

What do Afghans want from the Police?

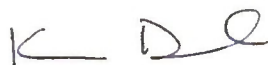
Views from Helmand Province

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Handwritten signature of Kim Deal, consisting of the letters 'K', 'D', and 'E' in a stylized, cursive font.

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Introduction

Afghanistan has several types of police and has reorganized and renamed its police forces several times over the past few years. In 2011, the Afghan National Police (ANP) is the overarching term for several types of police, including Afghan Uniformed Police, Afghan Civil Order Police (ANCOP), and Afghan Border Police. This terminology is sometimes confused, as the term Afghan National Police (ANP) is sometimes used interchangeably with the term Afghan Uniformed Police. This paper is mostly concerned with the primary police force, the Afghan Uniformed Police, and it refers to them simply as the police. This paper uses the full names to refer to other types of police.¹

History of the police in Helmand

It is difficult for residents of Helmand to imagine a police force like those in Western countries because southern Afghanistan has never had community police. In the 1960s and 1970s, the main role of the police was to secure major roads against banditry, guard government buildings, and protect key provincial officials. According to reports by foreign travelers, the Afghan police maintained order and provided good security. “However, petty bribery was common and the population was afraid of the police, being keenly aware that they were not ‘servants of the public’ but servants of the ruler” [1]. These police were not trained in law enforcement or community relations: the majority of them were untrained conscripts who served with the police rather than the army for their two years of compulsory service. Elders interviewed in Helmand over the past few years have indicated that these national police operated in Lashkar Gah, Gereshk, and along Highway 1, but had minimal presence in the rest of Helmand.

1. Appendix A provides a brief description of the types of police in Afghanistan.

After the Communist coup in 1979, police conscripts continued to receive minimal training and serve primarily as guards, although some police officers (including the current police chief in Nawah-ye Barakzai district) received training in the Soviet Union.

Despite the lack of police, rural Helmand was not lawless. Communities historically resolved their own disputes—from petty crime to murder—with little interference from provincial or national officials. Although Helmand province had some state-sponsored judges and prosecutors in the 1970s, it is not clear how much authority they had or how many cases they resolved. Tribal elders or mullahs (religious leaders) resolved most disputes locally through negotiation, mediation, and arbitration. These traditional dispute-resolution mechanisms did not have a role for a professional criminal investigator: elders or mullahs interviewed witnesses and visited the sites of crimes themselves. Thus, it is not surprising that the public and community elders have limited understanding of the police's possible role as criminal investigators.

After the Soviet-backed government fell in 1992, the mujahedeen government discharged the national police and never formed a new national police force [2]. The Taliban did not have a police force, although the Department for the Promotion of Virtue and Prevention of Vice enforced law and order according to its interpretation of Islam. Throughout Afghanistan, local communities formed local security forces (militias) that owed allegiance to tribal elders, warlords, or local commanders. In many areas, these militias worked only in their own group's interest, beating, robbing, and killing others [3].

In 2002, the Afghan Interim Authority began to create a new Afghan National Police. Initially, this new police force consisted mostly of anti-Taliban militias that were drafted into the police. These police continued to work primarily for their local commander, not the central government, and they continued to abuse people outside their groups [4]. For example, the Helmand provincial police chief from 2002 to 2006, Abdul Rahman Jan, is an outstanding example of a police leader who operated more as a warlord than a police officer. He “marginalized other tribes, destroyed the poppy fields of rivals, took bribes and kickbacks for government contracts, and filled the

ranks of the police with hated former mujahedeen commanders. According to one resident of Marjeh, "The police were the biggest criminals. We were more afraid of them than of anyone else" [5].

With new leadership at the provincial and district levels, more training, and international mentoring, police behavior in Helmand has been improving since 2006. But police culture cannot change overnight, and the list of police abuses in the past few years remains long, from demanding bribes to beating witnesses and raping young boys.

Our review of the history of police in Helmand provides the following insights:

- Residents of Helmand have never had "community police" or "beat cops" who provide security through their presence and everyday interactions with public.
- Community elders and religious leaders have traditionally resolved both criminal and civil disputes, with no role for professional police to investigate crimes or arrest criminals.
- Residents of Helmand have had extremely negative experiences with local defense forces and police, from the brutality of local militias and the violent enforcement of Taliban-inspired Islamic justice to the predatory behavior of the police in the past decade.

Approach

To explore what residents of Helmand want from their police, this paper examines not only what residents of Helmand say they want from the police, but also the GIRoA perspective [6], how police operate in Helmand province today, and how the police view their role. Although public-opinion surveys and focus groups capture part of what Afghans think about the police, the belief that Afghans do not tell the whole truth to interviewers is widespread, and critics have raised serious questions about the methodology of several surveys in Afghanistan[7]. The paper also draws on personal interviews with police leadership, district government officials, police mentors, and other ISAF personnel who interact regularly with Afghans. Most of

the Afghans interviewed for this study were in Nawah-ye Barakzai and Garm Ser—relatively stable districts in central Helmand that are expected to be among the first areas in Helmand to transition to ANSF-led security.² This study does not attempt to generalize conclusions from central Helmand to the rest of Afghanistan, and even making generalizations between central and northern Helmand may not be accurate.

2. Appendix B provides a complete list of interviews and district visits conducted in support of this study.

What the people of Helmand want from the police

International police advisors and the Afghan laws on the police [6] describe four basic police functions: be professional, provide security, assist with law enforcement, and respond to the public's calls for assistance. Although these statements appear self-evident from a Western perspective, the view from Helmand is more nuanced. It is not clear that the residents of Helmand want (or understand) a community police force that would be familiar to small-town Americans.

Police should be professional—not abusive, undisciplined, or (too) corrupt

The clearest signal from surveys and interviews in Helmand is that people do not want the police to prey on or abuse them. As a cultural advisor told the author, “Afghans want honest, hardworking, polite, and efficient police. They do not want a corrupt bunch of lazy criminals.”

Unfortunately, residents of Helmand have suffered police abuse over the past few years and continue to do so today [8]. A 2009 review of the Afghan police noted that the police “were viewed as predatory and a greater threat to security than the Taliban. For many Afghans, the police were identified with demands for bribes, illegal taxes, and various kinds of human rights violations. They were also known to use house searches as an opportunity to shake down the occupants and steal their possessions” [4].

At the end of 2010, residents of Helmand told anecdotes about police intimidation and police beatings regularly and casually, indicating how common such behavior remains. When the author asked a police recruit if he had experienced any encounters (good or bad) with the

police, the recruit said simply, “I used to be a farmer. The police came to my land and accused us of growing drugs. They beat us, but didn't find anything. Then they left” [9]. International police advisors also reported that police commonly shoved and punched people to get them out of the way or to tell them that they had gotten too close.

The police's predatory behavior toward young boys is also well documented [10]. According to a village elder from Babaji, just north of the provincial capital Lashkar Gah, in 2009:

If the boys were out in the fields, the police would come and rape them. You can go to any police base and you will see these boys. They hold them until they are finished with them and then let the child go [11].

Raping boys is not considered “culturally acceptable” in Helmand, and families do complain about this behavior. For example, a police mentor in Sangin told the author that a shopkeeper and his striking, blue-eyed son came to the district police chief's office in late summer 2010. The shopkeeper told the police chief that several policemen had visited his shop and made their intentions toward his son clear. The shopkeeper said that if his son was raped, he would take revenge into his own hands. The police chief said that he also had sons and so understood completely. As soon as the shopkeeper left, the police chief drove to the precinct where those policemen worked, berated them, and made it clear they were to leave this man's son alone or they would suffer the consequences—the police chief would not protect them. On the other hand, it is telling that the police chief took no other actions to fire or prosecute the patrolmen. The police advisor explained that the district police knew some of his police were raping boys and did not approve of their behavior, but he could not fire the pedophiles because he needed police so badly. (In 2010, the police had difficulty recruiting throughout Helmand province, and police numbers were especially low in dangerous areas such as Sangin.)

Although the Afghan National Army has its own problems with corruption and abuses, a number of surveys have noted that the Afghan public prefers the army over the police because the army is “more professional” [12]. When asked what they mean by this, Afghans say

the Army is better trained, more educated, and more disciplined. Most of the battalion commanders and their staff officers are literate, while most districts have only a couple of literate (or semi-literate) police officers. More importantly, people say the soldiers look like soldiers: they wear their uniforms consistently, carry their weapons safely, and look alert at checkpoints. In contrast, the public sees the police lazing about at checkpoints or driving recklessly through the bazaars, wearing only parts of their uniforms (such as wearing their issued pants with their own shirt and sandals rather than the official police jacket and boots, or wearing their own hats and scarves as in figure 1), and carrying their weapons recklessly. Several police mentors told the author that one of the primary benefits of sending police through the 8-week training at the Joint Security Academy Southwest or the Helmand Police Training Center was that police came back with better weapons-handling skills and were no longer as likely to shoot themselves or others via negligent discharges.³

As for corruption, there is also some consensus that residents of Helmand want the police to be less corrupt, or at least less random and demanding. When corruption is out of control, it breaks down the government's system and may make the Taliban appear to be a better option. The Afghan government is well aware of this issue: the Afghan National Police strategy states that "Corruption in the police force directly affects our poor people and never goes unheeded by the public. This unfortunate phenomenon erodes the trust and confidence of our people which the police must earn in order to be a valued institution" [13].

3. The provincial police leadership has acknowledged the lack of police discipline. At a meeting on 6 January 2011, the provincial chief of police told the provincial and district governors that he has seen too many police at checkpoints looking "dirty and scruffy." He called it unprofessional and unacceptable that some police were not carrying the standard-issued weapons and were not wearing the standard uniform. He also noted that driving standards were poor and specifically called out police from Marjeh, Gereskh, and Nad Ali for using police vehicles to make unauthorized trips into Lashkar Gah. The provincial chief of police said he had arrested some district police for causing traffic incidents and harassing people in Lashkar Gah and would continue to do so until police behavior improved.

Figure 1. Police in Garm Ser district bazaar, February 2011^a



a. Photo by Patricio Asfura-Heim, CNA

The way the Afghan public views corruption, however, is not easily defined. Several cultural advisors told the author that people may be willing to provide an extra “fee” or “gift” to get paperwork processed, as long as there is some standardization (i.e., the bribes seem fair) and the amount required was not excessive. Moreover, people in Helmand are used to resolving disputes by negotiation. Thus, they may be comfortable with a police force that negotiates based on personal relationships, fees, and bribes as long as they think that this negotiation will help them leverage more favorable outcomes. Based on several months of interviews with residents of Lashkar Gah, a cultural advisor concluded that “people want a rules-based, 'black and white justice' when the police are dealing with their neighbors, but favored a more negotiated form of justice when the police are dealing with them” [14].

Key takeaways and recommendations

Residents of Helmand and police leadership want the police to be more professional: better educated, better trained, and more disciplined.

- Police advisors should work with district police officers and checkpoint commanders to raise the standards for the police's

day-to-day attire, weapons handling, and behavior. Several advisor teams have addressed these issues with a “good advisor / bad advisor” technique. First, they have picked a specific aspect of police behavior, such as wearing uniforms or using drugs on duty. If the police at the checkpoint were not meeting appropriate standards, the head of the advisor team (“the bad advisor”) would visit the checkpoint and reiterate the standards, threatening to take away some assistance or call in the district chief of police if behavior does not improve. This way, the advisors living at the police checkpoints (“the good advisors”) can maintain a good relationship with the police they see day to day and can commiserate with the police at the checkpoint about their demanding superiors. This technique is a good stopgap measure, as the Afghan police leadership develops. Ultimately, however, the checkpoint commanders and district police chiefs must set and enforce the standards.

- Reducing police abuses, from beating and stealing to raping young boys, requires the Afghan police leadership at the district and provincial levels to hold their subordinates accountable. Holding police leadership accountable is difficult because the Ministry of Interior in Kabul appoints district police chiefs and the provincial police chief cannot remove them. In several instances over the past few years, the Ministry of Interior has removed a district police chief from one district in Helmand due to allegations of corruption, only to reassign him as police chief of another district.

Corruption is a complex issue in Helmand.

- Police advisors should work with cultural and political advisors, including District Stabilization Team members, to determine which aspects of corruption they should address with the police leaders and which aspects they should accept as cultural norms.

Police should provide security

The second clear signal from the people in Helmand is that they want security. In fact, Afghan police officers, local Afghan government

officials, ISAF police mentors, and public-opinion surveys all agree that the police's main role in Helmand today is to “provide security.”

When asked what they mean by “security,” residents of Helmand say they want protection from violence, intimidation, and property damage. However, they also interweave concepts of safety, counter-insurgency, law enforcement, and governance into a broader definition of security. For example, a Human Terrain Team analyst concluded that for residents of Nawah-ye Barakzai district:

Security means that a shopkeeper can leave his food crates out overnight and no one will steal them. It means that intruders do not come into their homes uninvited and look through their belongings or demand to be fed. It means there is one government not two and that government will not be corrupt, but will spend money to benefit the poor. Some respondents stated that they prefer the Taliban's brand of security and justice because it brings swift and severe punishment that, for the most part, precludes thievery [15].

The police, of course, cannot deal with all these issues by themselves; providing a broader type of security requires cooperation from the Afghan National Army, prosecutors, judges, and other government officials. The key question for this study is how residents of Helmand expect the police to contribute to security.

In the West, police presence is a key part of how the police provide security, and the 2010 Afghan National Police Plan clearly explains the intent for police presence in Afghanistan:

Countering an insurgency requires a police force that is visible day and night. The legitimacy of the government will be under question if the populace believes that insurgents and criminals control the streets and villages. Well-sited and protected police stations establish a presence in communities as long as the police do not hide in those stations. Police presence deters insurgent and criminal activities, provides security to communities and builds support for the government [16].

The police have a visible presence in Helmand. They maintain patrol bases and vehicle checkpoints throughout the Central Helmand

River Valley and in much of northern Helmand. As shown in figure 2, however, these “checkpoints” are nothing like the temporary sobriety checkpoints police set up in America. Instead, police mentors interviewed for this study used the terms “patrol bases” and “checkpoints” interchangeably to mean fixed positions with permanent buildings where 10 to 20 police live and work. These positions include living quarters, an area for cooking, and a latrine, and they are called “checkpoints” because most of them are located along main roads or at entrances to bazaars or schools so the police can search passing vehicles for IEDs, weapons, or drugs. As “patrol bases,” these positions also provide the police with staging grounds for conducting police patrols.

Figure 2. Police checkpoint along a main road through Garm Ser district, February 2011^a



a. Photo by Patricio Asfura-Heim, CNA

The public's perception of police patrols is not clear. Residents of areas that have seen significant improvements in security over the past few months report that they are satisfied with regular police patrols. For example, residents of Lashkar Gah have seen traffic police stand watch every day on nearly every street corner of the municipal center since 2009 and now report that the constant

presence of the traffic police brings security to the municipal center [17]. Community leaders in the Nawah-ye Barakzai and Marjeh district centers have told the Marines that they are satisfied with security when the police patrol through their areas every day without fail. This consistency is crucial: community leaders have told the U.S. Marines and District Stabilization Teams that constant police presence is a deterrent to insurgent activity because the Taliban cede control of areas that are heavily guarded.

Citing a desire to deter insurgent activity, community elders in Kajaki and southern Nawah-ye Barakzai have asked for additional police checkpoints. When the Marines in both these areas offered to conduct more patrols in the areas' villages, the elders said that patrols walking or driving through their areas would not be sufficient: they wanted permanent checkpoints. The elders in these areas may discount the security impact of patrols because they have no precedent of regular patrols in their area and may not believe that promises of daily patrols will be fulfilled. Thus, they want physical police infrastructure to demonstrate the police's commitment to their areas.

It is difficult to judge the public's overall opinion of police patrols, as people's reactions to patrols are extremely variable. Their reaction to patrols depends on their prior experiences with the police and their relationship to the current police leaders, including the local checkpoint commander and the district chief of police. Even in generally secure areas of Nawah-ye Barakzai near the district center, police patrols received reactions ranging from friendly greetings to silence and cold stares in villages that were only half a kilometer apart. Similarly, police mentors in central Garm Ser noted that the police stop and chat with people in one village while on patrols, but when they walk through the three other villages within easy walking distance of the checkpoint, "It's like they're visiting a foreign country" [18]. These policemen are all brothers and cousins from the first village. They've made no effort to get to know people in the other villages, and people in those villages have not reached out to them.

Key takeaways and recommendations

Residents of Helmand want security, including protection from violence, intimidation, home invasions, thievery, and property damage. The concept of security, however, is also interwoven with concepts of justice, governance, counter-insurgency, and law enforcement.

- Police advisors should not assume that the word “security” translates directly between English and Pashto (or Americans and Afghans). When residents of Helmand say they want “security,” advisors should ask follow-up questions to determine more specifically what they want.

Community leaders in some areas have requested additional police patrol bases, arguing that the Taliban cedes control of areas that are heavily guarded. They have requested physical police infrastructure, rather than just police patrols, because they do not trust that patrols will occur consistently unless the police are permanently stationed in an area.

- Police advisors should work with the District Stabilization Team, district officials, and community leaders to identify where communities want additional police presence. In contrast to Army bases that should be focused on the enemy, police stations should be part of the community. Thus, it may be better to place a police station inside a village that welcomes the police, rather than at a tactically superior position outside a village.

Police have a limited role in criminal law enforcement

The Afghan National Police Plan explains that the police are supposed to transition from “counter-insurgency activities to community policing” during the build phase of counter-insurgency. At that time, “The Afghan National Police will focus on traditional police roles of providing security for society and enforcing the rule of law, which will build public confidence” [16]. Moreover, the Ministry of Interior's National Police Strategy from January 2010 states that “continuity and collaboration between the police and prosecutors is essential,”

although it does not clearly define how the police should interact with the statutory and customary judicial systems.

In Helmand's traditional social contract, however, local communities handled most crimes and disputes with little interference from the national government. The area also has no historical experience with imprisoning criminals. Traditionally, community justice in rural Helmand required payments, honor killings, or forced marriages by the families of those who broke the rules, rather than punishments of an individual. The goal of community justice was to bind the community together after a criminal event and prevent blood feuds from spiraling out of control. Punishing the individual responsible for the crime was secondary to restoring community cohesion [19].

It is not clear that residents of Helmand want the police and statutory justice system to conduct law enforcement and punishment for ordinary (non-insurgency related) criminal activities. In fact, the vast majority of people in Helmand today say they prefer community-based justice systems. In December 2010, 95 percent of heads of household surveyed in Helmand said they would first take a dispute to their local mullahs (religious leaders) or tribal elders [20]. A similar survey concluded that "the extent to which the population is actually prepared to rely on the police is very limited." If they were victims of a crime, only 8 percent of heads of household surveyed would report the crime to the police first. Instead, they would report it first to unspecified "district authorities" (21 percent), elders (21 percent), family (14 percent), the *huquq* (civil mediator) (10 percent), or the army (7 percent) [17].

Even in the case of serious crimes, such as homicide, where Afghan laws give jurisdiction to the statutory courts, communities may still resolve the issue themselves, especially if the homicide was committed by a member of the local community. For example, in Marjeh in January 2011, a policeman shot and killed a teenager who had thrown a stone at him. Another policeman shot and wounded a man who started giving the teenager first aid. The district police chief immediately jailed both policemen, and then tribal elders negotiated their punishment: the family of the policeman who shot the teenager paid a sizable fee to the teenager's family, and both policemen were

transferred to a different district (effectively exiling them from Marjeh). According to Marjeh's District Stabilization Team, the community council and others interviewed in the area seemed satisfied that the police were held immediately and that justice was dealt swiftly. No one expressed a need for the district prosecutor to become involved.

On the other hand, reports from Lashkar Gah and Gereksh in late 2010 included complaints that the police were not doing anything about stolen motorcycles or cash stolen from shops. Although it is not good that people are complaining about the police's ineffectiveness, it is noteworthy that people in Helmand's larger population centers believed the police should have a role in dealing with thieves.

Police should respond to the public's calls for assistance

From police recruits to the provincial chief of police, the police in Helmand say that a significant part of their job is (and should be) responding to the public's calls for assistance. But why do residents of Helmand call the police? And what do they expect the police to do if they call?

The clearest signal from residents of Helmand is that they want the police, army, or government to get “bad people” (i.e., murderers and insurgents) off the streets. As discussed above, residents of Helmand are comfortable with community elders dealing with regular criminals, but they expect the police (and the government) to do something, especially about people from outside the community who emplace improvised explosive devices (IEDs) or conduct murder and intimidation campaigns. The strongest evidence for this assertion is that Afghans, both in Helmand and throughout Afghanistan, complain that police detention is a just “catch and release” program. Residents of Helmand regularly say they are upset when they provide a tip about an IED emplacer and then the person winds up back on the streets 72 hours later, with no punishment or repercussions.⁴

4. See appendix C for more on how the police manage detention processes in Helmand.

Community elders and other local residents also call district police chiefs and checkpoint commanders for assistance resolving local disputes. Residents of Helmand pragmatically combine the community-based and government-run justice systems: a dispute taken to tribal elders initially may then be appealed to the police (either a local checkpoint commander or directly to the district chief of police), the district judge, or the justice subcommittee of the district community council.

Police commanders are accustomed to having an active role in dispute resolution. ISAF personnel in Nawah-ye Barakzai, Garm Ser, and other districts compared the district police chiefs to “old-West sheriffs” who resolved most issues personally. The police chief in Garm Ser, for example, had referred a couple significant criminal cases, such as homicides, to Lashkar Gah, but had not handed any cases to the district prosecutor or *huquq* (civil mediator) between their arrival in September 2010 and March 2011. As resolving disputes is prestigious (and potentially lucrative), police leaders have an interest in maintaining this role.

Given that the police are relatively well distributed throughout the Central Helmand River Valley, while government officials are concentrated in the district centers, the police officers are the only “face of GIROA” in many areas. Thus, police officers who are trusted by local elders may be able to provide swift and local resolution to problems in a way that is still tied to GIROA. For example, in early 2011, the district police chief in Nad 'Ali attended elder's *shuras* (community meetings) to lend both his personal credibility and some weight from GIROA to the *shuras'* decisions. These *shuras* often dealt with disputes between neighbors over water or grazing rights. The recently arrived *huquq* may be able to assume more of this role if he gains the respect of the local communities.

There is no reason to expect police to bring every issue to the district prosecutors, *huquqs*, or district government. Even in Western countries with functioning judicial systems, the police have some discretion about whether they bring people in for minor crimes or let them off with a warning. On the other hand, formalizing a role for the police in dispute resolution is potentially risky, as it would require

the police to exceed their current legal authority and may exacerbate social tensions in areas where the police are tied to particular tribal elders or local warlords.

A sizable portion of the population does not trust the police to work impartially or to care about crimes against ordinary people. In a 2010 survey, 28 percent of respondents said that they do not believe the police work is in their interest [17], and the percentage may be significantly higher, based on anecdotal reporting. In several districts, including Garm Ser, Nawah-ye Barakzai, and Marjeh, Marines report that people have come to them for help with a dispute, such as a theft of livestock. Local Afghans have told the Marines that they do not want to contact the police with their problems because they do not believe that the police would help people like them (i.e., people without money or connections).

In addition, traditional Afghan communities may not be willing to bring all types of criminal cases to state courts or the state police. In particular, “for many Afghans, resolving disputes which involve women through government courts and police controlled by strangers contradicts customary practices of *purdah* (separation of sexes). Thus, family issues, including sibling and marital disputes, are treated as private matters and people avoid bringing them to public forums” [21]. Another study noted that:

Many [Afghans] also believe that women have no right to bring complaints before the police. In Afghan culture, the family protects or punishes women. Therefore if a woman is a victim of a crime, it is up to the men of the family to avenge her. Also, the police may feel they have no right to interfere in the disciplining of a woman by her family, regardless of the end result [22].

Women currently have no direct access to the police in much of Helmand. For example, when the female engagement team in Garm Ser asked women who they would go to if their husbands were beating them, none of the women seemed willing to report such problems to

anyone.⁵ The police should be prepared to deal with some cases involving women, however, because cases involving women do occasionally reach them. In early 2011, police investigators in Nad 'Ali were looking into one rape case, and ISAF personnel were aware of a couple cases where police had become involved after a woman attempted to flee an arranged marriage.

Key takeaways and recommendations

Residents of Helmand are accustomed to handling crimes and disputes locally, without government involvement. Today, they pragmatically combine the community-based and government-run justice systems: a dispute taken to tribal elders initially may then be appealed to the police or other GIRoA officials.

Residents of Helmand contact police about a variety of problems, from IEDs and Taliban intimidation to stolen livestock and land disputes. The district police chiefs are accustomed to solving disputes themselves and refer few cases to the GIRoA prosecutors and *huquqs*.

- Police advisors should work with Rule of Law advisors, district prosecutors, judges, *huquqs*, and other government officials to build bridges between police leadership and GIRoA officials. If the police are to be the “face of GIRoA,” district police leadership must be well connected to GIRoA.

The clearest signal from residents of Helmand is that they want the police, army, or government to get “bad people,” such as murderers and IED emplacers, off the streets.

- Police advisors should work with Rule of Law advisors, district prosecutors, district judges, and National Directorate of Security (NDS) officers to understand the issues leading to the “catch and release” of detainees in order to identify how they

5. Attitudes towards women vary significantly within Afghanistan, both between Kabul and Helmand and within Helmand province. Some women are employed as civil servants in Lashkar Gah. In Nawah-ye Barakzai, however, women are never seen walking on the streets, not even in the company of men.

can (1) help the police write better prosecution packages for the detainees that are sent to Lashkar Gah so the truly “bad people” are removed from the battlefield, and (2) avoid over-promising results based on community tips.

Locally recruited police can be a solution or a problem

Numerous surveys have reported that people in Helmand prefer police from their area because they want their people to help keep them safe, even though they say that police from outside Helmand, primarily Hazaras and Uzbeks from northern Afghanistan, are more professional and less corrupt [23]. Survey respondents say that when police are protecting their own areas, they are protecting their own families and care more about their work. Locally recruited police also speak the same language as local residents and know immediately if someone does not belong in the area figure 3.⁶

Community elders throughout Helmand say they want locally recruited police to work in their home areas. A District Stabilization Team member told the author that he had sympathized with the district community council's desire for security in Nawah-ye Barakzai, but then asked, “What if the province needs police more in other areas?” The community council members responded that those other areas should protect themselves. Similarly, community elders in Marjeh were unable to recruit any men to the police in the first half of 2010, despite repeatedly telling the U.S. Marines that they wanted local police to protect them. In fall 2010, however, local elders were able to recruit about 800 local men for the Interim Security for

6. This section considers the value of locally recruited members of the Afghan Uniformed Police compared to having police from other parts of Afghanistan. The issue of locally recruited police is separate from the Afghan Local Police (ALP) program, which allows districts to hire up to 300 Afghan Local Police to provide security in their home villages. In order to avoid creating militias under the control of local warlords, the ALP are paid by the Ministry of Interior and their work would be coordinated with the district chief of police. A discussion of the pros and cons of the Afghan Local Police program is beyond the scope of this paper.

Figure 3. Locally recruited police in Garm Ser district, February 2011^a



a. Photo by Patricio Asfura-Heim, CNA

Critical Infrastructure (ISCI), an “armed neighborhood watch” program that allowed men to guard their own neighborhoods.⁷

Locally recruited police are likely to be under the sway of the local elders—which may explain why the elders and people from the dominant groups want locally recruited police and people from disenfranchised groups would prefer more impartial police from other areas. As highlighted in a set of interviews conducted by the Helmand Provincial Reconstruction Team: “Some respondents felt that the Helmand ANP should be from Helmand, because they understand

7. Although residents of Marjeh refer to the ISCI guards as *arbakai*, these guards are not the same as the traditional form of village security in Afghanistan. Traditionally, the *arbakai* village security forces were not permanent police forces. They formed on a temporary basis, in response to specific threats or crimes, and enforced the rulings of the local *jirga*, or council. The most important distinction between today's ISCI guards and traditional *arbakai* is that the ISCI guards do not just answer to their community elders—they also had to register with the GIROA-appointed district chief of police, and they receive their pay from GIROA, not local leaders.

local issues and know the players, and others thought that they should not be from Helmand, precisely for the same reason” [24].

Cultural analysts have observed that the Afghan police belong first to their family and tribe and then to the larger community:

In most western cultures, the values of certain organizations are expected to trump local values. For instance, when a person joins a city police force, he or she is expected to subordinate the needs of a particular neighborhood to the needs of the community as a whole. This is known as “cross-cutting” a value system. As a result, the society expects the police to enforce laws equally across the city and not give friends or family a better deal. While this type of soft corruption does happen in America, if the police hierarchy learns of it the officer will be punished. However, in Afghanistan, treating your family or tribe differently is expected, if not encouraged[25].

Reports from throughout Helmand indicate the police in many areas do not treat people fairly, based on ethnicity, tribal affiliation, or other reasons. Police are also used by local leaders to oppress rivals. Police advisors also indicated that police in Babaji, Gereksh, and Nawah-ye Barakzai know local insurgents on a personal level and make localized deals with them.

Several women at a women's *shura* in Garm Ser told the author that they trust the U.S. Marines and the Afghan National Army more than the locally recruited police, because the Marines and Afghan Army have demonstrated that they will fight the Taliban. In contrast, the police are willing to overlook things and care more about themselves than they do about security. One woman noted that the district governor and the police fled Garm Ser several times over the past few years, and she believed the police would run again if the Taliban came in force. In corroboration of this view, the commander of the police checkpoint at the entrance to Garm Ser's district center told the author that the police's role isn't to fight: the army and border police should fight the Taliban. As a police commander at a checkpoint, his job was simply to search vehicles trying to enter the bazaar.

On the other hand, at least some young police recruited in Helmand want to serve as police, not village self-defense forces. In early 2010,

local elders in northern Nad 'Ali promised they would provide 50 to 60 young men to the police force after the military's operations secured the area. In fall 2010, five police recruits finally attended the Helmand Police Training Center. At the end of the 8-week training, these five men told their trainers that they wanted to be policemen, but did not want to go back to their hometown. They wanted to work in another part of Helmand where they could be police rather than village militia.

Key takeaways and recommendations

Community leaders throughout Helmand say they want their sons to provide security in their home areas. Younger people and members of disenfranchised groups have expressed concerns—based on their experiences—that locally recruited police act only in their group's interest and are unwilling to stand up to the Taliban.

One way to get the benefits of local and non-local police is to have locally recruited police patrolmen serving under officers from other areas (figure 4). If these officers are willing to engage with the local leaders and the public, they may be able to make objective decisions while also understanding local issues.

Figure 4. Omar Jan, Garm Ser district police chief, inspecting a patrol base with police and *arbakai* guards in March 2011^a



a. Photo by Patricio Asfura-Heim, CNA

Way ahead: Increased community engagement

The international community and Afghan government have debated the way ahead for the police since 2002. Some have argued that the Afghan police need to be a paramilitary force in order to help defeat the insurgency and cannot have a law-enforcement role until the security situation improves. Others have countered that Afghanistan needs community police who enforce the Rule of Law. They say the lack of law enforcement contributes to instability because the insurgents exploit the citizens' need for justice and protection from common criminals. They also argue that the training and mindset for paramilitary work and law enforcement differ significantly and are not easily switched as the security situation improves [26].

The problem with this debate is that drawing such a sharp distinction between police who provide security as a paramilitary force and police who serve in a law-enforcement capacity does not take into account current conditions or the Afghan perspectives discussed in the previous section. The police in Helmand today are a hybrid force. They must be able to fight in order to stay alive, but they also aspire to respond to the public's calls for assistance and have a role in dispute resolution.

Rather than trying to force the police into a law-enforcement role that residents of Helmand may not want, this paper recommends a smaller step: increasing the police's engagement with the public.⁸

The international community and the 2010 Afghan National Police Strategy agree that a key part of the police's job is engagement with

8. Note that this is not the same as advocating “community policing.” In the academic policing literature, the terms “community policing” and “community police” are terms of art that denote a specific style of Western policing. In contrast, “community engagement” means building relationships with local elders and the public at large by talking to shopkeepers during patrols of the bazaars, conversing with drivers at checkpoints, and participating in local *shuras* (community meetings).

the public. There are also indications that the people of Helmand want the police to engage with them. An ISAF cultural advisor told the author that people in Helmand want to know where they stand with the police. The worst scenario, from the public's perspective, is when police hide in their checkpoints and do not talk with area residents. People want to know whether the police will enforce the letter of the law or can be negotiated with or bribed.

Police patrols and police checkpoints could provide forums for the police to engage with the public. According to civilian police advisors, a police patrol should not just show security-force presence, it should also enable the police to get to know the area's pattern of life. Based on regular patrolling or regular questioning of drivers passing through checkpoints, the police should be able to notice unusual people or unusual purchases in the bazaar and then follow up with questions. By building better relationships with the community and thereby gaining a better understanding of what is occurring in the area, the police could provide better security to the community.

Although many district police chiefs and checkpoint commanders have built relationships with community elders, the police have placed less effort on building relationships with—or even talking to—the general public. This problem is critical because the public will be the police's primary information source once international forces leave.

The police face several barriers to increasing engagement with the public. First, some police remain outside the population centers. Police operate in the district centers of Lashkar Gah, Nawah-ye Barakzai, Garm Ser, and Gereskh (Nahr-e Sarj district) with little day-to-day support from the Afghan National Army, but the three-ring security force plan was still a work in progress in parts of Helmand.⁹ Particularly in Nad-i Ali, the police continue to man checkpoints in

9. GIRoA's laws on the police and ISAF's general plan for transitioning lead security responsibility to the Afghan National Security Forces describe a three-ring security force plan: (1) police providing security in the population centers, (2) a ring of Afghan National Army forces screening the population centers and providing backup to the police, and (3) ISAF forces providing strategic overwatch and assisting the army and police only when necessary.

the safer, more rural parts of the district and have limited contact with the district's residents. The Afghan National Army and ANCOP had moved into the Nad 'Ali district center in early 2010 to clear the insurgents and remain there to hold the area. As of early 2011, moving police into the Nad 'Ali district center remained a long-term goal because the district center's security situation remained too fragile to remove the army and ANCOP.

Geographically locating the police within population centers, however, does not automatically bring the police into daily contact with the public, especially if the police have a "military mindset." In the West, the police "protect and serve" the public. In fact, a law enforcement professional (LEP), a civilian police officer working with the U.S. Marines, noted that a significant number of police recruits in the United States hope they will never have to draw their weapon and so do not spend sufficient time training to be truly proficient with shooting. The police in Helmand are much more interested in fighting the enemy (and in fighting to survive).

Many police recruits joined the Afghan police to defend their communities, serve their country, or fight the Taliban. For example, when asked why they joined the police force, 14 of 20 policemen interviewed in Musa Qal'ah responded along the lines of: "I heard from my village elders about the Afghan military and how good it used to be, which made me want to help bring it back; and I was tired of giving taxes to the Taliban [27]." A series of interviews at the Helmand Police Training center noted that "Some recruits have joined the police as a statement of intent against the Taliban. They have either had a family member killed or property destroyed by the insurgents and see joining the police as a way of exacting revenge" [28]. Similarly, police trainers at Joint Security Academy Southwest (JSAS) report that they often hear discussions among the police recruits about wanting to go fight the Taliban.

JSAS trainers have also noted that much of what they teach does not seem relevant to the police recruits. They do not see much need for non-lethal weapons training. ("When are they going to be subduing a crowd of civilians that isn't using lethal weapons?") The police recruits are not interested in learning how to arrest someone and see

limited use for handcuffing skills. (“Handcuffs are seen more as a piece of jewelry than as something useful.”) The police recruits also do not see much need for investigation or evidence-gathering skills. Before signing up, the recruits have not seen police conducting investigations and thus do not associate this role with police work. (“They haven't grown up watching endless *Law and Order* reruns” [9].)

The police recruits want to learn what JSAS calls the “core plus skills”: shooting, how to react to ambushes, IED detection, and patrolling tactics. They want to know how to work as an infantry squad because they believe they will be doing this after finishing training. The recruits are correct, of course: the police do participate in kinetic operations in Helmand. They may assist the Afghan National Army or ISAF in searching a village, or they may conduct police raids on houses suspected of having drugs or illegal weapons. The police must also be prepared to defend their vehicles and patrol bases from insurgent ambushes. In short, the Afghan police must have more military training and a more military mindset than police in the West if they are to survive.

Police trainers have also noted that people from Helmand find it culturally difficult to make small talk with strangers. Much of community engagement by the police, however, is using the ebb and flow of a conversation to find out information. In theory, the Afghan police should be able to chat up the drivers of the vehicles they are searching in order to learn about conditions down the road, why people are travelling, and what they are bringing to market. Through such conversations, they should be able to build the “pattern of life” around their checkpoints, and then they will know when they hear anything unusual or suspicious.

Teaching someone to manage a conversation can be difficult, but several police advisors and trainers told the author that Afghans are “professional anglers.” They have survived the last 30 years by maneuvering through changing social situations. They are already very sensitive to body language and implicit information.

On the other hand, many police recruits lack confidence when meeting new people on a one-on-one basis. Growing up, “the Helmandi

man was told not to talk too loosely to anyone, not to talk to elders or women at all, to be wary of strangers, and to align oneself with a group when confronted with an unusual situation. Therefore, talking to random people about general chit-chat is difficult for him. This is apparent right from the start of training at HPTC [28].” Policemen also may not feel comfortable talking to drivers due to class or tribal differences. In some areas, people from the lower class become police officers, and they find it awkward to question drivers (who have sufficient wealth or standing to purchase a vehicle). ISAF police trainers at the Helmand Police Training Center have observed this dynamic first-hand at a training checkpoint on the outskirts of Laskhkar Gah. Role-playing exercises during training can help encourage police recruits to speak up, but there is limited time for such exercises during the 8-week basic police training course.

Overcoming the combat-oriented mindset and the cultural inhibitions regarding talking to strangers requires not only training, but also consistent leadership by Afghan police officers and non-commissioned officers. Police advisors can encourage police to get out of their checkpoints, walk a patrol, and talk to local residents. The Afghan police, however, cannot be expected to take the initiative for conducting independent patrols unless the Afghan police leadership believes that part of the police's role is to develop relationships with the public in order to gather information. Currently, however, checkpoint commanders and district police leaders see limited value in talking to passersby as a means of gathering information. For example, the police chief in Garm Ser has told his police mentors that he sees no need for foot patrols in the bazaar because the police have already searched every vehicle coming to the bazaar, likely several times, so there shouldn't be any threats in the bazaar. He did not understand value of the information his police could gather through conversations in the bazaar.

To get value from community engagement and information gathering, police leadership at the checkpoint and district levels must aggregate and analyze the information the police obtain during patrols, make decisions about where to go next, and task additional patrols. At the checkpoint level, this analysis is basic command and control and can be done by an individual in his head—it does not

require computer databases, specialized training in “intelligence-led policing,” or even literacy. On the other hand, the lack of literate police officers does hinder the police from effectively aggregating information from across districts (or across the province). At many checkpoints, not even the checkpoint commander is literate, so the checkpoints cannot provide written status updates for district and provincial police headquarters. Also, the district-level police headquarters have no system for gathering written (or oral) reports from the checkpoints and turning them into intelligence.

As a side note, widespread drug use may also prevent the police from effectively engaging with the public. Police cannot engage in information-gathering conversations while searching vehicles if they are high on hashish. Police mentors in several districts told the author that they were attempting to instill the idea that using hashish off duty is a personal decision, but using drugs on duty is not acceptable. (This type of policy would treat hashish the way the West treats alcohol.) Unless the Afghan police leadership at the district and checkpoint levels takes an active stance against drug use on duty, however, rampant drug use will remain a problem.¹⁰

Key takeaways and recommendations

The police in Helmand today are a hybrid force. They must have enough paramilitary skills to stay alive, but they also play a role in dispute resolution and aspire to respond to the public's calls for assistance.

- Police advisors should encourage the police to engage more with the public at all levels.

The police could engage more with the public during police patrols and at checkpoints, but many police recruits have a military mindset, and telling them that a significant part of their job should consist of talking to people may not mesh with why they joined the police.

10. Anecdotal estimates by ISAF advisors indicate over half of the police use hashish. In 2010, about 35 percent of recruits attending the Helmand Police Training Center tested positive for hashish [29].

Police leadership must also see the value in community engagement or it will not occur.

- Police advisors should take a multi-pronged approach to demonstrate the value of community engagement.
- In the short term, police advisors should focus on mentoring the individual policemen—especially the officers and non-commissioned officers—who are best at talking to the public. These police can then serve as examples to other Afghan policemen who come to the job with a more military mindset or lack the confidence to speak to strangers.
- Police advisors should work with checkpoint commanders to demonstrate and train basic command-and-control analysis and decision-making. To get value from community engagement and information gathering, police leadership at the checkpoint and district levels must receive and review the information that police obtain during patrols and use it to task follow-on patrols or inform higher headquarters.
- Police advisors should encourage district police chiefs to allow their checkpoint commanders to proactively patrol and develop information. Given the centralized and hierarchical nature of Afghan society and the Afghan police force, changing police activities requires buy-in from the top. District police chiefs currently make most decisions personally, and empowering checkpoint commanders to make active decisions about their day-to-day activities may require a change in the district police chief's leadership style.
- Police advisors should also continue to advocate for more academy-trained police officers in Helmand. District police chiefs need trustworthy and literate staff to shoulder the administrative burdens associated with personnel accountability, pay issues, and supplies. Otherwise, the district police chiefs will continue to manage these day-to-day tasks themselves and thus have limited time for longer-range planning, visiting their subordinate commanders, or engaging with district-level leaders.

Parting thoughts for international police advisors

In 2010, ISAF police mentors focused on the basics: setting up personnel and equipment accountability systems, ordering supplies, setting up basic communications procedures, encouraging patrolling, and modeling civil behavior with the public. The ISAF police mentors, primarily junior military officers with minimal training in the role of a civilian police force, have made significant progress in these areas.

As the police's role evolves over the next few years, civilian police mentors with experience leading police units will be needed to help the district and provincial police leadership develop and implement professional standards, codes of conduct, and strategic vision. Due to their age (most police mentors are under 30 while many district police chiefs are in their 50s), short tour-lengths (more police mentors are in Afghanistan for only 6 or 7 months), and lack of experience with civilian police, it is difficult for the military police mentors to provide strategic guidance to district police chiefs. Both military and civilian police advisors should build relationships with District Stabilization Teams, human terrain teams, and other cultural advisors in order to increase their understanding of how the police fit into Helmand's evolving political, social, and legal systems. Together, all these international advisors can help the police and district leadership tackle the larger issues of corruption, accountability, and the "catch and release" of suspected insurgents.

Ultimately, the Afghans—including police officers, government officials, tribal leaders, religious leaders, and ordinary citizens—will refine the police's role in Helmand. At the national level in Kabul and at the village level in Helmand, they will have to sort through the jurisdictional confusion between the different types of police and the police's conflicting loyalties to their local tribes and GIRoA.

Given the police's history of corruption and abuse and the possibility that the police could devolve from a national police force into local militias, the Afghan police have an enduring need for international monitoring and support, possibly longer than for the Afghan army. As the international community withdraws its combat troops, it must be prepared to keep providing police advisors and funding for the Afghan police or it could undermine the entire effort in Afghanistan. The Soviet experience in Afghanistan provides a cautionary tale: the Communist government in Afghanistan did not fall in 1988 when the Soviet troops left; it fell in 1992 after the Russian government stopped providing fuel shipments and other support.

Appendix A: Types of police

The roles of the police and security agencies are well defined in Afghan laws, but the specific jurisdictional lines between the agencies are still being worked out on the ground.

The Afghan Civil Order Police (ANCOP) are designed to deal with civil disturbances and riots and to replace or augment the Afghan Uniformed Police in high-threat and unstable areas. For example, the ANCOP maintain checkpoints in less secure parts of Marjeh and Nad 'Ali.

The Afghan Border Police (ABP) should control border crossings and international airports. In Helmand, the Border Police provide security at the Lashkar Gah airport, maintain a series of checkpoints in Garm Ser (which are nearly indistinguishable from checkpoints run by the army and police in Garm Ser), and conduct a variety of jobs for ABP leaders in Lashkar Gah. The ABP have no facilities on the remote desert border between Helmand and Pakistan.

The National Directorate of Security (NDS) is a civilian intelligence agency and internal security service. It has been described as a cross between the U.S. Federal Bureau of Investigation and Central Intelligence Agency. It has the lead for cases involving significant national security threats, such as mid-level and senior insurgent leaders and cross-boundary criminal organizations. NDS has intelligence agents at the district level throughout Helmand and a parallel judicial system for national security crimes, with prosecutors, judges, a courthouse, and a prison in Lashkar Gah. In theory, all cases involving improvised explosive devices (IEDs) are related to the insurgency and thus fall under the NDS' jurisdiction. However, the ordinary police also deal with IED-related issues, especially local residents of Helmand found simply emplacing IEDs.

The Counter-Narcotics Police of Afghanistan (CNPA) investigate drug-related crimes. The jurisdictional line between the CNPA and the regular police is not completely clear, in part because only 67 CNPA are assigned to Helmand province and only 40 were present for duty at the end of 2010. (CNPA personnel are distributed throughout the country based on population, not the scale of the narcotics trade. Thus, despite producing more than half the country's opium, Helmand has just 2 percent of the country's CNPA.) Due to their small numbers, the CNPA cannot deal with every drug-related incident in Helmand, so small-scale drug cases fall to the regular police.

Appendix B: Sources, interviews, and district visits

The author deployed in support of 1st Marine Expeditionary Force (I MEF) from July 2010 to March 2011. She was based with the Regional Command (South West) Regional Information Center at Camp Leatherneck, Helmand Province, Afghanistan. The author conducted interviews and research in support of this study and other ANSF-related projects from October 2010 to March 2011. The following list includes dates for individual meetings and travel off Camp Leatherneck. Discussions with staff at Camp Leatherneck occurred throughout the period of October 2010 to March 2011.

Camp Leatherneck:

- RC(SW) ANSF Development Office (C10)
- 1st Marine Division (Task Force Leatherneck) ANSF Development Office
- RC(SW) ANSF Transition Working Group
- UK senior police advisors to RC(SW) C10
- TF Leatherneck mentor to ANA 215th Corps Executive Officer (25 October 2010)
- RC(SW) Assessments Cell
- RC(SW) Long-term plans section (C5 and C35)
- RC(SW) Stability Operation Intelligence Cell (SOIC) which studies the local population
- Marine Corps Intelligence Agency (MCIA) Cultural Intelligence Team (MCIT)
- Human Terrain Analysis Team (HTAT)

- Counter-insurgency Advisory and Assistance Team (CAAT)

ANSF Advisor Team conferences at Camp Leatherneck, with police advisors from across Helmand:

- TF Leatherneck's Police Advisor Team conference (28 October 2010).
- RC(SW) ANSF mentor conference (26 December 2010).

Joint Security Academy Southwest (JSAS), police and army training center, next to Camp Leatherneck:

- Individual interviews with eight police recruits at the Joint Security Academy Shorabak. Conducted with a social scientist from the Human Terrain Analysis Team (22 November 2010).
- Focus group five with police trainers finishing a 6-month deployment. Conducted with a social scientist from the Human Terrain Analysis Team (25 November 2010).
- Discussions with civilian senior training advisor to JSAS (3 January 2011 and 2 March 2011).

Lashkar Gah (visits on 19 October 2010 and 20-27 February 2011):

- UK forces at Task Force Helmand (TFH)
 - TFH ANSF office
 - TFH Influence Operations
 - TFH cultural advisors
 - Police Development Advisory Training Team (PDATT)
- Helmand Provincial Reconstruction Team (HPRT)
 - Rule of Law advisory team
 - European Union Police Mission in Afghanistan (EUPOL) police advisors
 - Helmand Monitoring and Evaluation Programme (HMEP)

Helmand Annual Review workshop, Lashkar Gah (20-23 February 2011). Briefings and discussions with:

- Representatives from nine District Stabilization Teams (DSTs)
- HPRT Rule of Law, Governance, Counter Narcotics, and Development teams
- HPRT and RC(SW) Transition planners

Nawah-ye Barakzai district:

- FOB Jaker and district governance center (14-16 November 2010):
 - Police mentor team and law enforcement professional (LEP)
 - District stabilization team (DST): stabilization advisor, USAID representative, and rule of law advisor
 - District Chief of Police (DCoP), Major Sayfullah
 - District Governor, Haji Abdul Manaf
 - U.S. Marine Corps civil affairs group
 - Female engagement team
- U.S. Marine Corps battalion headquarters at FOB Geronimo and FOB Jaker (5-6 February 2011)
 - Battalion commanding officer, executive office, operations officers (C3), and intelligence officers (C2)
 - Golf company commander
 - Police mentors
 - ANA mentor team officer in charge
 - Attended a joint command staff meeting with the US Marine Corps, ANA, and AUP leadership
 - DST political advisor

Garm Ser district:

- FOB Dehli and district governance center (4-8 January 2011)

- Police mentor team who generously took the author out on a patrol through the district center's bazaar and enabled her to visit four police checkpoints where she interviewed the checkpoint commanders
- Civil affairs group
- District Stabilization Team (DST) political advisor and rule of law advisor
- Attended a District Community Council meeting with the DST
 - District Chief of Police, Haji Omar Jan
 - District judge, Haji Hameedullah
 - District prosecutor, Haji Mohammed
 - District *huquq*
- Female engagement team
 - Attended a women's *shura* and spoke with about 10 Afghan women
- Afghan National Army (ANA) mentors
- Afghan Border Police (ABP) mentors

Appendix C: More on detention in Helmand

Although the “catch and release” of suspected criminals undermines the public's trust in the police and the government, the problem is not easily solved. First, the police should hand insurgents—such as IED bomb makers, international smugglers, and insurgent commanders—to the National Directorate for Security (NDS). However, the police often “catch and release” low-level insurgents, especially young men from the area who are accused of (or caught) simply emplacing IEDs.

The police may detain suspects for 72 hours. After that, Afghan law requires the police to take a case to the prosecutor or release the suspect. The police in Helmand rarely take cases to the prosecutor because the police may not have sufficient evidence to forward the case for prosecution, a local elder may vouch for the detainee, or the police may take a bribe to release the detainee.

Police in Helmand are also accustomed to dealing with issues locally because the statutory justice system is just emerging. The Central Helmand River Valley districts, including Nawah-ye Barakzai and Garm Ser, received state judicial personnel for the first time in 2010. By March 2011, only seven out of Helmand's fourteen districts had a district attorney (prosecutor), and only five districts had a judge. Judicial infrastructure, including courthouses, detention centers, offices, and living quarters for judges, was still under construction.

Helmand's districts do not have long-term detention facilities, so Afghan law requires the police to transfer detainees to Lashkar Gah in order to hold them over 72 hours. Transferring cases, moving evidence, transporting witnesses, and transporting detainees to Lashkar Gah is challenging even for districts near the provincial center. Submitting detailed, written case files to the provincial prosecutor presents a further challenge, as the police have only a few literate officers in each district.

In addition, the provincial prosecutor in Lashkar Gah simply reviews the case file submitted by the district police. He does not request additional information or conduct any follow-on investigation. Instead, he simply refuses to hear the case if the case file does not have sufficient information. Determining the provincial prosecutor's standards is not trivial, as the district police do not have a significant number of cases on which to base the practical standards for what evidence is required for prosecution, and the provincial prosecutor does not provide any explanation to the district police when he rejects a case. Anecdotally, the provincial prosecutor has rejected some prosecution packages that included strong evidence and accepted other, weaker cases. The extent to which family connections, bribes, or threats affect the provincial prosecutor's decision to accept cases is unknown.

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