

WHITE PAPER

ATWC-PKSOI
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SUBJECT: The development of the Transitional Public Security concept and Department of Defense Role

Scope: This paper will discuss the definition of Transitional Public Security (TPS), the background of the concept, and the role of the Department of Defense.

1. Background:

- **2009:** RAND produced a paper on A Stability Police Force (SPF) for the United States: Justification and Options for Creating U.S. An SPF is a high-end police force that engages in a range of tasks such as crowd and riot control, special weapons and tactics, and investigations of organized criminal groups. An SPF would be similar in structure to the Italian Carabinieri and French Gendarmerie. The study found that such capabilities are essential for stability operations.

Noetic conducted a study on the utility of Transitional Law Enforcement, which is grounded in best practices from the Australian Federal Police International Deployment Group Capability Study and best practices used in international Transitional Law Enforcement efforts.

- **2010:** COL(ret.) Dennis Keller produced "U.S. Military Forces and Police Assistance in Stability Operations: The Least-Worst Option to till the US Capacity Gap." He concluded that establishing an effective local police force is critical for stability operations; but, the USG lacks the institutional capacity to provide an immediate and coordinated civilian police training and advisory effort. He noted that hesitation in addressing such problems causes delays in forming and training new police forces, and emboldens corrupt and abusive locals who enable insurgents, terrorist groups, and organized criminal networks. As a result, he suggested that the U.S. military must be prepared to support at the regional level and below by assessing, advising, and even training police units, until such time as civilian police trainers and mentors arrive on the ground.
- **2012-2014:** PKSOI proposed a study that focused on identifying knowledge, skills, attributes (KSA) gaps in Military Police School Training (Marines and Army) for stability operations. The purpose of the study was to develop a master training task list that would enable the Army and Marine Military Police to conduct policing operations during peace and stability operations. The MP task list was compared to the Australian Federal Police (AFP) International Deployment Group (IDG) training program for policing assistance in peace and stability operations (PSO), and the Center of Excellence for Stability Police Units (CoESPU) training program for police officers in PSO, as well as the United Nations Police Initial Entry Training program.

The study found that US Army MP students learn to be both police and soldiers, but have little experience in stability policing. MPs tasks are: maneuver and mobility support operations, area security operations, law and order operations, internment and resettlement operations, police intelligence operations, but MPs are often focused on the first two tasks, rather than mentoring, advising and assisting foreign policing elements.

- **October 2014:** PKSOI, as the Joint Proponent for Stability Operations, sponsored the Joint SO Symposium at the Advanced Distributed Learning Co-Lab held in Alexandria, VA, 21-22 October 2014. The goal of the Transitional Public Security Working Group was to gain consensus and craft a response or a way ahead for completion of several tasks outlined in Joint Review Oversight Council Memorandum (JRCOM) 172-13 on Stability Operations. In response to JROCM task 13, “Determining a methodological approach to review and update Programs of Instruction (Pol) to address Rule of Law (RoL) planning and integration with Security Sector Assistance (SSA)”, the TPS WG validated the TPS and Transitional Military Authority (TMA) and Rule of Law definitions, and reworded Transitional Law Enforcement to Transitional Security Sector Assistance (TSSA). In TMA, the military is charged with restoring and maintaining public order, providing essential services, and building host nation capacity to assume these responsibilities. TPS is the military forces establishment, promotion, restoration and maintenance of public order. TSSA is a military force enabling host nation partners to provide public security and justice for their population, while effectively responding to security challenges. These definitions were submitted for inclusion in the JP 3-07 draft manual. The revised definitions created the backdrop for the development of an essential task list for the fulfillment of a TPS campaign.
- **17 November 2015:** The USAF A5R staff hosted a visit of service representatives to outline the initial strategy for completing JRCOM 13. The general consensus among the service reps was that RoL as part of SSA was already included in most service-level POIs. These service level courses were not sufficient to address the integrated skill sets necessary for a joint TPS effort. TPS will be a higher level function requiring a joint solution. TPS is focused more broadly on maintaining public order as the primary DoD mission in support of Department of State initiatives to instill a sense of Rule of Law and build the capacity of host nation police, corrections and judicial officials. The agreed upon plan was to create a TPS task list defining the specific skills necessary to conduct TPS, then adjudicate the list through service representatives. The adjudicated list will be grouped into large functional areas or Terminal Learning Objectives (TLOs). These TLOs will become the foundation from which to build the baseline TPS Program of Instruction (Pol). The most likely place to host the training would be in an online format at a joint or partner agency location, as the tasks are joint in nature, and therefore do not fall directly under any service component. The United States Institute for Peace (USIP) offers similar courses and was one recommended venue, along with the Defense Institute for International Legal Studies (DIILS).

- 8 December 2015:** The J8 staff held a follow-on meeting to further refine the way ahead for completing JROCM 13 and to introduce several other service and joint staff elements to the TPS PoI development process. The group agreed the task list was still at the tactical level, and there were multiple functions not addressed in the current task list, which will be essential to completing a TPS mission. PKSOI agreed to rewrite the task list at the joint level, eliminate the tactical tasks, and distribute the revised list to the group after the holidays. The group would review the task list, and have a follow-on meeting at the end of January for a line by line edit to finalize the list and define the TLOs. The group revised the topic of TPS PoI delivery with DIILS, USIP and Joint Knowledge Online as the primary candidates for hosting the curriculum. The group discussed which organization would be the proponent for TPS to include the oversight of the entire mission planning, development, implementation and eventual hand-over to other U.S. or international agencies. If the Bureau of International Narcotics and Law Enforcement (INL)/DoS would not oversee the mission at the outset, then SOCOM and PKSOI appeared to be the likely DoD proponents. PKSOI agreed to present the Joint Professional Military Education (JPME) Division of the JS J7 with the overall intended solution for JROCM 13 to ensure the strategy met the J7 intent, before continuing with the agreed upon joint TPS PoI development.
- 16-19 December 2015:** PKSOI presented the current strategy for the completion of JROCM 13 to the JS J7 JPME Chief and other elements of the Joint Doctrine Division. The JS J7 staff elements agreed that the approach appeared to meet the intent of JROCM 13, and outlined the process for introducing any new tasks into the UJTL, while also potentially include the TPS PoI in the JFEC process.
- 15 January 2016:** PKSOI distributed the revised TPS task list to the working group, and requested feedback on the task list by 29 January 2016 for compilation into the final products for line by line review on 5 February 2016.
- 20 January 2016:** In order to gain a civilian academic perspective on the TPS task list, PKSOI met with a Criminal Justice professor who is an international criminal justice development expert, from the Penn State Harrisburg Campus Criminal Justice program. She agreed to review the task list, and pass it on to colleagues at Penn State University State College campus. Additionally, she agreed to assist in developing the POI.
- 28 January 2016:** PKSOI sent the TPS task list to the Center for Justice and Peacebuilding (CJP) at Eastern Mennonite University for review. Once the TPS task list is adjudicated and the TLOs defined, CJP has agreed to assist in developing the PoI.

2. DoD TPS Role: Public Order Management is the broader umbrella under which law enforcement establishes the Rule of Law and security. The primary function of DoD under TPS is the maintenance of Public Order. Public Order is a condition characterized by the absence of widespread criminal and political violence. Under this condition the people of the country can conduct their daily affairs without fear of violence. Without

public order, people will never gain confidence in the public security system and will seek security from other actors, such as militias and warlords. TPS sets the conditions and standards for transitioning authority from U.S. DoD Public Order maintenance to Host Nation or international organizational control, such as the United Nations.

Transitional Security Sector Assistance is the method employed by DoD and coalition forces to train the HN forces to provide public security and justice for their own people. The primary USG organizations responsible for policing, corrections and justice system development are DoS (Bureau of International Narcotics and Law Enforcement (INL) and DoJ International Criminal Investigative Training Assistance Program (ICITAP). TPS planning should be integrated and aligned with U.S. national interests, and coordinated with DoD INL and DoJ ICITAP objectives for long-term Host Nation capacity building in policing, corrections and judicial processes. It should consider the Host Nation's capacity to absorb criminal justice development assistance as too much or too little assistance (or the wrong kinds of assistance) will ensure that efforts fail.

3. Incorporation into doctrine: The definition of TPS was added to the Executive Summary of the most recent version of JP 3-07, which is still in adjudication. TPS is the establishment, promotion, restoration, and maintenance of public order by U.S. and coalition military forces in major operations and campaigns involving a large U.S. military presence. Its purpose is to protect civilian populations when the rule of law has broken down or is non-existent. Successful TPS facilitates the orderly transition of civil security and civil control responsibilities to the HN or other legitimate authority.

Chapter 3 in JP 3-07 addresses the role of the military in TPS at the outset of post conflict operations, where the military will likely be in the lead for all TPS tasks. TPS may involve missions ranging from partnerships with HN security and police forces, to the military performing policing functions, to the establishment of martial law. Public order normally involves the restoration of some elements of the HN criminal justice system, such as policing, law enforcement, investigations, corrections, and courts. Successful transitional public security facilitates the orderly transition of civil security and civil control responsibilities to the HN or other legitimate authority, and allows DOD entities and interagency partners to pursue training, development, and capacity-building activities aimed at strengthening HN security forces and fostering a stable criminal justice system over the longer term. Transitional Law Enforcement (TLE) is a component of TPS. The military and non-host nation entities should not conduct TLE outside of TPS conditions. TLE is the promotion of public order and the Rule of Law to build the capacity of local security organization, such as law enforcement or policing units.

4. Plan Development with J7 Joint Education and Development: As TPS evolved in response to JROCM 13's requirement for Pol review of RoL in SSA, PKSOI reached out to the J7 Joint Professional Military Education (JPME) Division to validate the TPS POI initiative. PKSOI outlined the strategy for creating a joint level course to address those function of TPS which be conducted at the joint level. The reason for the transition to a joint level course was due to the service components already having RoL and SSA included in their existing course curriculum. TPS is a joint level function, supported by the separate services representatives, and addresses the Public Order Management function of TPS, which is not included in service-specific courses. The J7 JPME

representative suggested that once the TPS POI is developed in April 2016, that the method for inculcating throughout the force might be to have TPS included in the next J7 Joint Faculty Education Conference. The J7 Joint Doctrine representatives suggested that any new TPS task that varies from existing Universal Joint Task lists could be added in the next revision cycle.

5. Challenges to Current Operational Concepts: One of the major challenges to inculcating TPS into DoD strategy and planning is to understand the distinctive roles of the military and police, because failing to do so may unwittingly doom long-term success. In many instances DoD military service members view “policing” as a “military light” approach. Local police are created from the bottom-up, whereas the military concepts usually begins with a top down approach starting with “federal” police, who have little understanding and interaction at the community level. Federal police are not, as a rule, working at the community level and dealing with social issues that arise in such contexts. Afghanistan demonstrated that the top down approach was inadequate to build a synergistic policing and community effort, which led to the large degree of mistrust of the police force, and the local population turning to alternative governance structures for grievance resolution.

Without the local population trusting the justice system for conflict resolution, it becomes impossible to implement any long-term successful policing and justice strategy. Community policing must be a partnership, in which the community accepts the police as legitimate members of their community. In the Co-Production model of Community Policing, the state authorities enlist the local community and non-state actors in a crime control capacity. The community self protects and surveils its own. The community identifies and prioritizes the tasks of the state policing elements, and conducts regular review boards of the policing actions. This is by nature is a civil society process. The military provides the secure operational environment for this process to occur. When civilian police are not present in sufficient numbers, the military might perform many policing tasks, but should consider only doing so with experienced civilian police oversight.

Dividing TPS into security and service tasks is a very pragmatic approach as it considers the unique nature of the military and policing dynamics. A common policing “rule of thumb” is that it takes a new police officer a minimum of three years to understand his/her community: understand who is related to whom, old grievances, social and cultural history, trouble makers, and other power elites. Policing done well is not about the mandate to use force, but the community’s acceptance of the police as a lawful authority, resulting in voluntary compliance to the laws and customs of the community. In contrast, public order is often very much about the use of force in stopping rioting, preventing looting, breaking up organized crime networks, and other tasks that may require a robust ability to use force precisely because large numbers of the populace have not accepted the occupying force as a legitimate one. Succinctly stated, public order can be described as imposing the law rather than enforcing the law.

TPS should be thought of as a clear delineation between security (a military lead) and service (a police lead). Such a concept is consistent with building effective and

long-term policing organizations that are accepted by the community at large. Such a model will likely be more palatable to the police and civil society communities. The civilian police often express their dismay that the military thinks it understands community policing principles, and therefore can feel they can effectively mentor police. Anecdotes abound from Afghanistan in which senior civilian police mentors were brought in to mentor senior Afghan police, but existing military advisors refused to relinquish their police advisory role. Policing created by the military is not the same thing as policing created by civilians. The more closely civilian police resemble the military, the more the public pulls away from the host nation police as not being part of their community. Policing cannot be imposed using a militaristic approach, but must be derived from the people themselves, a civil society approach.

Immediately after the cessation of hostilities, there will be insufficient numbers of civilian interagency police and justice advisors to support “service” tasks (rule of law, governance, provision of humanitarian assistance, etc.); thus, the military may have to implement service tasks for a period of time. DoS INL should lead the long term justice sector strategy development with the military as implementers until the environment is more stable and secure. INL should identify potential civilian police leaders that could lead the effort, such as a recently retired Chief of Police from a major city, and should also have extensive executive community policing experience. INL, in conjunction with ICITAP should be instrumental in developing a program of instruction for those that will be implementing TPS service tasks. One of the lessons learned in Iraq and Afghanistan is that US domestic police do not often come with international experience in conflict zones, however, many international police do have the relevant expertise.