

# A Study on the Development of the National Police System Under Local Autonomy

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## I. Introduction

### 1. Purpose of this study

On July 7th 1995, local autonomy was introduced on a full scale in Korea. This caused a nationwide realization that center-oriented ways of thinking and administrative systems should be boldly transformed into local oriented ways of thinking and administrative systems.

Under these influences of localization, strong demands for change were made on the police system. Whenever there had been talk of government organizational reforms, the police organization has been a controversy between the ruling party and the opposition ever since it started out as the police department of the ministry for internal affairs in July 1948.

The substance of the controversy was about preventing the police from politically misusing its authority, caused by its becoming the servant of the regime because it lacks political neutrality and independence, not about distributing police authorities to local governments<sup>1)</sup>. Thus, while the Law on Governmental Organization has been amended nearly 40 times, not once did it contain substance about local police systems.

But as local autonomy is instituted, some opposition parties and local governments

are advocating the introduction of a local police system on the grounds of political neutrality of the police and police service that is better suited for local circumstances<sup>2</sup>).

What functions and roles does the police have to perform, and in which direction should the police system develop in this period of local self governing? It is evident that the answer to this question is crucial for the development of local self governing and the police.

But the duties and organization of the police are determined by extremely complicated factors, such as the national administrative system and cultural background. In other words, police administration, as a part of the national administration, is closely related to general administration. In a nation where the people are used to direction and regulation and have confidence in government authority, a national police system is desirable. On the other hand, a local police system develops in a nation where local communities are strong and people are resistant to the repressions of government authorities.<sup>3</sup>)

Because Korea has a tradition of a centralized administrative system, it is practically impossible and moreover cannot be a wise measure to shift from an integrated administrative system to a completely separated administrative system. Local self governing has been implemented without considering these factors, and therefore, advocacy for local policing could cause many problems.

Based on the above point of view, and centralizing on national security and the particularity of policing, the purpose of this study is to clarify the needs to maintain a national police system.

## **2. Extent and methods of this study**

This study first examines the relationship between local autonomy and the police system, by looking into foreign cases, and then mentions this relationship under the Korean police system. The grounds for advocating the introduction of local policing, the stance of the political parties on it, and the need to maintain a national police system under present situations are considered next. Finally, an attempt is made to present the directions for development of the national police system facing the present changes of localization.

Because the arguments for the introduction of a local police system mostly stem from concerns on political interest, and taking into account that the factors influencing the change in the police system are complex and diverse, the methodology of this study will be the analyzing of existing papers, rather than concrete positive analysis.

## II. The Relationship Between Local Self Governing and the Police System

### 1. The significance of national police systems and local police systems

In a national police system, the state has the police authority and the whole police force is under its supervision and direction. The merits of this system are that efficiency and unity in police administration can be maintained, and that nationwide

<Table 1> Comparison of Police Systems

	National Police System	Local Police System
Organization & Administration	<ul style="list-style-type: none"> <li>• The state is in possession of police authority; it uniformly directs and supervises nationwide police</li> </ul>	<ul style="list-style-type: none"> <li>• The local entities are in possession of police authorities, and the police only has jurisdiction in its region</li> <li>• Police operation costs are financed by the local government</li> </ul>
Merits & Defects	<p>Merits</p> <ul style="list-style-type: none"> <li>• Efficiency and uniformity of police administration</li> <li>• Swift actions against nationwide police situations and special police circumstances</li> </ul> <p>Defects</p> <ul style="list-style-type: none"> <li>• Difficult to realize police administration that fits local conditions</li> </ul>	<p>Merits</p> <ul style="list-style-type: none"> <li>• Police administration that fits local conditions</li> <li>• Easy to secure democracy of police administration</li> </ul> <p>Defects</p> <ul style="list-style-type: none"> <li>• Difficulty in nationwide or wide area police operations</li> <li>• Imbalance between regional police services and may result in unequal law enforcement</li> </ul>

crime situation and special conditions can be dealt with more swiftly. But the downside is that it is difficult to adapt police administration to local characteristics. On the other hand, in a local police system, the local government is in charge of police authority within its jurisdictional boundaries. The merits of this system are that police activities can be realized to suit local peculiarities and the democracy of police administration can be more easily guaranteed. Its shortcomings are just opposite to the merits of the national police system.

There also exists a hybrid police system which is a cross between the national and local police system. Police duties are divided into national and local affairs, and both

national and local police forces are established and organized (Japan); or there exists a division of area so that some regions are policed by the national, others by the local police force.

When we talk about the national police system and the local police system, the first problem we run into is the concept of each term, because no absolute standard exists that distinguishes between them. Generally speaking, however, two standards can be said to be important : (1) who has the power to appoint and dismiss the chief of the local police force (2) who has influence over the determinations of policy and proceedings of the local police.

The concept of 'independent police' and 'police independence' also need to be distinguished. The former means independent and autonomous administration of the local police as opposed to central police organization<sup>4)</sup>, and the latter means that the police is in a position where it is independent and autonomous from political-administrative departments. But there doesn't exist any absolute standard for both of these concepts, nor is it possible or desirable to realize perfect 'independent police' or absolute 'police independence'.

The supporting argument for the introduction of a local police system starts out by suggesting that the functions of the police, which is to protect life, person, and property, and to maintain public welfare and order, can be divided into ones which have to be dealt with on a national level, and others which have to be dealt with on the local level sensitive to local characteristics<sup>5)</sup>, based on the distribution standard of administrative functions<sup>6)</sup>.

Accordingly, since performing the functions of protecting personal rights and liberty (personal safety) and protecting public welfare and order (social safety) over the basis of democratic ideals is the main duty of the police, it is alleged that then the former function should be in the hands of the local government, which is close to the residents, and the latter performed by the central government (Chung, 1989, 40).

Contrary to this, there is an opinion which suggests that for the realization of local autonomy, the extent to which the local government performs police functions should be reduced (Lee, 1995, 37-38). In other words, the local government has too many police functions to perform. Too much excessive energy is put into supervision and regulation like supervision of sanitary businesses, regulation on violation of business hours, parking regulation, investigation of illegal garbage disposal, than into enhancing the welfare of the residents. That is why breaking away from the present conventions, where local administration is still seen as maintenance of law and order, and also defined as such both in legal and administrative terms, is needed. Instead, it should be directed towards actively promoting the welfare of the inhabitants and the competitiveness of the region. The order maintaining function should be left to

voluntary resident activities and civil organizations, and only supplemented by local police. From this standpoint, the attempt to take charge of police activities by the local government would be to deviate from the ideals of local autonomy.

It cannot be denied that there is a tendency towards local police systems caused by the general transformation to self governing these days. But local police normally has jurisdiction over relatively small areas, and so there arises need for national police as population movement increases, and transportation and communication develop. Also, the seriousness of crime, especially excessive violent crime, is closely related to police powers. Self administration is based upon mutual agreement, and thus doesn't have a forced nature. Consequently, this affects police activities, so that national police, which has strong enforcement abilities, is called for in a region where violent crime occurs frequently.

Each nation chooses the appropriate system taking into account its history and special conditions, and develops it to fit best to its current circumstances. In general, nations with continental legal traditions gave adopted a national police system, whereas those with Anglo-American legal traditions have adopted a local police system or a hybrid form. But there is no direct relationship between having local autonomy and the form of police system; it is different by each case.<sup>7)</sup>

## **2. Comparison of the Police System of Selected Countries**

The police systems of the United States, Great Britain, and other countries will be introduced with emphasis on local autonomy, and their main characteristics will be looked into.

### **(1) Police Systems of Selected Countries**

#### **1) United States**

##### **(a) Organization - Local Police**

The federal government doesn't have general police authorities; it only has special police authorities for the execution of law on specific matters. The FBI, which is under the Department of Justice, has jurisdiction over violations of federal law; it has no general police authorities such as crime prevention or traffic regulation. Police authority is 고유권한 of the state, but it is entrusted to the local authorities. The state police and local police maintain a relationship of cooperation, and the central police doesn't have any power to direct or regulate the local police.

##### **(b) Relativity with Local Autonomy**

Local autonomy is very strong (direct vote of chief of local government, local

assembly), and the local authorities are in control of organizational and human affairs.

## 2) Great Britain

### (a) Organization - Coexistence of National and Local Police

England and Wales, which are stable and have a long history of self governing long, have a local police system; Northern Ireland, which has an unstable situation because of the secession movement, and the capital police (London Police) have adopted a national police system. And Scotland has a central police system under the Scottish government.

### (b) Relativity with Local Autonomy

The regions with a national police system are also under local autonomy, but in this case, the local authorities don't have control over the police in that area. In the regions with a local police system, the local authorities organize and operate the police, but when the chief of police gets appointed, he operates the police independently.

## 3) Japan

### (a) Organization - Dual System of National and Local police

In the national police system, there is the 'Police Headquarters' in the center under the administration of the National Public Safety Committee, and in 7 areas, a 'Regional Police Office' exists as field offices. Then there is the 'Imperial Palace Police Headquarter' as an adjunctive organ.

Police headquarters are installed in the wide unit of local governments, and under them are police stations.

### (b) Relativity with Local Autonomy

Local autonomy is fully established, as can be seen from the direct election of the chief of local government and the organization of a local assembly. The local authority supervises the local police through the Public Safety Committee. The Police Headquarter, which is the national police, performs its regional duties through the Regional Police Offices.

## 4) Germany

### (a) Organization - National Police in State Units

Each federal state in Germany has its own constitution, congress, court, and executive administration; consequently, each state government has a strong centralized police system, and these are operated under respective state laws. The federal police performs only special duties without having general police authorities, and doesn't have any control over individual state police. In only a very small number of states exists a local police.

**(b) Relativity with Local Autonomy**

Strong local autonomy is implemented by state unit, and the local authorities don't have control over the police.

**5) France**

**(a) Organization - National Police**

A general police department exists under the Minister of Internal Affairs which directs and supervises the nationwide police force. This form is closest to Korea's police system before the legislation of the police law. In local terms, the Paris police office is directly under the Minister of Internal Affairs, and there are police offices in each Département (which is like a province). In Communes with a population of under 10,000, no police stations are established, and the 'military police' under the Department of Defense exercises police authority.

**(b) Relativity with Local Autonomy**

The governor of the Départments is appointed by the government, and the basic unit of local government is appointed in the local assembly. In Communes which have more than 10,000 inhabitants, the governor of the Département is in charge of police affairs.

**6) Sweden**

**(a) Organization - National Police**

Until the beginning of the 20th century, a local police system, under the traditional placing of police duties onto the local authority, was the dominant system, but to enhance efficiency through a united system of direction and order, promote cooperation between police organizations, and standardize the hiring of police officers and equipment, the police system underwent a radical reform and was transformed into a national system in 1965. A police committee based upon agreement is being operated. Each local police is in charge of a police district, which is a unit of several local administrative regions.

**(b) Relativity with Local Autonomy**

The head of local authorities is appointed by the government, but is endowed with a vast range of self governing abilities. The head of a county is responsible for the public safety of his region, but the actual duties are performed by the police director.

**7) Denmark**

**(a) Organization - National Police**

It used to be a local police system, but in 1938, was changed into a national police system by reforms. There is a national police headquarter in the central administration. Police duties cover diverse tasks in addition to general policing such as taxing, fire

service, public health, issuing of passports, immigration service, military draft duties, and civilian defense.

(b) **Relativity with Local Autonomy**

Same as its neighbor Sweden, it has a long tradition of local autonomy and the chief of local government has a vast range of self governing authorities, but he doesn't have control over the regional police force, which is under direct supervision of the central police headquarters. The director of the central police headquarters has general regulatory and supervisory authority, but doesn't have the authority to give detailed instructions.

**8) Finland**

(a) **Organization - National Police**

As we have seen in the cases of Denmark and Sweden, Finland has also converted from a local to national police system. In some regions, the police also performs prosecutorial duties. In the central administration, there is a Minister of Police Affairs, and locally, regional police headquarters and police stations are established.

(b) **Relativity with Local Autonomy**

Local autonomy is in practice, but not over the regional police. A very strong uniform hierarchical structure of 'Department of Police Affairs → regional police headquarters → police stations' is being operated. In basic local regions, the marshal is the chief of police in that region, and he also acts as public prosecutor.

**9) Israel**

(a) **Organization - National Police**

The police headquarter is under the Minister of Internal Affairs, who appoints the chief of police, and they constitute the central police structure. In local areas, there are regional police departments, and regional police offices under them. A 'National Guard' exists as a special police force.

(b) **Relativity with Local Autonomy : Not Available**

**10) Taiwan**

(a) **Organization - National Police**

In 1953, the police law adopting a national police system was legislated. The duties of the police are diverse as to cover such tasks as public health, fire service, investigation of tax evasion, and immigration services. In the central administration, the police headquarter is under the department of Internal Affairs. Regional offices for police duties exist over it, and there are police departments for various cities and counties. The 'Taiwan Provincial Office for Police Duties' is in charge of police duties



of all provinces.

**(b) Relativity with Local Autonomy**

Local autonomy has been introduced fairly early, in 1950, with the election of local administrative officers and local assembly. The police departments of the locally governed cities and counties hold a supplementary status towards the local government, but actually perform their duties as independent organs.

The police system and the relativity with local autonomy of the countries we have looked into can be summarized in the following <Table 2>.

<Table 2> Summary of the Police System of Selected Countries

Country	Police System	Local Autonomy	Control of Local Authority over Local Police
United States	Local Police	Fully Adopted	• Local authority has control over the police
Great Britain	Coexistence of National and Local Police	"	• No authority in national police areas • Local police areas operated by local police director
Japan	Dual System of Local and National Police	"	• National police organs don't have authority over regional police departments
Germany	National Police	"	• No control
France	"	"	• Under the supervision of the chief of local government
Sweden	"	"	• Has control in formal terms • Independently operated in reality
Denmark	"	"	• No control
Finland	"	"	• No control
Israel	"	"	• N/A
Taiwan	"	"	• Nominal control • Independently operated in reality

## (2) Comparison of Police Systems

When deciding whether to adopt a dual system of national and local police, or one solely consisting of national police, the basic duties of the police, which is to protect the safety of the whole society and each person, have to be taken into account.

All 10 countries have established local autonomy, but only 3 of them (United States, Japan, Great Britain) have adopted a local police system; the other 7 countries are under a strong national police system. Thus we can provisionally conclude that there is no direct relationship between local autonomy and the adoption of a local police system.

One thing to be noted here is the movement of countries, which had a local police system, towards a national police system. In other words, there exists a tendency of 'neo-centralization' in the field of police administration. Sweden, Denmark, and Finland are countries in which autonomous administration and social welfare have developed early, and these very nations are converting to a national police system. The main reason behind this is because police administration is becoming more mobile and covers wider areas as transportation and communication develop, and local police has run into limitations.

Another important fact is that the police systems of Great Britain and Japan, which are of a local nature, actually contain many characteristics of a national police system in their finance, human resources, and statutes.<sup>8)</sup>

## III. Examination of the Opinion to Introduce a Local Police System and the Direction of Development of the National Police System

### 1. Examination of the Opinion to Introduce a Local Police System

#### (1) The Grounds for the Introduction of the Local Police System

The basic logic of the advocates of the local police system under local autonomy is as follows. Local autonomy is a system of expressing the collective will of the residents to solve the problems of their area by themselves. Therefore, the genuine meaning of local autonomy is to use the authorities that are handed over from the state independently and freely. The success or failure of local autonomy depends on how well the authorities of the state are distributed, and to what extent the local government can exercise autonomy. To make this possible, police activities have to be self governed, and the command of the police force must be in the hands of the local government.

This is the basic framework on which the opposition and local assemblies have been continuously calling for the introduction of the local police system; and below are the

results they allege can be achieved.

First, the subordinacy of the police under political powers, which has been a persistent problem of our police, can be abolished, and the neutrality of the police secured. Therefore, to realize true democracy, the promotion of the local police system is desirable.

Secondly, efficient local administration can be achieved through the local police system. By putting the police authorities into the hands of the chief of local government, administrative conflicts between the local authorities and the police are reduced, thus enhancing the administrative abilities of the local authorities. Under the current system, the local authorities or local assemblies cannot exercise any rights over local police administration, which is for protecting the lives and properties of the local residents, except in the 'police administration consultation committee'. In addition, under the laws on local autonomy, policing is not designated as a 'national entrusted affair', still less a 'local self governing affair', and so it is no way the local authorities can participate in local police administration.

Thirdly, the confidence of the residents towards the police can be raised. Just as directly elected chief of local government are more trusted than appointed ones, by localizing the police, distrust against the police as being subservient to power. Therefore, in the case of a disturbance, the destruction of property belonging to local authorities, such as local police stations, can be prevented by the residents.

Fourthly, because independence is enhanced, the police will try to serve more actively in the interest of the local residents. Autonomous local police react more sensitively towards the needs of the residents than national police, and will be able to better in such matters as crime prevention, investigation, and traffic problems.

Fifthly, local police system is needed to facilitate the specialization of the police force. As the needs of the citizens for police service become more diverse and complicated, the police force should be specialized into national and local police. Highly specialized manpower that is up to the era of specialization and science must be trained by this system.

Finally, under the local police system, the greater part of the police force will be native to that region, promoting stability among the residents, and because they get paid from the taxes of the local residents and these taxes don't get transferred to other regions, police service towards the residents will be improved.<sup>9)</sup> Also, as a sense of 'we protect our own village' will be promoted, and diverse passages of local information set up, improving investigational abilities and give positive influence towards maintenance of public safety.

## (2) The Stance of the Political Parties on the Introduction of the Local Police System

### 1) The New Korea Party : Preservation of the National police System<sup>10)</sup>

After many complications, our police became independent from the Ministry of Internal Affairs on May 10th, 1991, when the police laws were passed in the special session of the National Assembly. This brought about a big change.

As the police department, which was a supplemental organ to the governor was reorganized into the local police office, responsible and autonomous police administration was to be guaranteed, and in each region, 'Police Administration Consultation Committee' were to be established as an attempt for the neutralization of the police. In this era of local autonomy, it has to be decided what form of police system is most fitting to each country, taking into account the history, geography, society, cultural environment, and the criminal circumstances.

Korea is still in a situation where national security is unstable from the standoff between the North and South. The police in charge of a part of the anti-espionage operations, and criminal activities are expanding and becoming more mobile on national levels. Under these circumstances, it can be anticipated that the local police system will bring about many side effects.

In addition, a specific party dominated the chief of local government and local assembly in a specific region by the 6-27 local elections. If a local police system is instituted in this situation, the operation of the police is controlled by the chief local government or a small number of local elite, and the need would arise to protect the police from these local political powers. The police must also fairly perform its duties in various elections.

Thus, the preservation of the national police system is thought to be desirable, taking into account that the police must prepare for the unification era and the special criminal circumstances. However, because local autonomy is in the building phase, it would be possible for the Korean police to select trial regions (Chungcheongbukdo, Chejudo) and operate a local police system as a preliminary experiment. The merits and faults can then be compared and the shortcomings improved to propose a hybrid form as an alternative.

### 2) The National Congress for New Politics : Advocating the Local Police System<sup>11)</sup>

The second paragraph of the Police Law (on the organization of the police) says 'regional police offices are to be instituted under the mayor/governor for the execution of police duties by regional units, and the sixteenth paragraph (on the Police Administration Consultation Committee) says that 'to consult and coordinate on the

cooperation and other matters that need to be looked into between local administration and police administration', a 'Police Administration Consultation Committee' should be set up under the mayor/governor. But a local police doesn't exist in reality. Only on grounds of the formal clause of § 2, the local government has been financing the police with large amounts of local revenue, without any concrete legal basis, and the operation of the so called 'Police Administration Consultation Committee' has been insignificant.

Next is the opinion of The National Congress for New Politics to introduce the local police system, centralizing on the 'Bill of Amendment on the Police Law' (bill #962) that was proposed by The National Congress for New Politics on the first of December, 1994.<sup>12)</sup>

First, in connection with political neutrality of the police, the duties of the police are, to protect personal life and property; to prevent, repress, and investigate crime; and to maintain public peace and order. The activities of the police must be confined within its duties, and in performing these duties, the police has to be unbiased and absolutely neutral without abusing its authority, like violating individual liberty and rights, which are backed by the constitution. And no one, except those defined by law, can give orders to or influence the National Police Committee (including special municipal, provincial police committees) or the duties of the police.

The specific contents of the local police system are as follows.

- (1) Establish regional police committees for each special municipality, extended municipality, and province under the respective head of the local entity. These committees should be composed of 7 members, where 4 of them are elected in the municipal/provincial assembly, then appointed by the mayor/governor, 3 members, including the head of the committee, appointed by the mayor/governor with approval of the assembly. All members are given local public official status, 2 members should have qualifications of a judge, and the term of a member is 4 years.
- (2) Municipal/provincial police offices are established under the (national) Police Office, and a regional police office director appointed for each one. The director of the Special Municipality Police Office is appointed by the president after the National Police Committee<sup>13)</sup>, with the approval of the Special Municipality Police Committee, proposes a candidate to the prime minister. Extended municipal and provincial police office directors are appointed by the National Police Committee, after the respective regional police office proposes a candidate approved by the regional police committee.
- (3) The expenses of the regional police that is defined in presidential orders shall be unequally distributed from the national treasury respective to the financial

independence of each municipality/province to maintain equal levels of police administrative services.

- (4) The director of a regional police office, under the supervision of the regional police committee, and under the direction and regulation of the National Police Office, exercises general control over the police administration within its jurisdiction, directs and regulates its officials, and shall cooperate with other regional police offices.
- (5) Police stations are established under the regional police office, and the chief of the station is appointed by the director of the National Police Office, from a candidate who is proposed by the director of the regional police office. The chief of a police station, under the direction and regulation of the directors of the National Police Office and the regional police office, executes police administration and supervises its officials.
- (6) A police officer in service of a regional police office with a higher ranking than a superintendent is appointed by the president from a candidate proposed by the director of that regional police office and approved by the regional police committee and the National Police Committee. Officers whose ranks are lower than inspector, are appointed by the mayor/governor from a candidate proposed by the director of the regional police office and approved by the regional police committee. The former will be given status of a national public official, and the latter of a local public official.

### 3) Liberal Democratic Union : Coordination Between National and Local Police Systems<sup>14)</sup>

The LDU is of the view that since full scale local autonomy has been implemented, the local police system should be introduced because it will be more suited in decentralizing power, regulating the residents, strengthening local public safety, and making the police administration more efficient. But that doesn't mean that the national police system should be done away with and that a totally local police system should be executed; rather, a hybrid form between the national and local police system should be adopted, and such a dual system is the reasonable choice. That is because police administration, which is essentially the protection of the safety of citizen life and property, and the maintenance of public order, has both national and local administrative characteristics.

The national police puts more emphasis on central bureaucratic functions such as policy planning and presentation of instructions, and the nationwide maintenance of public safety and order. In addition, it is desirable that the national police secures a structure of international information collecting, nationwide investigation, wide area

organizational crime, international crime prevention, and a nationwide police information system, and specialize in crimes that have much social impact such as intellectual crime that makes use of hi-tech equipment, or drug related crimes.

The local police should concentrate on public welfare essential to everyday life of the residents, such as personal protection, maintenance of public safety, license, traffic, 형사, crime prevention, guarding, and general investigation. The police system of the United States where it is dualized into the federal police and the local police, needs to be looked into. The unit of a local police is restricted to municipal/provincial levels to prevent administrative inefficiencies arising from excessive decentralization. And to prevent the local police from monopolizing specific authorities, a 'municipal/provincial regional police committee' should be established and strengthen control of the residents over the local police. The regional police offices are placed under these committees and execute local police administration. The director of the local police office receives orders from the central police office or the mayor/governor, according to the jurisdiction of affairs.

In the national police, a 'National Police Committee' is to be established and the central police office placed under it, and supervise the operation of the national police. To guarantee the political neutrality of the police, two thirds of the members of this committee should be elected from the National Assembly.

The expenses of the local police are, in principal, to be born by the local government, but the central government should give financial support according to the economic power and degree of financial independence.

### (3) Examinations on the Opinion to Introduce the Local Police System

Since all systems are social products which are born, take root, and disintegrate along certain limitations of space and time, I would first like to consider our actual circumstances related to the introduction of the local police system, and then examine the chief controversies.

#### 1) Actual Factors to Take into Account

(a) First, the situation of our national security should be considered.

It is said that the tension between North and South Korea has been relieved by some degree, but there is no change in North Korea's basic stance of communization, and active preparations against a misjudgment on their part should be strengthened. Under this situation, considering that the our police is in a special position, where it is in charge of a considerable portion of the national security through maintaining operations, riot police, and marine police.

(b) Second comes the need to prepare against "sudden reunification".

The field of police is a very urgent and important subject among the numerous national tasks which have to be prepared against "sudden reunification", which the President has mentioned in the Independence Day ceremonial speech. As was confirmed in the reunification process of Germany, considering the duty the police has to perform in overcoming the disorder that arises from reunification, there should be discussion about the strengthening or adjusting of police authority.

(c) Thirdly, there is need for strong measures to be taken against the increasing scope and speed of crime.

As can be seen from the chijonpa case, Onbohyun case, and the recent counterfeit cheque case, crime's tendency of becoming larger in scope and mobility is intensifying, and it is impossible to solve cases like these by adhering to jurisdictional boundaries. Also, as globalization and opening progress, increase of international crime such as drugs, terror, and organizational crime is being anticipated, and this should be a factor to be

**<Table 3> Financial Independence of municipalities & provinces**

C I t y	P r o v i n c e	S e o u l	I n c h o n	T a e g u	P u s a n	K y u n g k i	T a e j u n	K w a n g j u	K y u n g n a m	C h e j u	C h u n g p u k	K y u n g p u k	K a n g w o n	C h u n g n a m	C h u n p u k	C h u n n a m
Financial Independ- ence		98.1	92.2	87.5	82.8	77.0	74.4	57.2	51.8	43.4	41.4	36.2	35.5	31.4	29.6	23.6

considered. Prompt adjustment against these crime tendencies are needed to be implemented in police organization.

(d) Fourthly, nationwide balance of policing must be considered.

The financial independence of local entities are showing an extreme variation as can be seen from <Table 3>. 58.2% of the local governments cannot even pay the salary of the public official with pure local taxes, and under these circumstances, if local police is approved, it could result in imbalance of police service between regions, and could even be a barrier for local autonomy to take root.



- (e) Fifthly, there is the problem of dividing the police force into national and local police.

Some people say that it can be considered to hand some specific functions of the police, such as crime prevention or traffic control, over to the local authority, but the functions of the police cannot be separately considered.

For example, among traffic related functions, traffic regulation and accident management are law executional functions which cannot be handed over, and crime prevention is mainly done in police stational units, and cannot be thought to be a proposition considering the duties of the police.

Of course, ways to improve service towards local residents and the maintenance of public safety must actively sought for, but the localization of police authorities cannot be an alternative; rather, alternatives should be considered which support and reinforce police activities towards local residents.

- (f) Finally, problems in connection with the status of the police.

Although authorities fitting to its responsibilities should be given, independent investigational authorities are restricted, and it is difficult to concentrate on public welfare because of excessive work concerning cooperation with other departments, and this makes it hard for the localization of police authorities to perform its functions, however genuine the advocates may be. Also, considering the relationship between the local entities and the local police offices, the imbalance is becoming more pronounced, and there exists urgent need for the local police to rise in status.

## 2) Views on Principal Controversies

On the opinion to "place the National Police Committee as the highest organ, and make it "take charge of" police administration concerning national public security and "supervise" the police office."

Police administrative affairs concerning national public security require professionalism and "unexpectedness · urgency · responsibility", and a consultative body has such problems as delay of decision, unprofessionalism, and the unclear nature of responsibility, and hence is not suited to perform quasi-defensive functions and the war against crime.

Countries like Japan and Sweden have adopted a committee system as the central police body, but in Japan, the National Public Safety Committee, unlike the law, is only a symbolic organ, and a bill for the amendment of the police law calling for its abolition, was once proposed (1974); Sweden has established such an organ as a

compromise when transforming its local police system into a national police system (1965), but it has a consultative character, as can be seen from the fact that the director and the deputy director of the police office participate as natural members.

On the opinion that 「the local police system has to be introduced for the execution of locally fitting police administration」

Because of the regional limitations of police authority, it is very difficult to effectively deal with crime which is becoming larger in both scope and speed, under the local police system, and side effects such as the law enforcement of the police coming under the influence of the local government head, who belongs to a political party, or local influentials, could occur.<sup>15)</sup>

And because the law is enforced differently by region, there exists the danger that breach of equity will come about, and when a problem of interest arises between local entities, the possibility that the neutral role of the police gets jeopardized arises.

On the opinion to 「hand over some functions to the local authorities, such as crime prevention, traffic, and general investigation, and let the national police take charge of guard, information, maintenance of security, drugs, international crime, and wide area crime investigation」

It is possible to formally divide the duties of the police, but because the role and duties of the Korean police are special, such a division is actually impossible. A police officer who does crime prevention and traffic regulation, at the same time participates in examinations and questionings for the roundup of wide area crimes, anti-espionage operations, repression of multiple crimes, and the collection and report of information on crime.

Also, in case the local police organ only performs its local police duties, the need for the nationwide establishment of an additional local police institution like the 「Regional Police Office」 of Japan arises, and this leads to inefficiencies in police organization and administrative operations.

On the opinion to 「appoint police officers who work in a local police office, as local public officials, if the rank is lower than inspector, and as national public officials, if the rank is higher than superintendent」

92.5%(83,500) of the approximately 90,000 police officers will be converted into local public officials, causing limits on interchange of personnel between municipalities/provinces and difficulties in recruiting and educating.

A contradiction will occur, namely that even officers who are in charge of information, security, and external affairs (21.4%), which belong to national police duties, will be converted into local public officials.

On the opinion that 「the expenditures of the local police should be financed by the local government, and the deficit covered by the state」

Looking at the current independence of local finance (58.2% on average), it is impossible for the local government to finance the operation of the local police (which is about ₩3trillion). In addition, the imbalance between regions is very serious (the highest independence rate is 98.1%(Seoul), and the lowest is 23.6%(Chunnam)), and this could act as a disturbance factor against well-balanced development among local police.

The fact that the state covers the deficit of the local government would mean that the subordination of the latter accelerates. This is no help for the development of local autonomy, and becomes a barrier for the development of police organization.

On the opinion to 「dualize the police into a federal investigational office (FBI) and state police like the United States, and let the national police only take charge of international crime and wide area investigation」

The United States is a federal nation where each state has a quasi-independent nature, and also its own legal structure and police institutions. This is very much different from the Korea.

And it is difficult to determine a case from the start as international or wide area, because that gets only known after investigations progress. It would also mean the abolition of anti-espionage operation, information, and external affairs of police administration which are considered to be national police duties.

## **2. The Direction of Development of the National Police System under Local Autonomy**

Korea's law on local autonomy doesn't specify police duty as a function of the local

government, but at the same time, there is no explicit clause that categorizes it as a national affair, not to be done by the local authority; thus, it can be said that police duty is not excluded from the authorities of the local government (Nam-Jin Kim, 1989, 89).

Korea maintains a 'national police system,' because of the special police circumstances and the complexity of police duties. Not only are the duties of Korean police much more diverse and complex compared to other countries, they also include all-round performance of central administrative affairs. Moreover, the police must swiftly deal with changes in the national level police situation, so to effectively take actions against crimes that take place over two or more jurisdictional regions, a uniform line of command is needed. And the large imbalance of financial independence between local governments makes it hard to preserve equity on the establishment, recruitment, equipment, and welfare among regional police offices which will result in imbalance of police services.

But on looking at the relationship between the current police system and the local governments, institutional mechanisms for harmonious cooperation and reflection of resident's opinions into police administration do exist.

Firstly, there is the 'Police Administration Consultative Organization,' which acts as a link between the local government and the police.

Through the Police Administration Consultative Organization instituted under the mayor/governor, cooperation between local administration and police administration and other affairs can be consulted and adjusted (§16 of the police law), and the local residents can also make their demands reflected in police administration through representative committee members (3 members).

Secondly, legal authorities and the obligation to cooperate.

The mayor/governor has the authority to decide on the local police director's prohibition notification of assemblies and demonstration by the law on assemblies and demonstration (§9). In addition, the "authority to install traffic lights · signposts" in the 'road traffic law,' and the obligation to cooperate in giving permission for road occupation and prohibiting traffic are specified (§3, §65, §104 of the above law).

Thirdly, cooperation on the law enforcement affairs of the mayor/governor

This is the practical police authorities that the local government has been endowed with. When the local government asks for cooperation in maintaining public peace and order, and preventing harm on affairs such as "public health · hygiene · construction · disaster relief", intimate collaboration structures with the local authorities are maintained under the national police system. Examples of this are removal of unauthorized constructions, regulation of businesses violating public health · hygiene standards, and the dealing against unlawful demonstrations having to do with local ·

group egoism.

Thus, it can be said that the relationship between the national police system and local autonomy is not one of mutual contradiction and confrontation. Rather, there is need for the proliferation of the understanding that this relationship is of mutual collaboration and cooperation for effectively achieving administrative goals while respecting and confirming the peculiarity and autonomy of each other's field.

At the same time, the police system has to consider the values of democracy and efficiency in faithfully performing its proper duties and roles, and the special police situation of Korea must also be taken into account.<sup>16)</sup>

Hence, it is desirable that the national police system internally establish and promote the following directives of development in this period of local autonomy.

- (1) Make an accurate examination of the regional assignment structure of personnel, and reorganize the police force centering on firstline police departments that are the point of contact with the citizens.
- (2) Expand the authorities of the local police office director to make police services and employment of police forces more locally oriented.
- (3) Activate the 「Police Administration Consultative Organization」 in order to actively reflect the demands of local residents into police administration.
- (4) Police services need to be improved in quality through evaluating the arrest rate of criminal and traffic regulation results compared to personnel · budget in areas where it is possible to measure productivity, such as investigation and traffic.
- (5) For crime prevention, swift arrest of criminals, and stability of local society, close cooperation structure between the local authorities and regional organs related to it will have to be sustained.

#### **IV. Conclusion**

All social systems have a constant reciprocal relationship with social circumstances, and the field of police administration reacts most sensitively to changes in these circumstances. Recently, the police has been receiving strong social calls to efficiently deal with diversified demands on police activities under rapid environmental changes (Ahn-Jae Kim, 1995, 127) such as (1) globalization · opening (2) localization · autonomy (3) industrialization · urbanization (4) democratization · unification (5) modernization · progress.

But taking into account that "There is no eternal institution which overcomes space and time", the police must strengthen internal efforts to accommodate the change into local autonomy. I would like to conclude centralizing on the necessity of maintaining the national police system while emphasizing, in the long run, the need to review a

police system that satisfies national · local police demands at the same time, and ensures efficiency · democracy · neutrality, and in the short run, the need to fortify the systematic cooperative relation with the local authorities, regularly collect the opinions of the local residents on police affairs and thereby develop and implement policies that are locally oriented through the 「Police Administration Consultative Organization」, in order to fulfill the purpose of local autonomy.

- (1) Our nation is divided into North and South, and North Korea is showing changes which are unpredictable; hence national security is becoming important than ever. Defense abilities must be strengthened to provide against sudden reunification. Also, following the waves of globalization · opening, all sorts of crimes are widening their areas of operation, transcending national boundaries. Internally, the influences of rapid urbanization · industrialization · informationalization are causing the widening · mobilization · brutalization · intellectualization trends of crime. Under these current circumstances, the hasty introduction of the local police system would only act as a barrier towards providing good police service.
- (2) Taking into account the practical circumstances where the police, as a social institution, is not only getting demands for political neutrality and administrative efficiency, but also to be in close contact with the local society (Dunham, 1989 349-365), police policies that fit to local environments in the mid · long run need to be uncovered.

Also, as local autonomy is implemented, it is expected that demands on services concerning the life of the residents will increase and demand for police activities diversify because of social phenomena like NIMBY, and in order to improve services and raise productivity, there is need for measuring productivity through examining the arrest rate of criminals and traffic regulation results compared to personnel · budget.

- (3) The police is defined as an institution or person that is authorized by the state to use force (Langworthy, 1994, 6), and therefore, the police must consistently strive to raise the trust of the citizens, as an organization, and as police officials.

Especially, the works of the police have to be evaluated by the standards of effectiveness, efficiency, and rectitude (Bayley, 1994,79-85). Thus, procurement of able personnel, boosting of morals, modernization of police equipment, and maintenance of a field oriented organizational structure must be steadily promoted.

## Notes

- 1) The issue of self governing police in the special session of the National Assembly seems to have been raised as a measure to ensure the neutrality of procuratorial and police authorities,

not as an end in itself.

- 2) Recent calls for the introduction of a local police system have been :
- ① '96.3.19, at the regular conference of the chiefs of assembly of local government
  - ② '96.6.7, at the policy seminar on the improvement of the police system (institutionalizing the political neutrality of the police establishing local police) of The National Congress for New Politics
  - ③ '96.6.20, adoption of a proposal on the amendment of the police system by the Chollanamdo provincial assembly.
  - ④ '96.6.27, at the 「Convention for the Vitalization of Local Autonomy」 of the Group of Basic Local Assembly Chairmen, a proposition for the dualization of police into national and local police was adopted.

The substance of these are mostly similar.

- 3) It has been assessed that the people of Korea are antipathetic and resistant towards the police because the national police system had been introduced as part of Japanese colonial policy. This psychological element seems to have contributed as a supporting factor for the introduction of a local police system.
- 4) A local police system is sometimes defined as a system in which the local entities take responsibility over the organization and maintenance authorities and finance of the police (Jin-Hyun Park, 1993.3).
- 5) Nationwide police functions that have to be committed to the state are as follows.
  - matters concerning public security
  - matters concerning large scale disasters, that could cause public disorder
  - matters concerning disturbances that could endanger social security
  - situations in which to maintain order, a state of emergency has to be proclaimed, either nationwide, or limited to a region
  - traffic regulation of main national roads
  - repression and investigation of crime, arrest of a suspect, international cooperation in police investigation
  - keeping guard on major national secrets and installations
  - marine police
  - police communication
  - criminal identification
  - criminal statistics and standards on police equipment, etc.

Local police functions that should be operated by the local authorities are as follows.

- protection of personal safety
- crime prevention, repression, and arrest of suspects
- examinations for driving licenses for automobiles and motorized bicycles, driving licenses
- traffic regulation within the local area
- permit, suspension for pleasure resort, prevention of decadent acts, regulation of decadent business
- permit or suspension of pawnshops
- junkyards

- permit for the possession of firearms and knives for the use of hunting
  - transaction and transportation of gunpowder, inspection on the manufacturing of gunpowder
  - guarding business
- 6) If the effect of and administrative service or measure has nationwide repercussions, it has to be done by the central government, but if on the other hand, it only covers a specific region, it is within the exclusive authority of the local government. Diplomatic relations, defense, issuing of currency, monetary administration, labor standards, postal service, and railway are examples of the former, and city planning, water sewer systems, cleaning, specialized local industry, and the development of local economy belong to the latter.
- 7) In Great Britain and Japan, where, seen from the outside, a local police system is adopted, criticism is arising because the central government is strongly controlling the size of the force and the budget, and the local police is not able to swiftly deal with incidents.
- 8) If we look at the mechanism of national integration and central regulation in Japan, it can be known that a local police system for simple distribution of power cannot work. In the case of Japan, the police was centrally operated from 1874 till the end of world war 2, and in amendments of police laws in 1947 and 1954, the dual system of national police and local police was established which lasts till now (Sang-Ahn Lee, 1986, 119). Police affairs are in principle handled by the local government, but it is efficient for the national police to handle its affairs at once. In special cases, the national police can exercise supervisory authorities even over police affairs handled by the local police. If needed, the regional district police office director has the authority to supervise and regulate the local police with orders from the minister.,

In the case of the United Kingdom, since the police laws were legislated, the Minister of Internal Affairs has the authority to appoint about 1/2 of the local police committee members, decide on whether to give financial support, and approve of the personnel plannings of the local police. Thus, besides taking charge of the policing of London and its metropolitan area, the national police also determines the major policies of the local police.

- 9) In his paper, Professor Sae-Ook Chung premises "The police is united as the national police, all police functions are defined as national affairs, and all police officials are national public officials which weakens their sense of service and responsibility towards the local residents", and endorses the introduction of the local police system with this example : "janitors or guards of an apartment are very friendly towards the residents and have a strong sense of service".
- 10) This part is a summary of Chang-Ho Toon, 1996, 23-31.
- 11) This part is a summary of Sang-Hwan Lee, 1996, 35-47.
- 12) During the national inspection of the '95 regular session of the National Assembly, the The National Congress for New Politics strongly advocated the introduction of the local police system, and the answer of Il-Ryong Park, the director of the Police Department, was that even in countries like the United States or Japan which are being presented as having an advanced police system, the arrest rate of criminals is much lower than in Korea and criminal problems are very serious, so it is not desirable to blindly take after foreign system,; thus, he made it clear that he had no intention to introduce the local police system by



saying that the opinion of the opposition does not suit Korea's situation.

- 13) The National Police Committee is placed under the prime minister, and it supervises police operation that is concerned with public safety and administers the police department. It is composed of the head of the committee and 6 members, where 4 members are elected in the National Assembly and 2 members proposed by the prime minister, and then appointed by the president. 2 members should have qualifications as judges, and the head of the committee should be a member of the National State Affairs Committee, and the members are endowed with status as national public officials.
- 14) This part is a summary of Won-Duk Kim, 1996, 53-59.
- 15) A report of the FBI says that there are many incidences of a police station chief underreporting the number of crime cases or manipulating crime types for the reelection of a local authority head.
- 16) There cannot be an objection to the neutrality of the police, and therefore, regulations and operational shortcomings concerning political neutrality will have to be continuously complemented and improved.