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# Education and Training in Four Countries: Getting Rule of Law Messages Across

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## Introduction

For policing in democratic nations there is an assumed tension between “crime control” and “due process”, effectively between getting things done, and getting things done properly. For public policing to be effective, the public needs to have confidence in policing decisions; that these decisions have legitimacy in that they are carried out in the public’s interest and follow rule of law principles. In the contemporary climate of globalization, in terms of criminal behaviour and international and trans-national enforcement arrangements, developed nations should lead by ‘rule of law’ example. In this chapter our focus is on policing in four developed nations: Germany, Japan, Switzerland and France. We take the view that, without educating the police at home, such nations are less equipped to implement the rule of law.

This chapter considers the education and training of the public police from a rule of law perspective, in terms of trainee selection, the background philosophy of training, general organization and curriculum. The chapter draws largely from a series of interviews, observations and conversations conducted by one of the authors between 1998 and 2001 in each of the four countries. This has been supplemented by evidence from the research literature.

To summarize the findings, all four countries have an increasing emphasis on community in their training. In terms of recruitment, it is important to have recruits that agree with rule of law messages. This may be possible via psychological testing (Switzerland) or greater academic emphasis (France and Japan). A better understanding of minority issues and rule of law application may be possible simply by recruiting more from minority groups (Germany). Across the four countries there appears to be three distinct training

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philosophies: the law and democracy (Germany); community and citizen involvement (Japan and Switzerland); and human rights and multi-culturalism (France). There are not necessarily any right or wrong ways of doing things and rule of law messages are apparent in all three approaches; however, it may be sensible to tackle the issue from all angles possible. There are also lessons apparent in the training curricula of the four countries. For instance, the Swiss police training has a focus on “emotion, sensibility and understanding”; Baden-Württemberg in Germany offers conflict resolution training; and Japan’s training program includes cultural and personal development - which may make recruits more aware of wider societal norms and values.

However, none of the four systems are perfect and there have been concerns over police brutality and poor community relations in some of the nations. Where the four countries appear to be heading in the right direction is in their increased professionalism and work to make the police more representative. In order to improve, or maintain, public confidence it is important that policing is professional, has legitimacy in terms of representation and adheres to rule of law principles. We believe the quality of training and education that officers receive is central to this.

## Problem

The very idea of policing is in many ways fundamentally problematic for democracy and the rule of law. Controlling the police has always been seen as one of the most difficult aspects of statecraft, as the Roman writer Juvenal’s famous question ‘*quis custodiet ipsos custodes?*’ - ‘who guards the guards?’ indicated two millennia ago (Reiner 2002: 21).

In order to achieve criminal justice in a democratic society it is often assumed there is a choice between a crime control model and a due process model (Packer 1969). On the one hand there is the pressure to gain enough evidence for a conviction (crime control) while on the other hand there is the need to protect the rights of the suspect (due process). How far to the left or the right we travel is a factor in the type of society in which we want to live; that the more crime control we have, the less due process, and the more due process, the less crime control (see also Skolnick 1966). In simple terms it is a balancing act between the pressure to get things done, and the pressure to get things done correctly. Of course it is not a simple dichotomous choice with many other pressures including those of culture, system, politics, public and media. Due process is intrinsically linked to the concept of “rule of law”; essentially characterized by neutrality, equality and universality. And central to ‘rule of law’ is the question of how much

power is given to the public police, and whether this power is used appropriately.

Rule of law as a concept certainly has a lot of political capital. As Carothers (1998) has observed: “The concept is suddenly everywhere - a venerable part of Western political philosophy enjoying a new run as a rising imperative of the era of globalization”. Internationally it is often assumed that democratic countries are more likely to adhere to rule of law principles alongside strict adherence to criminal justice and human rights; and it is the job of developed nations to teach these principles to those less developed. This view is somewhat misplaced, particularly post-9/11 with terror suspects having been held without charge in both the US and UK (certainly a “crime control” rather than “rule of law” emphasis). Following the United Nations Millennium Summit in 2000, the United Nations Secretary-General has reported:

“I strongly believe that every nation that proclaims the rule of law at home must respect it abroad and that every nation that insists on it abroad must enforce it at home. Indeed, the Millennium Declaration reaffirmed the commitment of all nations to the rule of law as the all-important framework for advancing human security and prosperity” (UN Report of the Secretary-General 2005: 35 (para.133)).

Some of these broader discussions are beyond the scope of this chapter. However, the declaration that “every nation that insists on [the rule of law – emphasis added] abroad must enforce it at home” is pertinent. Here we consider police education and training from a rule of law perspective in four developed nations. We take the view that, without educating the police at home, such nations are less equipped to lead by example. This is particularly true in the contemporary climate of globalization in terms of criminal behaviour and international and transnational enforcement arrangements. There is always difficulty in comparing different policing systems as each system has its own history, culture and problems (e.g., Mawby 1990). However, there is value in comparative study; the differences between the systems mean that ways of working can be identified that may not have been considered before.

## Methodology

This chapter draws largely from a series of interviews, observations and conversations conducted by one of the authors between 1998 and 2001 (see also Das and Pino 2007) in Germany, Japan, Switzerland and France. The four countries represent a range of police systems and approaches to police training and, as such, a variety of lessons can be learnt. Evidence was gathered from police leaders, lower-level police officers, and academy instructors about

their training programs. Various levels of police training programs were visited: recruit training schools; training for intermediate level officers; and academies for the training of higher ranking officers. At each level program directors, teachers, and students were interviewed. Interviews were unstructured and all records were anonymized. The data collected was analyzed for key themes, with reference to the literature. The research was conducted within the major cities and centers of police activity in each of the four countries. While the training and education of senior officers is considered, the main emphasis of the chapter is on the training and education of police recruits<sup>2</sup>.

## Policing Systems

In order to understand better the emphasis placed on rule of law in police training and education within different countries, it is important to recognise the diversity of police systems and cultures. To consider the European<sup>3</sup> examples first, there is no uniform system of policing across continental Europe; however, according to Mawby (2003), the traditional European model is centralized. Three main systems can be identified:

- Structurally centralized and militaristic;
- Functional emphasis on political and administrative tasks; and
- Closely tied to government and therefore less accountable to the public or law (see also Mawby 1990; 1992)

The model of public policing followed in France closely follows that of “structurally centralized and militaristic”, although some elements have become more localized (see Journes, 1993). France has two public forces, in theory allowing no one institution to carry too much power. The State Police (*Police Nationale*) come under the Ministry of the Interior, whereas the *Gendarmerie Nationale* has a militaristic emphasis, coming under the control of the Ministry of Defence. The French *Gendarmerie* now also contribute to a smaller European Gendarmerie Force (EGF), formed in collaboration with Italy, Spain, Portugal and the Netherlands - and inaugurated in January 2006 (see [www.eurogendfor.org](http://www.eurogendfor.org)) - to be used in international post-conflict peacekeeping.

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2 This was part of a larger project on police structure, leadership, functions, police-community relations and training which is being published as ‘Cross-Cultural Profiles of Policing’ by Dilip Das. It was recognized by the author that police training and education was one of the most important elements for professionalism of the police.

3 The Interpol website has a useful summary of criminal justice in many European countries; see <http://www.interpol.int/Public/Region/Europe/pjsystems/Default.asp>.

Germany's public police are divided by federal states (or *Länder*). In terms of education and training, each state has its own state police school (*Landespolizeischule*). The unique history of Germany, leading to reunification in 1990, has added extra pressure to police training and education as the West German police took responsibility for the former East Germany. As Harlan (1997) has documented, the East German police system followed a completely centralized model. It may be assumed that rule of law issues were more prominent in the former socialist East; however, things were not clear-cut. Harlan observed that complaints against the police certainly occurred in Western Germany. And even though members of the public in East Germany were "obliged" to forward information to the *Stasi*, according to Wolfe (1992: 97), "it appears that with infrequent exceptions police did adhere to the principles of rule of law". Of course the two nations may have had different understandings of what constitutes rule of law.

Switzerland has a distinctive area-based structure to its public police based on Cantons, and supplemented by various city police and border guard corps. There is slight variation in structure across Switzerland; to put things simply, German-speaking cantons are divided into criminal, security and traffic police, and French-speaking cantons have criminal police (*Sûreté*) and security police (*Gendarmerie*)<sup>4</sup>. Switzerland is often thought of as having low crime. Research by Eisner and Killias (2004) indicates that the Swiss may have a crime rate below the European average, but that this is not especially low. As with many countries, the crime rate rose over recent decades. Police training and education is based within each canton, although where regional differences were observed, these were not substantial. Some further training is now centralized at the Central Swiss Police School (*Zentralschweizerische Polizeischule*). Training was traditionally militaristic, however, the current curriculum at the Central Swiss Police School includes community policing, human rights and professional ethics.

That said, the United Nations has expressed concern about deviation from rule of law principles in some elements of the Swiss police:

The Committee is deeply concerned at reported instances of police brutality towards persons being apprehended and detainees, noting that such persons are frequently aliens. It is also concerned that many cantons do not have independent mechanisms for investigation of complaints regarding violence and other forms of misconduct by the police. The possibility of resort to court action

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4 The Ticino (Italian-speaking) canton has its own geographical system with forces divided by sectors - see [http://internet.bap.admin.ch/e/portrait/pol\\_struktur/i\\_index.htm](http://internet.bap.admin.ch/e/portrait/pol_struktur/i_index.htm).

cannot serve as a substitute for such mechanisms (UN Human Rights Committee 2001).

The supposed unique selling point of the public police in Japan (and the country's low crime rate – although this is rising) is its emphasis on community-oriented styles of policing (e.g., Bayley 1976; 1991; Ebbe 1996); that the West has much to learn from the police's involvement in counselling, advise, mediation and collective responsibility – that the police work with the community. However, according to Aldous and Leishman (1997) and Chwialkowski (1998) this style of policing owes much to post-war reconstruction. Before the Second World War Japan's public police was largely centralized, under direct control of the national government. After the war paramilitary police organizations were disbanded, the constitution rewritten along US lines, and the public police decentralized; "If power could be returned to the local communities, it was theorized, then the powers of democracy would be strengthened in Japan" (Chwialkowski 1998: 724). There have been changes; however, the local emphasis remains. The public police in Japan is divided into three tiers of operation. Firstly there is overall control by the National Police Agency (NPA) – answerable to the National Public Safety Commission of the Cabinet Office. Secondly, there is the regionally divided prefectural forces. And thirdly, public policing is delivered locally via community-centred stations, known as police boxes or koban.

As for the importance of rule of law within the Japanese police, there is no real consensus among scholars. According to Bayley (1991: 4), "the incidence of misconduct is slight and the faults trivial by American standards". However, according to Johnson (2003: 32):

[A] recent wave of police scandals raises doubts about officers' normative commitment to integrity and about previous claims that Japanese police behaviour is "astonishingly good".

The four nations included in this study have policing systems that have evolved in different ways due to various cultural, historical and political reasons. Nonetheless, all should have a common focus on the rule of law; as the United Nations Secretary General has observed, 'the rule of law [is] the all-important framework for advancing human security and prosperity'. (2005: 35 (para.133)). An understanding - and practical implementation - of rule of law, professional ethics and human rights (e.g., Das and Palmiotto 2002; Kleinig 1996; Neyroud and Beckley 2001) is essential for public confidence in policing, and for maintaining legitimacy for policing decisions. However, various policing scandals or reported misconducts have distracted from this, at least in some of the four nations. This chapter focuses on the role of police training and education in getting rule of law messages across. The focus is on

the public police in each country. There has been much research into non-public forms of policing/security - or plural policing (e.g., Shearing 1992; Loader 2000; Jones and Newburn 2005; Zedner 2006). Such developments have occurred within the four countries considered here. Whilst the need for rule of law training for these 'plural' agencies is essential, this falls outside the scope of this chapter.

## Police Education and Training

The education and training of the public police within France, Germany, Switzerland and Japan is considered in terms of four key themes: trainee selection; the background philosophy of training; general organization; and curriculum.

### Trainee Selection

One way to have police officers with greater regard for rule of law principles is to more carefully select raw police recruits. The four countries included in this research were somewhat different in their requirements for new trainees. The requirements varied mostly in the kinds of education needed for eligibility (they also varied by the type and number of examinations that needed to be successfully completed).

To start with Switzerland, in order to attract recruits for the *Kantons Polizei* in Zürich, the school advertises in newspapers and on the radio. There are usually 40-50 applications every month, and an approximate 20 per cent acceptance rate. There is no need for any specific level of schooling, but recruits are required to have had another profession before joining the police and are tested on:

- Knowledge of German and French;
- Arithmetics and geography;
- Political knowledge of Switzerland; and
- Sports and psychological tests.

The sports component is seen as very important. Interviews are held with the chief, the personnel chief, the police psychologists, and others. The requirements for males and females are the same. For the gendarmerie in Geneva there are height requirements, but not for the *inspecteurs* (police detectives in the *Sûreté*).

In Japan greater emphasis is placed on school or university education. For instance, high school graduates receive 21 months training whereas this is reduced to 15 months for university graduates. At the International Research and Training Institute for



Criminal Investigation, recruits need to be college graduates. Thirty percent of the total police personnel have university degrees, and about 50 per cent of the new constables, the lowest ranking uniformed police officers (*Junsa*), have degrees.

In Germany most recruits join the police as *Wachtmeister-anwärter* (trainee constable) after the *Mittlere Reife* (school examination at age 16) – although the situation has changed in many states with the abolition of lower ranks and hiring starting at *Kommissar* level (see Das and Palmiotto 2004). In one area visited, Baden-Württemberg, the following avenues were available for entering the police:

- Those with high school final examination (Hauptschulabschluss) up to the age of 15, plus 3 years in a profession which includes the Vocational School Certificate (Berufsschule) – 15 per cent entered through this avenue, although this has since discontinued;
- Persons with *Mittlere Reife* certificates at age 16 - this accounted for 55 per cent of the students; and
- Those who had completed education in a Gymnasium (at age 19), and had achieved university entrance qualifications - 30 per cent of all police entered through this avenue.

Black and minority ethnic groups are under-represented within the German police (Murck and Werdes 1996). According to recent media reports (e.g., Phalniker, in *Deutsche Welle* 2006) the police in Berlin are trying to address this issue. Non-German recruits have been accepted by the police since the early 1990s; however, the entrance exam is thought to be a barrier to immigrants (with its demand for good high school education and fitness), along with other cultural or psychological issues of acceptance.

In France, the candidates for the 'Guardians of Peace' positions must pass a National Entrance Examination. There are additional age, health, and educational requirements. Candidates must have studied up to Baccalaureate level (although they may not have completed) and hiring takes place on an order of merit based on the results of the entrance examination. Inspectors and Officers of Peace (commissioned uniformed officers) also have to fulfil special requirements in regard to height, weight and other physical characteristics (and Inspectors have to have passed the Baccalaureate examination). *Commissaires* must have completed three to four years of university education and there is a National Examination for this position.

The four countries all have their own style and criteria for police recruitment. How effective each system of recruitment is for gaining candidates in sympathy with rule of law principles is unknown. The psychological testing and the need for some level of knowledge of the political system in Switzerland might filter out some

“undesirable” candidates – depending of course on the type of testing used. That said, this expectation might also filter out certain social or ethnic groups, leading to poor representation. The efforts in Germany to recruit more people from Black and minority ethnic groups is commendable and may eventually lead to a force that better understands minority issues – perhaps improving rule of law application? Japan and France have a strong emphasis on academic education. This may produce candidates that are better equipped to understand rule of law training and this is certainly an area where more research is needed.

## Background Philosophy of Training

If candidates are successful, the training they receive in France, Germany, Switzerland and Japan appears to have an increasing emphasis on community – be it via a focus on community-styles of policing, or broader public-relations awareness training.

However, this was not always the case. In Switzerland, for example, police training has historically been militaristic. That said, the current emphasis is on developing integration of a number of competences:

- Appreciating and understanding emotions;
- Developing sensibility;
- Developing a comprehension of all types of situations that police are likely to become involved in during the course of their work; and
- An equal emphasis on technique and psychological and value-oriented comprehension.

Police training currently emphasizes the use of psychology, citizen involvement, and developing good public relationships. Through this ‘softer’ focus, the community’s, the victims’ and the defendants’ situation is hopefully understood and this in turn leads hopefully to fewer breaches of rule of law principles.

Current police training and education in Japan focuses on community-policing alongside ethics and cultural training. In terms of ‘rule of law’, the ethics training that recruits receive is especially influential. Ethics courses focus on:

- The correction of negative attitudes;
- Warm-heartedness and common sense; and
- A sense of justice, responsibility, and service.

The Hyogo Prefecture Academy and the Tokyo Academy are run in a militaristic and formal manner, with cadets staying in dormitories during the week. However, on weekends the cadets can go home and are now not asked to wear suits and ties (this used to be a requirement). This particular policy is supposed to allow cadets to identify with the rest of their community, especially their own age group. While there is not a specific course covering public relations, it is emphasized through all aspects of training. The staff of the academies are aware that there has been a negative police sub-culture in Japan, and they try to control it.

Police training in post-war Germany had a particular focus on how democracy works and the separation of the powers of the various branches of the government. According to Fairchild (1988), police reform movements tried to include demilitarization, communalization, democratization, and improved community relations and public accountability. More recent reforms have involved community-oriented policing, communication, conflict resolution, and modern management skills and techniques (Feltz 2002).

There used to be a strong emphasis on militaristic discipline within German police training. This has diminished and current training is concerned primarily with education on police laws (university law degrees have a greater focus on general laws). Law is the main focus in the training of lower ranks, and only about 10 per cent of training of higher ranks involves working with people. The police laws tend to be taught within the context of rule of law and democracy; that the State must be built on the rule of law (*Rechtsstaat*) and that democracy (*demokratischer staat*) must co-exist with it.

In France the training of the State Police (*Police Nationale*) has 'generalization' as a guiding philosophy; that the police should be generalists. The objective is to produce officers who can perform all of the required tasks associated with police work (see Souchon 1981). Police officers are given also a general level of criminological understanding. In terms of rule of law principles they are also trained to be:

- Aware of the pluralistic facets of the community; and
- Sensitive to human rights issues.

As the *Gendarmerie Nationale* is in effect a military organization, the training very much reflects this with recruits living in barracks.

The training philosophies of these different countries appear to include rule of law messages, but from different perspectives. Germany, for example, emphasizes the law and the interplay between rule of law and democracy. Japan has more militaristic training structures but emphasizes, for example, positive attitudes, warm-heartedness and a sense of justice. Although Switzerland

had historically a militaristic training emphasis, the police currently receive training in psychology, citizen involvement, and developing good public relationships. And finally, the French National Police are made aware of rule of law issues through training in human rights and multi-culturalism. All four countries have in common an increasing emphasis on community-oriented policing philosophies that focus on working with the public to solve problems.

## General Organization of Training

Each country has different categories of training, and there is variation in duration of basic and on-the-job training. Much of the variation in requirements is related to the preparation for the different specialized tasks, level of previous education, and the general organizational structure of the public police in each country.

In Switzerland there are different forms of training for the criminal police (*Sûreté*) and the Gendarmerie, on-the-job training from lateral appointees, and an emphasis on continuing education. There is also a great emphasis on the role of sports in training. As noted, the public police in Switzerland is based on area Cantons; so too is police training. In the Zürich canton, for instance, recruits train for five months and then take an examination in order to become the lowest ranking police official. They then have to do two and a half years of training with the Emergency Police (*Bereitschaftspolizei*). After that they come back to school for professional police courses (*Polizeifachkurs*) for five additional months. After completing this training, they are given the choice of going to traffic police, or to the prosecutor's office (*Bezirkanwaltschaften*) where they serve as secretary of the examining magistrates (*Untersuchungsrichter*). After four to five years of service, they can choose to work for the *Sûreté*, traffic police or police district (*Bezirk*). In other cantons the training program may vary. For instance, in Lausanne, the *Sûreté* and the Gendarmerie are trained together. Cadets are trained for one year with 90 per cent training in common and 10 per cent devoted to specialization. In Geneva the Training Academy has two parts - one for the *Sûreté* and one for the *Gendarmerie*. After seven months of theoretical training, a cadet remains for three more years as a trainee working alongside a more experienced officer. On average, basic training lasts one year throughout Switzerland, but it can range from five months to two years, depending on the police role and the canton.

At the Hyogo Prefecture Police Academy in Japan, the Personnel Division of the Hyogo Prefectural Police selects trainees. Dormitory accommodation is provided for up to 600 trainees. Across Japan, high school graduates receive 21 months training

(10 months pre-service training, 8 months on-the-job training and 3 months for a pre-service comprehensive course). University graduates have 15 months training (6 months pre-service training, 7 months on-the-job training and a 2 month pre-service comprehensive course) (see NPA 2005). Japanese police officers are divided into uniform police and detectives, with detectives engaging in criminal investigations. After Prefectural Police School, officers can move onto a Regional Police School for Sergeant or Inspector training, and then the National Police Academy for Inspector or administrative training.

Police training in Germany is very much practice-oriented. As noted, Germany's public police is divided across its federal states (or *Länder*). Taking the state of Bavaria as an example, here there are seven police schools, all under the Emergency Police Department. In some other states where lower ranks have been abolished (Hessen, for example) basic police training is given by the Police Technical College (*Polizeifachhochschule*) (after one years training they receive a certificate). Other training can be provided by the common police school (more of a theoretical school). An alternative practice-oriented model first assigns candidates to a police station where they take leave from police work to attend police school for training. Regular training is undertaken in the Police Technical College (*Fachhochschule*) where training lasts for 3 years. If officers do not have University Entrance Qualifications, they must have the Police Technical College certificate. After finishing the Technical College, the pupils go to work with the Emergency Police; however, they are sent to police stations to work when there are no emergency situations.

Training in France has become more professional, has been redesigned to reflect social priorities and is no longer confined to the narrow goals of the police organization. Key areas of concern include having a dynamic approach, awareness of diversity issues and psychological aspects to policing. Police recruits go to a police training school for one year and go through practical training for another year. More emphasis has been placed on continuing education for the officers. French police leaders in supervisory positions and at executive rank are all university graduates. Although university education is not required at the lower levels, more university-educated people are joining the police.

Again, the four countries have their own approaches to training in terms of organization and structure, and there is also some variation within countries. If rule of law messages are to get across to recruits, it is important to appreciate these different contexts. While the variation in the total length of time required to train as an officer may not be too important (beyond the simple observation that the longer the time, the more the opportunity), the different availability of basic, theoretical and on-the-job training will be important. Similarly, the type of organization, be it the practice-

oriented German system, or the wider professional approach of the French system, will make a difference.

## Police Training and Education Curriculum

Differences in training curriculum among the four countries center on how much training is in class versus on-the-job. There are different emphases on techniques, law, psychological exams, public relations, and length in school.

In Switzerland, the curriculum is concerned primarily with the appreciation of emotion, sensibility, and understanding of situations the trainees might find themselves in. There is less emphasis on policing techniques. Along with psychological training, these 'softer' qualities are considered essential for a professional police officer. However, despite the encouragement of a professional approach some police officers are, as noted above, still said to be repressive (e.g., UN Human Rights Committee 2001).

Taking the Geneva canton as an example, those training for the *Sûreté* and the *Gendarmerie* share courses in self-defense and sports, first aid and anatomy. For the *Gendarmerie* a range of competences are emphasized including: computer training, weapons training, physical training, psychology and public relations. Sports instructors have an important role as physical well-being is stressed. Martial arts training is also available.

The training curriculum in Japan has changed little over the past 30 years (Parker 2001) and was very similar at the Hyogo Prefecture Academy, the International Research and Training Institute for Criminal Investigation, and the Tokyo Police Academy. Trainees at the Hyogo Prefecture Academy are given courses in general academic subjects, such as Japanese, geography, and economics. They also take a law class focusing on the constitution, police administration law, criminal and civil laws, criminal procedure, and the law in general. Professional on-the-job training includes patrol, investigation, traffic regulation, crime prevention, and guarding duties. Physical training includes classes on arrest techniques, physical exercise and, where force is required for arrest, the students are taught numerous forms of martial arts, including karate, judo, and kendo along with boxing. There are also shooting classes and riot drill training. About thirty specialist courses are run every year, and last from ten days to three weeks. These courses include traffic, investigation, English language and computing. Of particular relevance to this chapter, ethics classes are also taught, along with community-oriented policing. As noted, the Academy has a very strict militaristic schedule for each day. This discipline extends to the students' personal development. For instance, each Wednesday, an hour-long class is devoted to

personal refinement, including activities such as the tea ceremony, flower arrangement, calligraphy, painting, Japanese chess, folklore, music and poetry.

In the Bavarian *Land* in Germany all stages of training are completed with the Emergency Police. The curriculum is comprehensive and includes the following:

- English (communication);
- Psychological training (how to treat people in everyday situations);
- Information and communication (including computer handling);
- The law (traffic laws, criminal law, police laws and procedures);
- Police work (police duties, rights, filling in forms);
- Criminalistics (interrogation, protection of the crime scene, and collection of evidence);
- Special police laws (environmental laws, asylum law, *etc.*);
- Self-defence and sport;
- Special training (driving, first aid, guard duty, *etc.*);
- Weapons training,
- Group strategy and operations;
- World affairs and elections; and
- Study time (all police trainees live in the academy, although local students can stay at home).

In Baden-Württemberg the police training is less structured, although subjects can include German, natural sciences, communication and typing, psychology and how to work with the public. While some instruction is given in police-community working - including conflict resolution - it is expected that trainees will learn more "on the job". There are also refresher and vocational courses on offer. The present form of training allows a lot of freedom. The downside of this is that trainees may still need to learn a lot of practical work when they arrive at their first station. In Lahr (Baden-Württemberg) an emphasis is placed on policing techniques (*Polizeidienstkunde*) - for instance, filling out the forms, making arrests, how to stop a car, do a search, testify, and other similar actions. Also covered are emergency techniques (how to handle demonstrations, events or disasters). Other areas covered include operational work, working with mentally ill persons and self-defence.

In France there tends to be a dynamic and pragmatic approach to training with courses frequently changing - recent additions being psychology and computing. As noted, officers in the *Police Nationale* are trained to be generalists. In terms of rule of law principles they are also trained to be aware of the pluralistic facets of the community and to be sensitive to human rights issues. In the *Gendarmerie Nationale* there are courses on surveillance, drug

addiction, techniques of investigation, evidence gathering, financial crimes, portrait drawing and detecting the use of false documents. Inspector trainees in the *Gendarmerie* take courses in law, penal procedures, police procedure, “criminalistics”, civil law, police intelligence, legal commentary, sports, self-defence, typing, police techniques, weapons and emergency rescues.

Lessons can be learnt from each of the four countries in terms of their training curriculum. The emphasis that the Swiss police training has on “emotion, sensibility and understanding” ought to be positive for rule of law understanding. From a practical perspective, the coverage of police laws and procedures by the German trainers in Bavaria should give trainees an understanding of what they can and cannot do. If this is taught alongside the conflict resolution covered in Baden-Württemberg then breaches of “rule of law” ought to be less frequent. This of course is an ideal, and this chapter does not indicate the quality of training that is on offer; however, the basic principles remain. Japan leads the way in cultural training and personal development and the Police Nationale in France has training in human rights and multi-culturalism. However, as the riots of 2005 in Paris demonstrated, police-community relations in France are strained in some areas. When and where such tensions occur, it is imperative that the police have a real understanding of rule of law.

## Conclusion

The training of police officers in all four countries includes elements that ought to make rule of law messages more apparent. However, the countries are clearly marked by diversity in how these messages are delivered. As the police in each country is professionally trained, there are some similarities in training curricula, the amount of education needed and other factors. Differences are due to a combination of historical, cultural, political, and other pressures. They are also a result of the different policing structures.

In terms of recruitment, it is important to have recruits that are amenable to rule of law messages. The psychological testing used for Swiss recruits and the strong emphasis on academic education by France and Japan may produce ‘better’ or more able students, although more research would be needed here. The efforts in Germany to recruit more people from Black and minority ethnic groups may lead to a force that better understands minority issues - perhaps improving rule of law application. The German police could look towards England and Wales where all new police recruits are meant to take part in a two-day “attitudinal” course”, “aimed at ensuring they have a healthy attitude towards people from different



backgrounds”<sup>5</sup>. England and Wales has also been actively recruiting from Black and minority ethnic groups.

While all four countries included in this study have an increasing emphasis on community, there appears to be three distinct training philosophies. Firstly, in Germany the emphasis is on the law and the interplay between rule of law and democracy (see also Das 1998). It may be important for students to understand what they can and cannot do under the law; however, there is a risk that this is at the expense of training centred on police-community relations. The conflict resolution training provided in Baden-Württemberg goes some way to address this issue. Both Japan and Switzerland have a more militaristic tradition. Despite this, training in both countries focuses on community, including such things as positive attitudes, a sense of justice, good public relations and citizen involvement. The third approach is provided by the French, with rule of law issues presented through training in human rights and multi-culturalism. There are not necessarily any right or wrong ways of doing things and rule of law messages are apparent in all three training philosophies; however, it appears sensible to tackle the issue from all angles possible.

The four countries have their own approaches to training in terms of organization and structure, and there is also some variation within countries. If rule of law messages are to get across to recruits, it is important to appreciate such local contexts, especially in terms of the availability of basic, theoretical and on-the-job training. Similarly, the type of training organization is important, be it, for example, the practice-oriented German system, or the wider professional approach of the French system.

Lessons can be learned also from the training curricula of each country. For instance, the emphasis that the Swiss police training has on “emotion, sensibility and understanding” ought to be positive for rule of law understanding. The conflict resolution on offer in Baden-Württemberg is an important development, of course depending on the quality of that provision. Japan’s inclusion of cultural training and personal development may make recruits more aware of wider societal norms and values (e.g. Sellin 1938). And the training in human rights and multi-culturalism provided for the *Police Nationale* in France may similarly help to make rule of law breaches less frequent.

However, none of the four systems are perfect and they really ought to be described as “works in progress”. As noted above, in Switzerland there have been concerns over police brutality. This has been a concern also in Japan, along with corruption and nepotism (Johnson 2002: 2003). The riots in Paris and other major cities in France during 2005 have shown that - despite all the

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5 See [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk).

training in multi-culturalism - police-community relations can still be strained. In Germany, there has been the added pressure of policing a reunified country and inheriting police organizations with very different histories, cultures and, perhaps, understandings of rule of law.

There are pressures on the public police through increases in the privatization of security. There are also many external pressures due to the globalization of crime and law enforcement. Numerous countries are facing rapid change and challenges to accepted rule of law principles; police organization and training must be aware of these realities and the renewed tension between rule of law/due process and crime control. That said, the United Nations has produced a set of standards and norms for crime prevention and criminal justice (UNCJIN 1999), and rule of law is very much part of these standards.

Where the four countries appear to be heading in the right direction is in their increased professionalism (and improvements to police training are central to this) and in work to make the police more representative, particularly in Germany. In order to improve, or maintain, public confidence in the public police it is important that the service the public receives is professional, has legitimacy in terms of representation and, finally, adheres to rule of law principles.

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