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Book Review

Book Review – The Police in War: Fighting Insurgency, Terrorism, and Violent Crime

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Book: David H. Bayley and Robert M. Perito, *The Police in War: Fighting Insurgency, Terrorism, and Violent Crime* (Boulder: Lynne Rienner Publishers, 2010). ISBN: 9781588267290 (hardcover); 978162378292 (ebook)

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The role of policing in addressing armed conflict is complex and controversial. Are the peace officers or combatants? In reality, the role of the police varies depending upon the type and phase of conflict involved. That is, the police can play a range of roles depending upon the type of conflict: civil strife, intermittent violence, and full-blown war with potentially different roles in non-international armed conflicts (NIACs), international armed conflicts (IACs), terrorist campaigns, insurgencies, and criminal violence.ⁱ In addition, these roles can vary depending upon the phase of the conflict: active armed confrontation and post-conflict reconstruction. The various challenges faced when police are faced with organized armed violence came to the forefront during the conflicts in the former Yugoslavia and then later on in Afghanistan and Iraq.

The Challenge

The Police in War (2010) is a classic text worth revisiting as these challenges persist. The authors are both subject matter experts on the police in conflict settings. David H. Bayley (1933–2020) was a Distinguished Professor in the school of Criminal Justice at the University of Albany, State University of New York, and Robert M. Perito, a program officer at the United States Institute of Peace is a specialist in security sector reform and author of another landmark text on policing post-conflict societies: *Where is the Lone Ranger When We Need Him? America's Search for a Postconflict Stability Force*.ⁱⁱ Bayley and Perito wrote *The Police in War* in response to operational and policy failures in building effective police in the aftermath of the conflicts in Afghanistan and Iraq (failures which in many ways persist). In doing so, they hone in on the key dimension of effective policing: legitimacy.

The text specifically looks at what the United States got wrong in building police forces in Iraq and Afghanistan. After an introduction that frames the issue in response to a question posed to the authors by a US Marine officer who had returned from fighting in Iraq's Anbar Province. The officer asked: "How should I have gone about training Iraqi police in a place where security had not been fully established, insurgent attacks were still common, and criminal gangs operated with impunity." (p. 1)? That question is evergreen in many ways; it addresses the need to establish security in transitional settings—that is, through intra-conflict and post-conflict settings. Bailey and Perito set out to answer the question by looking at historical cases and the role of police in controlling violence with an emphasis on counterinsurgency and terrorism in peacekeeping settings. That implies a need to understand the optimal division of labor between the police and military in these counterviolence missions and implicitly requires a determination of how to train police to fulfill these functions. These requirements, in turn, require an understanding of how the police function to sustain democracy and how can the US Government best achieve security sector reform in post-conflict societies.

Answering the Question

Perito and Bayley answer the Marine officer's question and its implied capabilities and competencies in the following eight chapters. Chapter 1, "Getting It Wrong: Iraq and Afghanistan," reviews the George W. Bush Administration's legacy of attempts at building law and order toward stabilization and reconstruction in those nations. Communal violence and drugs complicated the situation as did bureaucratic shortfalls. Failures of planning complicated efforts to build or integrate alternative forces in the aftermath of concerted military resistance, A lack of international police advisors and trainers, as well as an underestimation of the full requirements of establishing, equipping, and training a police service were complicated by poor reputation of police and ineffective coordination of coalition partners.

In Chapter 2. "What We Should Have Learned," the authors look at prior missions in Panama, Somalia, Haiti, Bosnia and Herzegovina, and Kosovo to see what institutional lessons were overlooked. They found that in postintervention settings, local police were often unprepared, unfit, or unwilling to provide police services, leading to acute crime and disorder requiring intervening military forces to take action. If the military forces did not ensure safety and security, popular support diminished, threatening overall mission effectiveness. They also found that US military forces were not trained or equipped for civil disorder and, more importantly, that the military does not believe it should perform police duties; UN and NATO-led forces faced similar challenges. As a result, police and constabulary forces should be part of the intervention mix. The presence of civilian police (CIVPOL) and permission planning in these settings promote the development of effective local police and respect for humanitarian norms. Local police should not be used as military auxiliaries or paramilitaries but should be instruments of the rule of law. Police training requires skilled police trainers, is time-consuming, and can't be rushed. Building an effective police service is core governance and requires political commitment and diplomatic pressure from intervening military forces.

"The Role of the Police in Controlling Violence" is covered in Chapter 3. Specifically, this boils down to defining the police's role in countering insurgency (COIN), terrorism, and crime. The police role is paramount in these areas, and criminal investigation and community policing support all three. But, Perito and Bayley caution that the military and police roles should not be conflated. Drawing upon the lessons of the Patten Commission (Independent Commission on Policing in Northern Ireland) need to build public trust.ⁱⁱⁱ Indeed, in Chapter 4, "Balancing Force and Legitimacy," they expand this finding stating that community policing is "core" policing: that is, it is fundamental to sustaining legitimacy among the community. That means that the role of both local and foreign police and constabulary or stability policing units and the military COIN needs to be differentiated.

Police Training is discussed in Chapters 5 and 6, "Fundamentals of Police Training" and "World Police Training in Practice." These chapters detail the requirements for effective police training for peacekeeping and post-conflict operations. These emphasize the competence of trainers and appropriate curricula emphasizing human rights and the rule of law. Chapter 7, "Institutional Reform: The Larger Arena," places police capacity building and training in a broader justice system perspective, emphasizing the rule of law and governance. Police can't function without courts, prosecutors, correctional facilities and corrections and probation/prole officers, and an effective ministerial framework. This requires political commitment and concerted effort.

Concluding Thoughts

The final chapter, Chapter 8, "Getting it Right: Recommendations for US Policy," while on the surface dated, remains valid. The US (and other nations) needs to develop an organizational capacity to foster security sector reform and reinforce the rule of law worldwide. That requires capacity, specialists, and a bureaucratic framework. The US does not have an organic stability policing or constabulary capacity. Without a uniformed national police service, the US relies on contractors and its allies. In the Balkan conflicts, the US and NATO forces witnessed the utility of the French Gendarmerie and the Italian Carabinieri. These "expeditionary police" or EXPOL capacities are only briefly mentioned in this text but should become part of future deliberations on synchronizing military and police capabilities in future stability and support missions.^{iv} *The Police in War* is a good starting point for understanding the operational dimensions of meeting these ongoing and future requirements for policing the range of organized armed conflicts.

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Disclosures

None.

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Endnotes

ⁱ See, for example, Sylvain Vité, "Typology of armed conflicts in international humanitarian law: legal concepts and actual situations," *International Review of the Red Cross* 91, no. 873 (March 2009):69-94, <https://www.icrc.org/en/doc/assets/files/other/irrc-873-vite.pdf>.

ⁱⁱ Robert M. Perito, *Where is the Lone Ranger When We Need Him? America's Search for a Postconflict Stability Force* (Washington, DC: United States Institute of Peace, 2004); Perito discusses the four case studies in *Where is the Lone Ranger* (Bosnia, Kosovo, Iraq, and Afghanistan) in "Where is the Lone ranger? Questions and Answers with the Author (Robert M. Perito), *United States Institute of Peace*, No Date, <https://www.usip.org/publications/questions-and-answers-robert-m-perito>.

ⁱⁱⁱ The Hon Lord Patten, Independent Commission on Policing for Northern Ireland. "A New Beginning: Policing in Northern Ireland;" The Report of the Independent Commission on Policing for Northern Ireland (The Patten Report)" September 1999, <https://cain.ulster.ac.uk/issues/police/patten/patten99.pdf>.

^{iv} See, for example, John P. Sullivan, "The Missing Mission: Expeditionary Police for Peacekeeping and Transnational Stability," *Small Wars Journal*, May 9, 2007, <https://smallwarsjournal.com/blog/the-missing-mission-expeditionary-police-for-peacekeeping-and-transnational-stability>.