

The University of Wisconsin - Oshkosh: The American Democracy Project
Notes on Establishing the Rule of Law in an Emerging Nation

1. Promoting Justice Within a Civil Law (As Opposed to Common Law) System

Understanding and then embracing a legal system, premised upon a centuries-old code, that is foreign to our own poses special challenges, both substantive and operational—among them, becoming comfortable with judges effectively playing interrogators, investigators, and charging, deciding, and sentencing officials. How do we train ourselves and otherwise prepare effectively to work within and promote a system with which we have little practical experience?

2. Confronting the Involvement in and Impact of Religious Institutions

The involvement of long-standing, highly-regarded religious tribunals—meting out justice wholly apart from the trappings of the official government—presents policy-related and functional issues that are at the core of Rule of Law development. What are the best strategies, both short- and long-term, for dealing with these extra-governmental courts—through recognition and integration, dismantling (voluntary or compelled), or continued benign separation?

3. Addressing Historical and Cultural Traditions in the Delivery of Justice

The trappings of basic human interaction, professional business relations, and governmental activity are significantly different in Middle Eastern as opposed to Western nations; even so, the unique challenges faced by a new nation in the midst of designing its future present terrific opportunities for growth and development that wed contemporary notions of justice with historical and cultural traditions. How can we be most effective as “ambassadors of creation” while not dismissing or overlooking those long-standing norms of behavior?

4. Creating an Independent Judiciary: Separation from the Executive Branch

The notion of a judiciary operating in a manner truly independent of a Ministry of Justice or Interior, while not unknown in the Middle East, is (for the most part) not widely understood, supported, or even accepted by those societies. What are the most persuasive means of accomplishing this all-important separation—and then ensuring that the Executive and the Legislative Branches behave in ways that reflect their appreciation of and respect for it?

5. Establishing Legitimate Policing Mechanisms: Protection and Investigation

Closely associated with the re-creation of a strong judiciary is the resurrection of an equally professional system of law enforcement that both supports the delivery of justice in the courtroom and responds even-handedly and effectively to the needs of the citizenry for safety and security. How do we best recruit and train a new police force that embraces both of these roles, while creating confidence within the public in the integrity of the officers who serve them?

6. Developing Modern Corrections Systems: Human Rights of Prisons

One of the most telling tests of a society premised upon the Rule of Law is the manner in which it treats its prisoners, both pretrial and post-conviction; in addition to ensuring that detainees are treated humanely, government is also obliged to protect them against human rights abuses and other violations of basic rights. What instructional programs can be we design and implement to ensure that contemporary standards for prison facilities and population management are incorporated into the key operational systems of the new government?

7. Embracing the Non-Criminal Justice Institutions: Bar Associations, Private Practitioners, Law Schools, and Legal Aid Groups

While the establishment of integrity within the basic institutions of the criminal justice system is the foundation for the Rule of Law, significant attention to and promotion of the so-called “soft” components of the system—namely, lawyers’ groups, legal education, and public assistance programs—is critically important. What are the best methods for ensuring that these vital institutions are a part of the overall Rule of Law effort, without undermining their own authority and independence?

8. Overcoming Special Operational Challenges in a Violent Environment

The difficulties associated with attempting to establish the civil mechanisms of a society premised upon the Rule of Law—while that society continues to be ravaged by horrific violence and war-related destruction—are profound; on occasion, the impact on national infrastructure and the very psyche of its citizenry is overwhelming. How do we overcome those difficulties, if at all, and in what manner does the environment dictate the agenda for development and training?

9. Organizing and Supervising Rule of Law Participants: International Community, Military Forces, Civilian Agencies, and Host Nation Officials

No initiative for spreading the Rule of Law will be even marginally successful absent the involvement of many, diverse—often adversarial—players; these include coalition nation partners, representatives of their military forces, a myriad of political and non-political employees of civilian offices and programs, and, perhaps most important, the leadership (often non-unified) of the host nation itself. What are the best, common-sense methods of ensuring the integration of the missions, goals, and actions of all of these participants?

10. Special Topics: Crisis Management, Language Challenges, Budget Limitations, and Political Interests (Both Host & Sponsoring Nation)

Efforts to establish the Rule of Law in an emerging nation are frequently stymied by important but collateral matters, including governmental crises of all varieties, confusion that derives from linguistic misunderstanding, restrictions on monetary spending to create basic facilities, and political debates and machinations by the leadership of the host nation and among officials “back home” with responsibilities to local constituencies. What has experience taught us about handling these issues most reasonably without surrendering the principal Rule of Law aspirations that animate our overseas mission?

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“Trends and Challenges in Law Enforcement:
The Contemporary Mission of the United States Department of Justice”

Monday, February 18, 2013

United States Department of Justice Law Enforcement & Prosecution Priorities

- Law enforcement officer safety and security, including training and equipment support
- Threats to national security, including domestic and international terrorism
- Violent crimes, including national and international gang activity, traditional organized crime, firearms offenses, kidnapping, illegal drug trafficking, and bank robbery
- Public corruption and related offenses involving breaches of the public trust
- Financial and economic crimes, including lending/mortgage fraud, investment/securities violations, banking and transactional fraud, and tax- and income-related crimes
- Immigration and customs offenses, including border security/international safety
- Child exploitation and human trafficking, including production and distribution of images, labor/sex trafficking of persons, and offender registration violations
- Environmental crimes, including air, water, and lands pollution violations
- Civil rights offenses, including hate crimes, police misconduct, voter access violations, and violence against vulnerable victims
- Cybercrimes/infrastructure intrusions, identity theft, credit card fraud, and counterfeiting
- Native American/Indian Country crimes, including domestic violence, gang activity, gaming violations, and illegal drug trafficking
- Prevention, intervention/treatment, and community re-entry/reintegration initiatives

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