralph, 2020](#); [Rushin and Roger, 2020](#)). For some, abolitionism entails the literal end of traditional police institutions—with its funding withdrawn and infrastructures dissolved. For others, it serves as an aspirational vision, involving a possibility to think of public safety outside of punitive security logics and apparatuses. Instead of technocratic fixes of policy experts, ‘defund’ and ‘abolish’ calls centre on demands of

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grassroots activists and social movements, and essentially, are about devolving responsibility for public safety to local communities. Calls for ‘de-funding’ have been further problematized by counter-voices, such as ‘Blue Lives Matter’ and ‘All Lives Matter’ (see Lynch, 2018; Solomon and Martin, 2019; Mason, 2020), further testifying the multiplicity of perspectives on what policing should and can be.

In this special issue, which draws on papers largely written before the 2020 events, we argue that policing practices should be studied critically and that reform needs to be considered through a transformative lens that employs a multi-agency and long-term approach. As the global experiences touched upon in this special issue show, the quest towards better policing (and whatever that may be) is a difficult and confrontational challenge, but one that needs to be faced. Although demands for transformative police reform has grown, the responses aimed at true transformation remain limited.

The field of reform

The urgent need to better understand and address policing is further evidenced by the wide array of academic disciplines and fields of scholarship tackling the subject. From anthropology to conflict studies to law and beyond, scholars and practitioners are continuously trying to analyse and bring about positive change in relationships between police and citizens. Yet despite the diversity of interdisciplinary insights into police reform initiatives across the globe, the question of how to establish effective, legitimate, and accountable, policing remains elusive. It is this question that this issue primarily addresses.

In many police reform initiatives, the emphasis is often placed upon top-down institutional changes. This is particularly so for post-conflict settings, where institutional changes are prioritized, often through revamping former institutions or creating entirely new ones, as a way of breaking with the ‘old’

and creating something ‘new’ (Bayley, 2005; Goldsmith, 2005; Glebbeek, 2009; Hornberger, 2011; Ellison and Nathan, 2012; Brunger, 2012; Parsons *et al.*, 2021). Although such efforts are crucial, research also validates that institutional reform is not sufficient in transforming particular structural dimensions and that many efforts implemented ‘from above’ do not necessarily trickle down into the communities that are policed. Rather, a combined approach, which aims to fuse both top-down and bottom-up efforts, is now considered important in transforming mind-sets. Yet, this dual approach is much more difficult to implement and translate into tangible policies (Marks and Sklansky, 2012).

A similar concern has been identified in the fields of peacebuilding and transitional justice, where research has shown that judicial and legal changes at the state level do not suffice in bringing about justice to victims of violence, facilitating sustainable reform, or ensuring guarantees of non-recurrence of violence (Mihir, 2014). As a result, several scholars from these fields began arguing for *transformative* justice following a conflict, emphasizing a combined approach that is more inclusive, community-based, and that aims to address the causes and structures of violence and not just the symptoms (Lambourne, 2008; Greedy and Robins, 2014). While these underlying principles of transformation have been broadly embraced within the fields of peacebuilding and transitional justice (Special Rapporteur Report, 2017), more empirical research on specific areas of transformative reform are needed.

We therefore decided to align these two rather distinctive strands of research—police reform and transformative justice—and investigate whether and how the underlying notions of transformative justice can help to analyse police reform efforts more generally. Intrigued by the developments taking part in each other’s fields, we set about bringing together experts from around the world who work on issues of police violence, transformation, guarantees of non-repetition, and police reform, from both a theoretical and more practical, case-based

approach. In November 2018, we organized an expert seminar in Utrecht (the Netherlands) on these topics and this special issue is the result of the discussions held.

Combined, all of the papers in this special issue highlight the problematic nature of police reform, both conceptually and practically. They discuss and reveal the disturbing relationships between citizens and the police across the globe. Empirically, they draw on a very diverse set of case-studies, including France, Kenya, South Africa, the South Pacific, Trinidad and Tobago, and the USA. Our objective for this special issue, however, is not to arrive at a global model or a universal blueprint for transformative police reform. We are well aware of the fact that policing in one society may be very different from policing in another society; and that transformative police reform in one context may require a radically different approach from police reforms in another context. In fact, as argued by some of the authors, the portability of concepts and the exporting of 'models of policing' from the 'Global North' to the 'South' may be one of the fundamental problems in our thinking about and implementation of police reforms. Nevertheless, by combining and integrating *theoretical* perspectives from various disciplines (on transformative justice and police reforms) and by comparing and contrasting a wide range of *empirical* case studies across the globe, we argue that we can identify a number of analytical and practical insights to arrive at a better understanding and ways to improve the troubled relationship between police and citizens.

Transforming our understanding of reform

We have identified three important and interrelated shifts that define our transformative police reform agenda. The first two are analytical shifts. The first concerns a focus from *police to policing*, thereby foregrounding police *practices* as well as the multiplicity of involved actors and the power relations between them. In relation to this, the

second analytical shift entails moving towards a more holistic/systemic approach, paying attention to the interplay between structural forms of violence, police violence, and (violent) contestation by individuals. The third shift is more normative of nature and involves moving towards longer term transformative policing goals. This shift includes the main aspects of transformative theories more generally, namely a combined top-down/bottom-up approach, that is more inclusive and community-oriented, and that focuses on eradicating the structural causes of violence.

The first shift from police to policing entails incorporating a processual and multiagency approach to policing. Within the policing literature (largely criminology and sociology-based and driven), a sort of consensus has established that policing is 'a social process that is executed by a range of actors in order to maintain a particular social order' (Diphorn, 2016, p. 13). This entails that policing consists of a range of everyday practices: it is thus not a static or isolated event, but is performed habitually and shaped by a range of social forces. Moreover, policing is not an activity reserved for the state police, as has often traditionally been defined. Rather, a range of actors are engaged in maintaining social order and policing is thus best analysed as a myriad of actors that constitute a 'policing web' (Brodeur, 2010). In fact, in many parts of the world, non-state actors, such as citizen-based groups, private security firms, and NGOs, play a more decisive role in shaping everyday security, whether by choice or by force (see Jones and Newburn, 2006; Baker, 2010; Albrecht and Kyed, 2015; Diphorn and Grassiani, 2019).

For police reform efforts, this shift explicitly employs a multiagency approach that includes these various actors, rather than exclude them. Although this has been identified in many reform efforts, police reform programmes tend to rely or fall back on state-centric approaches (Albrecht and Buur, 2009). As a result, complex power dynamics among security providers are overlooked or

disregarded and this obstructs any meaningful discussion of policing transformation, and this clearly emerges in this issue's contributions provided by Julie Berg and Tessa Diphoorn and Naomi van Stapele.

The second shift centres around the importance of employing a holistic approach that addresses larger structures of violence. In thinking about transformative police reform, it is crucial not only to focus on a variety of policing actors and their practices, but also to zoom out and critically study how problematic policing actors and practices are ingrained in larger undemocratic, unequal, or violent structures in society. It means to take account of the context in which policing unfolds, to analyse how these contexts contribute to the (re)production of certain forms of policing, and enable certain roles for both police officers and victims of police brutality. It would be too simplistic to 'just' blame a police officer (or the police in general) for what happened to Trayvon Martin, Michael Brown, George Floyd, and many others in the USA. The foundations of the problematic, hostile, and sometimes violent relationship between citizens and police across the globe are multi-layered and are deeply rooted within societies. They go beyond a single 'sadist' police officer and idea of the 'rotten apple' and the structures of a malfunctioning police organization or security sector alone. Such a holistic approach also reveals why certain political, socio-economic, and cultural contexts hamper, obstruct, or limit well-intended police reform initiatives. This may also mean that some of the transformations that are needed for more effective, legitimate, and accountable policing are well beyond the scope of reformers within police organizations. Nevertheless, it is important to study how their efforts fit in a larger diagnosis of the problem. While all of the contributions in this special issue, in one way or another, share this holistic and context-sensitive approach, it is most explicitly addressed in the contributions by Sinclair Dinnen and Danielle Watson, Padraig McAuliffe, and Luuk Slooter.

Importantly, the first two shifts predominantly focus on the analysis of the phenomenon (diagnosis: what is the problem? why is reform needed?) and contribute to new analytical vocabularies to understand and explain the troubled relationships between citizens and policing actors across the globe. The third shift has a more normative character and contributes to effective, accountable, and context-sensitive models of policing (solutions: what needs to be done/changed and how should this be done?). It centres around a long-term approach, one that emphasizes that transformative policing requires a shift towards longer term goals and objectives, rather than small incremental positive changes (which can easily go backward). Reform policies are not static, but are constantly in flux and need to consistently be revisited. Practically, this may mean that a short-term reform programme, with no follow up, will not suffice to ensure effective, legitimate, and accountable policing. This means that a one-off training programme or one-time accountability process will not meet the demands that transformative policing requires. Rather, efforts must be much more long-term focused and emphasize sustainable initiatives and this clearly surfaces in the contributions by Kami Chavis, Brianne McGonigle Leyh, and Nathan Pino.

However, as the articles in this special issue show, immediate and short-term prevention strategies and reforms are often not only demanded by local communities, but they are regularly the only types of actions that get political support. This is because, politically, longer-term planning remains problematic, yet are crucial in order to address structural forms of violence, injustice, and inequalities. The challenge lies with finding a balance between the implementation of instantaneous strategies to enhance (perceptions of) safety for individuals, and to simultaneously tackle societal, political, and economic structures that set the foundation for conflict and contestation between police officers and individuals. The authors in this special issue all note the challenges of sustaining political

will to support transformative reforms and working together with affected communities to implement shared visions of reform.

Combined, this special issue aims to posit a perspective that rather than solely thinking about transformative policing, we perhaps need to transform our ideas of police reform and policing more broadly. This supports much of the thinking proposed by Alex Vitale (2017) in his provocative book *The End of Policing*, wherein he argues that police trainings, methods, or formations are not the problem, but that, 'the problem is policing itself' and that we need to reconfigure our ideas of what policing actually is and who is responsible for it. The author calls for a change of culture of the police: 'so that it is no longer obsessed with the use of threats and violence to control the poor and socially marginal' (p. 205).

We concur with the need to both conceptually think differently about what policing is, and practically, to further discuss how this can shape police reform efforts. In this issue, we do not promise to provide final answers to this fundamental shift in how we see policing, yet each of the contributions does highlight how and where we need to transform our ideas on police reform.

The contributions

The first two articles included in this special edition are written by legal scholars from the peacebuilding and transitional justice fields. They examine how the theories behind transformative justice/reform and actions seen as guarantees of non-repetition can be useful, or not, when approaching police and security sector reform.

Despite the compelling call of transformative police reform, Pdraig McAuliffe emphasizes the 'tremendous idealism' reflected in scholarship around transformative theories. McAuliffe outlines a conceptual-contextual gap in policebuilding, pin-pointing three main barriers to transformation: (i) the necessary preoccupation with and

diversion of resources to technical reform, (ii) the need to deal with immediate post-conflict security needs, and (iii) a political economy that does not support the type of responsive, socially democratic culture where transformative policebuilding becomes feasible. Each of these barriers touch upon the shifts mentioned above and combined, he calls for a much-needed realistic understanding that takes political considerations into account.

Primarily focusing on the third-shift above, Brianne McGonigle Leyh provides a normative and theoretical framework through which police and other actors can view and carry out reform efforts. She demonstrates how the frame of 'guarantees of non-repetition' could offer the possibility of shifting the rhetoric to focus on state obligations to victims and society. Because guarantees of non-repetition are based on international human rights standards and designed, operationally, to promote and protect human rights, states are seen as duty-bearers obliged to ensure that individual rights are respected and remedied if there is a violation. Under this framework, states must exercise their due diligence to respect, protect, and fulfil human rights. The due diligence obligations require states to take actions to address specific risk factors associated with police violence identified through cooperative networks. This frame of attaching obligations with actions to states has the potential to underpin transformative reforms; ones that address structural causes of police violence or inaction.

The remaining articles in the special issue each tackle an empirical case study, exploring the three shifts identified above. The first case-study takes us to Trinidad and Tobago, where Nathan Pino explores the numerous challenges the Trinidad and Tobago Police Service face, despite multiple evaluations and efforts at reform. In addition to economic and political problems, the police service, in some ways, maintains its traditional colonial style and is rife with systemic corruption, excessive use of force, and resistance to oversight. Local NGOs have been largely left out of police

reform processes, in spite of their local knowledge and social capital. Pino portrays that transformative police reforms will only sustain with long-term and serious commitment to reform that is led by local actors that initiate local solutions democratically while ensuring the genuine involvement of local CBOs, women, and other traditionally marginalized groups.

Making similar claims based on a different region, Sinclair Dinnen and Danielle Watson show how the dialogue on reform in Pacific island countries (PICs) centres around organizational transformation, capacity development, and contextual appropriation. Through their analysis of police reform in various PICs, the authors highlight the realities specific to small island territories that are often overlooked when transposing first-world policy philosophies and solutions. They identify various misbalances between internal and external transformation agendas and thereby stress that the contrasting views often held between those who are being policed versus those who design and create policing agendas and programmes. In doing so, they highlight that all police reform efforts need to demonstrate flexibility, reflexivity, and adaptability and recognize that there are different understandings and expectations of what policing is.

The existence of various understandings of policing also clearly emerges in the case study of Kenya provided by Tessa Diphoorn and Naomi van Stapele. In this contribution, they focus on the Kenyan state's attempts to transform towards 'people-centred policing' in order to (re)establish confidence and legitimacy in policing and foster relationships of trust between police and communities. The authors discuss the prevalence of community policing practices in Kenya and argue that many of these initiatives have largely failed to act as a vehicle for transformation due to three interconnected problems of diversity, representation, and ownership. By drawing from a case in Likoni, Mombasa, the authors show how community policing, and other efforts at reform, operates

within a state-centric framework that hinders any progress towards transforming the police.

This state-centric framework is also addressed in Julie Berg's critical analysis of the challenges of police reform in South Africa. Berg explores how legitimacy is constituted among state and non-state actors in a highly pluralized context of limited statehood and the implications that this has for policing reform. In particular, Berg explores the means by which the legitimacy of the state and non-state is relational, co-produced, and co-dependent by focusing on two components of legitimacy: effectiveness and accountability. By doing so, she urges for an alternative framing that takes on a more pluralized approach.

In addition to recognizing plurality, the following article by Kami Chavis focuses on the role of technological advancements in law enforcement in the USA. Chavis discusses the implementation of various technological advances, such as predictive policing, gunshot fire detection systems (ShotSpotter), and body-worn police cameras, and how they were intended to enhance police accountability and public safety. Yet, despite these good intentions, many of these technological tools have created a new set of issues and unintended consequences, such as communities experiencing this as increased surveillance and control, thereby furthering deteriorating trust between police officers and citizens and the legitimacy of the state police. Taken together, her paper highlights that changes, whether based on the introduction of new tools or the implementation of new programmes, must be centred around both community consent and participation.

The centrality of community consent is also imperative to Luuk Slooter's analysis of urban uprisings in Paris (2005), London (2011), and Ferguson (2014). While these episodes are often portrayed as 'apolitical' and 'criminal' in media and political debates, they are in the academic literature predominantly seen as (unarticulated) forms of political protests against structural inequalities. Building on this political perspective, Slooter argues that the interplay between structural, police, and 'private' violence is at the core of these urban uprisings. Moreover, Slooter

identifies four ingredients that, when combined, often lead to the eruption of collective urban violence. These include (1) an emotive and symbolically significant incident, often with a young inhabitant of a marginalized neighbourhood as protagonist; (2) police involvement; (3) unclarity and pre-violence rumours; and (4) pre-existing us-them divides. In the conclusion, he points to some of the crucial aspects in police reforms and important steps on the pathway towards guarantees of non-recurrence.

Through both theoretical and empirical contributions, we hope that this special issue triggers important conversations about transforming the problematic relationship between citizens and policing actors around the globe. In these times, full of insecurities, it is important to look ahead, whatever the future holds. The need to better understand the troubled relationship between police and individuals will contribute to the ongoing process of police reform. Perhaps it is useful to remember that the institutionalized idea of a police body, as we currently know it, is a recent development (Chazkel *et al.*, 2020, p. 3). Yet for many of us, it is nearly unthinkable to imagine a world without police. However, the recent developments call for the need to re-look at police reform projects, which are more pressing than ever. As the recent debates highlight: it is not only imperative that we transform policing, but that we ourselves need to transform some of our assumptions about what and who the police are.

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