

Session One: Effective Administration of the Police

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CRIMINAL INVESTIGATIONS IN JAPAN

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I. INTRODUCTION

Recently, public security in Japan has been severely challenged by the sudden increase in the number of offenses and the remarkable decrease of the clearance rate.

For example, according to the latest “White Paper on Police 2002”, the number of Penal Code offenses known to police in 2001 was 2,735,612, which shows a significant increase of 57.0% (993,246) over the last ten years. This is the highest level since the Second World War.

On the other hand, the number of Penal Code offenses cleared in 2001 was 542,115, that is to say, the clearance rate was 19.8%. This is the lowest level since the Second World War. In Japan, until the 80’s, the clearance rate had been kept at about 60%, but in the 90’s, it decreased to about 40%.

We can say that such circumstances threaten the myth that “Japan is the safest country in the world”.

Of course, the general crime situation in Japan is not so serious compared to other countries. For example, the rate of homicide was only 1.1 in 2001 (compared to 5.7 in the United States in 1999) and the clearance rate for homicide is 94%. The number of police officers killed on duty is about 10 per year (including traffic accidents) and the number of cases of a police officer firing his gun on duty is only about 10 per year.

Moreover, in my eyes, Japanese police still maintain good investigation techniques in spite of the changing environment surrounding criminal investigations.

In this presentation, I would like to talk about the environment and the background to police criminal investigations (Part1). After that, I would like to look at the characteristics of criminal investigations by the police (Part 2).

II. THE ENVIRONMENT AND THE BACKGROUND TO POLICE CRIMINAL INVESTIGATIONS

A. Limited Legal Competence

In Japan, the legal competence of the police is strictly limited compared with other foreign countries.

For example, we don’t have any competence to “arrest without warrant with probable cause” like in the United States or other common law countries. We also cannot take measures, such as identity control detention in European countries or other continental law countries. There

is no “plea bargaining” nor “immunity” like in the United States. Concerning telecommunication interception (wiretapping), a law was not enacted until 1999, but because of the very strict requirements of the law, there have only been two cases until now. We don’t have any special laws against terrorism. The suspect has the right to remain silent and to communicate with defense counsel whilst in detention.

This situation makes the investigation difficult, especially investigations against organized crime. In order to further investigations into the structure of criminal organizations, we often have to arrest suspects for conspiracy with their subordinates. But it is generally difficult to get confessions from both high-ranking members and subordinates without measures such as plea-bargaining or immunity. In Japan there are still about 84,400 members of criminal organizations (Japanese mafia, Yakuza, Boryokudan). In order to fight against them, it is necessary to introduce new legal or investigation measures.

B. Minute Justice (*Seimitsu Shiho*) and the Pressure from Society

In Japan, the examination of evidence during the trial process is extremely strict and severe. This situation is often called “Minute Justice”(*Seimitsu Shiho*). At the same time, Japanese society and the mass media blame the police in cases of not guilty or non-prosecution by reason of insufficiency of evidence. In 2000, the percentage of suspects found not guilty stood at only 0.04%, and the rate of non-prosecution for reason of insufficiency of evidence was about 6%. Once a not guilty verdict is pronounced, major newspapers often go on a campaign to blame the police. In such a situation, for most people in Japanese society, arrest means guilty. So, the Japanese police very carefully execute their powers of arrest. In 2000, the total number of cleared penal code offences was about 309,000, but the number of arrested offenders was only about 86,000. This is to say, about 72% of total cleared offenders were not arrested. In those cases, only documents were sent to the prosecutors.

C. The Burden of the Police Criminal Investigation

On the whole, the Japanese police must collect a lot of evidence in spite of their limited legal competence, and in many cases, without arresting suspects. In 2000, the National Police Agency researched 4 police stations about the quantity of documents in an investigation of larceny (such as reports by investigators, written statements of suspects and witnesses, forensic reports, etc). The average quantity of documents was about 96 pages per offence. For arrest cases, the average was about 163 pages per offense. This number is not per offender but per offence. Generally one thief commits several larcenies, so police must prepare hundreds of pages of documents for one offender. Of Course, for more serious crimes such as homicide or big white-collar crimes, the police must prepare many more documents.

Under such circumstances, the Japanese police have developed investigative abilities, such as techniques of interrogation, forensic investigation and analysis of criminal data, etc. Investigations by the police in Japan are sometimes criticized for having too much interrogation (a suspect’s maximum term of custody before indictment is 23 days). But we must not forget that a high level of verification is necessary under Minute Justice (*Seimitsu Shiho*) in spite of the limited legal competence of investigations.

D. Cooperative Attitude of Citizens

This is another important point. One reason for the success of investigations by the police

is the cooperative attitude of citizens. For example, in many cases, even if suspects are not arrested, they accept questioning by investigators, and furthermore, many suspects confess because of remorse.

Within this situation, it is true that the police have generally kept the confidence of the citizens.

In 1977, Kyoto University did a survey. The question was “who are the defenders and who are the aggressors of human liberty and human rights? ”. Among the 12 choices (police, courts, government, local government, political parties, mass-media, big business, trade unions, trade associations, influential persons in the community, neighbours and family), respondents could choose two answers. Police were the first as the defenders! The second was the family and the third were the courts. The police came ninth as aggressors (the first was the mass-media and the second was big business).

In 2001, the average success rate in the recruitment examinations for constables (policeman) was about 8%. The number of candidates was about 159,300 and the success rate was about 13,200. Among the successes, about 9,300 (70%) have university degrees.

The average salary of a police officer (42 years old) is about 532,000 yen (4,360 US dollars) per month, it is relatively high (about 20% more) when compared to public officers or school teachers.

E. Honest Handling of Citizens' Requests by the Police

With such a good relationship between the police and citizens in general, the police can honestly treat complaints and requests from citizens impartially. Once the police receive complaints from citizens, they must execute the necessary investigation, and the documents of the investigation must be kept.

Even if police officers in uniform receive complaints or requests about offences, the documents are sent to the investigation section. That's the same for an emergency call (Dial 110). In 2001, the number of Dial 110 calls received was about 8,716,000 and the average “response time” was 6 minutes 22 seconds. If the intervention of investigators is necessary, we send officers from the investigation section. Of course, all the records (documents) of Dial 110 calls must be kept. Such efforts have been one of the reasons for the high clearance rate in Japan.

But in 1999 and 2000, several big police scandals occurred. For example, in a case called the “Okegawa incident”, a young university woman who had been stalked made a complaint several times to the nearest police station. But the investigators at the police station did not adequately investigate in spite of her and her mother's requests. Finally, this young woman was killed by the stalker. In another case called the “Ishibashi incident”, a high school boy was taken away by his friends and for two months detained and assaulted by them. The parents of the boy often asked the nearest police station to search for their son and complained about their anxiety. But the investigators at the police station also did not adequately investigate. Finally, the boy was killed. The public strongly condemned the police for the neglect of their duties.

After several police scandals, in 2000, we decided to reform the police in several ways. For example, Police Station Councils were organized at every police station. The purpose of the council is to reflect the opinion of community residents in the police administration. Also, with

this reform, when citizens make a complaint or a request by documents, the police must treat it honestly and respond in a way which is documented.

The police have to do a self-examination and sincerely review the relationship between police and citizens. I hope that a similar case never occurs in Indonesia.

F. The Changing Circumstances

1. The Increase in the Number of Offences

At the beginning of the 21st century, the circumstances surrounding investigations by the police are changing remarkably. Concerning the number of penal code offences, the situation is as follows:

<i>Year</i>	<i>Number of penal code offences</i>	<i>Crime rate</i>
1975	1,234,307	1,102
1990	1,636,628	1,324
2001	2,735,612	2,148

And the number of offenses cleared is as follows:

<i>Year</i>	<i>Number of offenses cleared</i>	<i>Clearance rate</i>
1975	713,031	57.8%
1990	692,593	42.3%
2001	542,115	19.8%

But we must pay attention to the fact that most of the offences are larceny. In 2001, 85.6% of the total penal code offenses were larceny.

As regards serious offenses (homicide, robbery, arson, rape), the situation is as follows:

<i>Year</i>	<i>Number of offenses</i>	<i>Crime rate</i>
1975	9,702	8.7
1990	5,930	4.8
2001	11,967	9.4

We kept the clearance rate of serious offenses at about 80%, but in 2001, it decreased to 61.2%. However, the number of offences cleared and offenders cleared is increasing for serious offences. That is because the police attach more importance to such serious crimes. Especially, concerning homicides, we still have a very high clearance rate of about 95%.

At the moment, the police cannot cope with the increase in offences. Because of the sudden increase in offences, our government has decided to increase the number of police by 10,000 as an emergency measure, but this is still not enough. The number of police officers is

limited, so we have to shift our attention to serious crimes.

2. New Requests from the Public

The “Okegawa incident” (stalking case) was a major reason a new law was passed in 2000 to control stalking. In addition to this law, a new law to prevent child abuse was passed on October 2000 and a new law to prevent domestic violence on April 2001. Sometimes the police thought such cases were civil cases and did not treat every case as a serious offense. But recently, the public’s requests took shape in these laws. The police must properly enforce these laws not only with criminal investigations but also by various administrative measures like warnings or cessation orders, etc.

The citizens can also ask for counseling or consultations with the police for their complaints, troubles and various other needs. We call these “Police Security Consultations”. The number of these consultations has increased remarkably recently. In 1999, it was 343,663, in 2000, it was 744,453 and in 2001 it was 930,228. In general, we must respond adequately to these requests. Such activities are the basis of the strong relationship that exists between the police and the public. But in reality, there are many cases which are not always suitable for the police (for example, stray dogs, noises, bees’ nests, etc). This situation poses a difficult question for the police administration.

3. Victim Support

Recently, victim support has become important during the process of investigation. In 1996, the National Police Agency adopted the “Guidelines on Relief Measures for Crime Victims”. Under these guidelines, the Japanese police have developed many victim support programs in the field of investigations.

I would like to show some examples. Police:

- (i) Provide crime victims with a brochure produced for crime victims which includes useful information such as an outline of the criminal procedure, victim assistance programs, etc;
- (ii) Inform crime victims of results of the investigation under the victim liaison system;
- (iii) Promote police counseling services to crime victims, such as the establishment of a nationwide hot-line telephone (the number is the same everywhere, #9110) for counseling of crime victims and the assignment of specially trained officers and counselors who have knowledge and skills in psychology or counseling;
- (iv) Remodel interview rooms to help victims relax, especially victims of sexual offences (for example, setting up sofas, changing the lights and changing the color of walls, etc);
- (v) Improve the investigation of sexual offences by assigning female officers who specialize in such offences;
- (vi) Develop networks with administrative authorities, medical institutions and private victim support groups.

We also have a compensation system for crime victims which was established in 1981. For example, survivor benefits are paid to the bereaved family of victims who lose their lives. The maximum amount is 15,730,000 yen (about 129,000 US dollars). There are two other benefit systems for disabled victims (18,492,000 yen maximum) and injured victims (payment of medical expenses for up to 3 months).

III. THE CHARACTERISTICS OF CRIMINAL INVESTIGATIONS BY THE POLICE

A. Organized Investigations

1. The Important Role of Higher Ranking Police Officers

In Japan, the role of higher ranking police officers such as police inspectors or police superintendents is very important. For example, only designated police officers whose rank is above police inspector can directly ask for warrants of arrest from judges. Just after the Second World War, all police officers had such competence, but the abuse of this competence of arrest was severely criticized by the people. So, in 1953, we changed the system of asking for warrants. Since that time, higher ranking police officers have carefully examined the reason (sufficient evidence) and the necessity (possibility of escape or destruction of evidence by suspects) before asking for warrants of arrest.

2. Investigation by Teams

Higher ranking officers also play the role of commanders and coordinators of investigations. We generally do not leave each investigation to one police officer. Small teams are organized for investigations (for example, the chief is the police inspector, and under his command, several officers such as assistant inspectors, sergeants, senior policemen and policemen work on the same incident.).

3. The Ad Hoc Investigation Headquarters

In cases of important, serious or complicated crimes like homicide or big white-collar crimes, ad hoc investigation headquarters are set up. Several, tens or over one hundred investigators are mobilized, and during a short period, an intensive investigation is executed. About one hundred and thirty or one hundred and sixty investigation headquarters are set up for homicides per year. For such important crimes we do not leave it up to the police station - the investigation section of the prefectural police headquarters commands and coordinates the investigation.

4. Mobile Investigation Group

It is very important to collect evidence and interview witnesses just after a crime incident occurs, that is to say, at the very beginning of an investigation. For this, mobile investigation groups are organized to execute 24 hour and quick investigations. About 2,700 investigators are assigned to this group throughout the country.

5. Emergency Deployment Orders

When a serious crime occurs, police officers in uniform are also mobilized. The communication command center issues an emergency deployment order. Police officers are mobilized to conduct searches, interviews and surveillance. In 2001, the police cleared about 3,000 incidents by emergency deployment orders.

6. Advice and Guidance to the Frontline

The National Police Agency and each prefectural police headquarters play the important role of giving advice and guidance for investigations. At the sections such as the investigation planning section, police officers who have good legal knowledge and enough experience in the frontline are assigned to this mission. They give advice to the frontline in order to maintain the legitimacy and adequateness of the investigation. They also analyze the cases where there is a not guilty verdict and non-prosecution for the reason of insufficient evidence, in order to correct the problems of investigation.

B. Forensic Investigations

Japanese police have highly developed forensic investigation techniques and have accumulated various data for analysis. The National Research Institute of Police Science attached to the National Police Agency and the Criminal Investigation Laboratory organized under each prefectural police headquarters, conducts research and development of scientific investigations. I would like to pick some examples.

1. Crime Scene Identification

It is imperative that there is careful and persistent examination of the crime scene using the latest identification techniques and equipment, and the execution of a forensic investigation of the physical evidence and traces left by a suspect at the crime scene.

At each prefectural police headquarters and police station, specialists are assigned for this mission with expertise and skills in fingerprinting, foot printing, photographing, forensic medicine and physicochemical analysis.

Mobile identification task forces are also deployed in each police headquarters in order to provide 24-hour, quick and efficient examination and analysis.

2. Identification of Minute Objects

It is very important to collect all possible evidence left at a crime scene and to carry out a forensic investigation to prove the case.

To aide this investigation, in 1986, the National Police Agency established the Material Identification Center. This center contributes to the analysis of detailed evidence by;

- (i) collecting advance specimens of fibers, paint chips, agricultural chemicals, medicines and other materials;
- (ii) creating databases of the specimens using precision analysis and manufacturer's product information;
- (iii) specifying objects and manufacturer's of minute materials by reciprocal comparison of analysis data of minute objects and databases.

By these efforts, for example, we can identify the type and the manufacturer of clothes from minute fiber.

We have also developed DNA identification methods, which make it possible to identify

an individual with a high degree of accuracy from a tiny piece of material (for example, from a strand of hair).

3. Fingerprint Identification

The National Police Agency has developed an automated fingerprint identification system (AFIS) based on highly precise and computerized pattern recognition technologies. It is a powerful tool in identifying suspects from fingerprints lifted at crime scenes.

We introduced this system in 1982 and began registering fingerprints of criminals into the system at that time. Before then, specialists identified fingerprints visually. But by this system, we can rapidly process large volumes of fingerprint data. In order to attain real-time processing of fingerprint registration and inquiries, in 1997, the police launched a program to fit every police station throughout Japan with an optical scanner, which is able to quickly read fingerprints and match them with fingerprint data stored in computer databases. This program was completed in 2000. The prefectural police headquarters terminals connect on-line with the National Police Agency's Fingerprint Identification Center via satellite communication.

At the moment, every year, about 10,000 fingerprints (fingerprints left by suspects, corpses, etc.) are identified with the fingerprints stored in databases using this system. This year, the police have also introduced the same system for palm prints. This system is also very helpful for the investigation of crime.

4. Automatic Vehicle License Plate Number Reading System

The police occasionally stop cars at checkpoints in search of crime-related and stolen cars. However, it takes time for checkpoint preparation and implementation, and it causes traffic congestion. The police have developed an automatic vehicle license plate reading system that reads the license plate number of a vehicle and checks it against stolen or wanted vehicle data.

5. Methodical (MO; *modus operandi*) Investigations

The Japanese police have a long history in methodical investigations since 1936. We have already over one million methods mainly for larceny, robbery and sexual offences. For example, for larceny, 27 methodical points are registered for one thief. Examples of these points are as follows;

- (i) From where does he/she enter? Entry door, window of the bathroom, etc.
- (ii) What tools does he/she use? Screwdriver, wrench, etc.
- (iii) The characteristics of ransacking (searching). Scattering or littering, put back items as before, etc.
- (iv) What time does he/she steal? Early in the morning (from sunrise to 9), afternoon (from 13:00 to 1 hour before sunset), etc. (there are 8 patterns)

This methodical investigation is very helpful especially for habitual offenders. The National Police Agency has established databases on optical disks, so investigators on the frontline can easily search for the necessary information.

6. The Criminal Information Management System

This is a 24 hour on-line and real-time computer system. By using this system, police officers on the frontline can obtain the necessary information (the name of the wanted person, the number of the wanted vehicle, etc) in real-time by telephone, radio or the computers installed in police stations and patrol cars.

C. Countermeasures Under the New Criminal Situation

Recently, various new criminal phenomena such as high-tech crime, international terrorism and the increase of crimes committed by foreigners threaten Japanese society. But here, I would like to point out a few things.

1. The Establishment of a Cyber Force

It is necessary for the police to equip themselves with high technology against cyber terrorism and other high tech crimes. For this purpose, in 1999, the National Police Agency established a High-Tech Crime Technology Division and opened a High-Tech Crime Technological Support Center in the division as a national core unit of high-tech criminal investigations. Moreover, in 2001, the police created Cyber Force as a mobile technical unit for high-tech criminal investigations. There are about 60 specialists in this force. They work 24 hours to watch and monitor signs of cyber terrorism and also develop new preventive technology by accumulating the latest information about high-tech crime.

At each prefectural police headquarters, a project is organized to coordinate the various activities against high-tech crime. For example, the police go on Cyber Patrol (watching illegal information on the internet) and assign an Information Security Advisor who gives support and advice to the public. In 2001, the police cleared 810 high-tech crimes such as child pornography on the internet, and received 17,277 counseling calls about high-tech crime.

2. The Sting Operation (Undercover Operation) in Criminal Investigations

In Japan, the sting operation has not been so popular although it has been judicially authorized. However recently, due to the increased smuggling of stimulants, the police have begun to use this method. This year, the Metropolitan Police Department arrested 8 Iranian drug dealers by this method.

IV. CONCLUSION

This presentation sketched only an outline of the characteristics of criminal investigations by the Japanese police. This is just one aspect of the wide-ranging countermeasures against crime. There are many other activities such as crime prevention, community policing, security police, etc., but unfortunately I do not have enough time to talk about this.

I hope that this paper helps you understand the efforts of the Japanese police in criminal investigations. I also hope that my presentation is a little helpful for our colleagues in the Indonesian police.

V. APPENDIX

A. The number of police officers, police stations, police boxes (2002)

In the National Police Agency; 1,524 police officers, 5,101 administrative officers

* The National Police Agency plays the role of policy making, coordination, support for various systems and the budget, etc.

In the Imperial Guard; 920

In the Prefectural Police; about 238,000 police officers, 29,126 administrative officers

* The Prefectural Police (Tokyo Metropolitan Police Department and another 46 prefectural police) are law enforcement offices.

* The biggest one is the Tokyo Metropolitan Police Department with about 41,000 police officers, and the smallest one is Tottori Prefectural Police with about 1,100 police officers.

We have one police officer per 541 people, on average.

The number of women police officers; about 9,400

The number of woman administrative officers; about 12,200

The number of police stations; 1,269

The number of police boxes (*Koban*); 6,623

The number of residential police boxes (*Chuzai*); 8,070

B. Ranks of Police Officers

Commissioner General of National Police Agency

* This title is not a rank, but it is the highest position in the Japanese police.

Superintendent General of the Tokyo Metropolitan Police Department

Superintendent Supervisor

Chief Superintendent

Senior Superintendent

* Only 0.3% of police officers have a rank above Senior Superintendent.

Police Superintendent (about 3%)

Police Inspector (about 7%)

Assistant Police Inspector (about 30%)

Police Sergeant (about 30%)

Senior Policeman and Policeman (about 30%)

C. Amount of Equipment

Police vehicles (cars, motorcycles, etc); about 35,000

Police boats; about 200 (from 5 to 23 meters in length)

* In Japan, the Coast Guard is mainly responsible for policing the waterways and ocean.

Police helicopters; about 80

EFFECTIVE ADMINISTRATION OF THE POLICE

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Within the context of Indonesia today I think it will better if the title of this paper read “Effective Administration of the Police in an Age of Transition”. This paper comprises of an introductory part, a short description of the present situation in Indonesia, the withdrawal of the police from the military, the administration of the police in urban and rural communities, and finally the problem of riot control.

Indonesia today is in the midst of a grave transition. This country has decided to embark on a process of recovery after being governed by an authoritarian *cum* repressive government. Indonesia is now a country heading towards a more democratic society. Following this process, the administration of the police carries a heavy charge in order to achieve the successful accomplishment of the process. POLRI (the Indonesian police force) is now challenged to police a society being reformed and transformed towards a more democratic country. The process has its own dark side. For instance, people are getting more bold and fearless in challenging the police, even physically. This is usually called “the syndrome of euphoria of freedom”. Besides all that, at the same time, the police as an institution are also facing a huge task of transforming themselves to become a genuine and authentic police force. No previous experience can function as a guide.

Especially for our foreign guests, it will be in order to give a short explanation why the police are now engaged in doing their utmost to become a genuine police force. There can be no question of an effective police administration without first having a genuine police force. By genuine police force I mean a distinct public agency called the police. There is no police force without a distinctive police task. This distinctive task is to protect and to serve people which amounts to the special task called policing.

Since the mid 1960’s POLRI has gradually been integrated into the Indonesian military force. The police have since been a part of the military force. This was a heavy blow the police had to suffer, since an independent, distinct and professional police force was slowly fading away. To be a policeman, the would-be personnel of POLRI had to follow military training. This was the course the police academy also had to follow. Forty percent of the curriculum was composed of courses on military skill. No wonder that in the past the police performed their job more as military than as a genuine police force.

It’s only since 1999 that POLRI has been withdrawn from the military force and thus regained their independence as a distinct force different from the military. Thus the Indonesian police of today are in the midst of a grave period of transition to move away from military behavior and culture. The most difficult and important task is changing the old military performance into a more protecting, serving and caring police behavior, which means introducing a new police culture.

Even though POLRI has been separate from the military since 1999, the process of withdrawal has not yet been completed. The police still do not enjoy the full freedom to organize and administer the job of maintaining order in the country. Up until today the Indonesian police

still do their work too much in the shadow of the military. Although Indonesia is not a country in a state of war, the territorial police commander has to, to some extent share the task of maintaining order with the local military command. And it is common knowledge that the military commander usually has the upper hand.

I am very much aware that as a legacy of the past administration, the army have had far more say than the police, even in the administration of law and order, it is far from easy to complete a rapid and total reform. After more than thirty years under the administration of a quasi-military regime the transition toward civil order will take a lot of time. Some estimate a time period of not less than three generations. Apparently we have to be patient and POLRI must wait until that moment comes to become the real master of the administration of law and order in this beloved country.

As an outcome of the discussion above, we may conclude in this part of the paper, that we have to change our focus from the effective administration of the Indonesian police to the question of developing the Indonesian police to become an independent and distinct police force. So the most important thing if we want to talk about the effective administration of the police in Indonesia today is to help accelerate the above mentioned transition.

In the following part of this paper allow me to talk about the question of the effective administration of the police in relation to the structure of society in Indonesia.

Indonesia is a plural society not only because it is constituted of different ethnic and cultural groups, but also in terms of the different levels of development of the islands constituting the archipelago. Java is considered to be the most developed region compared to the other islands. Since the colonial period Indonesia (at that time, "*de Nederlands-Indie*") was divided into Java and the outer islands.

Another social portrait of this country is a structure divided into the urban and rural sector, which sometimes takes an extreme form. Jakarta is the most modernized part of Indonesia, while some other parts still live in a pre-modern state or condition, like most parts of Irian Jaya. Up until independence the Indonesian economy was described as a dual economy, constituted of the urban capitalist sector and the traditional rural sector.

Today it is still important to take the urban and rural sectors into consideration when we talk about the effective administration of the police, especially because of the serious difference between the two types of social structures mentioned above.

In relation to the urban sector we can easily talk about the necessity that the police should perform their job effectively. It will be different if we talk about policing in the rural areas. We will be confronted with different questions other than just the effective administration of the police.

In the urban sector the performance of the administration of the police will be mostly measured by the rule of effectiveness. Police performance is measured by things like the ability of the police to quickly respond to calls for help.

In the rural community the police will be confronted with a life far from being individual and rational as in the urban community. The structure of a rural community is far more collective than individual. Consequently the police are expected to employ a different kind of approach than

the rational one. Affection and closeness to the people are considered to be more important than effective administration of the police. I think people in the rural community like to keep close and friendly relations with the police rather than seeing the police doing their job effectively.

And now we come to the final part: POLRI facing the mounting incidence of rioting. As we mentioned at the outset of this paper the police have to deal with the uncertain outcome of the country's struggle for democracy. At the grass roots level this political process takes form in the outburst of freedom of speech and to do whatever you like. These freedoms of action are also expressed in the form of acting fearlessly in disrespect of the authorities and challenging the public institutions, among others, the police. Indonesia has no precedent for this kind of behavior. And of course the police also don't have experience in managing these sudden outbursts by people having no deference or fear towards them. These are not the same as handling the "normal riots" the police are used to.

To make things worst, the police do not really know what to do since they are also reminded to guard the process toward democratization, which means that they should employ the use of force carefully. The police have to face the intense scrutiny of the human rights community. All those factors taken together throw the police in some kind of a state of frustration.

Despite all of these challenges and difficulties, I think the police are beginning to rethink what they have done so far. They know that violent policing or relying merely on force can no longer be considered a good or proper way of policing. History has told them to develop a humane type of policing. This is a trend lending more toward protagonistic policing. People should be considered as an important factor in pursuing the success of policing. Effective administration of the police is not the same as considering the lot of people as a necessary cost for achieving successful policing. People are also genuine stakeholders in the effective administration of the police. But to strike a balance between people and police is the most difficult thing for humane policing.

EFFECTIVE ADMINISTRATION OF THE POLICE FOR THE IMPROVEMENT OF AN INTEGRATED CRIMINAL JUSTICE SYSTEM

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A discussion as to the effectiveness of the Indonesian police administration today is really important and urgent because the Indonesian Police (POLRI), in this reformation era, are facing a heavy and challenging duty. This is a consequence of major changes in the Indonesian police' duties and the demand for reformation.

As we know, during this reformation era in Indonesia, there has been a change in the government and the administration environment. Starting from this complex change, in my opinion, there are at least two things that strongly influence the Indonesian police' job. They are to realize the existence of the demands of the civilian police and the demands for regional autonomy.

Firstly, to fulfill the demands of the civilian police, it is necessary to separate the Indonesian Police (POLRI) from the Indonesian Armed Force (ABRI/TNI), based on the TAP MPR No. 6 and No. 7, 2000. This separation has a profound effect on the management of the police administration. It is a complicated problem, in that it is not only a matter of the structure of an organization, or the regulation of police duties, but the most important thing is to change the Indonesian Police's culture which is embedded in the era of POLRI when it was still a part of ABRI/TNI. On the other hand, the separation of POLRI from ABRI/TNI has also doubled the Indonesian Police's work.

Secondly, we can see that the reformation has also pushed a demand for regional autonomy, and re-management of the police department that during this time is centralized. It is considered urgent to change it to become a regional police force as regional autonomy demands.

Arguments on a centralized system as opposed to a regional system need to be considered in order to re-manage the police administration. Both of these problems will become the main ideas for the discussion on the effective administration of the police in Indonesia today. But to consider a wide area of police duties to handle public order and law enforcement, the discussion will be limited to the problem of police administration due to the integrated criminal justice system. The focus of discussion will be more about repressive action. Public order and crime prevention will not be discussed here.

In the criminal justice system, POLRI is the sub-system that plays the role of investigator, the police stand in front to any linked justice process. They consist of investigation, prosecution, judicial proceedings and sentencing.

The division of POLRI that handles investigation is *Badan Reserse Kriminal* POLRI. It could be said that the capability of the police investigator in handling criminal cases could be the measurement of success of an effective police administration.

A. Transforming POLRI into a Civilian Police Force

POLRI was formed as an organization that is centralized with a head chief (KAPOLRI) who controls all of the police regions through a hierarchy. With the principle of “one command”, it is a very familiar sound during the era of POLRI still under the structure of the Indonesian Armed Force (ABRI/TNI) and its organization is similar to a military organization, so that it could not avoid military custom and it was a big influence on the POLRI environment. The difference between military culture and police culture, briefly, can be shown as follows:

	Military	Police
Motto	- To kill or to be killed	- Put the criminals in jail
Value System	- Corps honor is the main priority	- Law enforcement is the main priority
Work Method	- Commander responsible - Wait for an order/a command	- Individual responsibility - Discretion
Main Tools	- Weapons/Machinery	- Investigation equipment

The examples above show how the police duties/jobs, (which consist of a value system, work method and main tools needed) are very different to the military's.

If the Indonesian Police are still following a military approach, it will go against the demands of the reformation.

Being aware of how necessary efforts to change that culture are, POLRI in this reformation era has applied three strategies that consist of the cultural aspect, the structural aspect and the instrumental aspect. The cultural aspect is likely to take the longest time to change.

To change the old culture that has been embedded in POLRI, in the era of democracy and human rights protection, we need more time to understand and build new values. We also need to change the education curriculum and the recruitment system (especially to decide the selection criteria of new staff of POLRI) etc. All the processes need a long enough time for the transition to proceed.

The changes cannot be realized immediately, a part of society is not aware of this. Some of them assume that POLRI will be much better after the separation from the TNI. Unfortunately some people still do not understand that to build a good POLRI takes a long time. This high expectation may cause demands on POLRI to show big successes after the separation. This factor also will be a big disappointment to the people. Slower development and improvement to the capability of POLRI is also caused by a bigger burden of duties on POLRI after the era of separation. POLRI must now handle all the problems and duties which before were shared with TNI.

This situation demands a more intensive effort in the POLRI environment itself in order to manage its own organization, and to seek the understanding of society about this transition that may need more time. Through this understanding we hope there will be participation from all sides to help speed the change to a civilian police force as required by all the people.

Having a big burden of crime during the era of reformation could become a consideration

to any effort to increase the effective police administration. From the criminal data reported (crime total), during the year, there were 250,000 cases while the amount of investigators who were handling cases was only about 20,000 persons. That means the crime load for every investigator is more than 12 cases per year.

According to experience, the average time to process a simple case handled by four investigators is at least a month. This means an investigator in Indonesia may finish three cases per year, so the total number of cases finished per year is only 60,000. Thus, the capability of investigators is only 25% of the reported cases. We also could explain that handling a case may take time since receiving the report, checking witnesses, chasing the suspect until filing a report. What we mean by a simple case is a case that has only one or two suspects. A case that needs more investigation, has more suspects and requires chasing out of town or the country may take more time. Many other big cases need more investigators, for example a bomb case like in Bali, or a mass crowded conflict in cities etc. In that case we need to add more investigators and an improvement of our capability has become a main priority in order to develop the POLRI Investigations Division.

Being aware of how important it is to recruit more investigators and to improve their professional capability, the POLRI headquarters has applied a strategy to develop and enlarge the *Badan Reserse Kriminal*. It is projected that later on POLRI will be divided into a uniformed branch and a plain clothes branch. Each division will be led by a three star senior general. It is expected that they will increase the capability of the investigators and the uniform police equally.

To enable the above changes the following is necessary:

- (i) Restructure the investigation organization with a principle: To enlarge the basic capability in the regional offices and improve the special capability in headquarters. The improvement of the quantity and the quality of the investigators regionally and to focus on the capability of handling traditional cases and criminal cases that commonly happen in that region. While in the headquarters, the investigators capability is to focus on serious crime, interregional crime, national crime and trans-national crime.
- (ii) Adding more investigators through a distribution system proportionally. The distribution of investigators now is not based on the standard requirements but is appropriate to the burden of jobs for each region.
- (iii) To improve and enrich the professional capability through special training in and outside the country. It is expected that every branch of specialist investigators will later on be able to develop and recruit experts due to the more complicated modus operandi of new crimes.
- (iv) To improve staff and any necessary equipment by getting finance from in or outside the country. Usually support from other countries is in the form of trainers, these are mostly offered by advanced countries.

An operational strategy such as;

- (i) Revising operational methods to suit the era of reformation: There are many old application methods that still tend to use the power and authority approach. It is not appropriate any more. The methods of investigation must be revised in order to guarantee human rights protection.

- (ii) An optimal operational duty application with a reward and punishment system. Operational order is improved with a reward system for achievements and punishment for anyone who breaks the rules.
- (iii) Maximizing scientific investigation through cooperation with police departments in other countries. Maximizing technical capability through training either in or out of the country with the support of sufficient staff.
- (iv) Intensive coordination with elements of CJS. Coordination will be invaluable in helping to solve complicated legal problems and the implementation of new and advanced operational methods.
- (v) Increasing cooperation with Interpol and using international forums and meetings in order to gain cooperation amongst other police departments in handling trans-national crime, like ASEANPOL, SOMTC/AMMTC, Asean Regional Forum, etc.

B. Response to the Idea of a Regional Police Force

As mentioned above, a spirit of regional autonomy has forced the development of the idea of change from a national police system to a regional police system. According to this idea, the regional police are under the head chief regional government. It is expected that the development of police capability will be guaranteed under the regional government compared to a centralized system that requires more bureaucracy. It is believed that all the police needs may be fulfilled easily under the regional government system, besides the application of this system makes it quicker, and easier to do operational police work by the regional government, and it reduces bureaucracy.

It is possible to speed the development of a police department especially in a region that has a high enough income. However, the capability of each regional government is not the same, and many regional governments have little income so the regional government system may not be promising for police development.

Operationally the application of a regional police system is quite effective at speedily assigning staff for public orders. This system is only applicable to local crime, while a crime that is inter-territorial would create serious problems. Moreover nowadays, crime tends to happen inter-territorially among countries. It has been proven that the regional government system of police may cause serious problems. These conflicts may occur between two regional governments in regard to resources and other areas. A conflict may also erupt between regional government and central government.

In my opinion the idea of a regional police system is effective enough for public order management, but however may not be effective in regard to crimes that have a fast rate of growth in regional or inter-territorial areas that have tended to arise lately. Besides, the authority for this type of crime is national law and it would be impossible to control regionally. There is some concern that if all police authority were put in the hands of the regional government this would lead to abuse of power by the local administration. This situation, will be detrimental to any effort to build an autonomous police force.

To anticipate the agenda of reformation and regional autonomy, and for the sake of effective police administration the following strategy may be applied:

- (i) For the sake of speeding the development of police capability in the regional area together with the regional autonomy program it is expected that the head chief of each region could have a bigger opportunity to take responsibility for the development of the capability of the regional police.
- (ii) The regional head chief has authority to control and manage the police department in their jurisdiction especially to manage public order.
- (iii) The regional head chief has authority to control the activities and job assignments and take action to enforce the law locally.
- (iv) Controlling the police staff in the regional area is fully under the control of the police regional chief who is responsible to the head chief police at headquarters (*Kapolri*).

Closing my short description, may I state in conclusion that to create an effective administration of police in this the reformation era, a transition time is required that we all must accept and be understood by the people and the police. In regard to a regional police system, in my opinion a national police system is still more effective, even though we need more modifications in order to adapt and create other ideas that are suitable for regional autonomy.

That is the main idea I would like to share at this seminar. Hopefully it will be discussed in order to increase the effective police administration of the integrated criminal justice system in the era of reformation.

