



**Transitional Public Security:  
Establishing Security in the “Golden Hour”**

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Dr. Karen Finkenbinder



## **PKSOI Paper**

### **Transitional Public Security: Establishing Security in the “Golden Hour”**

#### **US Army Peacekeeping and Stability Operations Institute**

**October 2021**

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## FOREWORD

Peacekeeping and Stability Operations Institute (PKSOI) was created to ensure that the Army did not lose the knowledge required to conduct peacekeeping and stabilization and to anticipate what might be on the horizon. From Mass Atrocity Response Operations to Women, Peace and Security and much in between (transitions, stability policing, transitional public security, competition, etc.) PKOSI has been a thought leader. As one young PKSOI intern, now public servant opined, PKSOI is not a “think tank” but a “do tank.” Transitional Public Security (TPS) is another example of “doing.”

TPS is necessary to ensure that communities in post-conflict environments, or when law and order has broken down, are stabilized; thus, preventing bad actors from flourishing. It may well be that Department of Defense (DoD) is tasked to conduct TPS in accordance with DoD policy. A lot of work has been done to ensure that DoD is prepared to implement the policy and much more needs to be done. This is the story of where we are now and how we got there.

As Dr. Finkenbinder departs The Peacekeeping and Stability Operations Institute, we believed it necessary to ensure that we record progress to date so the community of practice can determine where to go from here. After all, “public policy is whatever governments choose to do or not do.”<sup>1</sup> If TPS is truly to become policy, it must become institutionalized.

Jay Liddick  
Colonel, Civil Affairs  
Director, Peacekeeping and  
Stability Operations Institute  
October 2021

## ABOUT THE AUTHOR

Karen Finkenbinder, Ph.D. is the former Peace Operations Advisor at PKSOI, at the Army War College, in Carlisle, Pennsylvania. During that time she taught peacekeeping to senior military leaders, served on many USG bilateral and multilateral exercises, boards and workgroups as a peacekeeping and stabilization expert, and contributed to concept and policy development and operational projects. She served as a US expert for Community Policing to the United Nations and worked in Hanoi, Vietnam with the Vietnam Ministry of National Defense Peacekeeping Center as the Professor of Peacekeeping. She has moved to the George C. Marshall European Center for Security Studies.

Dr. Finkenbinder's applied background includes a career in civilian policing as Director of Training for a state law enforcement agency, Education and Training Specialist for the Pennsylvania State Police, as well as at the local level, where she served several years as a municipal police officer leaving as a patrol sergeant to finish her doctorate. She taught for several years at Shippensburg University, Pennsylvania State University and Harrisburg Area Community College as an adjunct. She is an experienced mentor and advisor. She served as a police trainer for recruits and veteran officers at various police academies as well as a field training officer and Drug Abuse Resistance Education (DARE) teacher. She has often been called to testify or make presentations on criminal justice training, operations, policy and emergency management issues to the Legislature, courts, police executive organizations, and other bodies.

She received her doctorate in public administration from Pennsylvania State University and is an Army War College graduate.

## ACKNOWLEDGMENTS

The work that DoD and its Interagency Partners have completed regarding Transitional Public Security (TPS) is beyond the work of one person. Several people in several organizations have contributed. Though always dangerous to mention any- lest someone is left out – there are a few key people without whom this endeavor would not have progressed.

Many thanks to Ms. Kelly Uribe and Colonel (Ret) Robert Dillon who began and supported much of the early concept and policy effort. Majors David Charbonneau (now LTC) and Ari Fisher were very helpful in analysis and developing illustrative Power Point slides. They confirmed that no one can develop Power Points like a major in the United States military!

Lastly, colleagues at the Army War College and PKSOI (past and present): Mr. William Flavin, Dr. William Braun, Dr. George Oliver, Dr. Tom Matyok, Mr. Stephen Barone, Dr. Ray Millen, Cols (Ret) Sam Russell and Dave Haag. And there were many more...our deepest gratitude.

## SUMMARY

The Department of Defense Directive 3000.05, *Stabilization*, December 13, 2018 states:

*DoD's core responsibility during stabilization is to support and reinforce the civilian efforts of the USG lead agencies consistent with available statutory authorities, primarily by providing security, maintaining basic public order, and providing for the immediate needs of the population<sup>2</sup>*

It also recognizes the responsibility of the Services is to:

*Organize, train, and equip forces capable of conducting DoD's core stabilization responsibility described in Paragraphs 1.3.c of this issuance. This may include the establishment of transitional public security to protect civilian populations when respect for and enforcement of the rule of law is degraded.<sup>3</sup>*

Further, Joint Publication (JP) 3.07 includes *Transitional Public Security (TPS)* as a primary task of the military as security transitions to host nation or other competent authority. But, what is it, and how must DoD prepare, train and equip to perform TPS?<sup>4</sup>

The DoD, first through the Office of the Secretary of Defense Policy and later with the support of PKSOI, has been working on TPS and its precursor, Transitional Law Enforcement (TLE), since 2009. We are over a decade in and it is time to take a comprehensive look at where we began, where we are now and where must we go to truly institutionalize TPS into the Joint Force. Failure to do this will likely ensure a re-

peat of Baghdad 2003--an unconscionable dereliction that doomed future efforts and the peace and security of the Iraqi people.<sup>5</sup>

This paper provides a brief overview of the work accomplished by DoD to further joint force capability to conduct TPS, progress in the current lines of effort and identifies existing gaps in implementation. Many people and organizations have contributed and continue to contribute as they see the need and have resources. We hope this continues, even as the Joint Force's memory of Baghdad 2003 fades.

## INTRODUCTION

In transitional public security (TPS), US and multinational military forces promote, restore, and maintain public order. The purpose of transitional public security is to protect civilian populations from violence when the rule of law has broken down or is non-existent. While civil security/protection of civilians provides the overarching framework, transitional public security is a specific requirement.

Current DoD capabilities are insufficient to conduct transitional public security operations. Military Police forces are primarily capable of law enforcement and corrections support, but cannot conduct widespread civilian policing functions.<sup>6</sup> Infantry battalions are trained and equipped for major combat operations against a peer or near-peer threat, not to conduct law enforcement operations. Civil Affairs teams can improve conditions for stability but not establish public order. In order to stabilize areas in the aftermath of conflict, DoD must be able to establish civil security and prepare for the transition of authority from the occupying military force to a legitimate civilian government.

TPS requires a whole-of-government approach, and the complementary capabilities resident in the Department of State, Department of Justice, and US Agency for International Development (USAID) must be leveraged to support transitional security operations conducted by DoD. This will help to ensure continuity and a strategic view toward a political end. Absent the advice and support of the Interagency, DoD may well repeat the multiple mistakes in Iraq and Afghanistan in which bad actors are allowed to flourish and militarized police, contrary to the wishes of the host nations, are developed.<sup>7</sup> A poor beginning may well beget a poor ending.

Transitioning to civilian-led rule of law will likely require support by international actors trained and equipped, with sufficient expertise and experience, to conduct stability policing.<sup>8</sup>

## WHERE WE BEGAN

Studies and work groups concluded that DoD's role in a Transitional Military Authority (TMA) environment is to restore and maintain public order, provide essential services, and build host nation capacity to assume these responsibilities; however, the Department of State's Bureau of International Narcotics and Law Enforcement is the USG-lead for justice sector development, not DoD. Though the justice sector is "first among equals" from a development perspective, DoD has no inherent authorities.<sup>9</sup> Due to a deficient security environment, many of the designated USG agencies required to support justice development are incapable of doing it either—thus, the task falls to DoD. Further, several studies have determined that establishing a local police force is critical for stabilization and DoD lacks the institutional capacity nor is the right tool to provide civilian police training and proper advising.

In early 2009 a RAND Corporation study reinforced that the DoD is not ideally equipped in justice sector development initiatives in a post-conflict or failed-state environment.<sup>10</sup> The USG, as a whole, does not have a Stability Police Force (SPF) as many other countries do.<sup>11</sup> An SPF is a high-end police force that engages in a range of tasks such as: crowd and riot control, special weapons and tactics, and investigations of organized criminal groups.<sup>12</sup> The study found that such capabilities are essential for stability operations.

Not long afterwards, DoD contracted with Noetic Corporation to conduct a study on the utility of Transitional Law Enforcement (TLE), grounded in best practices from the Australian Federal Police International Deployment Group Capability Study and those used in international TLE efforts, such as those in East Timor.<sup>13</sup> This study provided a baseline of tasks required in transitional policing.

In 2010, COL (Ret) Dennis Keller, on behalf of PKSOI, produced *US Military Forces and Police Assistance in Stability Operations: The Least-Worst Option to fill the US Capacity Gap*.<sup>14</sup> His conclusions supported RAND's-that establishing an effective local police force is critical for stability operations; but, the USG lacks the institutional capacity to provide an immediate and coordinated civilian police training and advisory effort. Keller noted that hesitation in addressing such problems causes delays in forming and training new police forces and emboldens corrupt and abusive locals who enable insurgents, terrorist groups, and organized criminal networks. As a result, he suggested that the US military must be prepared to support at the regional level and below by assessing, advising, and even training police units, until such time as civilian police trainers and mentors arrive on the ground. His work was also consistent with books by the late David Bayley, Robert Perito, Michael Dzeidzic and others.<sup>15</sup>

As a result of the RAND, Noetic, PKSOI reports and other literature, the author proposed a study that focused on identifying knowledge, skills, attributes (KSA) gaps in Military Police School Training (Marines and Army) for stability operations. The purpose of the study was to use the earlier-developed requirements list and develop a master training task list that would enable the Army and Marine Military Police (MP) to conduct policing operations during peace and stability operations. The MP task list was compared to the Australian Federal Police (AFP) International Deployment Group (IDG) training program for policing assistance in peace and stability operations (PSO), the Center of Excellence for Stability Police Units (CoESPU) training program for police officers in PSO, and the United Nations Police Initial Entry Training program.

The study, which included an extensive litera-

ture review and field research with an active-duty Military Police Brigade, found that US Army MP students learn to be both police and soldiers, but have little experience in stability policing.<sup>16</sup> MP tasks are: maneuver and mobility support operations, area security operations, law and order operations, internment and resettlement operations, and police intelligence operations; but MPs are often focused on the first two tasks, rather than mentoring, advising and assisting foreign policing elements.

While this study was in progress, the United States Institute of Peace conducted a workshop of over fifty subject matter experts from across the interagency and international organizations to address the “challenges and opportunities associated with transitional policing.”<sup>17</sup>

It was after this workshop that the author began to question whether the community of practice was confusing apples with oranges. In our desire to develop police, were we inadvertently sabotaging our ability to prevent Baghdad 2003? Were we trying to merge stability functions: “Establish Security” and “Establish Civil Control?”<sup>18</sup> As a result, the community of practice went back to the drawing board and re-conceptualized what DoD’s priority should be and began to develop a narrower concept of Transitional Public Security than others were promoting.<sup>19</sup> Figure 1 better reflects the new thinking:

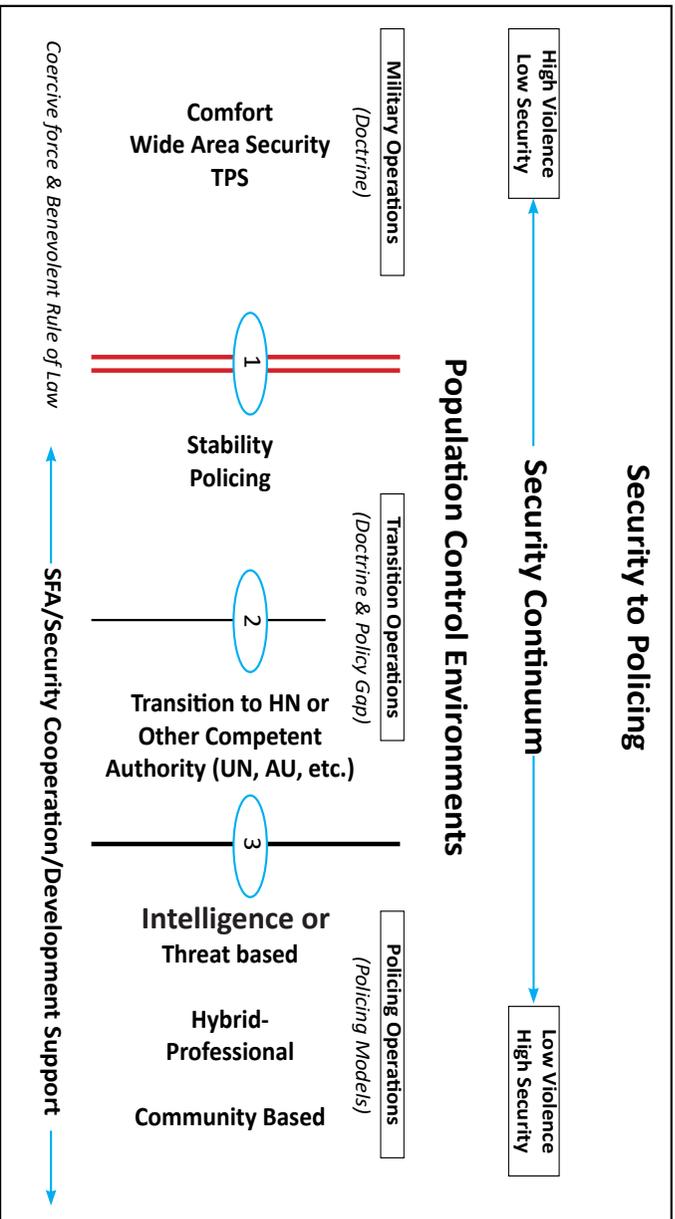


Figure 1: Security to Policing<sup>20</sup>

This re-conceptualization led to a focused approach to public security and it moved efforts from what seemed like the impossible and a bridge too far to the realm of the possible.

PKSOI convened several meetings with DoD and other interagency partners to develop a definition for the military. The following definition was developed as the result of three working group meetings and a two day “all hands” of PKSOI staff:

*As an interim measure, DoD may have to conduct transitional public security (TPS) tasks and be responsible for public order in the place of host nation police forces. The purpose of TPS is to protect civilian populations when the rule of law is broken down or non-existent. Military Forces may need to restore and then maintain public order until transfer to competent authority – host nation or regional/international authority.*

*Transitional Public Security is a military-led effort and as such:*

- *Establishes civil security and public order;*
- *Establishes interim detention;*
- *Establishes interim adjudication; and*
- *Enables other security actors.*

The new concept needed to reflect a division between “Establish Security” and “Establish Civil Control.”<sup>21</sup> But, it also needed to reflect a transition because that seemed to be where many difficulties occurred in post-conflict environments. Figure 2 consolidates conceptions and led toward developing a campaign plan to institutionalize TPS across the Joint Force.

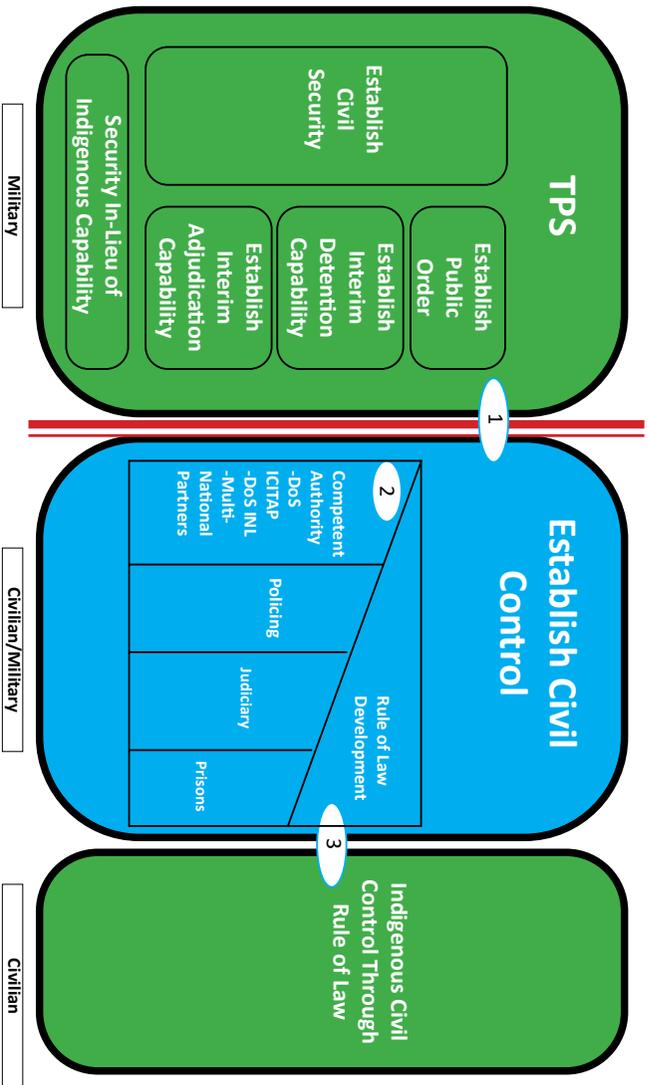


Figure 2: Conceptual Integration of TPS

TPS tasks by their nature are often performed by police and other criminal justice actors; however, because of the required capacity to conduct them, Tier 1 tasks, as depicted in Figure 3, will likely be performed by combat forces with military or stability police planners and advisors.

# Tiered Stability Policing Capabilities

EVERYONE CAN DO SOMETHING, BUT NOT EVERYONE CAN DO EVERYTHING

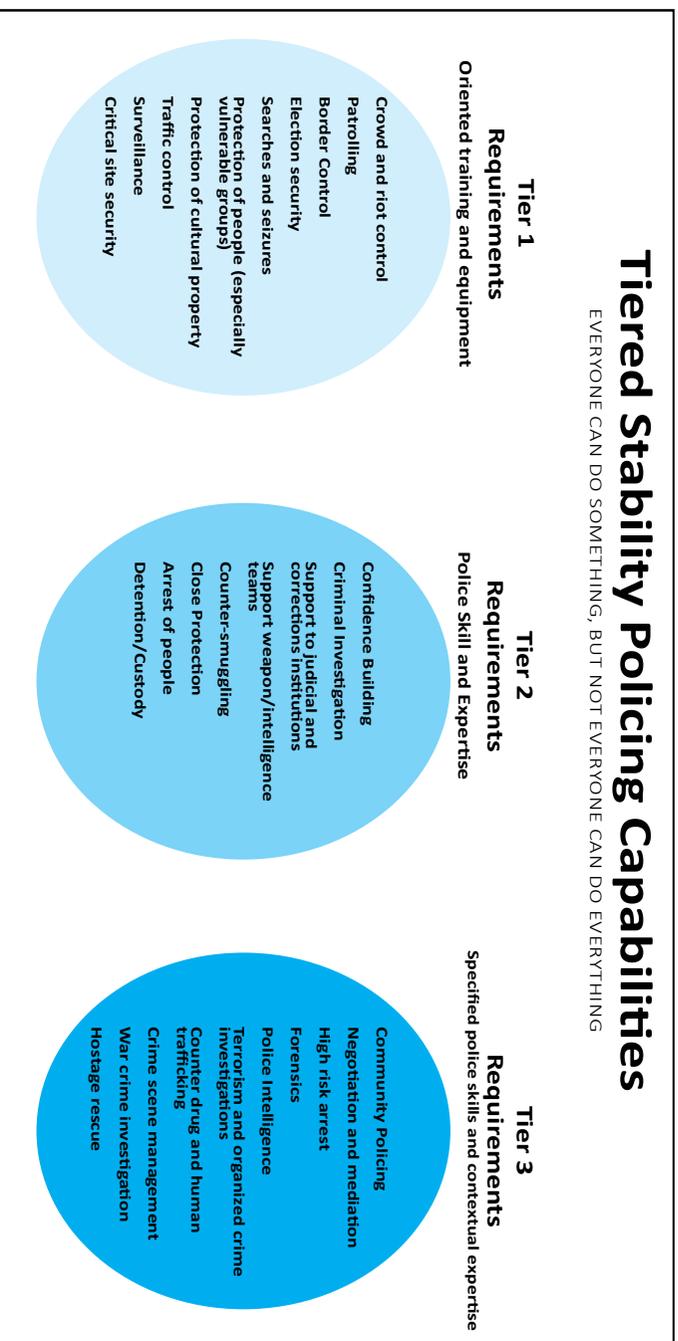
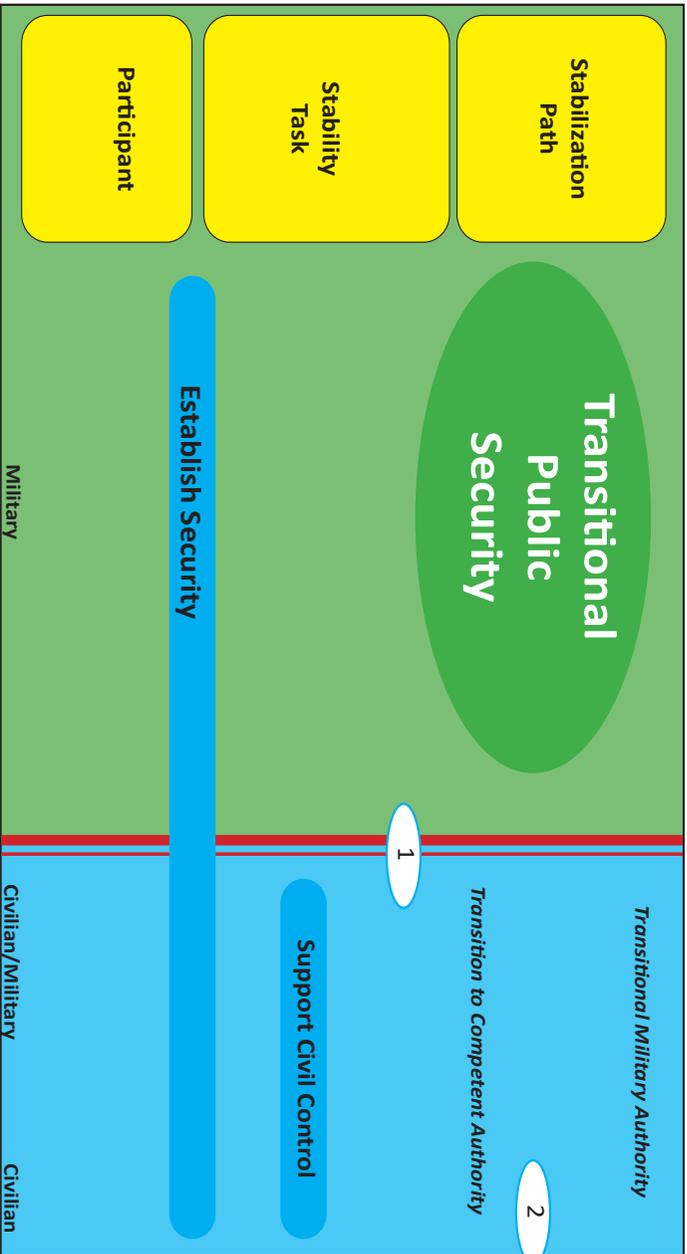


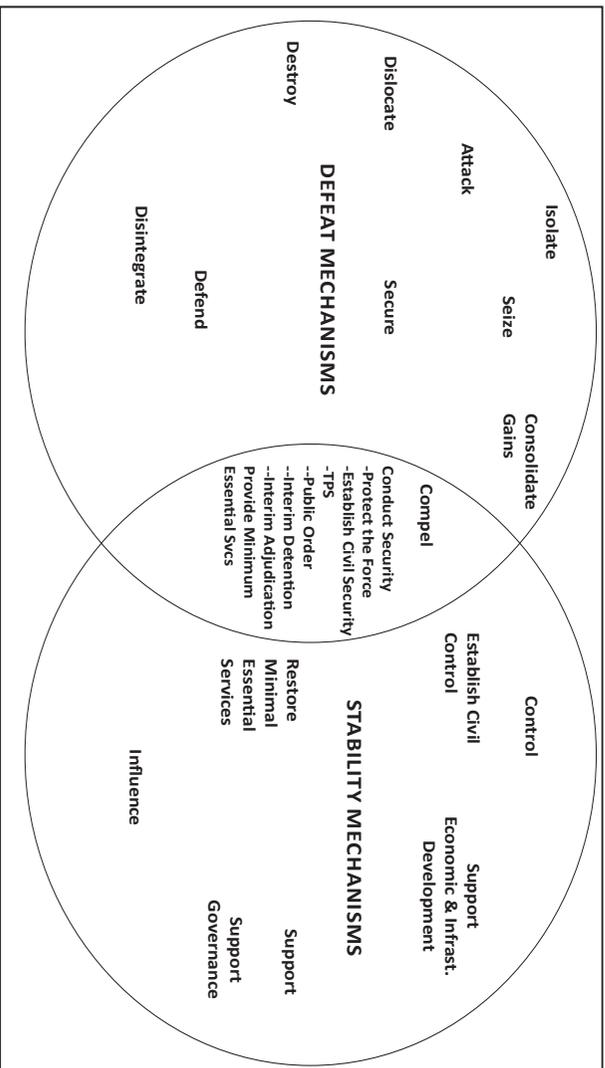
Figure 3: Tiered Stability Policing Capabilities<sup>22</sup>

Once public security is established, efforts move toward establishing civil control.<sup>23</sup> TPS enables this process. It can occur in one of two ways: 1) transition to transitional military government or 2) transition to host nation or other regional/international authority. TPS does not establish civil control nor lead foreign humanitarian assistance, economic stabilization, rule of law or governance and participation efforts. These stability functions are civ-mil efforts, and some or all may at some point be assigned to military units under 1 or 2 (depicted in Figure 4); but they are outside the scope of TPS. The military's contribution to establishing civil control is often planned and coordinated with civil affairs soldiers although the tasks related may be conducted by any line unit.



**Figure 4: Addressing the Gap**

PKSOI, with the support of Office of the Under Secretary of Defense for Policy (OSD-P) Stabilization and Humanitarian Affairs (SHA), established a “Working Group”<sup>24</sup> to share updates, discuss progress toward enhanced capabilities, and to synchronize efforts that required advocacy within DoD and other members of the Interagency. This informal group was truly that-a diverse group of action officers from Defense, Diplomacy and Development.



**Figure 5: Derived from ADP 3-0 (2017). This diagram depicts Establish Civil Security and TPS in the context of Consolidating Gains against the backdrop of both Defeat Mechanisms (Bold) and Stability Mechanisms (Bold).**

As the work group approached TPS, it proposed that it compelled bad actors, through public order, interim detention, and interim adjudication to behave leading toward stability, influence, support and, ultimately, civil control.

The next task was to develop a thorough “gap analysis,” and the diversity in members, in organizations and military branches, was crucial to this process as it allowed them to consider risks and opportunities likely not readily apparent in isolation. It assumed that “transitional public security” or “establish civil or public security” would be part of the new DoD Directive 3000.05, *Stabilization* and it would be a primary task of DoD. As they discussed their contributions to the new policy, there was widespread agreement that DoD needed to ensure that it focused on TPS and not the broader “Establish Civil Control.” This was during a time when reports out of the Special Inspector Generals for Iraq and Afghanistan (SIGIR and SIGAR, respectively) were increasingly critical of DoD’s support to building police and supporting the rule of law.

Another assumption was that TPS tasks would fall to the maneuver units.

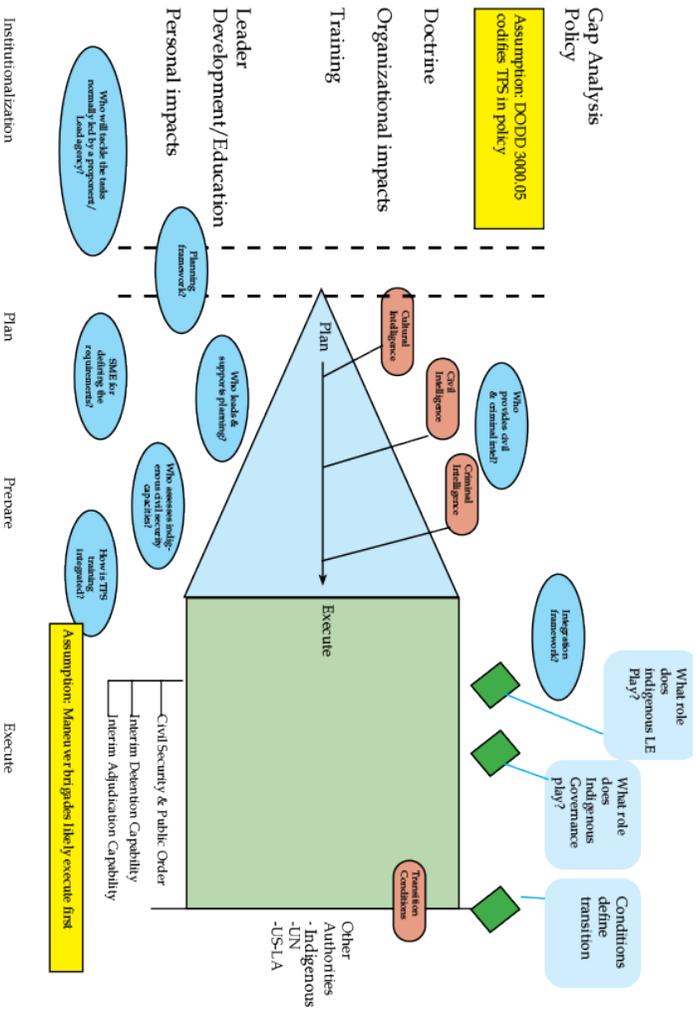


Figure 6: TPS Gap Analysis

As the Gap Analysis and concept was being refined, PKSOI, as the Joint Proponent for Stability Operations, sponsored the Joint Stability Operations Symposium in 2014. Its goal was to gain consensus and craft a response or a way ahead for completion of several tasks outlined in Joint Review Oversight Council Memorandum (JRCOM) 172-13 on Stability Operations.<sup>25</sup> In response to JROCM task 13, “Determining a methodological approach to review and update Programs of Instruction (POI) to address Rule of Law (ROL) planning and integration with Security Sector Assistance (SSA),” the TPS working group validated the TPS and Transitional Military Authority (TMA) and Rule of Law definitions, and revised Transitional Law Enforcement to Transitional Security Sector Assistance (TSSA).<sup>26</sup> Additionally, this provided specific time to consider how best to institutionalize TPS. As the Joint Proponent, PKSOI was already tasked to look across Doctrine, Organizations, Training, Materiel, Leadership and Education, Personnel and Facilities –Policy (DOTMLPF-P) to institutionalize stabilization, and this seemed like the best approach for TPS.

An analysis across the relevant functions revealed that policy, doctrine, leadership and education, training, organization and personnel would be impacted. This is reflected in Figure 7.

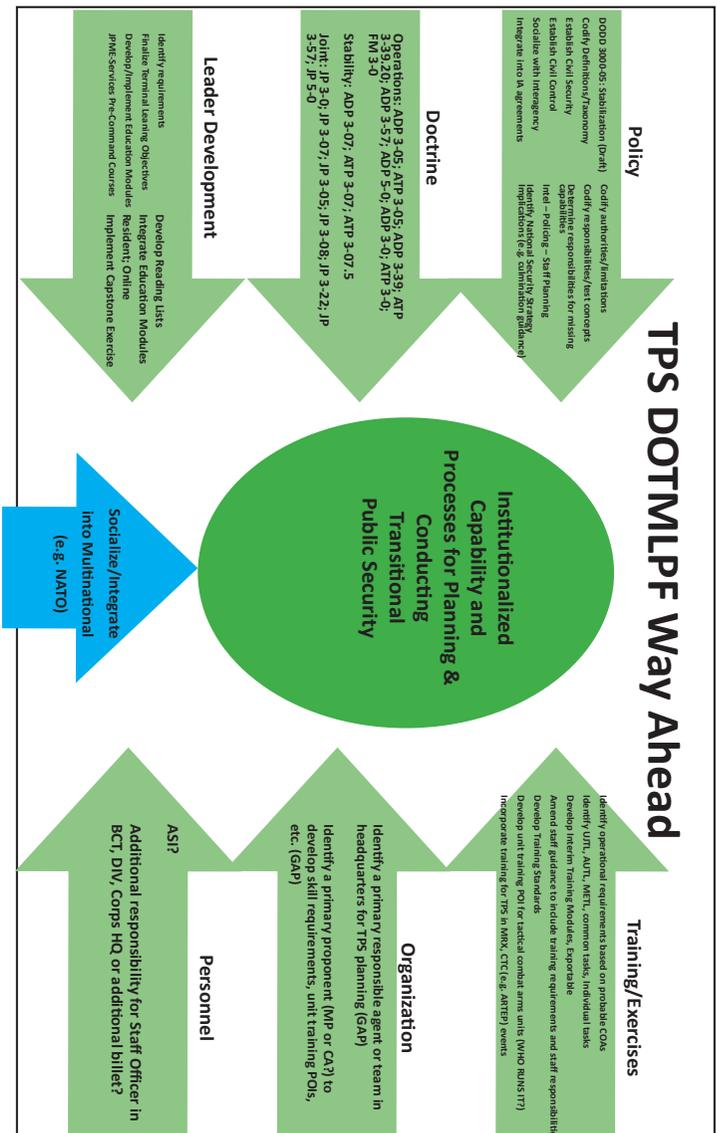


Figure 7: DOTMLPF Analysis

One of the major challenges to inculcating TPS into DoD policy, strategy and planning is to understand the distinctive roles of the military and police because failing to do so may unwittingly doom long-term success. In the past, the military has viewed policing as “military light” that requires a “top-down” approach.<sup>27</sup> In contrast, local police are created from the “bottom-up.” The military generally begins with “federal” police who have little understanding and interaction at the community level.<sup>28</sup> Afghanistan demonstrated that the top-down approach is inadequate for building synergism between the police and community.<sup>29</sup> The military’s approach led to a large degree of mistrust of the police, and the local government turned to alternative governance structures to resolve grievances.<sup>30</sup>

In the lead up to drafting the new DoDD 3000.05, *Stabilization*, the Department of Defense asked the National Defense University to lead a Table Top Exercise (TTX) to identify policy guidance that would improve DoD’s support to TPS. This exercise brought together senior-level policy makers. DoD expectations going in to the TTX were:

*the TTX will illustrate the extreme complexities of TPS and recognize it as the first among equals when it comes to stabilization.*<sup>31</sup>

The TTX confirmed OSD’s expectations but also developed a division between *security* and *service* focused tasks. Dividing the gap into *security* and *service* focused tasks is a very pragmatic approach that considers the unique nature of the military and the dynamics of policing. It also supports the division between stabilization functions “Establish Security” (security-focused) and “Establish Civil Control” (service-focused).

Thus, thinking of Transitional Public Security (TPS) in terms of a clear delineation between security (a military lead) and service (a police lead) is consistent with building effective and long-term policing organizations that are accepted by the community at large. Such a model will likely be more palatable to the police and civil society. A common policing heuristic is that it takes a minimum of three years for a police officer to understand his/her community: who is related to whom, old grievances, social and cultural history, trouble makers, and power elites. Therefore, the civilian police often express dismay at the way the military thinks it understands community policing principles and therefore can effectively mentor police.

Policing done well is not about the mandate to use force, but the community's acceptance of the police as a lawful authority, resulting in voluntary compliance to the laws and customs of the community. In contrast, public order is often very much about the use of force in stopping rioting, preventing looting, breaking up organized crime networks, and other tasks that may require a robust ability to use force precisely because large numbers of the population have not accepted the occupying force as a legitimate one. Succinctly stated, public order can be described as imposing the law rather than enforcing the law.

Anecdotes abound from Afghanistan in which senior civilian police mentors were brought in to mentor senior Afghan police but existing military advisors refused to relinquish their police advisory role.<sup>32</sup> Policing created by the military is not the same thing as policing created by civilians. The more closely civilian police resemble the military, the more the public pulls away from the host nation police as not being part of their community. Civilian policing cannot be imposed using a militaristic approach but must derive from the people themselves—a civil society approach.<sup>33</sup>

Another lesson learned in Iraq and Afghanistan is that US domestic police do not often come with international experience in conflict zones; however, many international police have the relevant experience. Though the USG should be prepared to conduct TPS as necessary, international police with experience in conflict zones should be considered in planning efforts to address gaps in US civilian policing capacity. Thus, it may be that DoD transitions to non-US police, making it even more important that any TPS POIs use international policing standards and practices.<sup>34</sup>

Additionally, TPS has two other components that are equally important to policing: interim detention and interim adjudication. Once those conducting security find bad actors—they must have a humane way to detain them until such time as they can have some adjudication of their charges. This will likely be a tribunal (and possibly a military tribunal) in the early days. Regardless of what process is used, it must be transparent. To conduct tribunals in secret undermines the legitimacy of the intervention and the principles of rule of law.

It is unlikely that many countries would pledge to conduct detention in a US-led intervention. Poor detention practices have grave consequences for the individuals detained and the legitimacy of the host nation and the intervention force.<sup>35</sup> It promotes insurgency. In future conflicts involving the US military, it is doubtful a lower standard than those existing in the Geneva Conventions will be applied.<sup>36</sup> Interrogators and custodians that abuse prisoners will likely be held legally liable.<sup>37</sup>

The Military Police in all branches of the Services are experienced at detention.<sup>38</sup> The Army Military Police have by far the most MPs assigned to full-time corrections duties; though there are not enough of

them on active duty to immediately support an intervention.

## WHERE WE ARE

The community of practice recognizes that immediately after the cessation of hostilities, there are insufficient numbers of civilian interagency police and justice advisors to support “service” tasks such as rule of law and governance. Therefore, the military may have to implement some service tasks for a period of time.

Similarly, Department of State (DoS) is working to identify potential civilian police leaders that may lead USG efforts, such as recently retired Chiefs of Police from major cities, particularly those that have extensive executive community policing expertise and experience. They also work to identify police experts in areas of administration, operations, and logistics. As noted earlier, DoD has made progress in addressing areas identified in the gap analysis (see figure 7) as follows:

**Policy:** The Department of Defense Directive 3000.05 rewrite recognizes transitional public security as a mission that the joint force must be prepared to conduct. It further recognizes that DoD’s core responsibility during stabilization is to support and reinforce the civilian efforts of the USG lead agencies, which for US long-term justice sector strategy development will be the Department of State, likely with the military as implementers until the environment is more stable and secure.

**Doctrine:** Transitional Public Security is included in Joint Doctrine (JP 3.07) under “Establish Security.” It directs the land component to: “*Protect the civilian population from violence....Establish transitional public security, which includes establishing public order, interim detention, and interim adjudication.*”<sup>39</sup>

It was also introduced at the NATO Stability Policing

Doctrine Conference in Vicenza in 2019 as military and civilian policing roles were discussed for future inclusion in NATO doctrine.

**Leadership and Education:** Transitional Public Security (TPS) has been added to the curricula related to stabilization via the Army War College elective on stabilization and other student events such as noon-time lectures and panels for the resident and distance education classes. It was presented at the NATO Chiefs of Police conference in Milan in 2018.

**Training:** In 2017, PKSOI was tasked to develop a program of instruction for Brigade Combat Teams and their staffs to conduct “Establish Civil Security.” The POI was developed as a 90-minute training block to minimize the time required to prepare for missions and tasks other than offensive and defensive Combined Arms Maneuver tasks. All of the stability tasks are contained in the Headquarters, Department of the Army Standardized Mission Essential Task List (METL). The POI focused on tasks that a BCT might be expected to perform in the immediate aftermath of major Combined Arms Maneuver operations before a formal theater level stability and reconstruction effort begins.

In 2020, Transitional Public Security was made part of the Joint Stability Planners Course, a piloted course offered by the Army War College and intended to be offered to Joint Commands.

## THE FUTURE

In 2018, the Peacekeeping and Stability Operations Institute (PKSOI) went through a major reduction in staff. In the subsequent shifting of subject matter experts, the work involved with TPS stalled. There simply was not any available bandwidth to support it. Instead, the peace operations advisor supported stability policing concept and doctrine through the United Nations' formed police units concept (FPUs are stability police within UN missions). This allowed for modest support to the Center of Excellence for Stability Policing Units (CoESPU), the NATO Center of Excellence for Stability Policing Units, and doctrine development; but, it did not allow for other work identified in the gap analysis (Figure 7).

In order to fully implement DoD policy, the following must occur:

**Doctrine:** TPS needs to be integrated into several doctrinal materials. These include:

- Operations (ADP 3-05; ATP 3-05; ADP 3-39; ATP 3-39.20; ADP 3-57; ADP 5-0; ADP 3-0; ATP 3-0; FM 3-0.
- Stability: ADP 3-07; ATP 3-07
- Joint: JP 3-0; JP 3-07; JP 3-05; JP 3-08; JP 3-22; JP 3-57; JP 5-0
- Other service manuals to be determined.

**Leadership and Education:** Transitional Public Security needs to be inserted into appropriate leader development courses. This includes the core curricula in Military Education Level 1 and 2 as well as awareness-level education for commanders, particularly in the combat arms as such units are most likely to conduct TPS immediately, after conflict or when law and order has broken down in disasters.

**Training:** Transitional Public Security has not been integrated into training and exercises. Though the POI for Civil Security was developed to prepare units to perform defensive Combined Arms Maneuver tasks and civil security tasks are contained in the METL, to the author's knowledge, none of it has been conducted. PKSOI has not received any requests for the Civil Security POI in the more than two years it has been available. Also, prior to the shut downs associated with COVID-19 pandemic, civil security tasks though mentioned in exercises were ultimately "wished away" at the National Training Center and Joint Readiness Training Center (JRTC). There is a need to incorporate training for TPS in Combined Training Centers events.

Operational requirements required for various courses of actions need to be identified. Interim detention and adjudication require a more comprehensive review to develop tasks and training standards.

**Organization:** Transitional Public Security requires a primary responsible agent or team in headquarters for planning. Because of the nature of the tasks, incorporating police, detention and adjudication expertise is a good practice. Partners that have gendarmerie forces could be asked to provide police expertise—as they have experience in policing civilians. These stability police were successfully used as a bridge between the military forces and civilian police in the Balkans.

**Personnel:** TPS will require additional responsibilities for staff officers in brigade, division and corps headquarters. An additional skill identifier (ASI) would be helpful to ensure adequate knowledge resides in the staff. Similarly, additional staffing should be considered.

Transitional Public Security also needs to be socialized and integrated into multinational operations.

The stability police discussions in NATO are helpful; however, NATO doctrine (AJP 3.22) and the stability police concept combine “establish security” and “establish civil control” tasks; it is broader than TPS that focuses on the military support to civil security.

As a follow-on to TPS, the UN Police have developed a Strategic Guidance Framework (SGF). With the support of 193 member states (the US being one), it has developed the structure, policies, doctrine, and is actively creating training materials, to establish civil security and civil control. The UN clearly delineates military and police components but has policies in place for military support to formed police units for public order. Using the UN’s approach is much more sustainable than imposing a US approach to policing.<sup>40</sup> And, it would make transition to the host nation (HN) or other competent authority (possibly the UN or NATO), more seamless.

DoS, in conjunction with the Department of Justice should be instrumental in developing a program of instruction for those who will be implementing TPS service tasks.

## CONCLUSION

Department of Defense Directive 3000.05 is clear—DoD’s core responsibility during stabilization is to support and reinforce the civilian efforts of the USG lead agencies consistent with available statutory authorities, primarily by providing security, maintaining basic public order, and providing for the immediate needs of the population. In order to provide security and maintain basic public order, it is likely that military forces will be tasked to establish transitional public security until such tasks can be transferred to another competent authority better suited to policing civilians. In transitional public security (TPS), US and multinational military forces promote, restore, and maintain public order.

DoD, through the work of many within OSD Policy, OSD P&R, the Provost Marshal General’s Office and many others—a lot has been accomplished toward implementing Joint Force capabilities to plan and conduct it. However, with the drastic reduction of PKSOI combined with the impact of COVID 19, work is at a standstill. PKSOI and its precursor, The Peacekeeping Institute (PKI), was created to tackle these operational and strategic issues that would impact the ability of the Army (and later Joint Force) to conduct what Thomas Barnett referred to as “the everything else.”<sup>41</sup> Though the Joint Force focuses on combat, in reality, a review of history reveals that overwhelmingly, DoD conducts stabilization.<sup>42</sup> As Dr. Conrad Crane, principal author of the Army’s counterinsurgency doctrine, noted, “Irregular Warfare is regular; major combat operations are irregular.”<sup>43</sup> Yet, the focus outside a few communities within DoD is far from that and there seems little understanding that an “ounce of prevention prevents a pound of cure.” If we establish security at the begin-

ning, we have a better chance of stabilizing security, providing protection for civilians, and providing the space needed for actors best suited to build civilian institutions to enter and do their important work.

Commanders of combat units must change their mindset from “we don’t do policing” to “we do establish security and some of those tasks are policing tasks.” And they should be willing to reach out to those that understand policing, detention, and adjudication for support (military police, civil affairs, judge advocate general and gendarmerie forces). As Einstein noted, “Insanity is doing the same thing over, and over again, but expecting different results.”<sup>44</sup>

Failing to take the strategic view and integrate transitional public security capabilities into the Joint Force will once again ensure failure. We can have the best fighting force in the world but if it loses the peace, Yogi Berra, known for his frequent malapropisms, said it best, “It’s Deja vu all over again.”<sup>45</sup>

## Endnotes

1. Dye, Thomas R., *Understanding Public Policy* (Upper Saddle, New Jersey: Prentice Hall), 2.
2. Department of Defense, Office of the Under Secretary of Defense for Policy, *Directive 3000.05, Stabilization*, December 13, 2018 (Washington, DC: The Pentagon), paragraph 1.3.c.
3. *Ibid.*, 2.10.a.
4. Department of Defense, Joint Publication (JP 3-07), *Stability*, Final Draft, (Washington, D.C.: The Pentagon, July 2021).
5. Dobbins James, Stephen Watts, Nathan Chandler, Derek Eaton, and Stephanie Pezard, *Seizing the Golden Hour: Tasks, Organization, and Capabilities Required for the Earliest Phase of Stability Operations*. (Santa Monica, CA: RAND Corporation, 2020). [https://www.rand.org/pubs/research\\_reports/RR2633.html](https://www.rand.org/pubs/research_reports/RR2633.html), 85.
6. Rachel Bronson, "When Soldiers Become Cops," *Foreign Affairs* 81, No. 6 (November-December 2002), 122-127.
7. Robert M. Perito, "US Police in Peace and Stability Operations," *Special Report 191* (Washington, DC: United States Institute of Peace, August 2007), 8-9.
8. James K. Wither, "Challenges of Developing Host Nation Police Capacity," *Prism* 3, No. 4, 39-53.
9. Carter A. Oates, "Transitional Public Security: DoD's role in justice sector development," (Carlisle, PA: Peacekeeping and Stability Operations Institute, 21 June 2016), PowerPoint presentation, slide 2.
10. Terrence Kelly, Seth G. Jones, James E. Barnett, Keith Crane, Robert C. Davis and Carl Jenson. *A Stability Police Force (SPF) for the United States: Justification and Options for Creating US Capabilities*.) Santa Monica, CA: RAND, 2009), 112-124.
11. The Italians have the Carabinieri, the French have the Gendarmerie and the Dutch have the Marechaussee, all of which perform military and civilian police duties. Many countries have

developed this kind of “police” that comfortably crosses from the military to the civilian environment. They are well-suited to provide public security.

12. *Ibid.*, A Stability Police Force for the United States, 112-120

13. Ben Fitzgerald, Don Bohn, Scott Brady and Anthony Johnson, *United States Government Authorities to Transitional Law Enforcement*, a report for the Emerging Capabilities Division within the Rapid Reaction Technology Office of the US Office of the Secretary of Defense. (Washington, D.C.: Noetic Corporation, 2009).

14. Dennis Keller, *US Military Forces and Police Assistance in Stability Operations: The Least-Worst Option to fill the US Capacity*, (Carlisle, PA: PKSOL, 2009).

15. David H. Bayley, 2006, *Changing the Guard: Developing Democratic Police Abroad*, Oxford: Oxford University Press; Robert Perito, Michael J. Dziedzic, Beth Cole DeGrasse, *Building Civilian Capacity for US Stability Operations: The Rule of Law Component*, (Washington, D.C.: USIP 2004).

16. Kleponis, W. and K. Palgutt, “Bridging the Strategic Gap: Key Missions and New Directions to Address Security and Policing Transitioning Conflict Environments,” (unpublished report, Carlisle, PA: PKSOL, 2014).

17. United States Institute of Peace, “Lost in Transition: Post Conflict Transitional Policing,” (workshop, Washington DC: USIP, 30 April – 1 May 2013).

18. The Army uses “Establish Security” and “Establish Civil Control” in its doctrine; however, the joint community uses “Establish Rule of Law” for “Civil Control” and State and other development actors often use “Justice and Reconciliation” instead of “Civil Control.” Inconsistent language and different terms for concepts is not uncommon within the USG.

19. The Center for Complex Operations at the National Defense University (CCO) developed a TPS concept that included more complex tasks that fall into civil control tasks (see Carreau, Bernie, “An Initial Framework for Transitional Public Security,”

(workshop Washington, D.C.:NDU/CCO, 2014). The TPS working group believe this was a bridge too far and determined to focus on “Establish Security” only and not “Support Civil Control.”

20. Braun, William. “Transitional Public Security” (presentation Carlisle Barracks, PA: Army War College, 2014). Dr. William “Trey” Braun first developed this slide and it was modified to reflect TPS.

21. Establish Security is an Army Stability Function. The Joint Force and other USG agencies use “Security.” Civil Control is an Army Stability Function. The Joint Force uses “Rule of Law” in its doctrine; the remainder of USG often refers to “Justice and Reconciliation.”

22. Paris, Andreas, “Stability Policing,” (presentation, Vicenza, Italy: The NATO Center of Excellence for Stability Policing, 2014).

23. Civil Control is an Army term. The Joint Force uses “Rule of Law” in its doctrine; the remainder of USG often refers to “Justice and Reconciliation.” See endnote #3.

24. Finkenbinder, Karen. “Point Paper: Transitional Public Security Working Group,” (Carlisle Barracks, PA: PKSOL, 2014). This was an informal group and though designed to help DoD get its collective house in order, working officers from DoS (INL), DoJ (ICITAP), and USIP contributed to and reviewed outputs. Its informal “charter” was: *The DoD Transitional Public Security Working Group undertakes to increase DoD capability to implement TPS activities. The Group will work to harmonize, improve, and promulgate doctrine and policy related to TPS. The Group will focus on definite, measurable, and achievable activities that enhance DoD capacity to engage in TPS. Initial objectives of the Working Group will focus on planning and training activities as both of these activities fall within DoD core competencies.*

25. Oates, “Transitional Public Security,”

26. In TMA, the military is charged with restoring and maintaining public order, providing essential services, and building host nation capacity to assume these responsibilities. TPS was determined to be the military forces establishment, promotion,

restoration and maintenance of public order. TSSA is a military force enabling host nation partners to provide public security and justice for their population, while effectively responding to security challenges. These definitions were submitted for inclusion in JP 3-07. See endnote #3.

27. Massimo Pani & Karen Finkenbinder, "Projecting Stability: A Deployable NATO Police Command," *Parameters* 49, no 1 (2019), <https://press.armywarcollege.edu/parameters/vol49/is1/6>.

28. Sarah Albrycht, September 17, 2019. "The US Military is Not, and Can Never Be, Afghanistan's Police," *Defense One*. [www.defense.com](http://www.defense.com).

29. It must be noted that the military did not do this in isolation. Its approach was shared among program managers and experts in the Interagency. Though many in DoS (and other USG organizations) preferred to use civilian police, they were not there, and when foreign police were used, they were often marginalized by the military.

30. Special Inspector General for Afghanistan Reconstruction Lessons Learned Report, *Divided Responsibility from US Security Sector Assistance Efforts in Afghanistan*, (Washington, DC: SIGAR, July 2019).

31. Department of Defense, "National Security Policy Analysis Tabletop Exercise Restore Order," (Information paper, Washington, DC: OSD Policy, November 2015).

32. This phenomena has been noted in over a dozen conferences (Chatham House Rules) the author has attended, including one Senior Police Advising Seminar in Vicenza, Italy in 2019. SIGAR's final policing report also noted this phenomenon. See the Special Inspector General for Afghanistan Reconstruction, *Reconstructing the Afghan National Defense and Security Forces: Lessons Learned from the US Experience in Afghanistan*, (Washington, DC: SIGAR, September 2017), 120-130.

33. One only needs to consider the militarization of police in the United States to see this phenomenon in reverse. As American police become more like the military, they risk delegitimizing

ing themselves in their communities. See President's Task Force on 21<sup>st</sup> Century Policing, *Final Report of the President's Task Force on 21<sup>st</sup> Century Policing*. (Washington, DC: Office of Community Oriented Policing Services, 2015) for further details on this issue.

34. The United Nations Police Division in cooperation and concert with member states has established a Strategic Guidance Framework (SGF) that promulgates international policing standards in police administration, police capacity building and development, police command, and police operations. Similarly, the United States Institute of Peace and the Italian-led/US-funded Center of Excellence for Stability Police Units (CoESPU) developed standardized training for stability police units.

35. Alden Leader. *China's Recipe for Insurgency*, Army War College War Room. September 18, 2020, [www.warrom.armywarcollege.edu](http://www.warrom.armywarcollege.edu).

36. Medecins Sans Frontieres, *The Practical Guide to Humanitarian Law*, [www.guide-humanitarian-law.org/content/article/3/combatants/](http://www.guide-humanitarian-law.org/content/article/3/combatants/) accessed on July 2, 2021.

37. Senate Select Committee on Intelligence, *Committee Study of the Central Intelligence Agency's Detention and Interrogation Program* (Washington, DC: April 3, 2014, declassified December 3, 2014), 5.

38. Office of the Provost Marshall General (OPMG), Army Corrections Command. ACC was established in 2007 as a Field Operating Agency under OPMG. Previously, prisons operated under different major commands.

39. *Ibid.*, JP 3-07, *Stability*, Chapter II, 5 (g), Final Draft 2021.

40. The US system of policing is highly decentralized. Constitutionally, policing citizens belongs to the states, not the federal government. Therefore, there are essentially 50+ different ways of policing citizens. The federal government supports police reform through a series of granting mechanisms; however, at the end of the day—unless federal civil rights issues are at play, policing belongs to governors, not the federal government. As this author has often said, the US should consider enabling those countries that have a policing model more closely aligned with the HN and get out of the policing business. Our history of training and equip-

ping is one of making some bad police more efficiently bad and/or creating models that the HN cannot sustain. David H. Bayley (2001), *Democratizing the Police Abroad: What to Do and How to Do It*. NCJ 188742, Washington, D.C.: NIJ.

41. Thomas P.M. Barnett, *The Pentagon's New Map: War and Peace in the Twenty-First Century*, (New York: Berkley Publishing Group, 2004), 34.

42. A review by PKSOFI staff in 2016 revealed that the US Army, throughout its history, has routinely conducted (and continues to conduct) stabilization and very rarely engages in combat operations.

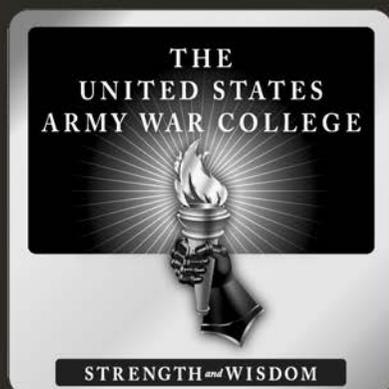
43. Conrad Crane, email message to author, June 2021.

44. Albert Einstein, *Quotefancy*, [www.quotefancy.com](http://www.quotefancy.com). Accessed July 3, 2021.

45. Yogi Berra, *Quotefancy*, [www.Quotefancy.com](http://www.Quotefancy.com). Accessed July 3, 2021.



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