



USIPEACE BRIEFING

Recruitment of Rule of Law Specialists for the Civilian Response Corps

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OVERVIEW

This *USIP PeaceBriefing* summarizes the findings of two workshops at USIP and subsequent dialogues held to develop guiding principles for the recruitment of police, judges, prosecutors, court personnel, corrections officials and other rule of law specialists for the Civilian Response Corps (CRC). If this cadre of civilian specialists with skills essential for stabilization and reconstruction activities is fully developed, it will provide policymakers with a foreign policy instrument that is just as vital to waging peace as a professional armed force is for waging war.

THE REQUIREMENT FOR RULE OF LAW SPECIALISTS

For more than a decade, experienced international practitioners and peace scholars have recognized that multilateral interventions in societies ravaged by internal conflict cannot succeed unless they come prepared to deal with the inevitable void in public security and inability of the legal system to function effectively. In 1998, two core components of any solution to this crucial deficiency were highlighted in *Policing the New World Disorder*. First, "...the capacity of the international community to mobilize CIVPOL [civilian police] personnel should be strengthened, both within contributing states and at the United Nations."¹ Second, "The task of rebuilding or reforming the public security apparatus requires that the judicial process, associated legal codes, and penal system be addressed during the earliest stages..."² The *Report of the Panel on United Nations Peace Operations* (2000, commonly referred to as the *Brahimi Report*) urged "...Member States to establish enhanced national 'pools' of police officers and related experts, earmarked for deployment to United Nations peace operations, to help meet the high demand for civilian police and related criminal justice/rule of law expertise in peace operations dealing with inter-state conflict."³

While the United Nations (U.N.) initially emphasized police reserve capacity, the secretary-general soon explicitly stressed the broader nature of the problem. In 2004, he noted that in designing peace operations and assistance programs, "[I]t

is imperative that both the Security Council and the United Nations system carefully consider the particular rule of law and justice needs in each host country.”⁴ U.S. officials similarly observed the need for a readily deployable capacity to assist in these areas in a variety of peace operations. In the aftermath of the anarchy, looting and destruction that swept across Baghdad after the collapse of Saddam Hussein’s regime, the need for this type of capacity to promote rule of law became ever more compelling.⁵

The U.S. began to address this chronic deficit when Congress authorized a reprogramming of funds to create the Office of the Coordinator for Reconstruction and Stabilization (S/CRS) in July 2004. The core mission of S/CRS is to develop “...civilian capacity to prevent or prepare for post-conflict situations and to help stabilize and reconstruct societies in transition from conflict or civil strife...”⁶ This requirement gained added impetus with National Security Presidential Directive-44, issued in December 2005, which made the Secretary of State and S/CRS responsible for functions relating to reconstruction and stabilization, including to:

[l]ead United States Government development of a strong civilian response capability including necessary surge capabilities; [and] analyze, formulate, and recommend additional authorities, mechanisms, and resources needed to ensure that the United States has the civilian reserve and response capabilities necessary for stabilization and reconstruction activities to respond quickly and effectively;⁷

Despite bipartisan support, Congressional funding for the initiative was delayed until 2008, when \$55 million for a Civilian Stabilization Initiative was attached to the Supplemental Appropriations Act for Iraq and Afghanistan (PL 110-252). This funding will enable S/CRS to hire, train, outfit and support an initial deployment of up to 600 members of the Active and Standby Components of the Civilian Response Corps.

COMPOSITION OF THE CIVILIAN RESPONSE CORPS

The CRC will consist of three components:

- The **Active Component** will initially consist of 100 civilian federal employees with the spectrum of civilian skills required for reconstruction and stabilization in societies emerging from conflict. Although they will primarily be provided by the Department of State and the U.S. Agency for International Development, specialists will also be drawn upon from Agriculture, Commerce, Health and Human Services, Homeland Security, Justice and Treasury. These “first responders” to international contingencies will be trained and ready for deployment within 48 hours for periods up to six months. Thirty-nine members of the Active Component will have rule of law-related specialties (e.g., police, corrections, judges, prosecutors). Some Active Component members will be recruited from outside of the federal government and hired as full-time employees of these agencies. When not on field missions, Active Component members will engage in training, civilian-military exercises and other forms of capacity-building to enhance their own skills and burnish the preparedness of their interagency colleagues. The Bush Administration’s FY 2009 budget requested almost \$250 million for the CRC, which would allow the Active Component to expand from 100 to 250 members.
- The supplemental funds obtained for the Civilian Stabilization Initiative will also allow S/CRS to establish a 500-member **Standby Component**. Standby members will be drawn from across the same agencies as Active Component members, and potentially from other agencies with personnel whose skill sets are pertinent to international reconstruction and stabilization missions. Standby members will agree to be available to deploy on missions formally initiated under the Interagency Management System (IMS) within 30 days of call-up. They may be deployed for up to 180 days. All members of this component will be drawn from the existing pool of federal government

personnel. If the FY 09 request is funded, the Standby Component will expand to 2,000 members.

- None of the funds obtained in the supplemental for the Civilian Stabilization Initiative can be spent on the **Reserve Component**. However, if the FY 09 request is funded, a 2,000-member Reserve Component, authorized in October 2008,⁸ will be created. All members of the Reserves will be recruited from the private sector or local and state governments. When called upon for training and international service, these reservists will be mobilized as federal employees. They will have 45 to 90 days to mobilize for overseas duty and typically will serve up to a year.

RECRUITMENT NEEDS

The CRC is not intended to replace entirely the current contractor-based approach to filling the personnel requirements of peace and stability operations, but will rather create a new cadre of specialized professionals working within the federal system to meet personnel surge needs for reconstruction and stabilization efforts. Accordingly, the number of police, corrections and other rule of law specialists required for the 250 member Active Component is relatively small (100 total: 59 rule of law, 35 police, and 6 corrections). The recruitment challenge will be to attract the most qualified individuals.

The Standby Component positions, which will be recruited directly by the participating agencies, will have the logistical advantage of already being in the federal employment system. If the Standby Component extracts employees from other federal agencies, it is intended that S/CRS will be funded to compensate the providing agency for the numbers of Standby Component members offered for deployment. While U.S. government (USG) agencies have successfully recruited rule of law experts internally, they have never attempted to do so in the numbers proposed. The primary concern is to structure the recruitment process in a manner that attracts the best candidates.

Filling Reserve Component positions could prove significantly more challenging, depending on the targets of recruitment. The figures currently anticipated for the police Reserve Component—238 individual police—are modest, considering that there are some 18,000 police agencies in the U.S. If thousands of police are needed, however, other options may need to be revisited. For example, the federal government could provide funding for state and local police organizations to hire the number of additional police required. One approach might be to adapt the Community Oriented Policing Service (COPS) model, created in 1994, that has enabled domestic police agencies to hire more than 100,000 police.⁹ As CRC members, this cadre of "over strength" personnel would be called upon when needed to serve abroad, and they would have a guaranteed right of return to their domestic police forces upon completion of international duty.¹⁰

The number of rule of law experts estimated to be required for the Reserve Component is also small (150), but the component will likely have to draw on a more varied and more highly compensated pool of qualified professionals, which may complicate matters. Given this component's emphasis on non-federal employees, there will be a number of logistical and administrative challenges that cannot be easily addressed within the standard federal personnel management toolkit.

The principal focus of the CRC recruitment campaign should be to attract top caliber applicants who can comprehend and adapt to the complexities and unique challenges that beset societies struggling to emerge from conflict. Attracting such applicants will require clearly defined target groups; a tailored recruitment message; an efficient, but thorough, hiring process; an appropriate compensation package; job security guarantees; and, perhaps most vital, the opportunity to make a difference.

THE TARGET

The overriding consideration in recruiting police for the CRC is the challenge most police organizations across the country share in attracting and retaining personnel to fully staff their forces. Accordingly, the primary focus for recruitment of police and corrections officers for the CRC should be on retired officials. Police, in particular, are frequently able to retire after only 20 years of service. Retired police are attractive for international police duties owing to the technical skills, seasoning and managerial expertise they have accumulated during their careers. Given the possibility of retirement as a 40-year old, the option exists for a number of years of additional international service. While police chiefs retire at a later age, they constitute a similarly attractive pool of talent for recruitment based on their expertise as senior managers and familiarity with the functions required for an effective police organization. Prior service in international missions, experience with alien cultural contexts, and the ability to function effectively with the diverse array of international actors involved in peace missions should be emphasized in this respect.

Although retired officers may comprise the bulk of the CRC, it may be possible to recruit a small number of officers serving in large police organizations, such as state patrols and police forces of major cities and large counties, for the Reserve Component. If chiefs of these forces can determine who should be involved in the effort and when deployment would take place, some might see the benefit of a year of international service for organizational leadership development. If chiefs help determine the participants, it will be important to ensure that those selected are well-performing officers. In general, the Reserve Component will need a mix of officers who collectively can perform the full range of functions it takes to make an entire police organization work.

The target groups for the general rule of law component of the CRC will be more varied. Former contractors and implementers for government agencies and the private sector constitute a large pool of potential recruits. S/CRS should explore

acquiring lists of such contractors through government agencies such as USAID, whose contracting experience is generally placed in the public domain,¹¹ and through networking agencies such as the International Network for the Promotion of the Rule of Law (INPROL),¹² organized by USIP and other international partners.

In addition, S/CRS should cast a broader recruitment net reaching beyond traditional government sources, including bar associations, associations of retired lawyers, law schools, law firms known for international and pro bono work, prosecutorial associations, judges associations, legal aid societies, etc. While many lawyers likely will respond to the CRC message, the percentage of applicants from these groups with the requisite international work experience likely will be small. Conversely, former State Department and USAID Foreign Service officers, while possessing appropriate international experience, may lack the needed legal expertise.

Law school professors, with comparatively flexible schedules, may balance field and academic experience. However, their numbers are relatively scant, with even fewer who are both scholars and practitioners with field experience. Another promising target category is outgoing military Judge Advocate General (JAG) corps members. While the potential number of former JAG officers may be higher than law professors, it too will be limited.

However, this brief illustration of how to tap existing skills and experience demonstrates the need to catalogue relevant personnel with international experience. For example, there may be many pockets of relevant internationally experienced talent scattered throughout the country with National Guard members, given their recent deployments abroad.

Recruiting justice personnel is the most urgent rule of law logistical challenge facing S/CRS. These specialists include not only judges but also prosecutors, defense attorneys, marshals, IT specialists and court administrators. At the

federal level, constitutional separation of powers questions have been raised that will need to be addressed before federal justice personnel play a significant role in the CRC. Consequently, S/CRS may need to focus early recruitment efforts on retired federal and/or state judicial personnel. As a result of the USIP planning meetings, USIP and S/CRS are currently working with the National Center for State Courts, the Federal Judicial Center and the Administrative Office of the U.S. Courts to explore and address these issues.

THE MESSAGE

Emphasizing the elite nature of CRC service is vital to attract highly qualified candidates. For police officers, the relationship with contractors, who may continue to comprise the bulk of international police deployed by the U.S., will be a salient consideration. Justice experts, many of whom could potentially work as contractors in the same country for greater pay, will also require assurances regarding their authority and influence within the corps as USG personnel. Assuming USG policy on this issue unfolds as anticipated, recruitment should highlight that CRC members will supervise contractors and enforce standards and accountability (e.g. as contingent commanders). As an elite cadre, CRC rule of law specialists should also be consulted on policies, procedures and guidelines relating to the CRC. Investment in specialized education and training of CRC members should also be stressed. This could include USIP courses for CRC members to hone their peacekeeping and rule of law skills alongside practitioners from the full range of disciplines involved.

The nature of the CRC's work may be its greatest attraction. The corps will be an unparalleled opportunity to leverage individual professional expertise to bring peace to war-ravaged societies. Corps members will serve their country by addressing the most daunting and perplexing challenges to American national security. To communicate this, job advertisements could incorporate realistic, hypothetical situations a corps member might face. S/CRS should continue to reach out to the military reserves, given their extensive expertise in recruitment,

for advice on crafting such advertisements and other aspects of recruitment and retention,

While drawing on these general themes, recruitment materials should be tailored to the target audience. Mid-career individuals are likely to respond to information on promotion possibilities and an emphasis on the responsibilities entailed in international missions. Although appeals to altruism, exposure to new horizons and professional development will be effective, it will also be important to ensure that recruitment materials clearly address the realities of field conditions in countries enmeshed in or emerging from conflicts. Materials should also indicate that the opportunities for reserve component members to transition into a permanent government position will likely be limited.

The total compensation packages should be clearly communicated and comparable to those of contractors. If this is not the case, the image of the CRC as an elite group will be seriously undercut and greater emphasis on public service will be needed. For recruitment of women and minorities, salary comparability will be especially important since they have many opportunities open to them in a competitive marketplace.

In addition to remuneration, health and life insurance benefits will be prominent concerns. For the reserve component, the right of return to their jobs must be a near-term goal of legislation on the CRC effort. Continuity of health insurance for the reservists and their families after deployment will also be an overriding concern, as will medical evacuation insurance, disability benefits and life insurance. A program similar to one for military reservists, which allows members to purchase subsidized health insurance (perhaps for as long as twice the period of deployment) would facilitate the transition back to a civilian position.

THE MEDIUM

Information about the CRC should reach retired police and corrections officers well in advance of retirement. This could best be presented at annual conferences and through publications and newsletters of professional associations such as the International Association of Chiefs of Police, Major Cities Chiefs Association, National Sheriffs' Association, National Organization of Black Law Enforcement Executives, International Association of Women Police, the American Correctional Association and associations of retired police in major cities. Other organizations in which the CRC should be advertised include national associations for counties, governors and state legislatures, executive level education programs in law enforcement and the Deferred Retirement Option Plan. Websites such as USAJobs.gov should also be used. (Complementary to USAJobs.gov, S/CRS already maintains a comprehensive list of all open CRC positions on its website.)

Although S/CRS will be able to employ a number of these options and resources for rule of law positions, some categories such as justice personnel will require innovative strategies. Domestically, there may be no shortcut to a formal arrangement with judicial authorities to recruit sitting judicial personnel. In general, though, existing professional associations, such as INPROL, the International Association of Court Administrators, the American Bar Association and the International Association of Women Judges, can assist in this regard.

THE RECRUITMENT PROCESS

To ensure the elite caliber of the CRC, the recruitment process must be designed to vet applicants and evaluate their ability to work under significant mental and physical strain. Although the working conditions for a police advisor will likely differ from those of a senior judicial advisor, the context appropriate information is nevertheless required. Applicants should sign a release form allowing access

to their personnel records. For government employees, this step should provide sound background information.

Given the sensitive nature of CRC positions—particularly judges, prosecutors, police and corrections advisors—there will be a need for additional scrutiny of short-listed applicants prior to selection. These inquiries—other than security clearance investigations—should be conducted in person by a CRC member qualified to elicit information relevant to a specific position. Moreover, complete personnel records may not be centrally located and various offices may need to be contacted to ensure all relevant information is made available. Perhaps even more valuable are opportunities to engage in informal conversations with former colleagues who can provide insights into the applicant’s reputation and professional conduct. Legal officers and professionals are already routinely subjected to such checks.

Finally, it was recommended at the USIP meetings that the recruitment, vetting and selection process should be overseen by a panel composed of representatives of the hiring agency, key members of the interagency process (civilian and possibly military), and in the case of police and corrections officials, a local law enforcement recruiter.

CONCLUSION

The need to establish a professional cadre of civilian “first responders” to enable the U.S. government to react proficiently to state failure and collapse, to man-made humanitarian calamities and to the exigencies of peace and stability operations has been recognized for a number of years. As the USG begins to recruit CRC members with the skills integral to the rule of law, a number of issues, identified by participants in the USIP workshops, will need to be addressed. Among the most salient are:

- Will CRC members oversee and maintain accountability for private

contractors performing related duties?

- Will prior experience in peace and stability operations be a primary consideration in the hiring process for CRC members?
- Will the pay and benefits of CRC members be at least equal to those of commercial contractors hired to do comparable work?
- Will the compensation package for CRC members take care of the entire family—including health, life and disability benefits?
- What specialized training and education programs will CRC members receive to prepare them for the unique challenges of the conflict-ridden environments they will confront and the teamwork they will be required to engage in?
- Will the Reserve Component receive a legislated right to return or be “retired into their positions” prior to deployment, comparable to the Uniformed Services Employment and Reemployment Rights Act?

All of these issues are being actively addressed by S/CRS and its interagency counterparts.

In an era where the U.S. is at least as likely to be threatened by the decay, dysfunction and collapse of states as by state aggression, the civilian capacity to transform conflict and build sustainable peace is a critically important component of national security. If these policy issues are resolved effectively and full funding for the CRC can be obtained, the U.S. will have established an essential policy instrument for responding rapidly to chronic gaps in public security and effectively addressing pervasive challenges to rule of law in a holistic manner.

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USIP's Rule of Law Center of Innovation conducts research, identifies best practices, and develops new tools for policymakers and practitioners working to promote the rule of law. It has played a significant role in shaping the field and in advancing the rule of law in fragile and post-conflict societies. Associate Vice President [Neil Kritz](#) heads the center.

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The Center for Post-Conflict Peace and Stability Operations designs and manages the Institute's efforts in areas emerging from conflict. The Center also conducts research, identifies best practices, develops new tools for post-conflict peace and stability operations and supports related training and education efforts. [Daniel Serwer](#) is vice president of the center.

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¹ *Policing the New World Disorder: Peace Operations and Public Security*, Robert B. Oakley, Michael J. Dziedzic, and Eliot M. Goldberg (Eds.), (Washington D.C.: National Defense University Press, 1998), p. 511.

² *Ibid.*, p. 513.

³ Report of the Panel on United Nations Peace Operations, Executive Summary, http://www.un.org/peace/reports/peace_operations/.

⁴ Report of the Secretary General, The rule of law and transitional justice in conflict and post-conflict societies, 23 August 2004, S/2004/616, p. 6, para. 14. <http://www.un.org/Depts/dpko/dpko/reports.htm>. See also Report of the Secretary-General on

"Uniting our strengths: Enhancing United Nations support for the rule of law," 14 December 2006, A/61/636--S/2006/980; and Report of the Secretary-General on "Securing peace and development: the role of the United Nations in supporting security sector reform," 23 January 2008, A/62/659 S/2008/39. Both available online at <http://www.un.org/Depts/dpko/dpko/reports.htm>.

⁵ USIP involvement in the development of the CRC dates to 2001. See "Providing a 'Critically Missing Piece': USIP and the Growth of the Civilian Response Corps," *PeaceWatch*, December 2008, p. 7 [pdf link]; Concept Paper: Perito, Robert et al., "Building Civilian Capacity for US Stability Operations: The Rule of Law Component," *USIP Special Report* No. 118, April 2004.

⁶ About S/CRS, <http://www.state.gov/s/crs/c12936.htm>.

⁷ National Security Presidential Directive-44, Manangement of Interagency Efforts Concerning Reconstruction and Stabilization (sic), December 7, 2005, p.3. <http://www.fas.org/irp/offdocs/nspd/nspd-44.html>.

⁸ *TITLE XVI--RECONSTRUCTION AND STABILIZATION CIVILIAN MANAGEMENT*, National Defense Authorization Act for Fiscal Year 2009 (As Enacted on 14 October 2008), P.L. 110-447. Title XVI of the NDAA of 2009 expands S/CRS's authority to establish this civilian response capability. The NDAA incorporates the text of the Stabilization and Reconstruction Civilian Management Act of 2004 (S. 2127), introduced by Senators Biden and Lugar, and its companion measure, the Reconstruction and Stabilization Civilian Management Act of 2008 (H.R. 1084) sponsored by Representative Sam Farr (D-CA-17)

⁹ <http://www.cops.usdoj.gov/Default.asp?Item=35>

¹⁰ The advantages and disadvantages of this and other options are addressed in *USIP PeaceBriefing* "[Options for Police in a US Civilian Reserve Corps](#)" (Robert M. Perito, May 2007). See also "[US Police in Peace and Stability Operations](#)" *USIP Special Report* No. 191, (Robert M. Perito, August 2007).

¹¹ "USAID's Development Experience Clearinghouse (DEC) is the largest online resource for USAID funded technical and program documentation, with more than 59,900 documents available for electronic download." <http://dec.usaid.gov/>

¹² <http://www.inprol.org/visitorhome>