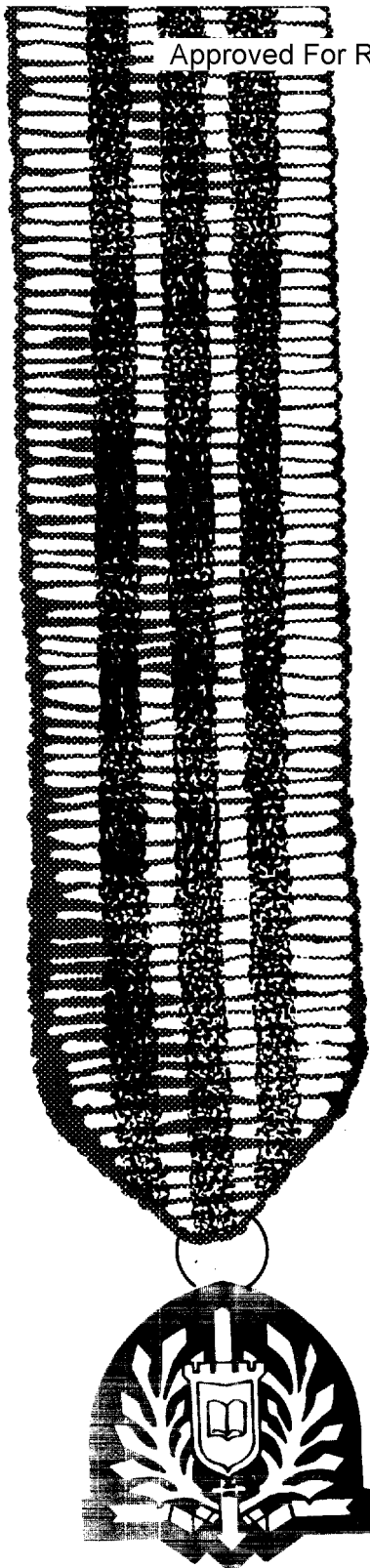


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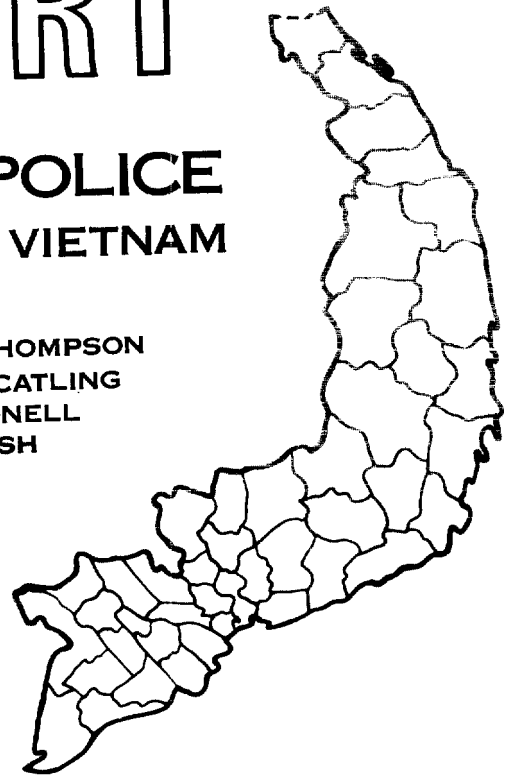


MARCH 1971

REPORT

ON THE
NATIONAL POLICE
REPUBLIC OF VIETNAM

BY: SIR ROBERT THOMPSON
SIR RICHARD CATLING
W.L.R. CARBONELL
J.H. HINDMARSH
D.S. PALMER



NSC review completed - may be
declassified in full

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REPORT ON

THE NATIONAL POLICE FORCE

REPUBLIC OF VIETNAM

BY

SIR ROBERT THOMPSON

SIR RICHARD CATLING

MR. W. L. R. CARBONELL

MR. J. H. HINDMARSH

MR. D. S. PALMER

MISS D. A. KEIGWIN - Secretary

Signed on 29 March, 1971, in Saigon.

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Recommendations are numbered consecutively right through the Report with the number in brackets, including in the Appendices.

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CHAPTER I

INTRODUCTION

TERMS OF REFERENCE

1. We were invited by the Government of Vietnam, supported by the United States Government, to visit Vietnam for two months in February and March, 1971, with the following terms of reference:

"To examine the problems of the National Police Force in South Vietnam in both peace and war, including its responsibility for internal security intelligence, and to make recommendations on the Force's status, structure, organization, training and roles, including its relationship with other forces and government departments."

COMPOSITION OF TEAM

2. The team was composed of:

Sir Robert Thompson (formerly Secretary for Defence, Malaya,
----- & Head of the British Advisory Mission,
Vietnam)

Sir Richard Catling (formerly of the Palestine & Malayan Police
----- & the Commissioner of Police, Kenya)

Mr. W. L. R. Carbonell (formerly of the Malayan Police & the
----- Commissioner of Police, Malaya)

Mr. J. H. Hindmarsh (formerly of the Malayan Police, member
----- of the British Advisory Mission, Vietnam,
& the Commissioner of Police, Lesotho)

Mr. D. S. Palmer (formerly Senior Assistant Commissioner
----- Malayan Police Special Branch, & Deputy
Head British Advisory Mission, Vietnam)

3. In view of the limited time and the area and subjects to be covered, both geographically and functionally, we divided our tasks and, although members of the team visited each region to see their special requirements, we concentrated in more depth on the Directorate General of National Police, the Saigon Municipal Police Directorate and typical provinces within easy reach of Saigon. Above all else, we were concerned with the basic principles on which a police force must be founded, from which all details then flow. We did not have the time to go into all these details ourselves but we hope to have indicated where further study and action are required. We have divided our report into the following chapters:

- II Status and Role
- III Command
- IV Control and Organisation
- V Reorganisation
- VI Special Police
- VII Field Force, the Marine Police, Women Police & Montagnards
- VIII Establishment, Strengths, Recruiting and Training, Ranks
- IX Pay and Conditions of Service
- X The Capital Police Region
- XI The Statute
- XII Phung Hoang

CO-OPERATION

4. We are very grateful for all the assistance and cooperation which we have received from Major-General Tran Thanh Phong, the Commanding General of the National Police, his staff and all ranks of the Police Force, and from Mr. Frank E. Walton, Director of the Public Safety Directorate of CORDS, and all members of his staff. We found all of them fully aware of the need for an effective police force and of the problems which now face the National Police Force in Vietnam. We are also very grateful to the Government of Vietnam, its officers and officials whom we met throughout

the country for the courteous manner in which we were received and for the assistance which they provided, and equally to Ambassador William E. Colby, Deputy for CORDS, and his staff.

HISTORY

5. We were briefed on the past history of the National Police from its founding in June, 1962, when the previous Surete', Saigon Municipal Police, elements of the Gendarmerie, the Combat Police and various provincial forces were combined into one National Police Force. Owing, however, to the transfer of the Civil Guard, which was then the only rural constabulary, to the Ministry of Defence, the initial strength of the National Police was only about 17,000 and there was no police force in the rural areas of the countryside. Since that date the strength of the National Police has been expanded, as shown in Appendix A. A National Police Field Force was created in January, 1965, and a Marine Police unit later in the same year. Since 1968 the National Police has been gradually deployed in the provinces down to village level. On 12 January, 1971, Major General Tran Thanh Phong was appointed Director General of the National Police Force and on 1 March, 1971, the National Police Force was established by Decree as a separate command, a step with which we are in full agreement.

6. On 1 February, 1971, the total strength of the National Police was 103,859 and it was deployed as between National Police Headquarters, Saigon Municipality and the four Regions as shown in Appendix B. Of this strength, however, only 27,565 officers and men were of career status, the remainder being on contract, daily paid or floating assimilated. Under present plans it is proposed that the strength should be increased to 124,050 by the end of 1971 (see also Appendix B) and to about 160,000 by the end of 1973.

GENERAL SITUATION

7. In considering the police requirements we have naturally taken into account the general situation within the country. Remarkable progress has been made since the 1968 Tet Offensive mainly because of heavy enemy manpower losses, especially among the Vietcong; the success of the Vietnamisation and Pacification programs; the stability of the Government of Vietnam over the last few years; and the continuing operations in Cambodia and Laos, which have resulted in the loss of Kampong Som (Sihanoukville) as a port of enemy supply and the interdiction of the Ho Chi Minh Trail. As a consequence of greatly increased security and government control in the countryside, there is now an opportunity both in the towns and rural areas for conditions to return almost to normal with emphasis on economic development and reconstruction. This

situation has, however, revealed weaknesses in the civil administration and notably in the National Police, whose responsibilities must inevitably increase as the military responsibilities within the country decline.

THE THREATS

8. We assume that North Vietnam will continue the struggle and that a North Vietnamese military threat will remain on the Demilitarized Zone and on the Cambodian and Laotian frontiers with constant incursions, but that these can be militarily contained. We also assume that the Vietcong with some NVA support will make a tenacious attempt to retain their traditional base areas within the country. These bases will take time to eradicate. There will also be a residual local guerilla activity in some rural areas which will be mainly the responsibility of the para-military forces. Excluding these two threats we have made our recommendations in the light of the following four threats to the internal peace and stability of the country with which the National Police will be chiefly concerned:

- (a) We are convinced that the greatest long term threat to internal security will come from the cadres of the Vietcong party organisation (the PRP) within the population, more commonly referred to as the Vietcong Infrastructure, and that the Vietcong, in accordance with COSVN 9 and 14, will give priority to continued subversion and terrorist activity coupled with an attempt to legalise their cadres as a means of penetrating both the Government and the civil population. Meeting this threat is likely to be the main task of the National Police in the internal security field.
- (b) With the withdrawal of American forces and a run-down in the war, with possibly a measure of demobilisation, there is likely to be a period of increased unemployment which, in conjunction with the number of stray weapons available, could lead to an increase in armed crime and banditry.
- (c) Post war conditions are also likely to give rise to political, social and economic unrest, particularly in the labour, student, veteran and religious fields leading to protest marches, demonstrations and possibly riots.
- (d) As a natural consequence of war and inflation, there will be the continuing problems of corruption, the black market and drugs.

CEASE-FIRE

9. There is also the possibility, although not in our view before the end of 1972, that there could be some form of a cease-fire which would greatly restrict the use of military forces and throw a much heavier burden on the Police, both in maintaining internal order and in ensuring that the conditions of the cease-fire do not operate to the disadvantage of the Government. A number of the threats above could well be exacerbated by a cease-fire situation. It is, therefore, our view that fully normal conditions of peace are unlikely to prevail within the foreseeable future and that in fact, from the internal security point of view, peace can be almost as dangerous as war. This will necessarily have a consequential effect on police strength requirements and their deployment.

THE PROBLEM

10. We appreciate that the rapid expansion of the National Police Force has been dictated by events. This, combined with a lack of quality in the recruiting base, has greatly hampered the creation of an effective force. Not only have recruits been below the required standard but their training has inevitably been inadequate. The Force has consequently been overloaded with administrative and training problems to the detriment of its operational responsibilities. The low priority accorded to the National Police Force in the past has greatly reduced its standing in the eyes of the public, especially in relation to other forces. Although performance has steadily improved over the years and the Force has done much useful work, notably during the Tet Offensive of 1968, it is not yet fully capable of playing its proper part in meeting the threats.

11. It is our view that no police force can be effective unless it has the respect of the population. This has to be earned by the role which it plays in the community, by its efficiency and by the quality of its personnel. If success in this respect is to be achieved, the National Police Force must have the full political and financial support of the Government. Such support must be made apparent both to the Force itself and to the public. This in turn will give the Force pride in itself, improve its morale and enhance its standing and prestige.

THE AIM

12. We have accordingly made recommendations in our report to achieve the following aim:

"To create an efficient, unified and independent National Police Force that will be responsive to the needs of the Government in

enforcing the law, preventing crime and maintaining internal order and security, and to the needs of the people in protecting life and property, investigating complaints and ensuring justice for all."

CHAPTER II

STATUS AND ROLE

STATUS

13. In considering the status of a Police Force the most difficult concept to comprehend, and to provide for, is the independence of the Force. This concept stems from the proposition that society can only exist in an acceptable form if there are rules to govern behaviour; that it is the responsibility of the representatives of the people to decide what rules are necessary and to enact them as laws; that it is the role of the Judiciary to administer and interpret these laws; and that it is the role of the Police Force to enforce them so that the rule of law and not the rule of force prevails.

14. While theoretically it is the duty of every citizen to keep and enforce the law, the Police Force is generally regarded as being responsible for enforcing the law on behalf of the people and the Force is, therefore, accountable to the people rather than to the Government. In individual actions and cases of law enforcement members of the Police Force are of course also accountable to the Judiciary. In both these respects the Police Force has a unique position and stands apart from the normal executive machinery of the government. It is the tool of the nation as a whole, not of the government of the day.

15. There are two extremes against which it is necessary to guard. The first is that a centralised Police Force should not become a tool of the Government leading to the creation of a Police State; and the second is that the Police Force and its Command should not be so fragmented that its various separate parts can be hired and fired at the whim of local politicians leading to a situation where there is no law enforcement at all. To avoid both of these and, at the same time, to achieve a high standard of efficiency and an economy of effort, we are convinced that it is right to retain a unified National Police Force and that, in its main police role, the Force should be independent of Government direction and interference. For this reason the Force should be established as a separate Command, and its role defined, by Statute. This will indicate both to the Force and the public its independent status, and the manner in which it performs its duties will then establish its standing and reputation in the community. It only remains that the Government should support the Force both

politically and financially so that it has both the manpower and the resources to carry out its role. This will further indicate both to the Police and the public the Government's determination to restore the rule of law. On his side the Police Commanding General will be responsible to the President for its efficient operation and to the Minister responsible for the Police Force for the correct expenditure of monies voted to it by the House of Assembly.

ROLE

16. In the present circumstances within the country and in light of the threats stated in paragraph 8, we consider that the Police role divides into three main parts:

- (a) the normal police role of law enforcement
- (b) the special role of the Police in countering communist subversion and terrorism;
- (c) the defence role.

17. The normal police role can be defined as follows:

- (a) to maintain the rule of law;
- (b) to preserve peace and good order and to prevent breaches of the peace;
- (c) to protect life and property;
- (d) to prevent and detect crime and to arrest offenders;
- (e) to enforce all laws and regulations with which the Force is charged.

18. All normal police tasks are derived from this role and many will be contained in the law together with police powers. It is not possible to enumerate them all but we do indicate some of them in Chapter III. It should be noted that under roles (a) and (b) above the Force has a responsibility for maintaining internal security against all forms of disorder, including demonstrations and riots, however inspired. In this respect it is the duty of the Police Commanding General:

- (a) to keep the Government and Armed Forces informed of any activity, whether communist inspired or not, which might represent a threat to law and order;

- (b) to prepare and keep up to date contingency plans, in conjunction with the appropriate civil authorities (Mayor or Province Chief) and the Armed Forces, for maintaining law and order in urban and rural areas (other than against enemy attack);
- (c) to include in the plans arrangements for reinforcement by police reserves in the first instance and by the Armed Forces, if necessary, and for the protection of vital installations to the life of the community, i. e., power, water, light, broadcasting, communications, transport, health services, food and essential supplies.

19. Secondly, there is the special role of the Police in countering communist subversion and terrorism. This again is part of the Commanding General's responsibility for internal security. While stressing that this is part of the role of the Police Force as a whole, we do, however, consider this special role in Chapter VI on the Special Police.

20. Thirdly, it is perfectly normal in time of war or emergency for the Police Force, or part of it, to be employed in defence of the country against an external, or an externally inspired, threat and for this purpose its operations obviously need to be co-ordinated with those of other forces. A distinction, therefore, has to be drawn between those activities in which the Police are operating in an independent police role and those in which they are operating in conjunction with other forces in defence of the country. This distinction is not always easy to define clearly and leads to difficulties as to command and control. Where, for example, police in conjunction with other forces are used to defend a town or village against attack, they are clearly being used in a defence role and their units, still commanded by a police officer, may be placed under the operational control of another command such as a Sector or Sub-Sector Commander. This may similarly apply in an offensive situation where a police unit is being used in conjunction with other forces against armed Vietcong forces, including armed members of the Vietcong Infrastructure. Where, however, the Police are conducting activities which fall within their normal police role such as investigation of crime and arrest of offenders, they must retain their independence and act in accordance with their responsibilities to the Judiciary.

WEAKNESSES

21. In respect of the above police roles there are two weaknesses to which we wish to draw attention.

- (a) There is a confusion of law throughout the country and often different laws as between the former Annam and Cochin-China. Moreover, the whole judicial system is in need of overhaul and civil and criminal courts need to be established or re-established in many provinces. There is a particular requirement for the revised Penal and Criminal Procedure Codes to be enacted as soon as possible. We have noticed that law is only a small, instead of a major, part of the police basic training program. Unless he knows the law a policeman cannot be effective.
- (b) It also seems to us that in the roles and missions of the various forces at present operating in an internal security role there is a considerable overlap. It should be made absolutely clear which force has the primary responsibility for any task or mission and which forces are in support. Just as the Police will have a supporting defence role, so on occasions will other forces have to support the police in their role, for example, in neutralising the Vietcong infrastructure or when, in dealing with civil disturbances, the Police become over-extended and other forces are required to support them.

RECOMMENDATIONS

22. We therefore recommend that:

- (1) the National Police should remain a unified Force;
- (2) the National Police should be established as a separate Command by Statute (as well as by the present Decree);
- (3) the normal police role should be laid down, first by Decree and then by Statute, as in para 17 above;
- (4) the Statute should also make provision for the police defence role;
- (5) in its normal police role the Force should be independent of Government and political direction and interference;
- (6) the Government should give the Force the necessary support to carry out its role effectively;
- (7) a high priority should be given to the recodification and revision of the law and its enactment (so that instruction in the law can

become a major part of the police basic training program) and to the establishment and re-establishment of the courts;

- (8) the missions of the various forces operating in an internal security role should be clearly defined to avoid overlap and to establish primary and supporting responsibilities.

C H A P T E R I I I

C O M M A N D

INTRODUCTION

Note: Throughout this and the following chapters reference will often be made to Force Standing Orders. By these we mean administrative instructions, called Force Standing Orders made by the Commanding General, which are not inconsistent with the Police Statute or of any Regulations made thereunder, for the general control, direction and information of the Police.

23. In the following three chapters of the Report we deal with Command, Control and Organisation. Because of the length and the complexity of the important issues which arise in this connection we have thought it best to divide them into the following three parts:

- (a) the tasks, arising from their role, which the Police are required to perform and from which the whole command structure and organisation, based on urban and rural police stations, must stem (Chapter III);
- (b) our proposals for the re-organisation of National, Regional, Provincial and District Headquarters to support police stations in urban and rural areas (Chapter IV);
- (c) those parts and functions of the present National Police Headquarters which we consider serve no useful purpose in relation to the police role and tasks and which can, therefore, be transferred or abolished (Chapter V).

TASKS

24. As we have indicated in (a) above, before the issues of Command, Control and Organisation can be discussed intelligently, attention should be given

to what tasks the Police are required to perform. As we have said in para 18, all police tasks derive from the police role. Although it is not practicable to enumerate them all, we consider that they fall into two distinct groups:

- (a) the maintenance of law and order and the enforcement of the law;
- (b) the protection of the people and the Government against subversion and terrorism.

25. In the first group the principal tasks are the maintenance of law and order and the protection of life and property. Generally speaking these require the establishment of police stations in urban and rural areas with uniform, well-ordered procedures. These stations should remain open to the public 24 hours a day. To provide protection to the people living within the police station areas it will be necessary to devise an efficient system of day and night beats in urban areas and patrols in rural areas. In addition a means must be provided by which the public may summon police assistance quickly, such as a 999 service in towns. The underlying principle of this main responsibility is that of providing a service to the public. This in its turn generates mutual trust and public support without which no police force can operate.

26. We fully appreciate that in the present circumstances there are difficulties in providing the public with unimpeded access to the police station, and that defence works and armed guards may discourage people from visiting them. At all command levels there should be a regular assessment of the security situation with a view to the progressive reduction of overt defence measures at police establishments wherever possible. Undoubtedly the reduction or removal of these physical defences will increase public confidence. We suggest that to overcome this at those stations where defence arrangements must continue for a while longer, an information office be provided near the gate to which the public can have access at all times without hindrance.

27. Other tasks under this heading include the effective policing of all places of public resort, the control and regulation of traffic on all roads, the handling of lost and stolen property and the registration of all privately owned firearms in the country.

28. The third principal task in this group is the investigation of crime and the arrest of offenders. For the police to discharge this task efficiently there should be a pool of experienced and efficient judicial police investigators at National, Regional and Provincial level. Their task will be to undertake the investigation of serious offences which require expert methods. Such offences and the headquarters by which they should be investigated must be listed in

Force Standing Orders so that responsibility for their investigation can be clearly allocated. The kind of offences we have in mind are politically motivated murder and attempted murder, major fraud, offences involving international criminals and cases of corruption in the government service and particularly in the Police Force. These investigators should also supervise and assist with other cases at lower levels and be given authority to take over any investigation, particularly where the case straddles formation boundaries or where an impartial investigation is likely to be influenced by local conditions. In like manner, a lower level should be able to request their assistance should it be considered necessary.

29. As far as the second main group of tasks is concerned (see para 24 above), the work of the Force is chiefly confined to the collection of intelligence relating to subversion and terrorism. In this respect its responsibility is:

- (a) to inform Government and the Armed Forces of any activity, whether enemy inspired or not, which might represent a threat to law and order;
- (b) to prepare and maintain civil disturbance contingency plans (see para 18);
- (c) to participate in the general vetting procedure by checking against criminal records all applicants for Government employment and recruits to the Armed Forces (see para 114).

COMMAND

30. We consider that the basic unit of the Police Force is the urban and rural police station and that it is at this level, more than at any other, that the Police come into contact with the public and by the manner in which they perform their duties establish themselves as an organisation which the public can respect and trust - or not. It follows from this that every part of the country must come within the boundaries of a police station area. Only in this way can a police service be provided for every member of the community. For purposes of command and control police station areas should be grouped together under a District headquarters. Notwithstanding the location of these headquarters in cities or towns, both the latter will be policed by one or more police stations, and the headquarters staff at any level should play no part in the policing of these towns and cities. (Inevitably, in some towns this will mean that station area boundaries will differ from the village or urban administrative boundaries.) We stress, therefore, that there are only two purposes for the establishment of headquarters at District, Province, Region

and National levels - first to provide an independent clear-cut chain of command from the Commanding General at the top to the lowest rank at the bottom and secondly to provide the police personnel in the police station with the support they need to discharge their responsibilities.

31. The organisation which we believe to be necessary to provide this chain of command and support is discussed in Chapter IV and is set out in diagrammatic form at Appendix C (National level), Appendix D (Regional level), Appendix E (Provincial level) and Appendix F (District level). We present the organisation in this manner for reasons of clarity, but we emphasise that we have constructed the pyramid from the bottom (the village police station, see Appendix G) upwards in the light of the concept set out in para 30 above.

32. The tasks and duties of the Police at all levels stem from the law. The control of all police and police activity in any Region, Province, District, area or place must be vested solely in such police officers as may be appointed by or under the direction of the Police Commanding General for the purpose. This, and only this, will provide him with the integrity of command he must have to direct and control the activities of the Force. Similarly this will provide individual police of all ranks with the protection from outside interference which they must have if they are to be able to carry out their duties efficiently.

33. In saying this we have not overlooked the fact that responsibility for peace and good government at city, provincial and district levels rests with the Mayors and Province and District Chiefs. We do not consider that an independent police command will in any way impair the ability of these officials to discharge this responsibility. We have emphasised already the obligation placed upon the Police to play a major part in ensuring the security of the country, and their particular function in relation to the elimination of Vietcong cadres. We have made clear in para 20 our acceptance of the fact that in carrying out such duties the Police may come under the operational command of another force with whom they are working jointly from time to time, but that in such circumstances the police personnel involved will be under the command of a police officer. In this matter of nearly similar responsibility of Mayors and Province and District Chiefs and their police counterparts we see no reason why, if each has a clear understanding of the responsibility of the other, there should be confusion if the arrangements for joint planning are simple, sensible and, above all, permit consultations between the two at regular intervals according to a set pattern. We go further and recommend that this procedure for joint consultation and planning should apply to all levels, from village upwards.

34. The foregoing refers to the relationship between Police and the Mayors and Province, District and Village Chiefs in their civil capacity and to their

differing responsibilities. This concept of regular joint consultation and planning assumes greater significance when one takes into consideration the large numbers of Armed Forces (RF, PF and PSDF) which exist in Provinces and Districts under the command of Province and District Chiefs, as Sector and Sub-Sector Commanders.

RECOMMENDATIONS

35. We recommend that:

- (9) the basic unit of the Police Force should be the police station, both urban and rural;
- (10) the public must have access to the police station at all times;
- (11) the dual purpose for the establishment of headquarters at all levels is to provide a clear-cut independent chain of command and to support the police station;
- (12) there must be absolute integrity of command vested in Police Commanders at all levels;
- (13) there should be no conflict between the principle in (12) above and the responsibilities of Mayors, Province, District and Village Chiefs for peace and good government;
- (14) arrangements for joint consultation and planning between Police and the civil administration should be established at all levels.

CHAPTER IV

CONTROL AND ORGANISATION

NATIONAL POLICE HEADQUARTERS

NOTE Throughout our proposals we have used the terms Directorate and Director to describe what is now known as a Police Block and a Chief of Block. We have done so for reasons of convenience and clarity. We appreciate that these terms may not lend themselves easily to a correct definition in the Vietnamese language.

36. At Appendix C we have set out in diagrammatic form our recommendations for the organisation and distribution of responsibilities at National Police Headquarters. Basically our concept is an organisation at this level which will enable the Commanding General to command and direct the Force. It will also ensure that the day to day implementation of his policies proceeds in a smooth and orderly manner and will provide him with a means of delegating responsibility and authority. We do not feel able in the time available to write job specifications for every Directorate in the Headquarters. We can, however, list the principal subject headings for which each Directorate should be responsible. Nevertheless, it should be the concern of the Commanding General that these specifications are prepared as soon as possible, in the form of Force Standing Orders, and that in these Orders the different levels of decision making and extent of authority are spelt out unequivocally. If the delegation of authority and responsibility is made clear beyond doubt, we feel that not only will the Directors holding staff appointments appreciate their proper functions and act accordingly, but that the present highly monolithic system of decision making will be replaced by one which will decentralise sensibly and accelerate considerably the administrative and control procedures.

37. We have indicated by a symbol in the charts at Appendices C, D and E those duty posts in which we think the respective holders should be of equal rank. We have assessed them on a combination of the importance of the post and the burden of responsibility attached to each. We emphasise that these

are suggestions only. In making recommendations for the shape of the headquarters we have followed our main concept which is that the staff of the headquarters have the functions of supporting the command of the Force and of ensuring that orders are implemented so that the individual policeman on the ground can do his job. The six Directorates are:

Special Police

Judicial Police (Criminal Investigation Department)

Personnel and Training

Comptroller (budget, accounts and pay)

Technical Services and Supply

Operations

SPECIAL POLICE

38. Chapter VI of our Report is devoted exclusively to this Directorate and it needs no further comment here.

JUDICIAL POLICE

39. In Appendix C we have set out what we think the form of the Judicial Police Directorate at National Police Headquarters should take. In para 28 we have already stated the need for a pool of experienced and efficient judicial police investigators at national, regional and provincial levels.

40. We think it will be necessary to create at National Police Headquarters within the Judicial Police Directorate a small investigation and research unit. Its task will be to concentrate on the investigation and study of any particular type of crime which is, or may become, widespread and deep rooted. In the course of its work this unit will examine and advise upon methods and regulations which may be effective in eradicating the particular crime under study. The types of crime we have in mind are corruption, trafficking in narcotics and the more serious forms of juvenile delinquency. The list of course will vary. We believe that there is a need for this type of unit now with the immediate task of investigating cases of corruption within the Government Service. This unit should process such cases through the courts. A suitable name for this unit would be Special Investigations Unit and it is shown as such on the chart at Appendix C.

41. It should also be the responsibility of the Judicial Police (C.I.D.) at National level to establish a system of criminal records (The Criminal Records Office). This will consist of:

- (a) the full fingerprints of all persons convicted of an offence under the criminal law;
- (b) the personal particulars of such persons, including photograph and ID Card No., the offence of which convicted, date of conviction, court sentence and in the case of imprisonment, where served;
- (c) particulars of persons ordered by the courts to be subject to police supervision and restricted residence for a period;
- (d) a modus operandi system as an aid to the identification of recidivists.

42. It should be the duty of the Criminal Records Office (CRO) to maintain records relating to crime from which criminal statistics may be extracted as necessary. We stress that such statistics should only be extracted when there are practical advantages to be derived from them. In our view these advantages can only accrue from either or both of the following:

- (a) as a measurement of the effectiveness of crime prevention;
- (b) as a means of enabling police resources to be adjusted in relation to the incidence of crime in any area.

43. It is essential that every complaint of a criminal offence, which is accepted by the police and investigated, should be registered at the police station within whose area of responsibility the offence was committed. From this level (the police station) will flow the particulars set out in para 41 above to the CRO. For the work of the CRO to be fully effective it is essential that the court should notify the police formation, at which an offence is registered, of the result of trial immediately after it is concluded and sentence is passed, including any variation of sentence following appeal. The establishment of this pattern can be nullified by the present habit of Examining Magistrates directing the police of one formation to make further enquiries into an offence, the initial investigation of which was made by another formation. This means that the records of the latter are and may remain incomplete. The authority to conduct a criminal investigation (recording, supervising the recording

of evidence from witnesses and accused persons and preparing reports of offences for the courts) should only be exercised by authorised judicial police officers. The grant of authority to a judicial police officer indicates that the holder has a sufficient level of experience, ability and professional competence to undertake these responsibilities. This authority should be on a countrywide basis. It follows that judicial police officers must be stationed throughout the Force structure (except at District) down to village police station level.

44. At National level as part of this Directorate there should be adequate forensic and photographic aids for the detection of crime which should be readily available for the use of subordinate formations.

PERSONNEL and TRAINING

45. It is our view that this Directorate is one of the most important of the six, and that its efficient functioning is vital to the process of replacing quantity in the Force by quality. We say this because we consider that it is the means by which the Commanding General will be able to select the best from among the applicants offering themselves for employment in the Force, of ensuring that their basic training and subsequent training are of the right durations, quality and content and, more importantly, that the only criteria for promotion are experience, professional ability and merit. Elsewhere in this report (paras 238 to 241) we give our views on the need for the Police Force to have its own code of discipline and a clearly established procedure for enforcing it. If these are accepted this Directorate will play a principal part, first of all in devising the code and procedure, and thereafter in ensuring that it is properly and fairly applied at all levels.

THE COMPTROLLER

46. We have spent some time examining the work of the present Budgets and Accounts Service, and its relationship with the Director General of the Budget and Foreign Aid (DGBFA) and the Ministry of the Interior. We have reached the conclusion that even when the Police Budget is approved by the House of Assembly, it certainly is not treated thereafter as an appropriation to the Commanding General of monies for expenditure under stipulated articles and items. Our reason for coming to this conclusion is the requirement for the Head of Service to apply to the DGBFA Bureau in the Ministry of Interior for permission to expend money within the budget. We believe that the Commanding General should be trusted to expend money voted to the Force by the House of Assembly, but be subject to the overall direction of Government as regards the rate of expenditure, because this must be determined by Government's own

cash flow. We believe, moreover, that the police appropriation should be a total one and include all articles of expenditure and all monies granted to meet them regardless of origin. If such a change in policy should follow, and we strongly recommend that it should, we are confident that not only would the Comptroller and his staff be able to meet the Police needs more efficiently, but that a sizeable reduction in the numbers of staff presently employed in the Budget and Accounts Service would be possible. It will be noticed that we have provision in our recommendations for this Directorate to have an Internal Audit Section. The purpose of this is to eliminate the need for Ministerial audit except at the stage of final accounts.

47. It would be appropriate at this point to make three general comments on the Budget:

- (a) Owing to the provision of some funds from aid sources, the approved Police Budget does not show the total annual cost of the Force. We feel that, from the point of view of calculating cost-effectiveness and for forward planning, it would be helpful to have this total figure, in relation to the proposals made for the size of the Force and its re-organisation, for FY 1972 if possible or FY 1973 at the latest.
- (b) The percentage of the budget allocated to salaries and allowances is out of all proportion to that allocated to operating material and services. The Force, at its present strength, is quite clearly not getting the material support which it needs to be operational. This applies particularly to POL, vehicle and boat maintenance, building maintenance, and equipment right down to torch batteries. The present ratio is over 90% salaries to under 10% operating costs. A more realistic ratio would be 75% to 25%. We hope that our subsequent proposals in Chapter VIII for a reduction in the planned strength of the Police Force will provide considerable savings on pay and allowances, and that these can be allocated instead to operating material and services, thereby improving considerably the present ratio.
- (c) The Direct Investment provision is also quite inadequate if the Force is to acquire (or build) the properties necessary to establish suitable police headquarters and station buildings on a countrywide basis, as well as to provide some housing accommodation (see para 234). A planned forward program over 5 yearly periods is required.

TECHNICAL SERVICES AND SUPPLY

48. We believe that the task of this Directorate is self-evident because the services it provides are all those which are required to maintain a policeman operational in the field. In our view this Directorate is a key one and the efficient functioning of the services it controls are essential to the overall efficiency of the Force. We say this because we firmly believe that, provided there is quality in manpower, a Police Force can carry out its tasks with lesser strength just so long as the radio communication facilities and mobility (transport) are all that they should be. It is appropriate here to remark that, although we are not informed on the present market value of motor transport and radio technicians, we feel that this will have to be taken into account when the rankings for the duty posts for the Heads of the Communications and Transport Services in this Directorate are determined. It may well be that in order to prevent them being over-ranked in relation to their colleagues a technical allowance may have to be considered for them. We make detailed comments and recommendations on the logistic problem at Appendix H.

OPERATIONS

49. In order to make decisions and give appropriate directions to the Force the Commanding General must have easy access daily to information concerning the security situation in the country. This should be provided by an Operations/Information complex manned by a system of Duty Officers 24 hours a day. The information presented in such a complex should be a summary of daily reports from all police formations, displayed on maps or charts as convenient. This information will then provide the basis for a daily situation report which can be presented to the Commanding General, his Directorates and the Government. In addition, it is normal for Field Force deployment, Force totals of manpower, transport, radio communication networks and crime statistics to be displayed as they constitute a ready means of reference to the Commanding General for planning his dispositions. This Directorate should also be responsible for the co-ordination of joint planning. As we make clear later such co-ordination must be provided at Regional, Provincial and District levels also.

50. We further consider that it should not be a function of the Field Force to furnish static guards for the security of National Police Headquarters. The Field Force is the Commanding General's operational mobile reserve, and is his only ready means of providing re-inforcement to lower formations and should not, therefore, be dissipated. We have therefore included in this Directorate provision for a Guard and Escort Company at headquarters and its name is a sufficient indication, we think, of its duties, including VIP escorts. The officer in charge of this Company should also control a pool of motor vehicles to serve the needs of National Headquarters.

REGISTRY

51. We feel that we must comment on the present proliferation of records in various parts of National Police Headquarters. The meticulous and almost tedious care with which papers are checked into and out of every block, service, bureau and even section constitutes an inevitable impediment of a speedy flow of work in the headquarters. While care in the handling of papers undoubtedly is necessary, and to be encouraged, we are in no doubt whatsoever that the present method is wasteful of time and manpower. Moreover, it has resulted in a rash of small collections of records and card indices which appear to us to have little or no practical value, and to some extent duplicate each other. We acknowledge that the present procedure is in part due to the almost complete absence of delegation of authority within the headquarters.

52. In our view there should be a major re-organisation of this part of the headquarters machine, and this should take the form of creating one central registry. The responsibilities of this registry would be threefold:

- (a) to be the sole authority for the raising of a non-classified subject or personal file;
- (b) to register all incoming non-classified correspondence and its onward transmission in the appropriate file to the first action officer;
- (c) to make adequate provision for storing dead files pending destruction (archives).

53. The purpose of the registry would be to ensure that all non-classified transactions under a single subject heading are recorded in one file, and in the case of personal records of an individual member of the Force also in one file, thus eliminating any duplication of this type of record. In the case of the personal file of an individual there is need for only one original and one copy. The original should always be retained in the National Police Headquarters - the copy being located at the headquarters of the formation in which he is serving. In addition, each individual police officer will have a confidential personal file. One copy only of this is necessary and it will remain at National Police Headquarters. To ensure that this does happen we consider that a Force Standing Order should issue prohibiting the raising of any other non-classified subject file or personal file. Notwithstanding the Registry's overall authority in this field, we recognise that for purposes of practical efficiency there will have to be a physical decentralisation of the subject files themselves to the respective Directorates. Despite this, however, it should not be within the authority of a Director to raise a new subject file, except as stated in para 54 below.

54. There will be a requirement for a Secret (classified) Registry to which the same principles will apply. Ideally this should be close to the non-classified Registry so that as far as possible the two sets of subject files can be kept in step. There is an obvious requirement for the Special Police and the Judicial Police to have their own files because of the nature of their work. At the same time we consider that the same care should be taken jointly by the two Directors concerned, with the Central Registry, to ensure that there is no duplication of general purpose subject files.

55. A comparatively simple means of keeping a Director and his senior staff informed of the business transacted by his subordinates is a daily circulation file containing copies of correspondence initiated by any action officer in his Directorate. After circulation these copies can then be destroyed.

56. A considerable saving in manpower at National Police Headquarters should result from the adoption of these proposals (paras 51-56).

REGIONAL HEADQUARTERS

57. We have included our proposals for the organisation of headquarters at Regional level in Appendix D.

58. We think it unnecessary for us to do more than stress the underlying principle that at Regional level staff work is largely confined to ensuring the implementation of policies evolved at National level within already prescribed procedures, and therefore the numbers of such staff can and should be kept to a minimum. It is the responsibility of the Commanding General and his Directors to calculate the actual numbers of staff required, in conjunction, of course, with the Region Police Commanders. Our comments on the proliferation of records at National Headquarters apply no less strongly to Regional level, and to meet this point we have included provision for a Central Registry. Similarly, we have provided for an Operations/Information unit, and staff provision for this to be able to operate on a 24 hours basis will have to be made.

PROVINCIAL HEADQUARTERS

59. We have included our proposals for the organisation of headquarters at Provincial level in Appendix E.

60. In the same manner as at Region, we have reduced the number of staff heads by applying the same principles. Here, too, we consider it to be the responsibility of the Commanding General and his Directors to calculate precisely the numbers of staff required. Our remarks concerning a Registry and

Operations/Information unit at Regional level also apply at this level. We have made provision here, too, for staff to control the licensing and registration of privately owned firearms and ammunition.

DISTRICT HEADQUARTERS

61. We have included our proposals for the organisation of headquarters at District level in Appendix F.

62. It will be seen that no provision is made for Judicial Police. This is because we consider that the judicial police at police stations within the District will be responsible for investigation. Should they require assistance it can be provided from the Provincial headquarters judicial police element.

THE POLICE STATION (village or urban)

63. This should be entirely functional, and the sole aim of the officer in charge must be to ensure that at all times a maximum percentage of the station's strength is out of the station actively engaged on the primary police tasks of protecting the public and preventing and detecting crime. This takes us back to the basic concept of policing which we have set out in para 30 and which we feel cannot be over-stressed.

64. In order to ensure that the Police gain the confidence and support of the public by their effectiveness it is essential that their duties should be clearly defined in Standing Orders, and similarly the manner in which they should be carried out. Above all, it is important that the size of the station's complement should match the extent of the station's responsibilities. We have attempted to assist in this problem by setting out in Appendix G the important factors which in our view should be taken into consideration when calculating a village police station's strength and duties. While the size of population and the extent of the police station area are factors to be taken into consideration, they are not the only ones. Each area will have its own particular problems and these will affect the police tasks. Thus, no system of calculating police station strengths on a ratio of police to population or size of area for the whole country can be realistic.

RECOMMENDATIONS

65. We recommend that:

Directorates

- (15) National Police Headquarters should consist of six Directorates as follows:

The Special Police

The Judicial Police (C. I. D.)

Personnel and Training

The Comptroller (budget, accounts and pay)

Technical Services and Supply

Operations;

- (16) job specifications for the Directorates should be prepared in the form of Force Standing Orders making clear the different levels of decision making and extent of authority;

Judicial Police

- (17) a Special Investigations Unit should be formed to investigate and study particular types of crime;
- (18) a Criminal Records Office be established as set out in para 41;
- (19) the Criminal Records Office should have the responsibility of maintaining criminal records from which relevant statistics can be extracted as necessary;
- (20) the Courts should notify police stations of the results of trials immediately following their conclusion and passing of sentence;
- (21) every complaint of a criminal offence which is accepted by the Police and investigated should be registered at the police station within whose area of responsibility the offence was committed;
- (22) the Court should address any instructions for the further investigation of a case, presented to it by a police station, to that station only and to no other police formation;
- (23) adequate forensic and photographic aids to the detection of crime be provided at National level as part of the Judicial Police Directorate;

- (24) the authority to conduct a criminal investigation should only be exercised by authorised judicial police officers of and above a certain rank, with such authority being on a country-wide basis;
- (25) judicial police officers should be stationed at all Police formation levels (except District) down to and including police station level;

The Comptroller

- (26) the Commanding General should be entrusted to expend money voted to the Force by the House of Assembly, subject to overall direction by the Government as regards the rate of expenditure;
- (27) the Police budget should be a complete one and reflect total annual cost regardless of the source of the funds;
- (28) the Comptroller's Directorate be provided with an internal audit unit.

Operations

- (29) there should be established an Operations/Information complex, manned throughout the 24 hours by a system of duty officers;
- (30) a Guard and Escort Company should be established at National Headquarters, and at other headquarters as indicated in the charts, to be responsible for the security of headquarters, escorts as required, and the control of the headquarters transport pool.

Registry

- (31) one Central Registry should be established at National Police Headquarters and at other headquarters as indicated on the charts with responsibilities as set out in para 52;
- (32) there should be a Force Standing Order limiting authority for raising non-classified subject files to the Central Registry and other Registries;
- (33) there should be a Secret (classified) Registry to which the same principles apply;

- (34) there is a requirement for the Special Police and Judicial Police Directorates to have their own separate registries because of the nature of their work;
- (35) The organisation of Regional, Provincial and District Headquarters should be as stated in the text and as shown in Appendices D, E and F.

CHAPTER V

REORGANISATION

INTRODUCTION

66. We do not consider that the present National Police Headquarters is capable, as a command and staff organisation, of supporting lower police formations and in particular urban and rural police stations so that the Force can carry out its role and tasks. We have been disturbed during our visits to units in the field by instances of serious delay (which may have been exceptional) in obtaining comparatively simple administrative decisions from the centre. Similarly, in many cases the level at which such decisions, under the present procedure, are taken is quite out of proportion to their significance. Quite a lot of this seems to be dictated by the fact that the Police are subject to outdated civil service procedures. Nevertheless, in our view the major reason for the slow and inefficient handling of administrative work at the national level is the inordinate size of police headquarters and that, in part, this has resulted from the Police being saddled with responsibilities which are not properly theirs, or are unnecessary altogether.

ADMINISTRATIVE POLICE

67. The most striking example of this is the responsibilities given to the Administrative Police. These have been described to us as being:

"Conducting administrative record searching in relation to:

- (a) associations, hotels, newspapers, weapons and ammunition, radios and automobiles, titles;
- (b) citizens of Vietnam requesting exit and entry visas;
- (c) persons seeking public office and civil service positions;
- (d) promotions, nominations, renominations and change of status in respect of all government personnel;
- (e) searches of records in respect of prisoners scheduled for release;

68. Not only do these requirements presently occupy the time and energy of a considerable number of police at various levels, and this in our view is counter-productive because of the very nature of the work, but obviously they also provide a vast field of opportunity for corruption. We accept that the vetting of certain persons seeking public office and applicants for some civil service positions is a police responsibility, and we refer to this and the manner in which we consider it should be done, in Chapter VI of this Report. We accept also that there is a security requirement for the Special Police to check applications made to Government for new associations and newspapers. Finally, we consider it important that the Police should be made responsible for the registration of privately owned firearms and ammunition. Efficient systems for the control of firearms and ammunition have been evolved by the Police elsewhere and we recommend that these be examined now with a view to immediate implementation of a practical system for Vietnam. In these three cases we believe that the work to be done should become part of the work of the appropriate Directorate at national level. In the case of persons seeking public office or entry into the civil service, the Special Police and the Judicial Police Directorates. In the case of associations and newspapers it would be the Special Police Directorate and in the case of the registration of privately owned firearms the Judicial Police Directorate.

69. We are convinced, however, that with regard to the responsibilities set out in (b), (d) and (e) of para 67 above, the Police should play no part. The work of dealing with applications for exit and entry visas by Vietnamese citizens, (b), can only be a responsibility of the Immigration Department; to have the kind of checks of serving Government personnel referred to in (d) seems to us manifestly wrong, counter-productive in every sense, and calculated to depress morale. Finally, we consider that, if the Government acts to give effect to our recommendation arising from para 41 (the Criminal Record Office) the need for the requirement at (e) disappears. To sum up, those elements of the Administrative Police mission which we accept as police responsibilities can be redeployed to other parts of the headquarters organisation. The remainder are not in our view police responsibilities and it follows that the Administrative Police as a separate Service can and should be abolished at all levels.

CENTRAL RECORDS SERVICE

70. In like manner we have made a critical examination of the Central Records Service. The responsibilities of this Service have been given to us as being:

- (a) the filing and preservation of records nationally;
- (b) loaning records to the constituent parts of National Police Headquarters as may be necessary;

- (c) the provision to "authorised persons" in military, civilian and government agencies of information from the Service's records concerning individuals;
- (d) ensuring that records from subordinate levels are transferred to the Service at the appropriate times.

71. We understand that, approximately, the records built up by the Service now number some 1,200,000 personal dossiers and 600,000 case dossiers, supported by a master nominal index. About 70% of these records are of a political nature, 20% criminal, with the remaining 10% being of a general nature. We have given careful thought to the functions of the Service in relation to the Police role and tasks, and in particular, to our recommendations in respect of the part to be played in these tasks by the staff of Police headquarters at national level. We have again reached the conclusion that at this level there can be only two kinds of police records against which checks are necessary, and which can be made speedily and effectively. The one is political (Special Police) and the other is criminal (Judicial Police). We refer in the Report to the establishment of both sets of records. Whatever may be the written description of the functions of the Central Records Service, we are satisfied that it is in fact no more than a set of elaborately indexed archives. In view of the fact that Force Standing Orders should provide for the retention by Special Police and the Judicial Police of their respective records for stipulated periods before destruction, we consider that the Central Records Service can safely be abolished.

TRAFFIC AND ORDER POLICE

72. The third headquarters Service which we believe should be dispensed with is the Traffic and Order Police. Quite clearly there is very little staff work to be done at the national level on traffic questions for the simple reason that these have seldom been raised either by Government or by subordinate police formations since the traffic law was revised in 1967. In fact, the main source of traffic expertise seems to be the Traffic Precinct of the Saigon Municipal Police Directorate. Clearly what little staff work in this field is necessary at national level can be done either by the Deputy Commanding General, assisted by his staff as necessary, or by the officer in charge of the Traffic Precinct of the Saigon Municipal Police. We believe that the control of traffic within a police station area is one of its normal police tasks. In large urban areas, where there are two or more police stations grouped together under a District or Precinct Headquarters, it may be necessary for the control of traffic to be made the special task of an officer with an appropriate number of men under his command.

73. We have examined the responsibilities of the Order Police, as set down in the handbook describing the operations of the various blocks in headquarters, and we are satisfied that either they can be taken over by another part or parts of headquarters, or that they are not properly police responsibilities, or, finally, that they are meaningless. The first category, we quote from the orders - "studying preventive measures, fixing regulations to protect VIPs, order and security in moving and participating in ceremonies" - we think is properly the task of the Internal Security Section of the Special Police, or a Guard and Escort Company, or both. The second category (the registration of motorcycles of 50 c. c. or less) is, we are convinced, not a police function and should be made the responsibility of the Department of Public Works which we understand is responsible to Government for the registration of all other motor vehicles. The third category, again we quote from the orders - "searching, disseminating administrative regulations, security regulations, public order and sanitation, and controlling national police units in their order work" - contains responsibilities which should either be those of one of the Directorates or be allowed to lapse entirely because they are unnecessary. We believe that all these changes or modifications are sensible, should be made and the Traffic and Order Police abolished at national headquarters and levels below.

THE INSPECTION CORPS

74. We have examined the functions performed by the Inspection Corps at Police Headquarters. Briefly these consist of twice yearly visits to national, regional, provincial and district formations by five inspection teams (each team consisting of a Commissioner and a Redactor) and the production of reports on such visits; dealing in the first instance, with cases of corruption and disloyalty involving police officers; complaints against the Police; guidance of subordinate formations on "protective security", and the management of a system of records, which is designed to identify cases of illegal detention so that remedial action can be taken.

75. We have examined a number of reports produced by the inspection teams and, while we do not doubt that in every case the inspections themselves were conducted with care and patience, we have been compelled to the conclusion that the reports themselves are of little practical value. There is no indication in them, for example, that the inspecting officers have examined critically the responsibilities of a unit and the means available to it (such as command and control, manpower, facilities for operational control and liaison with the Armed Forces and civil administration, supply of intelligence, Courts, accomodation, logistics) for discharging those responsibilities to ensure that both are what they should be and, if not, why not, and what is needed to put them right. Such recommendations as are made by the inspecting officers seem to us to be of too

general a nature and too vaguely worded to be of much practical value either to the unit inspected or to the Commanding General and his senior staff. Moreover, there is a system of grading a unit A, B, or C (good, mediocre or unsatisfactory) at the conclusion of an inspection, which appears to us to serve little or no purpose except possibly to cause an officer to be moved from his command when an inspection team has only awarded his unit a "C" rating.

76. We are of the opinion that the principal responsibility for inspecting the Force rests upon the Commanding General and his Deputy. Furthermore, inspection is an integral part of command at all levels all down the line, and these two officers should be assisted in this task by the regular inspection annually of all their units by the officers commanding Regions, Provinces and Districts, according to clear instructions issued by the Commanding General in the form of Force Standing Orders. Supplementing this (although they would not be formal inspections) should be periodic visits by Directors at Police Headquarters and their senior staff officers to oversee the working of their counterparts in the headquarters units of subordinate formations and to ensure a smooth and efficient discharge of staff duties. We feel strongly that, for the Commanding General and Police Commanders at all levels to be able to exercise proper control and direction of the Force, they will need to spend a large proportion of their time in the field with their men anyway, and, conversely, that the men will benefit in every respect by command exercised in this manner. Moreover, if this does not happen, the principal purpose of inspection will have been lost because we believe that the purpose of inspections is not confined to checking and correction. Far more important is the constructive part of it, i. e., where the officer conducting the inspection is concerned with the practical value of, or the practicability of, headquarters instructions when applied in the field. Finally, as soon as comprehensive Force Standing Orders are promulgated regulating the Police in their activities, the element of assistance in an inspecting officer's task will, as it properly should, exceed the monitoring element. We recommend that this concept of inspections in the Force be accepted and that the present inspection teams be disbanded.

77. [We must make one consequential comment here, which is applicable to the whole civil side of the Government, that a civil air transport service is required if Saigon Ministries and Departments, including especially the Police Force, are to exercise command and control functions by visits and inspections in the field. This also applies to the Police at regional level. It is unlikely that the Air Force, except for the rapid movement of police reserves, could provide this service and Air America is obviously not the long-term answer. The possibility of Air Vietnam, separately from its commercial domestic schedules, running on behalf of the Government both a fixed courier service and charter flights with small aircraft and a few helicopters should be examined. The same arguments also apply to a freight service by both air and water. Provision for such travel would need to be entered in the Police budget.]

78. As far as the responsibilities of the Inspection Corps which relate to corruption, disloyalty and complaints against the police generally are concerned, we are of the opinion that staff work at National Police headquarters in the investigation of such complaints is properly a responsibility of the Personnel Directorate. If during the course of such investigation there appears to be prima facie evidence of the commission of a criminal offence, then the investigation of that offence should become the responsibility of the Judicial Police Directorate, with the Personnel Directorate suspending the member or members of the Force concerned from duty as necessary until the conclusion of the criminal investigation and court action, if such follows. We have referred to corruption in paras 40 and 84.

79. We consider that protective security is properly a subject for the Special Police Directorate and we deal with it in Chapter VI.

80. We have also examined the function of the Detentions Bureau of the Inspection Corps. The Bureau was created in 1968 for the purpose of guiding subordinate formations in all matters concerning persons in police custody, and the places and conditions of their confinement. The Bureau was made responsible for maintaining such statistics as were necessary to ensure that relevant police orders were complied with, and that persons in police custody were held according to law. In 1970 a computerised arrest accountability system was instituted for monitoring all police detentions, which required some help from the Detentions Bureau in the initial stages. We understand that the help given by the Bureau was valuable but that, now that the computerised system is in full operation, the part played by the Bureau is no longer necessary and that it can revert to its 1968 role. We feel that even this should be unnecessary if all formations understand clearly their powers of detention under the law, and if Force Standing Orders are explicit on the treatment of persons in police custody, and the conditions of their confinement. If formations do not understand their powers of detention this indicates an alarming situation which the Commanding General should rectify as a matter of urgency. When these two matters have been dealt with, there is no longer a need for the Detentions Bureau to continue in being, and the Inspection Corps itself can then be abolished.

IMMIGRATION SERVICE

81. It is appropriate in this part of our report to explain in some detail our reasons for recommending a change in the police responsibility for handling alien visits to the country (Immigration Service). We have looked at the organisation which presently exists for this purpose and, although the apparatus is impressive at first sight, it becomes clear fairly quickly that in fact it is flimsy and full of holes. It is quite evident that the present system does no

more than divide the responsibility for, and authority to control, the movement of aliens into and out of the country, and provides no control over them while they are inside the country. The authority for granting permission to any alien to enter the country is that of the Ministry of Foreign Affairs through its overseas representation in the form of a normal visa (entry permit). This permit is of a limited duration, and it follows that an alien must leave when it expires unless, in the meantime, the Ministry has seen fit to extend it on the application of the alien. At the present time, when an alien's visa expires and there is no proof that he has left the country, then and only then does the search for him and his subsequent process through the courts become a police responsibility (a law enforcement task). However, we consider that it is a proper task for the Police to control the movement of aliens while they are in the country. The existing Immigration Service of the Police does not do this, and has no means of doing this.

82. If our view concerning responsibility for controlling the entry and movement of aliens is accepted, we consider that there is no reason why the Police Immigration Service should not disappear, and be replaced by the small Registration of Aliens unit which we have included in the chart at Appendix C under the Judicial Police Directorate, the responsibility of which would be to control and regulate the movement of aliens while they are within country. We recommend the enactment by Government of legislation to require aliens to be issued with a temporary and distinctive identity card on arrival and for them to notify the Police of their arrival in and departure from any District, and any other information which may be considered appropriate and necessary. The present Police Immigration Service can then be disbanded.

RECOMMENDATIONS

83. We recommend that:

(36) provided the reallocation of duties which we have indicated in this Chapter is made, the following Services can and should be abolished:

Administrative Police (at all levels)

Central Records

Traffic and Order Police (at all levels)

The Inspections Corps

The Immigration Service.

CHAPTER VI

SPECIAL POLICE

THREAT

84. The threat to the internal security of the country, apart from an invasion by a foreign power, arises from:

- (a) communist insurgency which may take the form of:
 - (i) semi-conventional warfare with attacks by local and main force units; or
 - (ii) subversion, illegal and legal activity, supported by small scale attacks and terrorist acts of destruction and assassination by small guerilla units, or a mixture of both;
- (b) other political subversive activity;
- (c) espionage and attempts to gain information, the knowledge of which could be used to endanger national security, or information on other matters or activities which the Government may wish to protect;
- (d) sabotage;
- (e) any other illegal activity in the country which, because of its nature or its scale, may threaten the Constitution, the Government or the maintenance of law and order, for example, widespread and uncontrolled corruption which could be a threat to the country's security.

85. The gravest threat to the country at the present time is communist insurgency and this will probably continue in one form or another for a number of years. Even when this attack involves fairly large unit formations, the communists are seeking to influence the people and to gain their

ideological and material support. It is among the population that they seek intelligence, carry out acts of sabotage, terror and assassination and promote other kinds of subversion. Another form of communist attack is to subvert by the use of illegal and legal activities and by infiltration into political parties and other groups. This subversion is supported by small guerilla squads to promote terror and to attack selected government targets or individuals. Whatever form the attack may take the main field of counter-intelligence work will be among the civil population.

86. To protect the country against any of these threats they must first be detected and then eliminated. It is individual men and women who plan, instigate and carry out these activities who must first be identified and then prevented from continuing with their intentions or actions by due process of the law. This is both an intelligence and a police operation, supported by the RVNAF as may be necessary.

87. The communist threat, whether by the use of armed units or by subversion, is always aimed at the Government and seeks to gain control over the population. It is this threat to the internal security of the country which must be countered by the Internal Security Intelligence organisation.

88. The communist subversive attack assumes many forms. The field for intelligence collection is so widespread amongst the community that it is essential to have one organisation responsible for it to prevent overlapping and omission.

89. Although at the present time communism is the greatest single threat to internal security, other situations may and do arise which can lead to a breakdown of law and order and the Police Force will also require information about these in order to carry out its normal police role.

90. The collection of intelligence about any threat is not sufficient; there must also be a continuous legal process to eliminate it. It follows, therefore, that the intelligence collecting and collating organisation must always have this end in view and, if it is divorced from the responsibility of taking action against the threat, it will soon become increasingly involved in the techniques of intelligence collection to the exclusion of everything else.

91. Effective law enforcement and countering subversion amongst the population are only achieved by establishing and maintaining one overall command to ensure the proper balance between:

- (a) the time which is often required for successful intelligence collection, coupled with the need to maintain established channels of information; and

- (b) the necessity, frequently pressing, to eliminate the threat to internal security as it arises by the appropriate police action which may, on occasions, have to be a lengthy and continuous process.

92. Since maintaining law and order, the collection of internal security intelligence and the countering of subversion amongst the civil population are so inextricably mixed it is right that one Commander, the Police Commanding General, should be responsible for all three. It follows, therefore, that the Special Police within his Command should be made the Internal Security Intelligence organisation.

93. The communists direct and control their attack through the Party apparatus and, therefore, this should be the first target for intelligence operations and for elimination. It is the Party committees, of which the senior military commander is a member, which plan, co-ordinate and collect intelligence and are responsible for all activities in their area.

94. In the present circumstances there is a continuing threat of attack by enemy armed forces and it is, and will continue to be for some time, the responsibility of RVNAF to deal with this. To do this effectively they must have their own military intelligence organisation. However, this is all part of the total communist threat and, apart from the purely military intelligence, RVNAF will also require other intelligence which is in any way related to the actions and intentions of the enemy's armed forces, whose operations are under the control of the Communist Party apparatus. Similarly, the Special Police will need to have all other information collected which is in any way related to the Police internal security responsibility. While the communist threat continues to take these two forms, two intelligence agencies will continue to exist, but there must be continuous, close and effective liaison at all levels. As the threat of armed attack is reduced, it should be the aim for the Special Police to become the sole Internal Security Intelligence organisation.

COMMAND AND MISSION

95. The Special Police, as the Internal Security Intelligence organisation, are under the command of the Police Commanding General and it should be the duty of the Director of Special Police to provide him with all information necessary to carry out his responsibilities. Similarly, the Heads of the Special Police at subordinate levels have the same responsibility to their respective Police Commanders. As the Internal Security Intelligence organisation comes within the police chain of command, it will be important

to ensure that there is complete integrity of intelligence reporting and that intelligence is put to its proper use. Without some safeguard a senior police officer could alter or suppress an item of information. In order to reduce this potential danger to a minimum, it will be necessary to define the role of the Special Police and the responsibilities of the Director of Special Police, and also to establish the channels for the flow and use of intelligence within the Police Force by Standing Orders.

96. The Director of Special Police, which is the Internal Security Intelligence organisation, should have the right of direct access to the Prime Minister on any matter, after informing the Police Commanding General. Through the police chain of command the Director of Special Police and the Heads of Region and Province Special Police units will be able to direct, acting for their respective Police Commanders, the intelligence work of the force formations. In addition, Standing Orders should establish the right of the Head of a Special Police unit at any level to report direct to the Head of the Special Police at the next higher formation, but this must in no way absolve him from his duty to keep the senior police officer in charge of his formation fully informed. Standing Orders will also protect, on a need-to-know basis, the information, activities and records of the Special Police.

97. It follows, therefore, that the mission of the Special Police should be:

- (a) to collect, collate, assess and disseminate all information which is or may be related to any form of subversion or illegal activity which is or may be connected with:
 - (i) a threat or a potential threat to the internal security of the country;
 - (ii) a threat or a potential threat to the maintenance of law and order in the country;
 - (iii) espionage or sabotage.
- (b) to keep the Commanding General of the National Police fully informed on all matters which concern his overall responsibility to protect the people and the Government.

The Director of Special Police may, after he has informed the Police Commanding General, have direct access to the Prime Minister on any matter relating to his task as Head of the Internal Security Intelligence organisation of the Republic of Vietnam.

98. The mission must be clearly interpreted within the police chain of command. The proper channels for the flow of information and its protection on a need-to-know basis must be established. This should be done by Force Standing Orders.

99. We have shown in para 84 the main sources of the threat to the internal security of the country and have recommended that the Director of Special Police be charged with the responsibility as defined in para 97. This is a most important position of responsibility. The Director of Special Police reports directly to the Police Commanding General on all aspects of his responsibility and in addition has direct access to the Prime Minister. He should, therefore, be appointed by the President on the recommendation of the Prime Minister, and should be of the same rank as, or next in rank to, the Deputy Commanding General (and he should take command of the Force in the absence of both the Commanding General and his Deputy).

100. The Director of Special Police must have a Deputy, who will be responsible for the day to day control of Special Police work and thus leave him free to advise the Government, to attend meetings with or on behalf of the Police Commanding General on matters which may affect the internal security of the country and to plan and supervise any concentration of effort on any aspect of the work done by any of the Special Police Services at National Headquarters which he may wish to direct personally. He should make frequent inspections of the Special Police formations in the Regions and Provinces. The Deputy Director will, in addition to his day to day control of the work of the Special Police, act for the Director in his absence, attend, as required, meetings on behalf of the Director and assist in the supervision of Special Police work in the Regions, Provinces and Districts by making frequent visits. The Police Officer appointed to this post by the President on the recommendation of the Prime Minister, should have the same rank as, and be on the same level as, Directors in charge of the other Directorates at National Police Headquarters.

RECOMMENDATIONS

101. We recommend that:

- (37) the Special Police should become the Internal Security Intelligence organisation of the GVN and eventually become the sole agency;
- (38) a clearly defined mission for the Special Police should be laid down;

- (39) the Director of Special Police should have the same rank as the Deputy Commanding General and be appointed by the President;
- (40) the Deputy Director of Special Police should rank with other Directors and be appointed by the President;
- (41) Force Standing Orders should define duties of Heads of Special Police at all levels, control dissemination of intelligence and protect its security.

ORGANISATION

102. A chart showing our proposals for the organisation of National Special Police Headquarters is at Appendix J. The organisation of the Special Police must be so arranged that each form of threat is matched by a department whose sole objective is to counter it. The degree of danger which any particular form of threat represents may increase or decrease at any time and it is, therefore, essential that the Special Police organisation be completely flexible so that the strength of any department can be varied accordingly.

103. The Director of Special Police should be able to change the strengths of his services, bureaux or sections at National Police Headquarters or at any subordinate police formation as circumstances demand. It is the danger that any particular threat represents in an area and the amount of Special Police resources necessary to counter it which should determine the strength to be deployed. There should be no set pattern of deployment which is applied rigidly to all Districts and Provinces and Regions throughout the country.

104. The collection of security intelligence is a selective process and there must be constant vigilance to ensure that only information relating to subversive activity is collected and stored. Since the enemy will constantly change his method of attack and seek to disguise the manifestation of his activity in order to evade detection, so there must be a constant re-evaluation of the sources of information and the targets to which they must be directed.

105. Counter-intelligence work against a well-established and experienced subversive organisation requires a continuous effort and ever increasing skillful application of intelligence techniques combined with determined police actions to disrupt it. As one part of the organisation is identified and shut down by the arrest of its members, another may grow in its place:

as one channel of subversive activity is blocked, another may be opened up. Just as in a military battle a General commands all operations against an opposing General, so it is essential in these counter subversive operations to have one person who controls and plans the counter-intelligence work against the subversive organisation and all its activities.

106. When a serious danger to security arises through the subversive activities of one organisation, it is not the Director of the Special Police who is in the position of the General matched against that particular organisation. He has responsibility for countering all types of threat to internal security. The correct procedure is for him to appoint a senior officer, supported by a suitable staff, to command all counter measures against it.

107. The communist threat to the Government and people of Vietnam is of such a magnitude that it requires the greater part of the effort of the Special Police to be concentrated on it in order to eliminate it. This is the most important task of Special Police and will continue to be so for a number of years. A very senior officer with considerable experience should be specially selected to be in charge of this work. His responsibility will be to collect, collate, assess and disseminate all intelligence related to communist subversive activity in the country and to plan and generally supervise counter action to eliminate the threat it represents. His rank should be the same as that of the Deputy Director of Special Police at national level and, in the absence of both the Director and Deputy Director, he should take over responsibility for the Directorate.

COUNTER COMMUNIST SERVICE

108. The Counter Communist Service will have the following tasks:

- (a) to discover, analyse and interpret the policy and plans of the communists and to monitor their success in the implementation of these plans, and to keep the Commanding General, the Government and the Armed Forces continuously informed on these matters;
- (b) to conduct special studies on selected aspects of communist activities so as to inform the Commanding General, the Government and also lower formations at Region and Province, as may be necessary, of changing communist methods and of the techniques which are proving successful in countering them;

- (c) to identify members of the Communist Party and infrastructure, to determine their organisation and to maintain records of these;
- (d) to prepare and issue weekly and monthly summaries of intelligence and prepare special reports on important matters and to distribute these to those who have a "need to know";
- (e) to prepare assessments of the success of counter-action against communist subversion and to direct the Regions and Provinces on the implementation of these counter measures including the setting, or alteration of, priorities;
- (f) to direct and supervise, through his corresponding bureaux and sections in the lower Special Police formations, the intelligence effort to ensure that the right information is collected and appropriate action is taken at all levels, including the supervision of and targetting of penetration operations.

109. The Head of the Counter Communist Service both plans and directs all the counter measures against communist subversion. He should have the authority to organise and vary the strengths within the bureaux and sections under his control according to the volume of the work to be done. For the most part the work will be done by Desk Officers, with assistants, who will be allotted specific tasks or targets. They in turn will be grouped together in sections working on related subjects, co-ordinated by the section Heads. Within these sections the Desk Officer at national headquarters supervises the collection, collation and assessment of all information from all sources at all levels which may be related to his particular target. Research for this purpose is also the direct responsibility of the Desk Officer or one of his assistants. It is, therefore, unnecessary to establish separate sections for research. This pattern of responsibility in relation to targets must be consistent throughout the work of the Special Police at all levels. Desk Officers and their assistants are all part of a team studying and investigating various facets of communist activity and their work must be completely and continuously integrated with the final aim of eliminating their target.

110. The Head of the Counter Communist Service must have a Deputy, who, in addition to the normal responsibility of a Deputy Head of Service, will have the particular task of ensuring that incidents of significance from the work of the Service, or from the work of the Counter Communist Sections at subordinate Special Police formations, or from any other department or

agency, are given appropriate circulation throughout Special Police Headquarters. He also prepares the weekly and monthly intelligence summaries covering the work of the Service.

111. We consider that the Counter Communist Service will require four bureaux as follows:

- (a) the Communist Party Bureau: this is the main bureau responsible for studying and reporting on communist party policy, plans and the organisation that exists to implement them; included in this bureau will be a section with the responsibility for preparing and maintaining up-to-date records of the organisation of the Party and its infrastructure and the individuals within it.
- (b) the Communist Penetration Bureau will be responsible for detecting and countering communist penetration into legal parties and groups. The Sections within this bureau will vary as to the number of Desk Officers according to the degree of penetration achieved, the priority given to it by the communists and the danger it represents. The responsibility of the Bureau would normally be divided into three Sections covering political parties, groups and associations; and government servants respectively.
- (c) The Special Studies Bureau will be required to undertake, at the direction of the Head of the Counter Communist Service, specially selected investigations in depth into the activities of a particularly important communist personality, or into manifestations requiring particular analysis or into manifestations which, at first sight, may not fall into any recognised category. The exact nature of these will change from time to time and thus no permanent structure of sections will be necessary. As an example, the communist emphasis on activity in towns would be an obvious choice for special study at the moment. The object would be to examine the methods used by the communists to infiltrate into towns and to set up their organisation within them, and also, most important, to study the methods used by the Special Police and Police in those towns to eliminate them. As a result of this study guidance can be given to other formations. Other examples might be sabotage or communist penetration of school teachers.

- (d) the Communist Document Bureau: Communist documents are a most important source of intelligence and their study requires both skill and considerable experience in communist terminology. From the study of documents this bureau will:
 - (i) report on communist policy plans and morale;
 - (ii) ensure that the Bureaux and Sections of the Counter Communist Service have up-to-date information from documents for their own use;
 - (iii) make any statistical analysis of information such as finance, stores, manpower, etc., which may have significance in assessing the Vietcong capability in any area;
 - (iv) supervise the use, analysis and preservation of documents at all Special Police formations.
- (e) a small section will be required to deal with the activities of fellow travellers and intellectuals both of Vietnamese and foreign origin, including the activities of foreign communist parties which may be related to communist subversion in the country.

COUNTER-SUBVERSION (NON-COMMUNIST) SERVICE

112. All subversion which is not communist inspired should be the responsibility of a separate Service which, according to the weight of work, may have to be divided into Bureau and Sections. This Service will monitor the activities of political parties, groups and associations from press and public comment and from reports that may be received from Region and Province formations. The Service should not normally be required to carry out any detailed intelligence work on any of these groups unless there are manifestations or reports that may suggest subversive activity. If manifestations are found, on investigation, to be communist inspired, the case should then be handed over to the Counter-Communist Service for further action.

PROTECTIVE SECURITY

113. Nobody can be charged with the responsibility for protective security until it is first made clear what is to be protected. The Government should,

after consulting its professional officers, lay down a clear protective security policy and revise this from time to time as may be necessary in the light of the experience of its application. It should be the aim of Government in establishing its protective security measures by administrative direction:

- (a) to define categories for the security classification of documents, activities and processes according to the degree of protection each may require, and then to establish a procedure for their correct security classification so that, when classified, they are afforded the degree of protection appropriate to their category;
- (b) to ensure that the Heads of all Government Departments, where classified documents are handled, review the methods of handling, distribution and storage of these documents and to make sure that this is done in accordance with these regulations and that they are kept within as limited an area as possible;
- (c) to issue directions governing access by individuals to classified material and to lay down procedures to check the loyalty of those who are given such access;
- (d) to lay down responsibilities for the enforcement of security measures and a system for reviewing them.

It is usual for measures to safeguard Government secrets to be embodied in a Statute (usually described as an Official Secrets Act) which includes provisions for penalties for breaches of the various conditions in it.

114. The most usual method of protection of Government secrets, officials and vital installations which are considered vulnerable to attack, is to examine the credentials, associations and history of those who work in close proximity to them; a process commonly known as vetting. There are two degrees of vetting; the first, known as negative vetting, is carried out by checking the name of the individual against criminal and Special Police records to see if there is an adverse record; the other method, known as positive vetting, requires in addition that the individual be interviewed to assess whether his behavior has been of an acceptable standard and an independent check made on this through relatives and associates.

115. When there is an extensive subversive threat within a country, there is always a heavy and, generally, an increasing demand for positive and negative vetting by the security services. Much of this arises because of a

failure to understand the degree of protection that is given by these processes. Negative vetting frequently gives a false sense of security; the fact that an individual is not on record is no guarantee that he is not, for example, a communist, or a communist supporter or even that he is not being forced to act in support of the communists; it is also no guarantee that the individual is not an undetected criminal.

116. As the weaknesses in the negative vetting process become more widely known, there is an increasing demand for positive vetting to be carried out until there is so much to be done that it is inadequately supervised and the work of investigation is hurried and lacks thoroughness. It is comparatively easy for individuals with something to hide to escape detection in these circumstances.

117. To ensure that positive vetting is effective it should be kept to a minimum and for this purpose there should be a constant review of the extent to which its application is necessary and of the thoroughness of the investigation procedures in the light of all available intelligence.

PROTECTIVE SECURITY SERVICE

118. Protective security and the preservation of Government security are so important that there should be a separate Service with these responsibilities at Special Police National Headquarters. The Head of this Service should be charged with responsibility for:

- (a) the protection of Government secrets and advising Government departments on this and other security practices;
- (b) countering espionage;
- (c) the detection and investigation of attempts at sabotage;
- (d) advising Government on the policy and implementation of vetting procedures;
- (e) advising those responsible for the protection of VIPs and, where necessary, the provision of limited Special Police personnel to assist them;
- (f) advising all Directorates at National Police Headquarters on protective security measures;

- (g) studying and analysing information made available from other Services at Special Police National, Region and Province Headquarters which relates to these responsibilities.

119. The Protective Security Service at Special Police Headquarters should be divided into two bureaux - one with the responsibility for the protective measures relating to Government secrets and for vetting procedures; the second for counter-espionage and counter-sabotage. There should be one section covering Special Police responsibility related to the protection of VIPs.

120. It is apparent that the present practice of giving full responsibility for the protection of VIPs to the Special Police is in conflict with its main mission - the collection and dissemination of intelligence. The greater part of the work involved in the protection of a VIP can be effectively performed by specially trained armed men from the Guard and Escort Company (see paragraph 50) who may be in uniform or plain clothes according to circumstances. The Special Police have a clear responsibility to advise those involved about the potential security threat to the VIP and should provide Special Police personnel to augment the escort only when this is considered essential. The Special Police responsibility lies along the route and at the places to be visited and they should ensure that Special Police personnel are alerted in good time and directed to take any action deemed necessary.

121. The Head of the Protective Security Service, in order that he may carry out these responsibilities, will need to keep in close liaison with the security officers in other Government Ministries and Departments and with the appropriate intelligence formations in the Armed Forces. He will have to brief the Guard and Escort Commander on any threats to the VIPs to be protected, and he should also receive from the Guard and Escort Commander any relevant information arising from the protection of these VIPs.

122. The Head of the Bureau which is responsible for vetting procedures should maintain close liaison with the Immigration Service and co-operate in the maintenance of a list of prohibited immigrants and emigrants. Now that National Registration is almost complete throughout the country there should be a review of the necessity to vet, even negatively, all those seeking exit visas; the "black list" may be considered sufficient for detection purposes. In addition, for the similar reason that all those now living in the country are on a National Register, there should be a review of the extent to which applicants for citizenship need to be vetted.

THE OPERATIONS SERVICE

123. The Operations Service at National Special Police Headquarters provides a service to the Counter Communist and Counter Subversion (non-communist) Services and it should operate at their request. It should supervise the techniques of the operations units at Province level and should assist their operations when necessary. It is convenient to divide it into four Bureaux - operations, investigations and surveillance, task force and the National Interrogation Centre. As all its operations become increasingly successful, the prestige of this Service will become much greater. As this occurs it is important to ensure that it is not permitted to initiate operations without the approval of the Head of the appropriate Service.

124. The Head of this Service would be responsible for:

- (a) carrying out special operations and investigations, including surveillance, in support of the work being undertaken by the other Services of National Special Police Headquarters;
- (b) supervising and assisting the work of special operations, investigations and surveillance at Region and Province level;
- (c) allocation of Task Force support to subordinate levels;
- (d) the maintenance of special equipment (for which a special section will be required);
- (e) the operational efficiency of the National Interrogation Centre and the supervision of the Interrogation Centres at Region and Province and of interrogation techniques used in the Districts.

125. When any kind of operation is carried out, or enquiries are being made, by the Operations Service at national level, it will in fact be taking place within a District area. This applies equally to those carried out by similar Regional and Provincial personnel. Full up-to-date local knowledge is almost always an important element for the success of these operations and, for this reason, it should be a Standing Order that no such operation is carried out in any area unless or until the Head of the Special Police of that area has been informed. There may be a few exceptions to this based on solid reasons of security, but in every case where an exception appears to be necessary the operation must have the personal approval of the Director of Special Branch or his Deputy. At Region and Province, it should be the Head of the appropriate Special Police formation who gives approval.

THE ADMINISTRATION SERVICE

126. The Administration Service will be required by Special Police to keep classified records about its personnel, secret funds, supplies and special equipment and special training. These are additional to the normal records held in the appropriate Directorates at National Police Headquarters.

127. The Head of this Service should be responsible for:

- (a) maintaining all Special Branch records - the management, as directed, of personnel including transfers;
- (b) accounting for the expenditure of special funds and the calculation of the annual budget for these; accounting for and the preparation of demands for supplies;
- (c) arranging for the purchase and distribution of special stores;
- (d) the supervision of the Special Police Training schools;
- (e) the Special Police Registry;
- (f) any other routine administrative duties.

To carry out these responsibilities the Administrative Service will have bureaux covering each of the following subjects: - Registry, Personnel, Special Finance Supplies and equipment, and Special training.

REGISTRY

128. It is essential that there should be only one Registry for the whole of Special Police National Headquarters which will hold in a secure manner all documents, records and other classified material and serve all staff employed there. No Service, Bureau of Section should be permitted to raise or maintain any records whatsoever in their own offices. This principle will also be applied at Region and Province Special Police formations. The method of working a Registry system of this kind is referred to in paras 138-139.

RESEARCH BUREAU

129. A Research Bureau will be required by the Director of Special Police at National Headquarters. The purpose of this bureau will be to carry out special research studies allotted to it by the Director which may involve or be required by all or any of his other Services. These will be more effectively handled by a separate bureau because of the length of time involved and the depth and nature of the studies. We have in mind that they would generally be directed towards the changing nature of the threat to the country so that the Director can plan for the future in terms of policy, manpower, re-organisation, special techniques and training. This unit must not be used for the normal day to day research associated with the specific tasks of the Services, Bureaux or Sections.

130. We consider that another important study for the Research Bureau is the relationship of the Special Police and the Police Force as a whole with the population, its effect on the collection of information and how best this can be encouraged, which would include the study of a reward system. This would be similar to the work at present being carried out by the People's Intelligence Bureau, which we do not think is justified as a separate Bureau or Section at any level. We agree that it is important to encourage the population in every way to discharge their responsibility to the community by giving information about any activity which is suspicious or may be of an illegal nature. Good police relationship with the population must be encouraged to achieve this so that it fosters the basic information network across the country. We have developed this theory further in paras 133, 153 and 155.

131. We consider that a separate Regulation Service is no longer necessary. The control that it now exercises is properly part of the command function and this should be undertaken by the Director, his Deputy, the Regional and Provincial Heads of Special Police formations. The Director may also wish to delegate some of this responsibility to the Heads of the two main Services - Counter Communist and Counter Subversion. The very delicate records, currently kept by the Regulation Service, should be kept separately in the Special Police Registry with only very restricted access allowed to these by officers nominated by the Director. If they cannot be kept securely in this Registry, they must be kept in a special office under the Director's personal control.

METHODS

132. In our view the present Special Police in their short history, starting with limited resources and expertise, have very considerable achievements to their credit. We well understand the difficulties of the Director of the Special Police who has had to concentrate on developing a nucleus of the most experienced staff at national level while the large number of Special Police deployed throughout the country have not had much of an opportunity to acquire a high degree of expertise. This has led to a concentration of operational effort at national level. Because of the changing nature of the war with increased emphasis by the Communists on subversion amongst the population, we believe that there are certain important methods of Special Police operations to which he may now wish to give his attention.

DOWN TO THE GROUND

133. It is a simple fact that the more Province and District Special Police formations are capable of collecting good intelligence by their own efforts, the greater will be the flow of useful intelligence to national level and the wider the spread of the intelligence net across the country. The move away from centralisation can be speeded up by interrelated actions, first by building up the level of expertise through the transfer of experienced officers from headquarters to the field, and secondly by raising the level of importance of the information to be contained in reports submitted to National Headquarters, thereby reducing the volume of reporting to that level.

134. The building up of expertise in the field can best be achieved by the transfer of selected desk officers, skilled investigators and interrogators to the field and similarly the reduction in the numbers of task force personnel held at National Headquarters. An additional method is for a practice to be established whereby a Headquarters Desk Officer or one of his assistants should, in the case of more difficult investigations, proceed to the area concerned and personally supervise or work alongside the local Special Police in pursuit of his enquiries.

135. The Operations Service should recognise that an important part of its work is to assist Special Police in the Provinces by working together with them. This method of imparting their expertise in conducting special operations makes a much greater impact than formal training courses.

136. The distribution of work among the interrogation centres perhaps best illustrates the principle that we have outlined. At present the National Interrogation Centre is processing a large number of prisoner interrogations each month while some of the Province Interrogation Centres are finding great difficulty in keeping their interrogators fully occupied. Not all of those now being brought to the National Interrogation Centre can have information of sufficient importance for them to be interrogated at national level. To adjust this, the level of criteria for admittance to the National Interrogation Centre should be raised and, if this is done, the Province Interrogation Centres will again be fully occupied and, because of the reduction of load on the National Centre experienced interrogators will then become available for transfer to the field.

137. If this same principle is followed by transferring experienced officers from other kinds of Special Police work to lower formations, the whole level of performance of Special Police at Province and District would be raised and this would quickly become a self-generating process. An increase of personal responsibility in the field would have a marked effect on morale.

REGISTRY PROCEDURE

138. In the time available it has not been possible to set out in detail the actual procedures to be adopted in the Registries for the handling of Special Police correspondence and files - but we believe it is essential that there should be an efficient central Registry operated on standard procedures for the storage and handling of all information so that it is both readily available and securely held.

139. There are certain basic requirements in establishing a secure registry system:

- (a) It should be sited in a secure building as close as possible to the major user of service.
- (b) The building should be physically divided into compartments for the separate storage of documents and files in their appropriate security classifications.
- (c) The nucleus of all registry procedurss is the card index. Clear and precise instructions are necessary to govern the method of carding. No intelligence information should be shown on cards for reasons of security.

- (d) There must be rules setting out the authority for, and the method of raising, subject or personal files (dossiers).
- (e) Very strict rules must govern access to, and the distribution of, the various categories of files and the recording of their movement.
- (f) There must be instructions and physical checks to ensure that no documents or files are held in offices in the absence, for any reason, of an authorised officer unless locked in an approved container.

140. Special Police offices, activities and records will always be a priority target for communist infiltration. It is a continuing responsibility of any intelligence organisation to ensure that the maximum security precautions are taken to preserve the secrecy of all its activities.

141. We believe that, to achieve this objective, the following points are in need of urgent attention:

- (a) All Special Police buildings should be made physically secure and adequate barriers erected to prevent and check unauthorized entrance.
- (b) All files and documents now kept in nearly every office should be removed to the central Registry, integrated and then stored in adequate security. After integration all redundant material must be destroyed. There should be no storage facilities other than an "approved container" in certain selected offices.
- (c) There must be an urgent review and a drastic curtailment of the number of copies of documents, reports, etc., which are being typed and circulated.
- (d) There must be strict adherence to the regulations (which stem from an Official Secrets Act) concerning the classification of information and the right of access to it.
- (e) Even efficient vetting procedures are not a guarantee against infiltration. These procedures must be coupled with a system of control of personnel so that they have only step by step access to classified information. There must be an appreciable period of time spent at each step and during this period a continuous assessment of a man's character and

integrity must be made. In no circumstances may a new recruit work in the registry.

- (f) All these points must be subject to rigorous enforcement and subject to continuous checks - a responsibility which belongs to every officer in the Special Police.

142. The present practice in all Special Police formations throughout the country is to put all intelligence collected through an excessive series of written and recording processes of collation, assessment and dissemination even when this distribution is within the same formation. The sheer volume of work, consistently duplicated and often overlapping, demands more and more of the time of Special Police officers and thus inhibits them from concentrating on their real task which is the collection of information and its use against selected targets.

143. The main work of collecting intelligence must be conducted from District and Province level, and the main work of collation, assessment and dissemination should be undertaken at Province and National level. Similarly, the main responsibility for mounting positive counter measures for the promotion of intelligence leading to the elimination of Vietcong elements must be with District and Province Special Police units. We accept that there are a limited number of occasions when, for overriding reasons of security or because of the very high level of the target, it is necessary to conduct operations from National Special Police Headquarters.

LOWER FORMATIONS

144. Our proposals for the organisation of Special Police Headquarters at Regional, Province and District level are set out in the following paragraphs and in Appendices K, L, and M respectively. They are based on the concept that the Special Police requirement at Region and Province level is dictated solely by the need of the Heads of the respective Headquarters to control, co-ordinate and supplement the District Special Police effort.

REGIONAL SPECIAL POLICE HEADQUARTERS

145. There are two reasons for the existence of a Special Police formation at Regional level;

- (a) to provide the Region Police Commander, and through him the Regional Commander, with information reports and regular digests of intelligence related to the security of the Region;
- (b) to control and co-ordinate Special Police activities in the Provinces, which consist of:
 - (i) the setting of priorities within the Region and ensuring that all Special Police work in the provinces is properly targetted towards them;
 - (ii) the deployment of the assets of the Special Police within the Region to the best advantage and the maintenance of a small tactical reserve;
 - (iii) the supervision of inter-province Special Police activity;
 - (iv) ensuring co-ordinated Special Police activity where Vietcong boundaries overlap provincial boundaries.

146. To undertake these tasks the Head of the Region Special Police will have to have a small staff to control and co-ordinate the Counter Communist Service and the Counter Subversion (non-communist) Bureau. He will also need an Administration Bureau to supervise the accounting function, to prepare the collective demands for material supplies, to carry out the special training requirements of Special Police personnel in the Region and to run the Registry. The results of vetting investigations from Province Special Police formations will be routed through Regional Special Police Headquarters, where they will be subjected to a negative check in the Registry, en route to National Special Police Headquarters.

147. The Head of the Region Special Police should carry a reserve in the form of a Task Force.

148. The Regional Special Police Headquarters should not carry out independent Special Police operations and it should not operate as an independent intelligence collecting unit.

PROVINCE SPECIAL POLICE HEADQUARTERS

149. The Province Special Police unit should be the lowest level of Special Police deployment on a full scale basis and District Special Police

should be regarded as the active arm of the Province formation. It follows that the Province Special Police must be so organised that it can direct and co-ordinate Province and District Special Police activities in order to:

- (a) provide intelligence reports for the Province Police Commander and other Province Sector authorities;
- (b) provide Regional and National Special Police with processed intelligence reports;
- (c) provide each District Special Police unit with collated and assessed intelligence relevant to its area;
- (d) provide manpower and material support to District Special Police units in the tasks of intelligence collection, investigation and operations;
- (e) carry out such protective security duties and investigations as may be necessary in the Province;
- (f) prepare and maintain records for both Province and District Special Police units;
- (g) undertake all administrative work on behalf of Province and District Special Police formations.

150. In addition, the Province Special Police should have an operational task within the Province in circumstances which, for reasons of security or the degree of expertise required necessitate this, or when two or more District areas are involved.

THE DISTRICT SPECIAL POLICE

151. The task of the District Special Police personnel may be summarized as follows:

- (a) at all times to be in contact with the population and the local police in order to learn about any activity of an illegal or subversive nature or of any information which may lead to a suspicion of such an activity;
- (b) to investigate such information further and decide if any immediate action is essential;

- (c) to take the necessary action, under direction from their immediate superior, which should not prevent any independent immediate action being taken when this is obviously called for, because as members of the Police Force, they have a duty to enforce the law and arrest law breakers.

152. The task of the Head of the District Special Police will be:

- (a) to ensure that his Special Police Personnel remain in contact with the population throughout the villages and hamlets in the District;
- (b) to deploy his staff on a selective basis and to retain flexibility of deployment thereby making the best use of them according to the demands of the security situation;
- (c) to ensure that his men are instructed in the kind of information they should seek, that they have been given targets and that they report to the District Special Police Headquarters;
- (d) to ensure that Village Police Station Commanders and Village Chiefs are kept fully informed on Special Police activities which may affect their area;
- (e) to direct the collection of intelligence, to supervise the use of appropriate techniques and to decide what action should be taken (whether arrest or further exploitation);
- (f) to report intelligence and action to the Head of Province Special Police and ensure that he is fully briefed on all intelligence related to the area;
- (g) to maintain close and frequent liaison with Special Police in adjacent Districts;
- (h) to provide operational intelligence to the District Chief and such Sub-Sector authorities who have a need to know;
- (i) to maintain such records as may be laid down by Province Special Police Headquarters.

153. In order to discharge these duties it is unnecessary and unproductive to station Special Police, on a permanent basis, in each Village and Hamlet in the District. The Regular Police complement at Village and

Hamlet level should have a general knowledge of the community and of the activity of individuals within it and be alert to the first signs of any unusual occurrence or behavior. In addition the Special Police will be keeping in contact with the police and the people in the area by regular visits and it is they who, with their knowledge and special training, then have to identify the significance of any such occurrence and, if the situation warrants it, conduct more detailed investigation.

154. In order to discharge their task efficiently Special Police should operate from a District base so that they can be kept fully briefed, controlled and supervised and so that the system of selective information collection can be maintained. From a District base they are in a better position to make their contacts in a secure and discreet manner.

155. Too much reliance must not be placed on information networks because they give a false sense of security by implying that if anything of significance occurs, it will automatically be reported. General coverage of this nature is obtained by the normal police activity described in para 153 above. An informant is only of value as an aid to a specific investigation or when he is given a specific target.

156. The District Special Police should work from a minimum number of records which should generally be restricted to:

- (a) an area file containing up-to-date factual information about the District which will include such items as details of associations, groups, political parties, etc;
- (b) a communist file which may have several parts including:
 - (i) ORBAT;
 - (ii) dossiers of leading Communist personalities (prepared by Province Special Police Headquarters);
 - (iii) a list of suspected communist contacts and supporters;
 - (iv) details of communist communication/liaison routes;
 - (v) a copy of each communist document of local importance.
- (c) one file for information reports;

- (d) one file for agent reports;
- (e) one file for correspondence with Province Special Police Headquarters.

157. The strength of Special Police in any District must be determined by the number of people necessary to perform the tasks outlined above and an assessment of the likely extent of illegal and subversive activity in the area. The number required in any area will change from time to time as the threat increases or decreases; an assessment of this factor should be made at regular intervals.

THE STAFFING OF THE SPECIAL POLICE

158. In the present situation the policy of the Government must be to give a very high priority to the collection of intelligence which will enable the Vietcong to be neutralised as soon as possible. The Commanding General of the National Police bears the main burden of implementing this policy. The communist threat aimed at subversion and the manipulation of the population is planned and directed by well trained experienced Party members and the present form of their attack is much more difficult to counter. A high degree of intellect, skill and experience is needed to identify the many and varied manifestations of the threat and to plan and execute counter measures: For this reason the Government should give its greatest support to the Internal Security Intelligence organisation (the Special Police) by instructing all other Ministries and departments to co-operate by releasing selected officers of high calibre on transfer to them. Similarly, within the overall responsibility of the Commanding General internal security should have by far the highest priority. It is, therefore, essential that police with the highest level of intelligence and experience should be allocated to the Special Police, if necessary at the expense of other branches of the Force.

159. The whole essence of defeating an enemy is to know him, to watch his every move and continuously study his reaction to any situation. This demands that continuity of effort must be sustained by the Special Police personnel matched against the Communist Party leaders at each level. Therefore, certain personnel posted to the Special Police may have to remain in a specific post for a considerable period of time. It is likely that they will be amongst the most able men in the Police Force and measures must be taken to ensure that this operational requirement does not impair an individual's opportunity for promotion.

160. Special Police personnel must be subject to the general police training courses at the Basic and Refresher training schools and the Police Academy. However, the overriding need for continuity may mean a postponement of regular police training so far as certain Special Police personnel are concerned. This must be the subject of negotiation and adjustment between the Director of Personnel and Training and the Director of Special Police, who should have the last word. There is a Special Police training school which is exclusive to Special Police personnel. For security reasons the content of the Special Police training programs must be the sole responsibility of the Director of Special Police. The Director of Special Police also has a responsibility for contributing to the content of regular police training by providing lecturers on Special Police subjects and in the preparation of course material.

SPECIAL FUNDS

161. The need for secrecy in conducting counter-intelligence operations makes it essential that the Director of Special Police has special funds allocated to him for the payment of agents, special personnel, rewards and the purchase of special equipment. The funds needed for this purpose cannot, for security reasons, be itemised under separate account heads. The control over the use, disbursement and auditing of the accounts of these special funds must be the subject of a directive issued by the Police Commander to the Director of Special Police.

CAPITAL POLICE REGION SPECIAL POLICE

162. Elsewhere in this Report (Chapter X) we have recommended that the present Saigon Municipal Police Directorate be merged with the Gia Dinh Provincial Police into one unified command. The general reasons for this proposal are set out in detail in paras 262 to 265. It will be apparent that, in relation to the current nature of the threat in densely populated areas and their immediate environs, these reasons apply even more strongly in considering the co-ordination of the Special Police effort. The Head of the Special Police in the Capital Police Region will, therefore, have the combined responsibilities of a Region Head of Special Police and a Province Head of Special Police and he should be provided with one unified staff. He will need the services of an additional Deputy who will have a special responsibility for co-ordinating Special Police work in the rural areas of the Capital Police Region. This is shown in the chart at Appendix N.

163. In the same way as we described the District Special Police as being the active arm of the Province Special Police Headquarters earlier (para 149) we are applying the same principle to the relationship of the Precinct or District Special Police Headquarters with the Capital Region Special Police Headquarters. Similarly, the records to be maintained at Precinct and District Special Police Headquarters in this Region will be kept to a minimum. In principle one Registry and one set of records will serve the whole Region. For ease of operations and quick reference there will have to be certain additions and these are set out in para 167 below.

164. Because of the density of the population in this area it will also be necessary to strengthen the complement of Special Police at Precinct and District Headquarters in certain respects, and also to arrange for the deployment of some senior Special Police staff (Desk Officers) to Precincts. This staff may have responsibility for their subject in one Precinct or in a group of adjacent Precincts.

165. This means that the Precinct Special Police complement will include:

- (a) Special Police personnel to maintain contact with the population (as in all other District Special Police Headquarters);

and may include all or any of the following:

- (b) Special Police Case officers and staff working to targets within the Precinct area;
- (c) Desk or Case officer teams from Region Special Police Headquarters who, for tactical and security reasons, can best operate at a Precinct headquarters;
- (d) Assistants to Desk or Case officers only.

166. The density of the population will also mean that it may be necessary to locate Special Police personnel in some police stations within a Precinct. The pattern of deployment cannot be consistent throughout all Precincts and it must be subject to change from time to time and determined solely by the security situation in any area at any one time. A policy of maximum flexibility must be maintained.

167. In support of operations and in order to ensure effective co-ordination with this Region Special Police Headquarters, it will be necessary for additional records to be maintained in Precincts and Districts in excess of those we have recommended for District Special Police

Headquarters in other Regions. These should take the form of a nominal card index. The cards will only and may only be raised at Region Special Police Headquarters but, whenever a card is raised, copies should be sent to each Precinct and District. It is not necessary to send copies of the information to which the card refers to the Precincts or Districts. The Precinct will already have dossiers (copies prepared by the Region Special Police Headquarters) of local suspects and targets.

168. The role of the additional Deputy with particular responsibility for the Rural Areas, to whom we have referred in para 162 above, is:

- (a) to inform the Deputy Commander at Capital Police Region Headquarters, who is in charge of Gia Dinh Province, on all matters relating to the internal security of that area;
- (b) to supervise and co-ordinate the work of all Special Police personnel assigned to the rural areas of Gia Dinh Province and to ensure that their work is thoroughly integrated with that of the Precincts;
- (c) to ensure that he receives from all Services and Bureaux at the Region Special Police Headquarters all information necessary for him to carry out his tasks;
- (d) to act as liaison officer on behalf of the Head of the Region Special Police at meetings of the Gia Dinh Phung Hoang Committee;
- (e) to pay constant attention to the inter-district co-ordination problems ensuing from the differences between the Government administrative boundaries and the Vietcong District boundaries.

For these purposes he will use the facilities of the Registry at Region Special Police Headquarters and he will not require any staff except for one typist.

GENERAL CONCLUSIONS

169. We have considered these proposals very carefully and are convinced from our experience that they will work and will provide a more rapid and effective intelligence flow which will enable counter measures to be taken promptly against any threat. It is the people within an

organisation who make it effective, not the structure. It is, therefore, essential that all members of the Special Police recognise their individual responsibility and ensure by personal direction that the work involved is carried out vigorously at all levels. This will mean that responsible officers must travel extensively to assure themselves of this by personal inspection and to give their assistance wherever it may be needed.

RECOMMENDATIONS

170. We, therefore, recommend that:

- (42) there should be one Service responsible for all counter measures against Communist Subversion headed by a very senior officer (para 107);
- (43) there should be a Counter-Communist Service containing four Bureaux, and one separate Section (paras 108-111);
- (44) there should be a Counter-Subversion (non-Communist) Service (para 112);
- (45) consideration should be given to the promulgation of an Official Secrets Statute (para 113);
- (46) there should be a Protective Security Service with two Bureaux and one separate Section (paras 118-122);
- (47) the provision of all personnel required for the protection of VIPs should no longer be the responsibility of Special Police (para 120);
- (48) there should be an Operations Service with four Bureaux and one separate Section (paras 123-125);
- (49) there should be an Administration Service with four Bureaux (paras 126-127);
- (50) there should be one Registry to serve the role of Special Police National Headquarters (para 128);
- (51) there should be a small separate Research Bureau for special studies under the control of the Director (para 129-131);

- (52) the Regulation Service can now be abolished (para 131);
- (53) more of the experienced officers now at National Headquarters should be transferred to the Provinces (paras 133-137);
- (54) there must be improved security in the handling and storage of records (para 139);
- (55) there should be a revision of the responsibilities of Regional Special Police Headquarters (paras 145-148);
- (56) Province Special Police Headquarters should be the lowest level of Special Police deployment on a full scale basis (para 149);
- (57) District Special Police units should be regarded as the active arms of the Province Special Police (para 149);
- (58) a high priority should be given to the staffing of the Special Police with experienced personnel of a high calibre (para 158);
- (59) the promotion of officers in the Special Police be protected (para 159);
- (60) there must be separate and additional Special Police training programs (para 160);
- (61) the Special Police in the whole of the Capital Police Region should be under one unified command at the Region Headquarters (para 162);
- (62) Capital Police Region Special Police should be served by only one Registry (para 163);
- (63) the Precincts in Saigon and the Districts of Gia Dinh should be regarded as the active arms of the Capital Police Region Special Police Headquarters (para 163);
- (64) there should be flexibility in the staffing of Precincts and Districts in the Capital Police Region according to the specific needs of each (para 164);

- (65) finally, the whole organisation of the Special Police should be at all levels as set out in the charts at Appendices J, K, L, M, and N.

CHAPTER VII

FIELD FORCE, MARINE POLICE,
WOMEN POLICE AND MONTAGNARDS

GENERAL

171. The National Police Field Force and the Marine Police are under the direct control of the Commanding General. They are mobile and can be moved at comparatively short notice, and to a certain extent they are self-contained. The Field Force is the Commander's first line reserve for the reinforcement of police formations in any area of the country. We have found that, in respect of both these units, there is some misunderstanding inside and outside the Force concerning their respective roles, the manner in which they should be committed to support formations, and the arrangements for operational command once they are so committed.

NATIONAL POLICE FIELD FORCE

172. We repeat our concept of the role of this arm of the Force, i.e., to provide the Commanding General with a means of reinforcing quickly any police formation in the field. Within this role the Field Force has a police task and a security task. By a police task we mean supporting the police formation to which they are allocated in such situations as riots, control of large gatherings of any kind, wide scale searches and mobile checks. By a security task we mean planned operations with or without the participation of other armed forces.

173. It seems to us that the Field Force should be used as sparingly and economically as possible, particularly as it is the only Police Force reserve. Although we can understand very well the natural tendency of Regions (including Saigon MPD) to desire a permanent allocation of the Field Force, we consider the present distribution of Field Force units on an "equal shares for all" basis to be wrong. We have drawn attention earlier in this Report to our views that there should be regular appraisals of the security situation in their areas by the Police Commanders at regional, provincial, district and police station levels in order that sensible adjustments in dispositions can be made. In the same manner we believe that at National Police headquarters there should be

similar appraisals, and particularly so before any part of the Field Force is allocated for any length of time to the support of a formation. We have noticed that in the Standing Orders for the Field Force the purposes for which it should be used and not used are clearly stated. One of the prohibitions is static guard duties. We have seen many instances of flagrant abuse of this Standing Order, and we are of the opinion that the present method of allocating Field Force units and of leaving them allocated on a more or less permanent basis is likely to encourage rather than prevent such abuses.

174. There must be a clear understanding that at all times Field Force units are firmly under command of their own officers. However, once a unit is allocated to the support of a police formation that unit at once comes under the operational control of the Police Commander of that formation. The fact that a Field Force unit committed to the support of, say, a Police District may take part in a combined security operation in no way affects this principle. To sum up, therefore, we recommend that the deployment of the Field Force by the Commanding General be based solely upon his assessment of the security need.

175. Further material points that we think should be made concern the length of time a policeman should remain in the Field Force and the transport and accommodation needs. Members of the Field Force are policemen first and Field Force personnel second. For this reason we think there should be a reasonable time limit set on Field Force service for career personnel. In addition, and for the same reason, there must be adequate provision in the work program for Field Force units for training at regular intervals in police duties as well as in para-military techniques. In so far as transport is concerned we think platoons must be self-sufficient and able to move at short notice with all necessary equipment and supplies. We are not convinced they have this capability to a sufficient degree. Although some accommodation has been provided for Field Force units at various levels, we have the impression that what has been done has been on an ad hoc basis as far as planning is concerned. Clearly some housing needs to be provided, and should include an element for married personnel, but the extent of it and the locations for it we believe require careful planning for the Field Force as part of an overall Police building program, which we discuss in both Chapter IX and Appendix H.

176. Finally, we have seen some of these units in the field and, having visited the training school at Dalat, we are strongly of the opinion that what is needed above all else, to give this admirable unit the cutting edge it should have, is a cessation or drastic reduction of further expansion so that the necessary consolidation, particularly the training of platoon and squad leaders, can take place. We understand the reasons for the rapid expansion of the Field Force and the heavy strain this has placed upon leaders at all levels. We also understand the reasons why the Dalat training school has so far been unable to play its full part, particularly in respect to the training and retraining of platoon and squad leaders. We think that this situation can and should now be remedied.

RECOMMENDATIONS

177. We recommend that:

- (66) the role of the Field Force be set out clearly in Force Standing Orders;
- (67) its deployment by the Commanding General be based solely upon his assessment of the security need;
- (68) it should not be employed on static guard duties;
- (69) there should be adequate provision in the work program of Field Force units for training at regular intervals in police duties as well as in para-military techniques;
- (70) Field Force platoons should be made self-sufficient in transport so that movement, with all equipment and supplies, is possible at short notice;
- (71) planning the extent and location of housing for the Field Force should be carried out as part of the overall police building program;
- (72) any further expansion of the Field Force be stopped, or drastically curtailed, to make possible a period of consolidation during which platoon and squad leaders can be trained.

THE MARINE POLICE

178. We have been unable to discover a clear description of the role of the Marine Police although Decree 161/SL/AN of 30 October, 1967, contains a somewhat vague reference to some of its tasks. There does not seem to be, either, any discernable method of allocating these units to formations, of establishing beyond any doubt the responsibility for them or their chain of command while so allocated, or of differentiating between the tasks of the Marine Police and those of the Navy when committed to internal security support roles. It seems to us that the result is doubt and uncertainty at all levels which, in turn, prevents the maximum advantage being obtained from the Marine Police. Lastly, we think that the training provided should place greater emphasis than it appears to do at present on seamanship skills.

179. It has been made clear to us that there is a need to strengthen officer ranks so as to improve the quality of Marine Police leadership. We think

that this is a matter for careful selection and training. As far as the latter is concerned, it is hoped that Naval training facilities could be made available when required. We also feel that there is a need to improve the unit's support facilities by increasing the number of technicians (mechanics and engineers) now authorised. It is important that these facilities should be adequate and as efficient as possible if the Marine Police is to be able to produce a sustained operational performance. One of the impediments to this, to which our attention has been drawn, is a lack of engine spare parts which, in some cases, has resulted in boats having to be brought long distances to the Marine Police headquarters at Phu Xuan for repair. As far as types of craft with which the unit is equipped are concerned, once the role is clearly established, it would seem to us necessary to review numbers and types for the different tasks.

180. We consider that more attention needs to be given to the Marine Police and that, until this can be done, particularly in the respects to which we have drawn attention, the unit should not be expanded further.

RECOMMENDATIONS

181. We recommend that:

- (73) the role of the Marine Police should be clearly defined, and the manner in which it is to be discharged (tasks);
- (74) the operational command of the Marine Police should be clearly stated, and we suggest that this can only be vested in Commanders of Regions in which Marine Police units are based, and exercised by them through Police Commanders of subordinate formations as necessary;
- (75) because the unit is of a specialist nature, provision should be made for the senior Marine Police officer in a Region to advise the Region Police Commander on all technical matters;
- (76) the officer commanding the Marine Police in the Force be authorised to withdraw from Regions boats and crews for maintenance and training as he considers necessary, after consultation with the Region Police Commanders concerned;
- (77) the officer element be strengthened by careful selection and training;
- (78) the number of technicians be increased;

- (79) the scaling of spare parts be reviewed;
- (80) the numbers and types of craft be reviewed when the role of the Marine Police has been defined.

WOMEN POLICE AND CLERICAL DUTIES

182. The numbers and ranks of women police in the Force today are 21 Redactors, 73 Inspectors and 3,050 Sub-Inspectors, making a total of 3,144. The majority of those in the ranks of Redactor and Inspector enjoy career status; those in the rank of Sub-Inspector are temporary appointments (floating assimilated). We have been assured that the Redactors and Inspectors have all received training at the Police Academy. Those in temporary appointments have received little or no training, and no plans exist at present for giving them any. We understand that the majority of policewomen in the Force are engaged on clerical duties.

183. We feel that, while it is not surprising to find such large numbers of women engaged in clerical work, there is undoubtedly a need for a number of trained and capable policewomen to perform certain police duties which can only be done by women. These include the searching of women, assisting in the investigation of rape, soliciting and prostitution cases, the care of lost or vagrant children while in police custody and certain other duties in connection with criminal investigation and Special Police work. It may be, of course, that the 94 career trained Redactors and Inspectors who exist now will be sufficient for these purposes although we doubt this. The duties which trained policewomen will undertake, where they will be undertaken and the numbers required in each location should therefore first be worked out clearly, and the total number, by ranks, then required calculated from this.

184. With regard to the requirements of the Force for clerks, we are of the view that, because of its size, its importance and the need for security and to protect it from labour disputes of any kind (strikes, go-slow campaigns and the like) it is necessary that it should continue to have what is virtually its own clerical service, and that persons employed for this work (mainly women) should continue to be recruited as temporary police officers. At National Police headquarters the numbers of temporary women police employed on clerical work were increased considerably by the introduction of the Identification Card Service. When this Service has completed the present issue of identity cards, by the end of this year or early in 1972, it should be possible to effect a substantial reduction in, or transfer of, the numbers of temporary women police so employed.

RECOMMENDATIONS

185. We recommend that:

- (81) certain recognisable police duties which we have indicated in para 183 should be carried out by policewomen;
- (82) the duties which trained policewomen will undertake, where they will be needed and the number required in each location should be worked out, so that the total requirement, by ranks, can then be calculated;
- (83) for the reasons stated in para 184 the clerical requirements of the Force should continue to be met by temporary police who should mainly be women.

THE MONTAGNARDS

186. The Police Force faces a particular problem in respect of these people because of language (we understand that the Montagnards speak little or no Vietnamese and have as many as 25 different dialects of their own). Furthermore, they inhabit a part of the country which is remote, rugged and in which communications are limited. Small elements live in Regions I and III, but it is in the seven provinces of Region II - Kontum, Pleiku, Phu Bon, Darlac, Tuyen Duc, Quang Duc and Lam Dong - that they constitute a problem to the Police because of their numbers. The latter has been given to us as 388,000, with the caution that it may well be higher.

187. Much is made of the communication difficulty and its effect on the policing problem in countries which have minorities using their own language and not the national language, or tribes with different tribal dialects, and rightly so. Where such a situation exists the Police Force must employ in its ranks sufficient numbers of the minority group for it to discharge its responsibilities satisfactorily. It is important that the police should be able to understand the people properly, communicate with them effectively and take into account their customs and characteristics if their trust is to be gained. We think these general principles apply to the Montagnards and the Police in Vietnam.

188. At present, out of a total Police strength of 4,556 in the seven provinces of Region II mentioned above, only 508 are Montagnards. We regard this as a good beginning to the establishment of a much higher Montagnard content in the Police Force in these seven provinces, but emphasise our

conviction that the aim should be to reach a satisfactory percentage of Montagnard policemen at the village police station level in Montagnard areas, as soon as practicable within the particular training resources available. We think that 75% Montagnard policemen in such a station is a satisfactory percentage. We use the word 'particular' in relation to training because we understand that Montagnard young men in the numbers required, possessing the necessary educational qualification for recruitment into the Force at the bottom level, do not exist. The educational standard should therefore be lowered, and we have been pleased to learn that the Commanding General has, in fact, already issued instructions to this effect.

189. However, it is as important to use their police status and training as a means of educating these Montagnards to a realisation that they are Vietnamese first and Montagnards second, as it is to use them as a means whereby the Police can be effective in Montagnard country. For this reason we recommend that the basic training course be extended to include a purely educational content, and that the major part of this be tuition in the Vietnamese language and simple expositions of how the Government is constructed and works. While it is doubtless necessary at the present time to limit the use of Montagnard police to the areas from which they have been recruited, we feel that this should not be made one of their conditions of service.

190. It may be that the training of these men would best be done at Ban Me Thuot rather than at the Basic Training Centre at Rach Dua and we feel that careful consideration should be given by the Commanding General to the need for such a separate training establishment.

RECOMMENDATIONS

191. We recommend that:

- (84) the object should be to achieve 75% Montagnard policemen at the village police station level in Montagnard areas, as soon as practicable within available training resources;
- (85) the Force educational requirement for recruitment at the bottom level (patrolman) be lowered in the case of Montagnard recruits;
- (86) their recruit training should be extended to include a purely educational content, of which the major part should be tuition in the Vietnamese language and simple expositions of how the Government is constructed and works;

- (87) the Commanding General should consider the need for a separate training establishment for this purpose at Ban Me Thuot.

CHAPTER VIII

ESTABLISHMENT, STRENGTHS,

RECRUITING, TRAINING, AND RANKS

ESTABLISHMENT

192. The authorised establishment of the Force is the total number of police by ranks approved by the government. Strength is the existing number by ranks at any given time. The establishment must be calculated by reference to the organisation, role and duties starting at police station level and working up. It cannot be precisely calculated by a rough rule of thumb method related to population numbers and area sizes using an arbitrary ratio, although admittedly in present circumstances this does provide some guide. It should be calculated on the normal and not on the emergency requirements, so as to give the number of men, by ranks, necessary to carry out the Police task.

193. The establishment of the Force should be constructed by numbers in each rank and unit so that every individual can be accounted for, in the sense of being necessary, and so that there is an established post for every member of the Force in each rank with the individual knowing his own position and responsibilities. Police Commanders down to province level should be given an opportunity to express their views when increases or decreases of an establishment are being considered, or when redeployment of existing manpower is being planned. The establishment system will then permit efficient control of police manpower as a whole and will enable recruitment, training and promotion to be planned methodically and sensibly according to pre-determined programs. In the light of our proposals for re-organisation we appreciate that it may take 1 - 2 years to work out an acceptable authorised establishment, although we think that an approximate one could be arrived at in a matter of 6 - 9 months after the organisation has been agreed.

STRENGTHS

194. Without the establishment study suggested above we cannot possibly give a precise figure for the regular establishment of the whole Force, but taking into account the abnormal features of South Vietnam, such as the long borders and coastline and the extensive waterways, we think that the figure is likely to be between 70,000 and 80,000, of which about 12% would be officers.

195. We recognise that, in time of emergency, the regular establishment needs to be expanded by temporary recruitment. We are, however, unanimously opposed to the present plans to increase the Force to 122,000 this year by an intake of approximately 34,000 and to increase it to 160,000 by 1973. The great majority of these cannot fail to be of low standard and their subsequent training quite inadequate. They will have to be got rid of later and much effort will have been wasted on them. The Force, particularly if it is going through a re-organisation, could not possibly absorb this number without being in a worse state at the end of 1971 than it is now. Its further expansion should therefore stop.

196. The same considerations equally apply to the proposal to take 2,050 ARVN officers and aspirants. Moreover, we consider the intention to deploy the great majority of these officers down to village police stations to be positively harmful. Many such stations are working well under policemen with several years service and the insertion of an outside inexperienced aspirant would cause considerable local resentment; nor would it be likely to improve those stations which are not yet working so well.

197. Rather than increase the Force by further mass recruiting we consider that the emphasis should now be on quality rather than quantity (see para 204). At the same time action should be taken to dispense with some of those who are unlikely to achieve career status. In this way the strength of the Force could be stabilised this year at 100,000 or below.

198. It should be noted that, if our recommendations for re-organisation are accepted, there will be several thousand men, now performing purely administrative tasks which are no longer necessary in various headquarters throughout the country, available for redeployment and more active duty.

AUXILIARY POLICE

199. Another step which should be taken as part of the whole process of re-organisation is the identification, among the whole range of police duties now being performed, of those which are of a temporary nature only and which arise from the present emergency situation. We have in mind static guards and similar duties, which do not require the services of a fully trained policeman but in which it is important, for reasons of control and co-ordination, that the men performing them should be under police command. The temporary nature of these duties, and their distinction from the permanent duties of the regular Force, would be clearly shown if they were allocated to men who were separately recruited and trained as Auxiliary Police.

200. It would be necessary to provide authority in the Police Statute for the engagement of such police in such numbers as were considered necessary, on a full time paid but temporary basis. The Statute should also define their role and powers. As soon as legislation is enacted and as part of the process of re-organisation, it would be logical to transfer existing temporary policemen, engaged in duties such as we have outlined above, to Auxiliary Police status. Furthermore, while the continued employment of temporaries is necessary, both to allow time for the build-up of an all career Police Force, and to meet fluctuations in the Force requirement for temporary manpower, their recruitment should be confined to Auxiliary Police.

201. It is most important in our view that the numbers of Auxiliary Police be strictly limited so that the problem of controlling and supporting them does not place too great a burden on Police Commanders. If it should become necessary for any reason to increase the Auxiliary Police strength substantially, such as the inclusion in it of a large proportion of existing Popular Forces in anticipation of a cease-fire, then the Auxiliary Police should be constituted as a separate arm of the Force but still under the command of the Commanding General.

202. What we have said in the context of Auxiliary Police applies in emergency conditions. However, a Police Force should always have a reserve which it can call upon to augment police formations whenever necessary in the discharge of its normal duties. This is usually a voluntary organisation composed of men recruited in their own locality and used for very short periods (perhaps a few hours a week) to augment the strength of their local police station. Recruitment to such an organisation, known as the Police Volunteer Reserve, should be open to armed members of the PSDF.

RECOMMENDATIONS

203. We therefore recommend that:

- (88) present plans to increase the Force to 124,050 this year and to 160,000 by 1973 should be abandoned;
- (89) a study should be made over the next two years to decide the precise regular authorised establishment of the Force;
- (90) until this is completed a career status planning figure of about 75,000 should be accepted;
- (91) to meet emergency requirements the strength of the Force should remain above this figure but not in excess of 100,000;
- (92) provision should be made in the Statute for Auxiliary Police;
- (93) the number of those not likely to achieve career status should be gradually reduced over the next few years (or transferred to Auxiliary Police), as career police are recruited;
- (94) consideration should be given to the establishment of a Police Volunteer Reserve, to which members of the PSDF might be recruited.

RECRUITING

204. Of all the subjects in our report we regard recruiting policy as of the greatest importance both in respect of quality and numbers. Unlike a soldier who is a member of a unit and acting at almost all times under direct orders, a policeman is normally exercising his responsibility under the law on his own initiative. The standard laid down for police recruiting into the lowest rank should, therefore, be higher than that for the Army. Numbers should be related to the Force level required to carry out the role and to cover casualties, leave, sickness and training commitments. Recruitment for all branches of the Force must be in accordance with policy laid down by the Commanding General for all levels within the authorised establishment. The rate of recruitment must also be regulated by the training capacity, which in its turn

should be designed to produce quality and never stretched to produce quantity only. Capacity, in this sense, is related not only to accommodation and feeding but also to the instructor/student ratio and size of classes.

205. Recruitment also has to be made at higher levels than the lowest if the objective of quality is to be achieved. This is because:

- (a) it is the only means of attracting academically highly qualified candidates who would not be interested in serving in the lowest rank;
- (b) it is one means of achieving quality more quickly in the middle and senior ranks of the Force;
- (c) it is necessary for the staffing of the Special Police, which requires recruits of good academic standards and a higher percentage of officers.

206. We do not particularly care for the present system whereby officers can be recruited at several levels depending on their academic qualifications. This leads to a situation where a young man with, for example, a law degree can find himself in a comparatively senior appointment without any police experience at all. He then becomes reliant mainly on his junior officers to guide him in his duties, which is neither good for him nor for the morale of those below or equivalent to him with vastly more experience. We, therefore, consider that there should be only one point of direct officer entry at 2nd Lieutenant (on probation) with a minimum academic qualification. If an individual has a higher qualification, so much the better. It should, when he acquires experience and develops leadership qualities, make him eligible for accelerated promotion.

207. Nevertheless, at the present time and for a limited period, there may be a need for direct recruitment at Police Major level. This should be strictly controlled to the need of the Force for more officers at this rank and to avoid blocking the promotion of promising officers of Police Captain's rank. In addition, there are two special categories, which will be the exception and should not affect general policy:

- (a) Military officers, at present serving with the Force, if suitably experienced and otherwise qualified, should be offered the choice of joining the Police Force at an equivalent level of seniority to their present military

rank. If they chose to remain military, their services should be temporarily retained until they can be replaced by a suitable police officer.

- (b) There will need to be some specialist recruitment, which may be for limited engagements, from both the Armed Forces and civilian employment for such services as NPFF, Marine Police, Communications, Transport, Logistics, etc.

208. We appreciate that in the past the Police Force has had to take what it could get when it could get it; this has led to the erratic expansion of the Force with recruits mainly of poor quality which, in our view, is one of the chief reasons for the present low standard of the Force as a whole. Annual recruiting should normally be a comparatively even and steady process to replace wastage with emphasis on quality to ensure that training assets are not wasted and that the whole administrative machine is not overloaded. This is the planning responsibility of the Directorate of Personnel. Such annual recruiting will require a drastic change of policy on the part of the Government of Vietnam, but we feel that, if account is taken of our earlier recommendations with regard to strengths and re-organisation, a new policy could be initiated immediately whereby police recruiting of the required academic, physical and security standards could be limited to a total of about 6,000 policemen and police-women and about 600 officers annually (which in present circumstances would not unduly compete with other Forces). All of these recruits should, after a period of probation of not less than two years, be of career status. If this policy could be adopted for five years with little annual variation, then this intake combined with those already of, or becoming eligible for, career status would provide for a Force, the greater majority of which would be composed of qualified professional policemen. We have in mind that by the end of 1975 the career status element of the Force should be approaching 65,000, thereby leaving some room for manoeuvre before the Force attains its final authorised career strength level.

209. Recruitment should be directed at obtaining the best possible material to meet police standards of education and physique. As the situation and the prestige of the Police Force improve, and the Force becomes a more attractive career, standards should be constantly reviewed and raised. Every effort should be made through the news media to promote recruiting well in advance of the target date. The essence of good recruiting is not so much to appeal to the population to join, but to spell out the advantages of a police career. Recruiting

officers should visit schools and universities to explain the Police to students as a career prospect, especially for direct officer entrants. A high quality in the Force will continue to attract a high quality.

210. We recommend that:

- (95) suitably high standards should be laid down for normal career recruitment to the Force at the level of patrolman and 2nd Lieutenant;
- (96) apart from limited direct recruitment to Police Major level, the only other exceptions should be certain specialist appointments and suitable military officers now serving with the Force, who wish to transfer;
- (97) recruiting for the remainder of the 34,000 and 2,050 ARVN officers planned this year should be cancelled immediately;
- (98) instead only about 6,000 patrolmen and 600 officers suitable for career status (in accordance with standards) should be recruited annually (i. e., about half this number might be recruited in the latter half of this year);
- (99) even and steady annual recruiting of similar numbers should be continued until 1975;
- (100) thereafter recruiting should be confined to the annual wastage rate plus that required to reach the final authorised establishment of the Force.

TRAINING - GENERAL PRINCIPLES

211. The efficiency of training is reflected in the efficiency of the Force, and we consider that, in the improving situation, the time has come to move towards a greater emphasis on professional police training. The object should be to train the individual to take individual responsibility with a sound knowledge of his profession. It should also be borne in mind that basic police training is the first encounter a recruit has with his new profession, and that it will leave a lasting impression on him.

212. It is for the Commanding General of the Force to decide who is to be trained, how, when and where. To enable him to do this there

should be a Training Service under the Director of Personnel and Training with four bureaux to deal with basic, refresher, promotion (including advanced) and specialist training. The last will coordinate CID, Marine Police, Field Force, Transport and Radio. All police, including those in specialist branches, should do normal basic, refresher and promotion training.

213. For instruction to be effective the normal class should not be more than 30 students. Although we appreciate that for some time this figure may have to be exceeded, we hope that classes can gradually be reduced to this level. Classes of over 50 are for most students completely unproductive. It is also generally accepted that a student retains more of what he is taught if the teaching method is practical and visual rather than one of lectures. There should be more practical demonstrations, in which students can play a part. At the basic training centre, for example, there should be a model police station for this purpose. The content of courses needs to be re-designed to give the student more knowledge of police work and law at the expense of the existing high percentage of time devoted to the military aspect (weapons, tactics, tae-kwon-do, and drill). It should also be recognised that there is an absorption level beyond which instruction becomes counter-productive. Courses need therefore to be well-balanced and to include organised leisure pursuits.

214. Instructors should be trained and experienced police officers before being trained to teach. The value of good instructors to the Force should be recognised. They should receive a specialist allowance and their career prospects must remain unaffected. There should be a regular exchange of instructors and no one should be retained too long. They should be encouraged to contribute their views on the training program and should have opportunities of meeting with senior field officers to review training results, as shown by performances on the ground. There should be a feed-back to training centres of new methods and techniques evolved in the field which may be worth incorporating in programs. For this purpose there should also be lively and inquisitive research section in the Personnel and Training Directorate at National Police headquarters.

215. Training will be uneconomic unless facilities for efficient administration and adequate security exist at training centres so that instructor and student are undisturbed and able to get on with their program. These facilities should cover accommodation, messing, medical, welfare, recreation, transport, communications, training aids and security. High priority should be given to providing housing for instructors at training centres, and in particular at the Academy. Above all, students and instructors should not be responsible for defence and security. If they

are, it cannot fail to interfere with training and, in certain circumstances could be positively dangerous (for example, if basic training were carried out at Dalat).

TRAINING CENTRES

RACH DUA

216. At Rach Dua the two adjacent training schools should be placed under the overall command of one Commandant with a Deputy for the immediate command of each. This will reduce administrative overheads slightly and may improve control and direction. As at present, one school should deal with all basic recruit training, and the other mainly with refresher and promotion training for the lower ranks (patrolman to adjutant). The best basic training course we think would be of about 5-1/2 months duration and be held twice a year for 2,000 recruits each (of course, the ideal would be a 6 - 8 month course for a lesser number, but we realise this must be postponed). Meanwhile, to meet the higher figure required for career status recruits over the next few years we suggest three 16 week courses of 2,000 each annually. The advanced training centre could then be devoted to two refresher or promotion courses annually of 8 weeks duration separately for patrolmen, for sergeants and for adjutants. Refresher training courses for police station commanders would later be included. It might also be used for the basic training of women police lower ranks.

REFRESHER TRAINING AT REGIONAL LEVEL

217. Refresher training for lower ranks at Regional Training Centres should be divided between refresher training for sergeants and adjutants in charge of village police stations and refresher training for patrolmen. After an initial special course of 4 - 6 weeks for all the former, which we regard as most important in establishing uniform and correct station procedures and duties, such courses would then become a limited annual commitment and should be carried out at Rach Dua. Regional centres would then be able to concentrate entirely on refresher courses for patrolmen. The ideal would be that every career patrolman should receive an 8 week refresher course at least every 5 years. Unless the capacity of the centres is expanded further, this would be impossible on the present or proposed strengths. We suggest, therefore, that the length of courses should be reduced during the next few years to 4 - 6 weeks.

SPECIALIST TRAINING CENTRES

218. Certain branches have their own specialist training centres (Special Police, Field Force and Marine Police). There is also specialist training for drivers, radio operators, etc. All this must continue. The only point we wish to stress again is that all these specialists are policemen and must therefore receive normal basic, refresher and promotion training.

POLICE ACADEMY

219. All officer training whether by direct entry or by promotion from the lower ranks should be undertaken at the Police Academy with the duration and syllabi of the courses geared to the requirement of each category. In view of the overall capacity of the Academy it will be possible to organise additional courses running concurrently with those mentioned above. These should include:

- (a) officer promotion courses up to and including the rank of Lieutenant Colonel;
- (b) advanced officer training at all levels;
- (c) administrative and staff training;
- (d) senior officer seminars;
- (e) Judicial Police training for officers and sergeants;
- (f) instructors at both officer and lower rank levels.

We are certain that the Academy when finally completed will be one of the greatest assets of the Force. It must set the officer standards and tone.

RECOMMENDATIONS

220. We recommend that:

- (101) classes at Training Centres should be gradually reduced to 30 with more use being made of visual aids and practical demonstrations and a greater emphasis on police work and law;

- (102) experienced police officers should be trained as instructors and receive a special allowance;
- (103) great attention should be paid to facilities at training centres including security, so that programs are not interfered with;
- (104) the training schools at Rach Dua should be combined under one Commandant and the courses proposed in para 216 introduced;
- (105) at Regional training centres there should be an initial special course for those in charge of village police stations but, subsequently, such courses should be run at Rach Dua;
- (106) Regional training centres should then concentrate on refresher training for patrolmen;
- (107) specialist training centres and courses should continue but all specialists should receive normal basic, refresher and promotion training;
- (108) all officer, and certain lower rank (promotion to officer, instructor and judicial), training should be carried out at the Police Academy.

RANKS

221. The existing rank structure is a relic of the colonial past and in our view fresh proposals contained in the latest draft Statute do not sufficiently get away from this. They are also extremely complicated with classes within ranks and very long incremental scales. The simpler a rank structure the better. Moreover, a rank is a rank and should not be subdivided into classes. We would have preferred a civilian structure, but appreciate that suitable Vietnamese terms are not available. We, therefore, accept that military ranks with the prefix 'Police' are probably the best solution. They emphasize the chain of command, which is essential to ensure the economic use of manpower and its discipline, and establish the authority of an officer in relation to his post and responsibilities.

222. Taking into account the strengths, responsibility and roles of the Police we consider that the Commanding General should be a Police Lieutenant-General (three star). The remaining officer ranks will then be:

Police Major-General
 Police Brigadier-General
 Police Colonel
 Police Lieut-Colonel
 Police Major
 Police Captain
 Police Lieutenant
 Police 2nd Lieutenant (on probation).

There should be no classes within these ranks and the incremental scales for each rank should be the same as for the Army which we understand are:

2nd Lieutenant	Initial point + 2 increments
Lieutenant	" " + 3 "
Captain	" " + 4 "
Major	" " + 3 "
Lieut-Colonel	" " + 3 "
Colonel	" " + 4 "
Brigadier-General	Fixed
Major-General	Initial point + 1 "
Lieut-General	" " + 1 "

We attach at Appendix P a correlation between the existing and proposed rank titles.

223. We deal with promotion in the next chapter but promotions should depend on there being vacancies in the next higher rank. An officer who remains on the top incremental scale of his rank for seven years and is not then promoted should be given the opportunity to retire. An officer with not less than 6 months service in a rank should be granted paid acting rank in a duty post carrying a higher rank which should not be more than one rank above his substantive rank. A successful period of acting rank would be one of the factors to be taken into account when promotions are being considered.

224. With regard to lower ranks, we consider that there should be three ranks of Adjutant, Sergeant and Patrolman. We would not object to there being one higher rank above that of Adjutant, which might be called Adjutant Major and could be used for certain specialist and technical appointments or to reward those with long and faithful service who have no prospect of promotion to officer.

225. Ranks should be allocated to all police duty posts in accordance with the responsibilities of the posts and at the same time a study should be made of suitable rank insignia which should approximate to those of the Army in

order to indicate the standing of the officer. In precedence a Police officer should rank with a military officer of the same rank.

RECOMMENDATIONS

226. We recommend that:

- (109) a completely new rank structure, using military terminology with the prefix 'Police', should be instituted;
- (110) ranks should be allocated to all duty posts in accordance with the responsibilities of the posts;
- (111) in the order of precedence Police officers should rank with RVNAF officers of equivalent rank.

CHAPTER IX

PAY AND CONDITIONS OF SERVICE

PAY

227. We appreciate that there can be no change in the basic rates of police pay or in allowances except in so far as it may be necessary to adjust them to meet the new rank structure. Although police pay is generally low, which leads to many problems and abuses, it must obviously be equated to the general rates which apply to the Armed Forces and Civil Service. We note that there are innumerable allowances which impose a heavy administrative burden in calculating pay. This is a matter for an overall salary and wage review within the Government and is not solely confined to the Police. There are, however, a number of areas where benefits which are applicable to the Armed Forces might also be applied now to the Police.

228. In this respect the major issue is the pay differential between career status, daily and floating assimilated which does not apply in the Armed Forces as between regulars and reservists. As a matter of principle we consider that all those, whether career or temporary, in the same rank and doing the same job should be paid at the same rate. The only advantage accruing to those of career status should be their pension entitlement and other retirement benefits. Those temporarily engaged should also be entitled to the same annual increments for their rank and to promotion, as well as to consideration for transfer to career status.

OTHER BENEFITS

229. With regard to disability pensions and pensions for dependents of those killed in action, we consider that these should be on the same basis for the Police Force as for RVNAF, including a quarterly support payment and continued medical benefits for dependents.

230. Otherwise, medical benefits for both Police Force and RVNAF are similar. We do, however, think that local arrangements should be made, especially for battle casualties, for police to be accommodated in military hospitals where these are more accessible. Dental care should also be made available to police dependents as for RVNAF.

231. As with ARVN the Police should receive free rations when on operations (this will mainly apply to the Field Force). Everything possible should be done to improve the food provided for recruits under basic training. The Government contribution should at least cover a free issue of rice, sugar, salt and tea. At the end of his basic training a recruit's weight should have increased by an average of 3 kilos.

232. We understand that, beginning in March, 1971, RVNAF will receive a rations supplement (of 1 tin of fish, 2 meat, 1/2 poultry and 1/2 shortening a month) at a cost to the United States Government of \$53 a man in the first year, decreasing to 70% contribution in the second year and 30% contribution in the third, by which time ARVN is expected to have built up its farm program for supplemental rations. We make no recommendations with regard to the Police on this subject. It is a matter for the Government to raise with the United States Government. A case might be made out for a similar program to be implemented, at least in the case of students at police training establishments.

233. We do, however, consider that Commissary services should be extended to cover the Police Force. We understand that, because of bulk purchases, etc., the Commissary is able to sell items at 20-30% below the market rate. This saves a bachelor approximately 800 Ps and a married man 1600 Ps a month. To bring the Police in would need a substantial Government loan to finance increased stocks. We feel that this benefit would do much to improve police morale and to indicate Government support for the Police. We are not, however, in favour of the Commissary being exempt from normal taxation on its supplies as this can lead to abuse.

234. Quite one of the most important benefits which must be considered is the provision of housing. We understand that there is a joint GVN/US plan to build 200,000 dependent quarters for RVNAF over the next 8 years. We consider that a similar program should be worked out for the Police to build approximately 40,000 quarters over 10 years (this can be reviewed and extended further in subsequent years). Quite apart from the pecuniary and morale advantages gained from the provision of dependent quarters, there are a number of other good reasons for such a program. Police are required to serve anywhere in the country and cannot therefore be expected to purchase their own houses. They are also, especially in large

towns, subject to pressures and even intimidation through their families. There is a further advantage in having quarters close to or preferably at police stations in that, in the event of an emergency, men can rapidly be recalled to duty. While any housing program should be flexible, we feel that first priority should be given to quarters in the large towns, and especially Saigon. (This also helps to relieve pressure on accommodation for the urban poor.) If village policemen are serving in their native locality they are more likely to be able to live in family houses, but there may be remote villages and districts where the program should be given a higher priority. While much might be done in the construction of Police buildings under a self-help program with materials only being provided, there will be a case on economic grounds in urban areas for a contractual program both as a means of stimulating employment and maintaining a local construction capacity.

235. With regard to uniforms we consider that all lower ranks (patrolman, sergeant, adjutant) should be provided with free uniform complete in every particular and not just with material as at present. Damage, resulting in excessive issues to an individual, may be a case for disciplinary action and a fine. Officers (2nd Lieutenant and above) when initially recruited should receive an issue of two uniforms but, thereafter, should receive a uniform allowance and purchase their own. Operational uniforms should be a free issue to all ranks (as in NPFF).

236. Except in the cases of the Field Force and Marine Police, we do not regard the present colours and cloth of uniform as very suitable. The white and grey show dirt too easily and are too conspicuous for night patrolling. On the other hand we would not propose jungle green as we feel that the Police should have a distinctive uniform. We suggest a khaki, a dark grey or a blue. Long sleeved shirts should be provided for night duty. What is required is a smart new look. A smart Police Force may not be efficient but an efficient Police Force is always smart.

CONDITIONS OF SERVICE

237. As a separate Command of armed and uniformed men, the conditions of service of the Police Force should be laid down by regulations made by the Prime Minister under the Police Statute with certain safeguarding principles in the Statute. In some particulars, such as pension entitlement, retiring age, other retirement benefits, leave, transfer expenses, medical attention, etc., the conditions of service should be the same as for the Civil Service or RVNAF. But in two respects - discipline and promotion - they must be distinct and clearly defined.

238. At present, with regard to discipline, all police are subject only to the disciplinary code applied to all government servants under Ordinance No. 9 of 14 July 1950. Article 45 sets out the punishments which may be awarded for violations of the code. A Director-General (now the Police Commanding General) may only warn and reprimand. For other punishments he may only make proposals to the Ministry of the Interior. This is quite inadequate and unacceptable. The exercise of discipline is an integral part of the command and control of the Police Force. No Force will be efficient when the discipline, and punishment, of its members is exercised through officials other than police officers. Moreover, in view of the public responsibility borne by the Force, the conduct of its members should be impeccable. This requires a strict code of discipline administered by a fair, just procedure conducted through the Force's own officers.

239. The pattern of conduct and behaviour of any policeman at any level is governed by two factors; a code of discipline enforced by law and a code of self-discipline which is developed and guided by moral ethics and environmental conditions. The upholding of a high standard of discipline in its widest sense will correspondingly affect police performance from the most senior ranks to the most junior recruit. Disciplinary procedures are a safeguard for the Force's reputation and performance and enable each case to be judged solely on its merits. Punishment is not an end in itself; it is a method for rectifying what has gone wrong so far as the individual is concerned, deters repetition and warns others.

240. To provide for discipline there must be:

- (a) a code of discipline for all ranks of the Police, which itemises the offences with which a police officer can be charged;
- (b) a list of punishments which can be awarded, differentiating between major and minor, with the code also indicating how these may be expunged from the individual's record;
- (c) a clearly defined procedure for the conduct of an enquiry into a disciplinary offence, the recording of evidence and the summoning of witnesses, the rights of the accused and the avenues of appeal against sentence;
- (d) provision in the procedure for an officer investigating an offence against discipline to refer the case to a more senior officer if in his opinion:
 - (i) the case is of such gravity that his powers of punishment are inadequate;

- (ii) by reason of the accused's previous offences against discipline he cannot adequately punish the officer charged.

241. It is normal for provision to be made under a Police Statute for the Commanding General to be able to reduce in rank or dismiss from the Force any member below the rank of officer convicted of a criminal offence without further disciplinary enquiry, provided that the policeman so dismissed has power of appeal to ministerial level. It is also normal to include powers for the Commanding General to suspend punishment and to recover fines by deduction from salary, and by the same means, the cost or part of the cost of police property lost or damaged by negligence.

242. With regard to promotion the only basis on which it can be made is on merit which is a combination of character, experience, ability and professional competence. Only officers of the Force are in a position to assess these factors, which far outweigh any academic qualifications.

243. It is normal practice for the promoting and appointing authorities to be the same. Nevertheless, while emphasising the natural competence of a police authority to assess the four criteria above, the importance of the responsibilities discharged by senior police officers is such that ministerial approval for promotion is a desirable safeguard. This means that the Commanding General, through a system of Police Promotion Boards, should recommend to the Prime Minister appointments and promotions to the rank of Major and above. As far as the posts of Commanding General, Deputy Commanding General, Director of Special Police and the Police Region Commanders are concerned, appointments should be made by the President on the recommendation of the Prime Minister, and the promotion of officers above the rank of Colonel should be similarly made.

244. The Commanding General should be the sole authority for the appointment of patrolmen and promotion, within the vacancies available, to the ranks of sergeant, adjutant, lieutenant and captain. There must, of course, be a practical system within the Force for the selection of candidates, both officer and lower ranks, for promotion training and promotion. This system must provide formations below national level with an opportunity to produce their candidates.

245. Within the overall rank structure there should be only three promotion examination bars:

from lower rank to officer
from Captain to Major
from Lieut-Colonel to Colonel

Promotion examination bars should normally involve a course at the Police Academy, followed by an examination. Otherwise promotion should be on merit (as we stated in para 242) in accordance with vacancies in the next higher rank. We wish to stress the point that any person with the qualifications to become a 2nd Lieutenant, provided that he subsequently passes the promotion examinations and has the necessary qualities, can attain the highest ranks in the Force including that of Commanding General.

RECOMMENDATIONS

246. We recommend that:

- (112) the pay differential between career and temporary police personnel should be abolished and the latter brought up to the rates of the former;
- (113) disability pensions and pensions for dependents of those killed in action should be the same as those for RVNAF, including a quarterly support payment and continued medical benefits for dependents;
- (114) local arrangements should be made to accommodate police in military hospitals where these are more accessible, especially in the case of battle casualties;
- (115) police should receive free rations when on operations;
- (116) the food provided for recruits on basic training courses should be improved and the Government's contribution should at least cover a free issue of rice, sugar, salt and tea;
- (117) the RVNAF Commissary service should be extended to include the Police, but the Commissary should not be exempt from normal taxation on its supplies;
- (118) a program to build 40,000 quarters for the Police over the next 10 years should be worked out, and first priority given to Saigon and other large towns for such housing;
- (119) patrolmen, sergeants and adjutants should be provided with free uniforms but officers should get only an initial issue of two uniforms, with a uniform allowance thereafter, except that operational uniforms should be a free issue to all ranks;

- (120) the Police should have a new, smart distinctive uniform;
- (121) in several respects police conditions of service should be similar to those of the Civil Service but in two respects, discipline and promotion, they must be distinct and peculiar to the Police alone and be clearly defined in Regulations made under the Police Statute;
- (122) the sole basis for promotion should be merit as shown by a combination of character, experience, ability and professional competence;
- (123) the promotion of officers to the rank of Major and above should be made by the Prime Minister on the recommendation of the Commanding General after processing by appropriate machinery which should be established for the purpose;
- (124) appointments to duty posts carrying the rank of Police Brigadier-General and above should be made by the President on the recommendation of the Prime Minister;
- (125) the appointment of patrolmen, and promotion to the ranks of sergeant, adjutant, lieutenant and captain should be made by the Commanding General, after appropriate machinery within the Force has been established to select candidates, including provision for formations below national headquarters level to make recommendations;
- (126) there should be only three promotion examination bars (from lower rank to officer, from Captain to Major and from Lieutenant-Colonel to Colonel) which should involve an examination after a promotion course at the Police Academy.

C H A P T E R X

C A P I T A L P O L I C E R E G I O N

SAIGON MUNICIPAL POLICE DIRECTORATE - ORGANISATION AND CONTROL

247. From the point of view of peace and good order in the country the policing of Saigon is of prime importance. It is critical that command and control in the capital is right and effective, particularly in view of the Communist strategy set out in COSVN 9 and 14.

248. In addressing ourselves to this problem we re-emphasize our main principle that the police station is the basic unit of the Police Force and that it is at this level, more than at any other, that the police come into contact with the public (para 30).

249. In Chapter VI on the Special Police we make reference to the fact that it is through the population that the main communist threat to the Government will be mounted. It follows that in densely populated areas such as Saigon it is essential that the machinery for law enforcement is effective but not harsh.

250. We recognise that the burden of responsibility of the Police in the Capital equates with that of a Region. In fact the existing organisation in the City is already equivalent to that in a Region. The only real difference is in description in that for Regional Directorate read Metropolitan Directorate, for Province read Precinct and for District read Sub-Precinct. A small start has been made in establishing a counterpart of the village police station in the City. There is one major difference, however, between the Police organisation in a Region and that in Saigon; it is one of distance and time. In the Regions the extent of territory and spread of population inevitably require that the basic Police units are widely dispersed. This dictates that headquarters support should be provided at Region, Province and District levels in the shape and size that we have set out. Distance and time do not apply in this sense in Saigon. This has not been recognised and there is, as a result, a maximum of police working in the various headquarters offices throughout the city and a minimum working in close contact with the public, which is what we believe the police function to be. We are unable to produce exact figures, but consider from what we have seen that, expressed in percentages, 70% are in the former category and only 30% in the latter. Such a state of affairs is unacceptable.

251. It may be argued that mobile patrols of one policeman on a motor cycle are a substitute for the policeman on the beat, but we do not accept this. There is certainly a need for a number of mobile patrols, particularly at night, when police mobility is often necessary and the streets are deserted. However, in our view the policeman on the beat (on foot) is as basic to the police station as the station is to the Force, in the sense that it is the policeman more than any other who is the outward and visible sign of a police presence in the locality and the man to whom the public should turn for help in the first instance. Police checks by night of the house registration system do not achieve this end and can be counter-productive in that they may have an unfortunate effect on relations between the police and the public. While we recognise that checks of this nature are necessary on a selective basis and with a particular purpose in view, they should not be allowed to become a routine police duty.

252. We have given the problem of policing the Capital very careful thought and have reached the conclusion that a satisfactory means of ensuring effectiveness is to reconstruct the present sub-precinct headquarters as a police station. We realise that, for the police station to be able to have full coverage of the area for which it is responsible, it is necessary for the present policy of establishing police posts below this level to continue and, if possible, to be accelerated. These posts will, of course, be under the control of the officers in charge of the police stations concerned (the old sub-precincts).

253. The logical extension of such a move in this particular environment is that, so far as is practicable, the present Precinct headquarters should be regarded primarily as having an operational support role to play towards the police station. To do this we think that, in certain administrative procedures such as pay, accounting, personnel records, training and logistics, the police stations can deal direct with the Headquarters of the Saigon Municipal Police. We are satisfied that this proposal makes sound administrative sense. More important, we know it will make available for active duty a sizeable number of trained policemen at present engaged on administrative tasks. There will have to be some departure from absolute adherence to this pattern because for the purpose of command at Precinct headquarters some staff functions will still be necessary. This organisation means that a Precinct headquarters will be in a police station area. Ideally, for reasons of economy, such headquarters should be housed in different parts of the same building or collection of buildings as the police station, although we appreciate that this may not always be feasible.

OPERATIONS/INFORMATION ROOMS

254. Just in the same way as we have recommended the establishment of Operations/Information Rooms at National Police headquarters and all sub-

ordinate formation headquarters (see para 49), so this facility must be provided at City, Precinct and Station levels in Saigon.

TRAFFIC PRECINCT

255. We appreciate that there are sound reasons for the Traffic Police in Saigon continuing to be a separate Precinct which is in fact a part of Saigon Municipal Police Headquarters. However, there are certain points relating to traffic police activity which require special mention:

- (a) They should be relieved of any responsibility for the registration of motorbikes and motorcycles (see para 73).
- (b) They should not be placed in the position of having to adjudicate where persons accused of minor traffic infringements, liable to a fixed cash fine, refuse to admit liability to pay. This is a function of the courts.
- (c) The volume of traffic offences in the City is such that we feel there is reason to consider the establishment of a separate Traffic Court. We have been told that one difficulty faced at the moment is the inability of the Traffic Police to maintain a simple record of offenders dealt with by the courts, because the results of cases sometimes take as much as a year to reach them. The establishment of a separate Traffic Court might solve this problem.

HARBOUR POLICE

256. Policing the harbour has been the responsibility of a separate Harbour Police Precinct for many years and still is. Until recently, this Precinct was equipped with a number of boats for its use on the harbour waters. These have now been taken over by the Marine Police from whom the Harbour Police have to indent for their requirements daily. We were told that the requirement was not always met in full and it was clear to us that this change has been accompanied by friction between the Harbour and the Marine Police. Our view is that there is no justification for a special unit to police the harbour and its immediate shore line. The land area falls quite naturally into one police station area or another and the harbour, or canal waters contiguous to this land area, should also come within the same jurisdiction. For policing the harbour and canals the police stations concerned should be allocated a Marine Police element. In our view this element would be better

off with boats of a type more suited to the purpose than the "interceptor" boats currently used on Saigon waters by the Marine Police. The latter are capable of high speed, which ordinarily we believe is unnecessary, and are expensive to run and maintain. We think that a boat of more modest proportions would be more practical and that a suitable design could doubtless be produced locally. Our conclusion is that the Harbour Precinct, as a separate unit, should be abolished.

AIRPORT POLICE

257. We visited the Airport Police Precinct and were disturbed by the high proportion of manpower engaged on unproductive static guard duties, either within the Precinct headquarters compound itself or on gates within the general area of the airport, or on accounts work and immigration duties. The figures on the day of our visit were 96, 28 and 56 respectively out of a total strength of 329. Moreover, some 20 more were on duty at the airport passenger terminal in Saigon City (in our view a rather odd responsibility for this Precinct to have to undertake), which further reduced the men available for the policing requirements of the public using the airport.

258. With regard to the general security requirement of the whole area of the airport, we feel that the Police of this Precinct should not be required to undertake this responsibility. We consider that, while the present security situation persists, this is a military task which should be undertaken by military forces. The Police, naturally, would continue to be responsible for the safety of their own Precinct headquarters.

259. With regard to the Immigration Department duties at present performed by the Police, we have already made our views clear in paras 81 to 82. This is not a police responsibility and it should be removed from them. Nor do we consider that the police at the Airport should be required to record the passage into and out of the airport of aircraft and passengers. This should be a responsibility of the airport authority.

260. We are of the view that there can only be one purpose for the Police of this Precinct and that is to provide a normal police service to the members of the public who use the airport, and that to provide this service all that is required is a police station of appropriate size.

261. The responsibilities, which we have indicated as not being properly those of the Police, should be removed from them, and the Airport Police Precinct should be abolished and the Precinct headquarters converted for use as a police station of Tan Binh District, its task being to provide the normal police services to the travelling public and visitors using the airport.

SAIGON AND GIA DINH

262. We spent some time with the officers in charge of the Police in Saigon and in Region III examining the problems which arise from the fact that, what may be described as the "feeder areas" of the capital (in the province of Gia Dinh) which affect both police and security tasks there, are part of another Police command. Recognition of the problem is not new because at various times in the past these areas, or some part or parts of them, have been included as part of the SMPD, although they were later returned to the Police of Gia Dinh Province. The most recent such change was in 1969. Since then the natural urban spread of the Capital into parts of Gia Dinh has continued, and this process has undoubtedly accelerated recently in direct proportion to the improvement of the general security situation in the City and the Province, and seems likely to continue to do so. The extent to which this has occurred so far is indicated on the map at Appendix Q.

263. The kind of difficulties which are experienced as a result of the spread of the City's built-up area into Gia Dinh Province are, we understand, particularly acute in Tan Phuoc Hamlet, Cay Da Xa area and Binh Tri Dong Village, outside but adjacent to the present City limits, where thieves, hoodlums and robbers lie up when not preying on the inhabitants of Saigon, especially in the area of Ap Dang Ba and Xom Chua which borders the 1st Precinct. Generally speaking, we have been told, there is a passage by communist terrorists into and out of the City from these and other parts of Gia Dinh Province. Also explained to us was the absurdity, for example, of the arrangements for escorting VIPs between the City centre and Tan Son Nhut Airport having to be the responsibility of two separate commands despite the short distance involved.

264. As a result of the examination to which we refer, we are satisfied that these difficulties do impair the ability of the SMPD to afford a maximum of protection to the inhabitants of the city, and that they constitute a problem of command and areas of command which should be resolved as early as possible. We have been told that already representatives of the Saigon Municipal Council and the Gia Dinh provincial authority have made proposals to the Government which, if accepted, would entail enlarging the City's boundary to include the urban "feeder areas". The extent of these proposals are shown on the map at Appendix Q and would extend the City's authority to all those parts of Gia Dinh Province within the dotted line. The proposals include provision for removing the present provincial capital at Gia Dinh to a place in the Quan Thu Duc District of the Province. We understand that these proposals, which would require the establishment of 4 new Police Precincts, and the enlargement of certain others, are still receiving consideration by the Government.

265. We consider these proposals to be a step in the right direction but not to constitute a completely satisfactory solution to the Police problem. They do no more than remove the existing problem further out into Gia Dinh Province to areas, which in the course of time, will undoubtedly become much more urban in character than they are at present, even if they do not become completely built over. The criminal and the terrorist will still be able to remain concealed there between forays into the City.

CAPITAL POLICE REGION

266. From the Police point of view the most satisfactory solution is to make the City and Province Police commands each part of a single command. In other words, the existing Saigon Municipal Police Directorate and the existing Gia Dinh Province Police would be brought together to constitute a new Police Region. Should this recommendation be accepted the present police difficulties would be eased, irrespective of the manner in which the City's administrative boundaries may advance to take in parts of the Province now or in the future. We believe the policing of Saigon to be so important that the new post of Region Police Commander, which would be required, would merit a high rank.

267. Because of the weight of his responsibilities he would need to be supported by two Deputies. One of these would be responsible to him for the policing of the City of Saigon, and liaise with the Mayor as necessary. The other would be responsible to him for the policing of the rural part of the command in Gia Dinh Province, and for liaison with the Province Chief. The existing Saigon Municipal Police Directorate headquarters would become the headquarters of the new command with its staff providing a common-user service to the Region Police Commander and both his Deputies. We think the new command might be called the Capital Police Region.

268. Generally the organisation of the Capital Police Region will not differ in any major respect from that of the other Regions although, because of its close proximity to the resources of National Police Headquarters, we think that sensible arrangements can be made for supplying the police stations in Saigon direct from those resources. We have included at Appendices R and S charts showing the lay-outs we recommend for the Capital Police Region headquarters and a Precinct headquarters respectively. As far as police stations in the City are concerned the guide lines set out in Appendix G for the village police station apply, except that they will tend to be larger.

OTHER CITIES

269. Special arrangements, as far as control and organisation are concerned, clearly have to be made for the Capital, but there are already a number of other towns which have been given city status by the Government. We see no reason for any departure from the ordinary police structure in respect of any of these. Such cities should be policed by police stations with the City Police headquarters operating on exactly the same lines as a District responsible to the Province headquarters and under its command.

RECOMMENDATIONS

270. We recommend that:

- (127) the Saigon Municipal Police Directorate and the Gia Dinh Province Police should be amalgamated into a single Police Command to be called the Capital Police Region;
- (128) Sub-Precinct Headquarters should be converted to Police Stations;
- (129) the establishment of Police Posts should be continued;
- (130) the Harbour Police as a separate Precinct be abolished - and the policing of the Harbour and canals be made the responsibility of the Police Stations concerned, with an allocation of Marine Police as necessary;
- (131) the Airport Police, as a separate Precinct, be abolished and the Precinct Headquarters be reconstituted as a Police Station of the Tan Binh District Police Command;
- (132) some changes in the responsibility and authority of the Traffic Precinct should be made as in para 255.

CHAPTER XI

THE POLICE STATUTE

DRAFT STATUTE

271. We consider that the Police Force should be established as a separate Command by Statute, not only by Decree, as early as possible. The latest draft Statute makes a good starting point and we attach this to our Report at Appendix T. It will, however, require some amendment to provide for a National Police Force as a separate Command, and to embody certain of the recommendations made in our report.

272. We appreciate that the enactment of such a Statute may take some time and we suggest therefore, that a further Decree should be drafted and promulgated on exactly the same lines as the new Statute incorporating our amendments.

ARTICLES

273. The following are our comments and suggestions for the new Statute referring to the articles in the latest draft:

General Titles and interpretation etc. will need to be amended to take into account the new separate Command and new ranks.

Article 1

Amend to read: "This law provides for the status of the National Police Force of the Republic of Vietnam, defines its role, command organisation, powers, obligations and privileges, and makes provision by regulations for its conditions of service, including promotion and discipline".

Article 4

Omit "and classes".

Add at end: "from time to time".

Article 5

Add "the protection of life and property and the enforcement of law."

Article 7

Add "command" and "discipline".

Article 8

All police officers above the rank of Colonel should be appointed by the President on the recommendation of the Prime Minister. Insert word "statutory" before "functions".

Article 9(1)

Will require some rephrasing.

9(2)

It is only necessary to say "Police boundaries shall normally conform. . . ."

Article 10

Should read "shall be prescribed by the Commanding General with the approval of the Minister".

Article 11

Omit sentence in first part "provided that. . . . Assistant Director-General." In second part say "In the case of areas or units below Provincial level the Commanding General may, by order in writing, delegate to a police officer commanding a Region the authority"

Article 12(2)

Delete "the maintenance of law and order" and substitute "peace and good government".

Article 13(1)

Amend to read "To assist the Police in the maintenance of law and order the Armed Forces may be requisitioned by the Commanding General with the prior agreement of the Minister, or a Region Police Commander with the prior agreement of the Commanding General."

Omit Province Police Chief and the subsequent sentence.

Article 14

We are very strongly in favour of this Article, empowering Police to arrest members of the Armed Forces who are, after all,

citizens of the country and subject to its laws. A good principle to establish is that where a member of the Armed Forces commits an offence against a civilian or civilian property then the jurisdiction should lie with the civil courts (and be processed by the Police), but where the offence is against another member of the Armed Forces or military property then the jurisdiction should normally be that of the Military.

The word "guilty" should be omitted from this Article.

Article 15(1)

Delete "by Service Letter" and substitute "in Force Standing Orders".

Article 18

Add, after "law," "or any regulations made thereunder".

Article 19(1)

To be amended to conform to recommended rank structure.

Article 19(1) & (2)

Classes should be omitted.

Article 20(2)

Delete first sentence and omit class.

Article 20(3)

Delete, if a proper career establishment is worked out. Insert provision to say that police officers will rank for precedence with Military officers of the same rank.

Articles 21 to 52 (inclusive)

We think that many points in these Articles could be covered in Regulations by Decree of the Prime Minister setting out Conditions of Service, in which provision should be made to cover recruiting, appointment, promotion, promotion procedures, discipline etc., but we appreciate that certain basic safeguarding principles should be included in the Statute.

Article 53

This should conform to the role. Lives and property of all residents, not just citizens, should be protected.

Article 56

This Article indicates the need for recodification of the law.

Article 69

A police officer might have a good excuse if he or his wife had been permitted to engage in trade under Article 64.

Article 71

Add "except as may be provided for under the disciplinary regulations."

Article 80

Add "and the Police Commanding General".

Appendix

As for Articles 21 to 52.

274. Provision should also be made in the Statute for Auxiliary Police and for a Police Volunteer Reserve. The latter should make provision for recalling retired police officers or lower ranks to duty in an emergency and for enrolling PSDF and giving them police powers only when on duty. Much of the details for these two units could be covered by regulations.

275. The Statute should also include a provision to make clear which former statutes and decrees are cancelled by it.

RECOMMENDATIONS

276. We recommend that:

- (133) the present draft Statute should be amended to embody our recommendations;
- (134) consideration should be given to the suggestions in para 273:
- (135) provision should be made for Auxiliary Police and a Police Volunteer Reserve;
- (136) the Statute should state which earlier statutes and decrees are cancelled by it.

C H A P T E R X I I

P H U N G H O A N G

THREAT

277. The present threat to the Government and people of the Republic of Vietnam is planned, directed and carried out by members of the Communist Party, organised as a standard party apparatus, which relies for support on what has become known as the Vietcong Infrastructure. This term is all-embracing and includes members of party front organisations and active supporters of every kind. Without the support of the VCI who work amongst the population the subversive threat to security would be very greatly reduced and to a large extent rendered impotent. The attack on the VCI, therefore, is of the greatest importance and has, in our view, rightly been given a high priority by the setting up of the Phung Hoang program.

278. Recent communist policy, outlined in the resolutions contained in COSVN 9 and 14, places even greater emphasis on subversion amongst the civil population. The Phung Hoang program, therefore, becomes even more important and it is with this in mind that we have studied its work and its current mission.

279. Increasing VCI activity amongst the civil population and the decreasing enemy military threat presents a situation in inhabited areas where the counter attack should now be brought together under one security organisation, the Special Police. The threat from enemy armed forces still remains, however, to which ARVN and the other para-military forces are committed. The concentration of the communist effort amongst the civil population will also give more Government departments a part to play in the counter measures.

CO-ORDINATION

280. We are convinced that an active co-ordinating and monitoring body is still essential to bring together into a concerted effort the activities of these agencies so that they are effectively integrated into the attack on the VCI. We wish, therefore, to propose some constructive changes which

will assist the Phung Hoang program to achieve its objective and broaden the scope of its co-ordinating function. We consider, however, that this program should be carried out by Committees at National, Regional and Province level only.

POINTS FOR REVIEW

281. We are very concerned with the effect of the present practice of setting goals in the form of numbers of VCI to be neutralised over set periods and by areas. We consider that this can only result in some false identification and unjustified arrests. Actions of this nature must lead to a number of people being detained against whom there is little or no evidence of complicity in communist activities. Not only does this clog an already overstrained detention facility but, worse, it breeds antipathy to the Government and contempt for the law. Finally, we are of the opinion that quantitative targets set in this manner only dilute the effort against the VCI and provide no guidance to those who have to meet the goals. In our view selected parts of the VCI organisation and the individuals in it should be the targets for elimination in each area.

282. Since the Phung Hoang program was established it has developed in the PIOCC and DIOCC a large volume of dossiers, documents and other records. These are copies of similar records already held by other organisations such as ARVN and Special Police. The build-up of all these duplicate records has led to the erroneous impression that the Phung Hoang is a separate operational organisation at these levels. The organisation of the present PIOCC and DIOCC, should be changed, and the records which they maintain should be integrated with those of the Special Police. At the same time the personnel of the Provincial Reconnaissance Units, where these are attached to PIOCCs, should be transferred to one of the regular forces.

283. There are two aspects of intelligence collection which should now be re-examined, in view of the change of Vietcong tactics as outlined in communist policy documents, COSVN 9 and 14. First, the implementation of these resolutions will result in a closer integration of the members of the Vietcong guerilla squads and militia units with the population and with the activities of the Vietcong Infrastructure. In fact, these new tactics may also mean that some members of the Vietcong local forces will attempt to return to live in the inhabited areas. We suggest, therefore, that the classification of PW, now given to members of these units who are captured, may no longer be appropriate and that they should be considered as VCI.

284. Secondly, we consider that the present mission now given to both the Regional Forces and Popular Forces should be re-examined, particularly in respect of their tasks in intelligence warfare. The tasks of both these forces in this respect should be clearly defined to be in support of the Special Police intelligence role. If these two changes were made it would assist considerably in the work of neutralising the VCI.

285. Every Hoi Chan is a potential source of good information about the VCI. All the information available from this source may not have been exploited to the fullest extent by all the agencies concerned with the attack on the VCI. The failure to process this fully may have enabled enemy agents to regain or acquire a legal identity and to return to live among the population without detection. To redress this weakness we feel that this should be an area of co-ordination for which Phung Hoang Committees should be given responsibility.

RELEASE OF PRISONERS

286. The process of neutralising a Vietcong cadre does not cease when he has been sentenced to prison; it is just as important to ensure that he is not released until he no longer represents a threat to security.

287. In the Phung Hoang program there has never been any authority for this very important aspect of the work of neutralisation of the VCI. The lack of general supervision and control over what happens to a VCI after sentence has led to:

- (a) the uncontrolled mixing of hard core communists with other prisoners so that more communist supporters may be leaving prison than ever went in to it;
- (b) lack of emphasis on programs of re-training and rehabilitation for prisoners, thereby permitting many to remain unconverted;
- (c) anomalies in the assessment of individual prisoner's suitability for release, which may lead to instances of hard core members of the VCI being released to villages to continue their subversive activities.

288. There must be an assurance that a communist, once arrested, will continue to be isolated from the population until such time as he will no longer act in a manner prejudicial to security. If there is no such assurance,

there may develop a sense of frustration amongst those concerned which could lead to the use of harsh and unconstitutional methods. No government wishes to be in the position of having to detain large numbers of hard core communists for an indefinite period but the problem of them is very real. It can be considerably reduced by streaming and by well planned and active programs of re-education and rehabilitation. These programs are even more effective for the less convinced communists and sympathisers, if they are properly isolated from contamination by the hard core.

COMMITTEES

289. The whole process of neutralising the VCI by legal means, which may have to include long term detention for hard core communists, is one of prime importance to Government in countering the communist threat. Because it involves the combined efforts of a number of departments of government, a strong co-ordinating and directing body is essential. We consider that the Phung Hoang Committees are the proper bodies to undertake this task and we suggest, therefore, that the mission of the Phung Hoang program should be slightly revised so that it accommodates the points we have made above. To assist the Phung Hoang Committees to take a more active role it might be more convenient if the membership of the Committees were to be reduced and confined to those members, the work of whose ministry or department is actively and continuously involved in the attack on the VCI. Each Committee, of course, would have the power to co-opt representation from other Government departments to help resolve a particular difficulty arising in his field.

290. We suggest that the Phung Hoang Committee at National level should be under the chairmanship of the Prime Minister and that the members should be:

The Minister of the Interior;
The Minister of Justice;
The Minister of Chieu Hoi;
The Chief of Staff RVNAF;
The Commanding General of the National Police.

291. The task of this Committee should be:

- (a) to supervise, co-ordinate and generally control the implementation of their mission by the Regional and Provincial Phung Hoang Committees;
- (b) to identify any areas of difficulty experienced by any agency in discharging its responsibility and to draw

the attention of the appropriate ministry,
department or command to these so that they may
be quickly resolved.

The Secretary to this Committee should be the Head of a small staff needed to service it. It would be convenient for the Secretary and his staff to be located in National Police Headquarters.

292. We suggest that the Phung Hoang Committee at Regional level should be under the chairmanship of the Regional Commander and have a similar supervisory and controlling function. The members should be:

The Representative of the Ministry of the Interior for
the Region or the Delegee (if such an appointment is made
to the Region);
The Regional G2;
The Regional Police Commander.

The Secretary to this Committee should be the Head of the Phung Hoang staff of the Province Phung Hoang Committee located in the same town, who would thus serve both Committees. He should co-ordinate the secretarial work of the other Province Phung Hoang Committees in the Region.

293. The Phung Hoang Committee at Province level should be under the chairmanship of the Province Chief and the members should be:

The senior Military Commander (other than the Province Chief);
The Province Police Commander;
The Province Chieu Hoi representative.

294. To implement the Phung Hoang mission the task of the Province Committee should include:

- (a) co-ordinating the activities of all civil and military agencies of the Government, which are related to the elimination of members of the Communist Party, their organisation and infrastructure;
- (b) supervising the preparation of a wanted list, and ensuring the authenticity of identification of those included in it;
- (c) laying down criteria by which individuals included in the wanted list may be classified according to the threat to security each represents;

- (d) ensuring that there is adequate representation of the merits of a case to any review body before a decision is taken to release or to continue the detention of a convicted prisoner;
- (e) making recommendations for the segregation of categories of prisoners, their re-education and rehabilitation;
- (f) ensuring that there are adequate procedures to release prisoners as soon as it is reasonable to assume that they no longer represent a threat to security;
- (g) recommending means by which individual prisoners can be given their liberty under conditions which prevent them being a threat to security;
- (h) recommending measures to ensure that all information from Hoi Chan is fully exploited in the attack on the VCI, and to prevent infiltration through the Chieu Hoi program of enemy agents;
- (i) identifying any difficulty experienced by any agency in discharging its responsibility and drawing the attention of the appropriate ministry, department or command to this so that it may be quickly resolved.

295. It should be the responsibility of the Secretary of each Province Phung Hoang Committee to maintain in chart form details of the Communist Party structure and the VCI within his area indicating the identities of the individuals where known. The charts should also show the blanks in the information. The dossier file number and a symbol showing which intelligence agency holds dossiers on the individual should be shown against each identified individual on the chart. The Secretary will not need to maintain, separately, dossiers, files of information, reports etc., for the purpose of maintaining the charts. It will be the responsibility of the Special Police and the Military G2 to provide the Secretary with the necessary information for this purpose and to bring any dossiers or files required by the Committee to any of its meetings. The charts should be displayed on wall boards but in such a manner that they can be obscured and securely locked when not in use. The Secretary should have a small staff to undertake this work and handle the Committee's correspondence.

296. The Province Committees should meet at regular intervals to review the progress of the neutralisation program. The criteria by which progress of neutralisation in an area should be measured are the extent to which complete details about each member of the Communist Party and of the VCI are available, the success achieved in neutralising them, by legal means, and the reduction in the number of communist inspired incidents in the area. Now that the operations of the VCI are so integrated with the population, statistical records of the total number of VCI neutralised are not by themselves an accurate measure of success. It is the extent to which those who are directing and controlling the subversive activity are known, and then removed, that is the true measure.

297. The Province Committees would be a convenient forum in which the representatives of the various agencies could reach agreement on when operations should be prohibited in certain areas of a province, for a period, to facilitate intelligence exploitation or to plan operations of a special type in direct support of an intelligence exploitation exercise.

298. At all meetings of Phung Hoang Committees at all levels, the senior Military Commander should be accompanied by the senior Military Intelligence Officer within his command and the Police Commander by his Head of Special Police.

299. In addition to a Committee member's corporate responsibility for the whole mission of the Phung Hoang Committee, it is also his responsibility to take positive executive action on any difficulty which his own command or departmental structure can resolve.

DISTRICTS

300. In some districts where there is a Communist main force threat and consequently a concentration of friendly armed forces to meet it, it will be necessary to have a co-ordinating Committee of Phung Hoang for the area concerned under the chairmanship of the District Chief. The members would be the senior Military Commander in the district and the District police officer, who would be accompanied by their respective intelligence officers.

301. Such Committees should work from the DIOCC, which would need to be retained in such areas, and maintain charts and maps as described for the Province Phung Hoang Committee. An officer of the District Special Police should be Secretary of such Committees and head the staff.

302. In those districts throughout the country which are now in the transition stage between VC military activity and political subversion, it may not be necessary for the present Phung Hoang Committee to meet frequently but the existing DIOCC staff should be retained temporarily for intelligence co-ordination purposes.

303. We have recommended in Chapter VI that the Special Police should become the sole Internal Security Intelligence organisation, which will receive intelligence from all sources direct. In districts where military activity is only of a minor or sporadic nature, there should be a gradual transfer of all DIOCC responsibility to the Special Police. In some districts this could take place now.

PROVINCE CHIEF

304. It is, of course, essential that the Province Chief should play an active part in leading the Province Committee to ensure that the VCI in his province are attacked in the most vigorous manner. In addition to this task, the Province Chief is at present, among his many other responsibilities, the Chairman of the Province Security Committee, which sentences members of the VCI. These two functions carried out by the same official might appear to be in conflict. We, therefore, suggest that consideration might be given to making some alternative arrangement which would relieve the Province Chief of this dual responsibility.

RECOMMENDATIONS

305. We recommend that:

- (137) the Phung Hoang program should continue but its mission should be amended;
- (138) the dossiers held by PIOCCs and DIOCCs should be integrated with those of the Special Police;
- (139) the Provincial Reconnaissance Units should be gradually transferred to one of the regular forces;
- (140) the classification of PW should be reviewed;
- (141) the intelligence mission of the Regional and Popular Forces should be revised;

- (142) the Phung Hoang Committees should be given certain responsibility in relation to the Chieu Hoi program;
- (143) the Phung Hoang Committees should also give their attention to the method of processing prisoners after sentence and before release;
- (144) the composition of the Phung Hoang Committees at National, Regional and Provincial level should be amended to reduce their size;
- (145) at District level there should be progressive integration of DIOCCs with the Special Police until the former can be abolished as a separate entity.

EXPLANATORY NOTE

306. In view of the fact that our concept of the mission of the Phung Hoang program differs slightly from the present practice we feel that a note outlining how a Phung Hoang Committee can generate and co-ordinate action to eliminate VCI, their primary target, might be helpful.

307. We take as our example a Province where the elimination of the VCI has not been very effective and, as a result, there has been a resurgence of communist inspired incidents. In this event the Province Chief would call a special meeting of the Phung Hoang Committee. This could be on his own initiative or at the direction of the Region Phung Hoang Committee Chairman. At this special meeting the Committee would analyse the cause of the deterioration in the security situation of the area - or any part of it - by examining the detail of VC incidents and determining the extent of the participation of the VCI in assisting Vietcong armed units by providing information, guides or material support. They would also identify, if possible, which of the VCI in the area could have been involved in such a series of incidents. Such an examination should reveal the gaps in the intelligence cover of the VCI in the area.

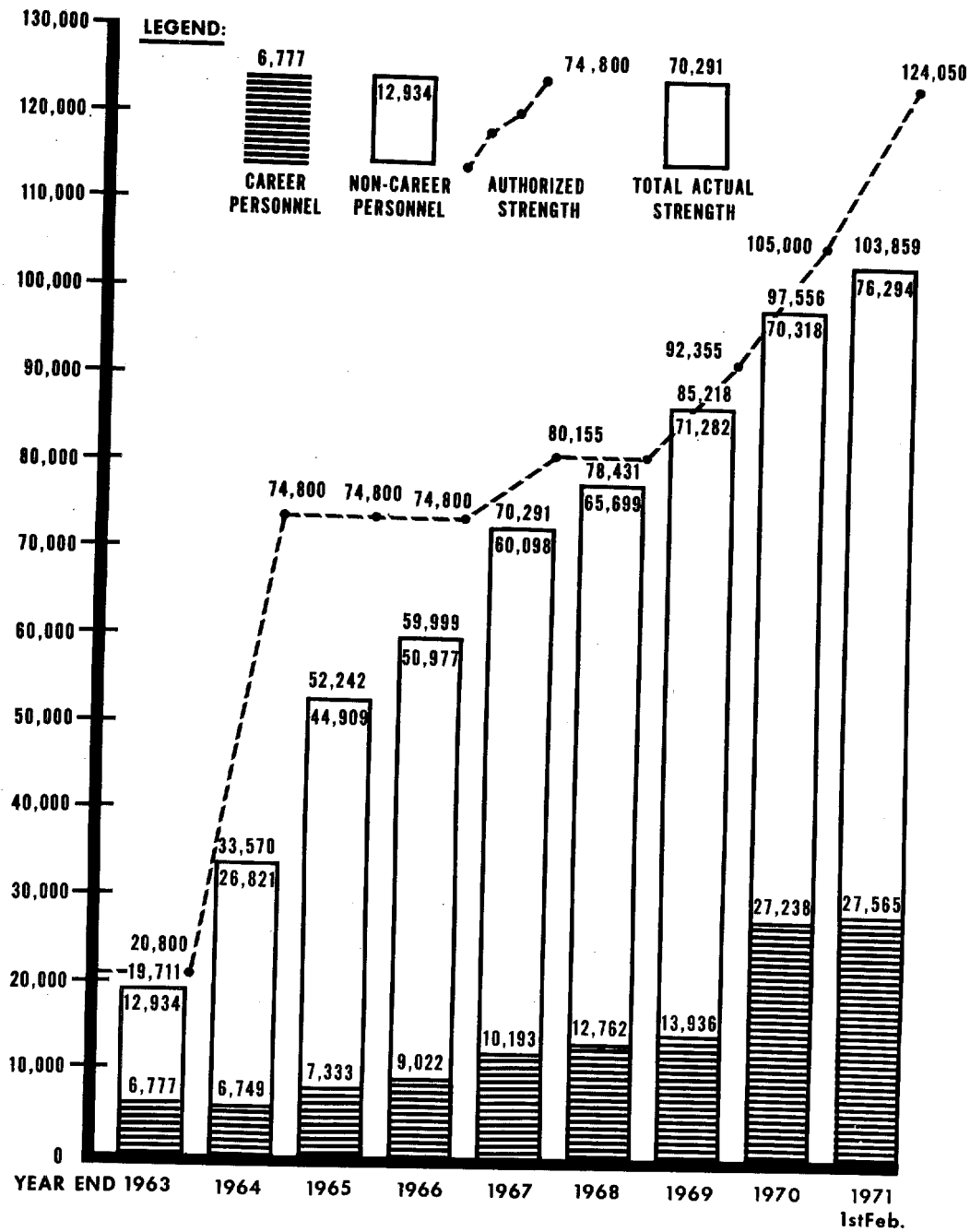
308. A study should also be made of the last known positions of the VC units in the area, the location of the Party organisation (District or Village) responsible for directing these incidents and their lines of communication. This type of analysis will enable the Committee to draw up plans to launch a co-ordinated attack on the right targets. This might involve the RF and PF attacking the VC local forces and guerilla units and harassing the

Party cadres of the communist district or village committees, while the Special Police, supported by PFF and PSDF, intensify their investigations and searches within the populated area to locate and arrest VCI and those known to be VCI supporters. The intelligence back up for such planning would be provided by the Special Police and the Military Intelligence Officer. A Province Phung Hoang Committee should when necessary co-opt the District Chiefs to their meetings or, if the effort is to be concentrated within one district, hold special meetings of this kind in that particular District Headquarters.

309. Once the plan has been formed and agreed, the members of the Phung Hoang Committee, each of whom will have his part to play in this co-ordinated attack, should put it into action. Progress should be reported in Committee as necessary to enable adjustments to be made, again on a joint basis, and to the Regional Committee which can then co-ordinate action with neighbouring Provinces and provide additional resources if required.

Appendix A

HISTORICAL GROWTH OF NATIONAL POLICE



Appendix B

STRENGTH OF POLICE FORCE, FEBRUARY, 1971

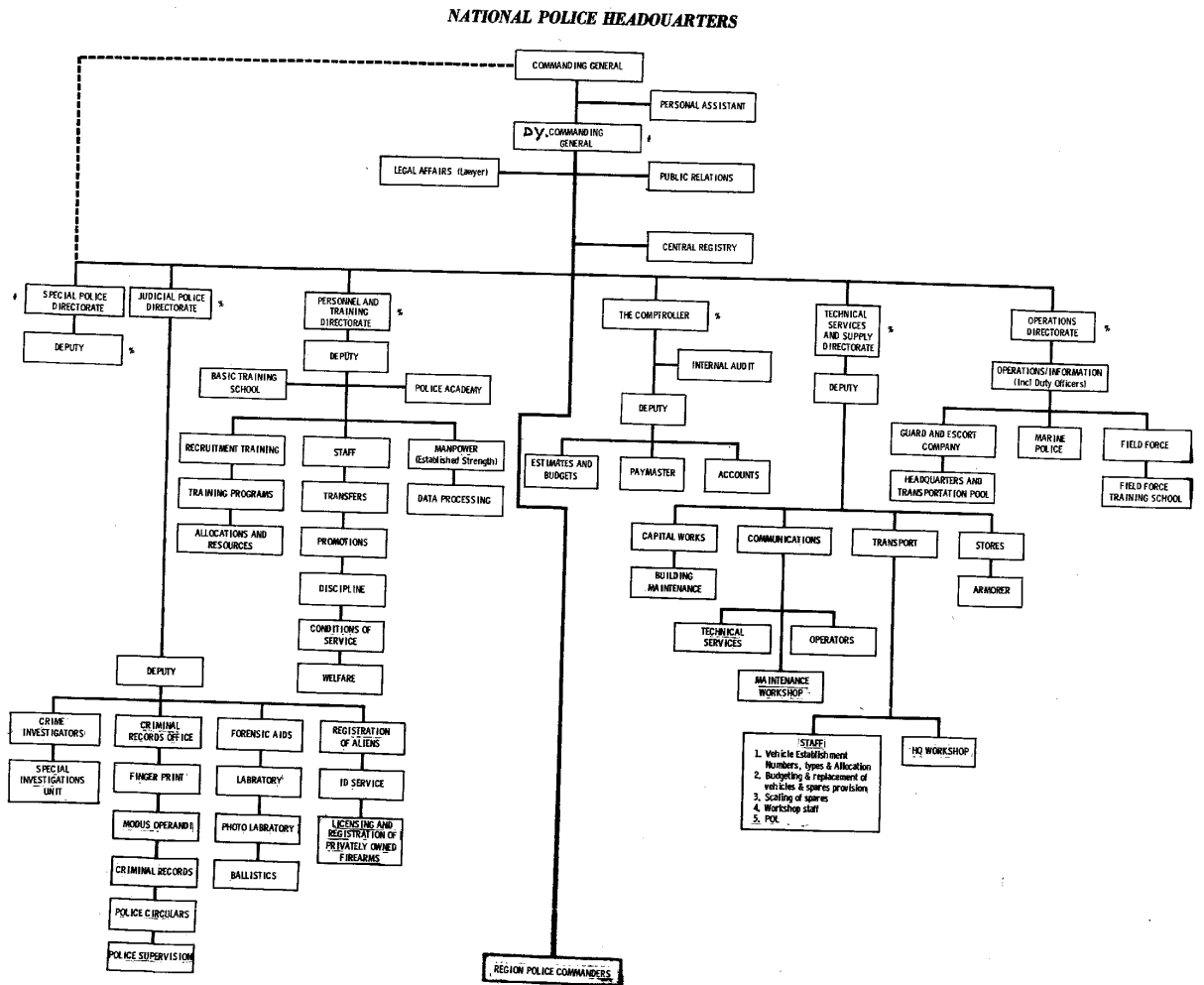
(Figures in brackets are provisionally projected Increases for end-year 1971)

	POLICE	SPECIAL POLICE	NPF	MARINE	TOTAL
NATIONAL POLICE HQ	7,360 (9,150)	2,011 (2,400)	1,417 (2,440)	521 (460)	11,579 (14,450)
SAIGON M. P. D.	10,856 (13,150)	2,307 (2,310)	2,884 (2,976)	238 (244)	16,285 (18,680)
MILITARY REGION 1	8,664 (9,120)	2,575 (2,266)	2,624 (4,338)	104 (162)	13,967 (15,886)
MILITARY REGION 2	8,305 (10,735)	3,515 (2,586)	2,552 (7,550)	209 (262)	14,581 (21,133)
MILITARY REGION 3	13,700 (11,530)	2,795 (2,849)	2,430 (5,556)	83 (234)	19,008 (20,169)
MILITARY REGION 4	19,180 (18,222)	4,524 (4,544)	3,728 (9,578)	1,007 (1,388)	28,439 (33,732)
TOTAL	68,335 (71,907)	17,727 (16,955)	15,635 (32,438)	2,162 (2,750)	103,859 (124,050)

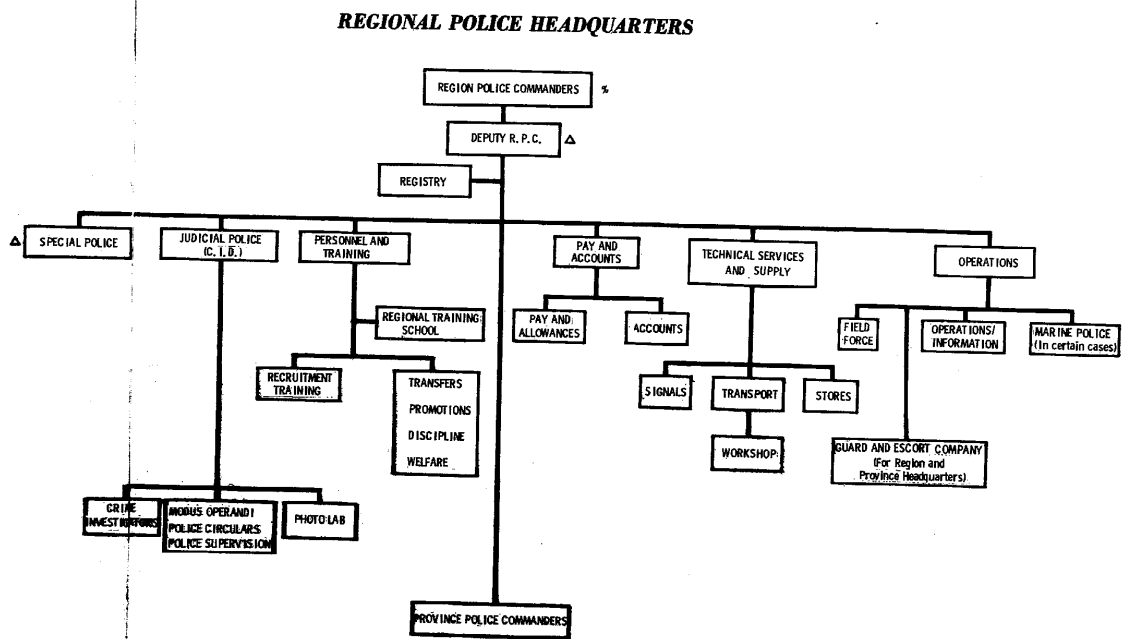
NOTE:

- (1) In addition to the personnel of the six Blocks and various separate Services and offices which comprise the Headquarters, the figures for National Police Hqs include also personnel:
 - a. of all Training Establishments;
 - b. of the National Reserve battalion of the NPF;
 - c. of Con Son Island "Special Province";
 - d. detached for duty with other GVN agencies and/or awaiting assignment.
- (2) The projected Increases for National Police Hqs include a Leave & Training Reserve of 2,000.
- (3) The projected Increases under "Police" include provision for Regional Hqs of 350 men each.
- (4) The projected Increases under "NPF" include provision for a reserve Company at Region Hq.

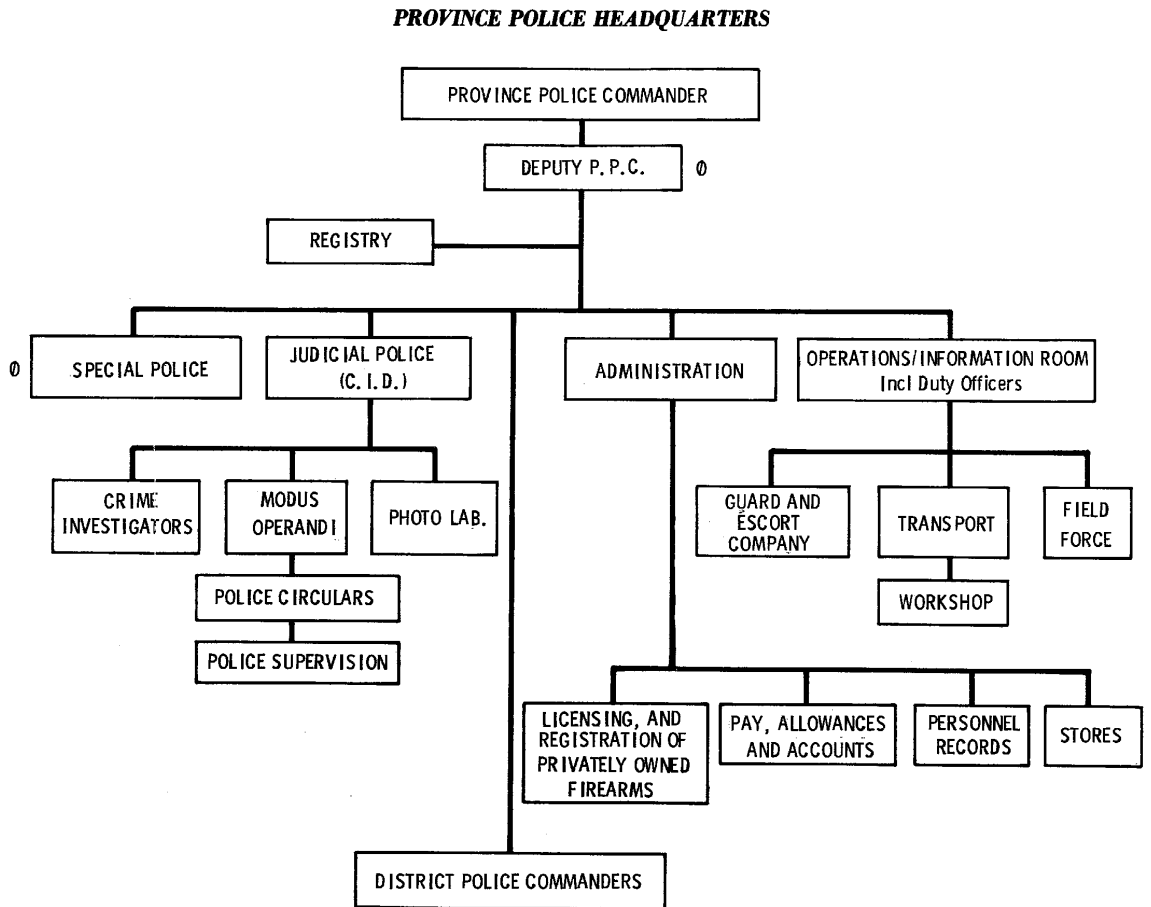
Appendix C



Appendix D

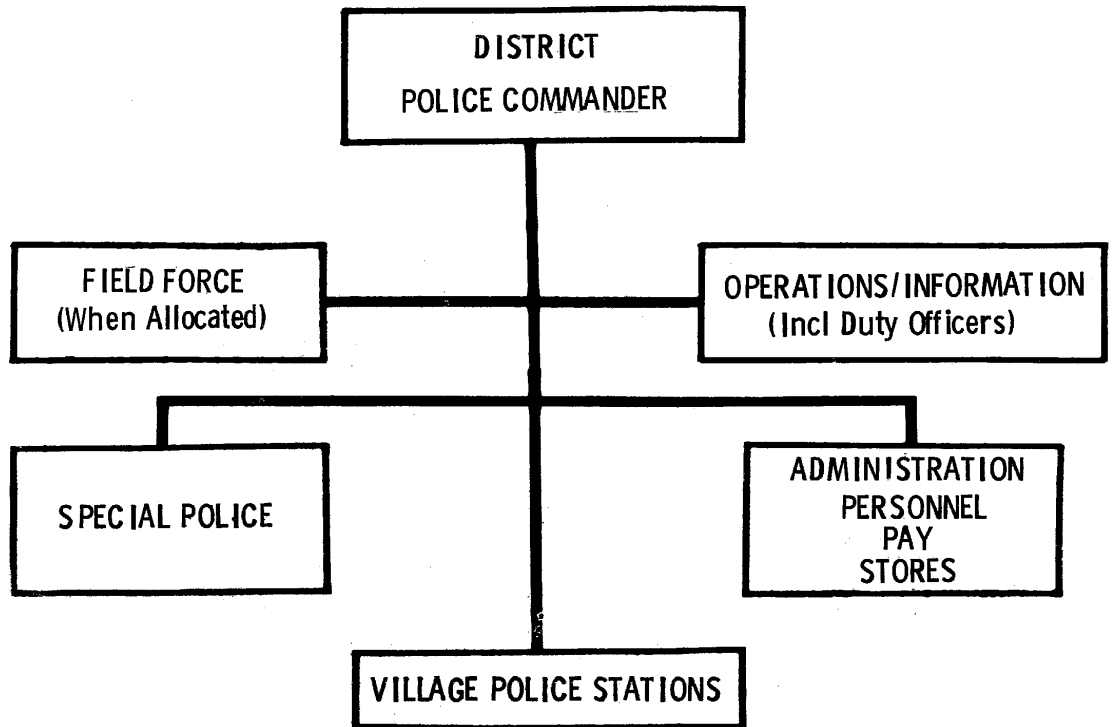


Appendix E



Appendix F

DISTRICT POLICE HEADQUARTERS



Appendix G

THE VILLAGE POLICE STATION

1. The provision of law and order to all populated areas of the country is a pre-requisite to good government, and we have made clear our view that, as far as the Police Force is concerned and the part it plays in law enforcement, the basic unit of its organisation and activities is the police station. We consider, moreover, that the manpower to be allotted to a village station, the duties it will perform, the manner in which it will perform them, and its equipment all require careful thought and planning. The purpose of this Appendix is to set out in some detail what we believe are the main guidelines to be used in these various respects.

MANPOWER

2. The yardstick used so far to calculate the number of men required in a village station has been an arbitrary scale in relation to population density and size of area. We understand the reasons for this. In fact the size (manpower requirement) of a station should normally be calculated in relation to a variety of factors among which the topography of the area, population density, types of population (whether a minority group or groups exist), the security problem, state of communications, state of the economy in the area and political attitudes, can be numbered. All of these will affect the duties to be performed by the station. In present circumstances it is important that there should be flexibility in this aspect of the establishment of a village station. We mean by this that security problems will differ from place to place, as will political attitudes and economic conditions, and we believe, therefore, that, if proper and careful attention is given to these various factors in relation to duties, the number of men required in a station calculated by this means will in many cases be markedly different to the number calculated by the present means.

3. A further main factor which will influence the size of a village station is, of course, the availability of Government funds for the Police. In most cases, probably, there will have to be a compromise, or some degree of it, between what is considered desirable by the Force and what is financially possible. None of this runs counter to the over-riding principle that village station complements calculated in this manner, rather than by rule of thumb, are more likely to produce efficient law enforcement and a police image attractive to the public which will encourage public co-operation and support.

4. We understand that the present method of calculating the manpower for a village police station will produce some very large units; indeed at some places 63 will have more than 50 men each. We regard units of this size as out of proportion to the policing requirement, and, at this stage of the development of the National Police, too big to permit efficient command and direction.

5. The desirability of stationing village policemen in their home areas is questionable. On the one hand, if it is done, there is the possibility of an erosion of police authority resulting from pressures on the policemen from family and other sources. On the other, if it is not, there will be difficulties in housing, feeding and schooling. We have considered this carefully and on balance, because of the special circumstances prevailing, we believe that village policemen will have to be stationed in their home areas, at least until the police housing program is sufficiently advanced.

DUTIES

6. In our view, in addition to the general factors set out above, it is the duties to be performed by a village station which determine the size of its complement. Notwithstanding our other comments we think we should attempt here to give some general guidelines in this respect. Taking quality rather than quantity as fundamental, we consider that the smallest station which will be effective is one of seven policemen. We arrive at this figure as follows:

Officer in charge	1
Charge Room duties (Combined with station sentry)	3
Patrols (in pairs)	2
Sick & leave reserve/ standby	<u>1</u>
Total:	7
	====

In such a case we think the rank of the officer in charge might be that of sergeant. We recognise that some village areas, because of the extent of the police task in those areas, will require police stations of a strength in excess of 7 men. We very much doubt whether there would ever be occasion

under normal conditions for such station strengths to exceed 25-30 men. We do not consider that a fixed upper limit can be set arbitrarily but the command and control factor will determine the size.

7. As the purpose of the village station is to provide a service to the public (the maintenance of law and order, the prevention and detection of crime, apprehension of offenders, etc.), it may be helpful at this point if we set out some of the requirements to be taken into consideration when estimating the beat and patrol element of a station's work. No clear-cut formula can be laid down, of course, but the following are some of the points which should receive consideration:

(a) Beats

- (i) the type of locality, i. e. shopping, business or residential;
- (ii) the types of offences committed and whether the area naturally lends itself to other offences;
- (iii) traffic problems;
- (iv) crowd problems, i. e. cinemas, bars, markets etc.

(b) Patrols

These are principally for rural and scattered residential areas, where generally there is no great policing problem, and it is more a question of the police showing the flag, maintaining contact with the population and giving the public a sense of security.

8. In general terms, of course, foremost among the village police station's responsibilities will be the neutralisation of the Vietcong Infrastructure, which will in turn require regular contact by the officer in charge with the Village Chief and the co-ordination of the station's work with that of other forces. The officer in charge will have numerous other duties, of course, of which the principal will be:

- (a) the investigation of all crime reported to the station;
- (b) ensuring the correct and accurate use of all station books and registers;

- (c) the instruction of station personnel on their duties and the allocation of such duties;
- (d) the maintenance of discipline;
- (e) the safe custody of all arms, ammunition and equipment in the station;
- (f) the maintenance of the requisite charts, maps etc. in the station;
- (g) reporting to his District headquarters on all matters affecting his station duties.

ACCOMMODATION

9. The general requirement for police housing has already been dealt with elsewhere in the Report. However, it is important to remember that two important adjuncts are necessary in any police station. They are:

- (a) a lock up for prisoners;
- (b) an armoury for weapons and ammunition (station holding, separate from individual weapons).

It cannot be emphasised too strongly that, for security and other reasons, it is essential that the village police station and its compound should be an entity of its own and not part of a village council office or of the establishment of any other authority.

STATION EQUIPMENT

10. Every village police station should be provided with:

- (a) radio - preferably the FM 5 set, because no village police station should be dependent on the village radio for reasons of:
 - (i) security, and
 - (ii) misuse of station personnel (i. e. policemen having to operate the hamlet/village radio);
- (b) bicycles for patrol duties;

- (c) weapons (station holding or reserve, as opposed to personal issue, i. e. LMG's, etc. as laid down in Standing Orders);
- (d) torchlights.

STATION BOOKS

11. Only essential books should be maintained, and these should be the subject of a Standing Order. They will include:

- (a) Station Diary, to include all station activities, i. e. the departure and return of patrols, station duties, training periods, weapons situation, visits and inspections, in fact every occurrence in the station;
- (b) Report Book, in which all complaints from members of the public are entered;
- (c) Inspection Book, to contain the record of all inspections by officers of senior formations, with follow-up action clearly recorded;
- (d) Visitors Book, to record visits by all senior police officers and representatives from other Government departments;
- (e) Patrol Duty Scheme, to contain details of the defined patrols to be covered by station personnel, including patrols to neighbouring village police stations and important points to be covered during the patrols, particularly in regard to line of communications;
- (f) Patrol Register, to contain a record of all patrols carried out by station personnel giving number of men, patrol covered and method of execution (foot, bicycle, etc.).

JOINT DEFENCE PLAN

12. A co-ordinated defence plan should be prepared for the police station compound in conjunction with local forces in the village (i. e. PSDF and PF) and any Field Force unit available in the area so that the defence of the station will interfere with police duties as little as possible. In preparing the plan the fact that the station is there to provide a service to the public, and that for this and other purposes it functions 24 hours a day, should not be overlooked.

TRAINING

13. Every effort should be made to provide the requisite training for officers in charge of stations in such manner as to ensure that within a reasonable period all have a good working knowledge of their duties. Military Advisory Training teams could help in planning and co-ordinating the defence of village police stations within the framework of the defence of villages and hamlets by PSDF and PF, and in training the forces so involved in this task. For their part, officers in charge of stations will be responsible for giving regular instruction to their men in law, patrol and other police work, and we suggest that such instruction should take place not less than twice a week.

STANDING ORDERS

14. Specific Standing Orders should be issued by the Commanding General to all Regions and Provinces setting out the duties to be performed by village police stations and the manner in which these should be performed. They should include:

- (a) duties and responsibilities of the officer in charge and his staff;
- (b) supply and maintenance of station equipment;
- (c) supply and use of Station books;
- (d) defence and training;
- (e) investigation of crime;
- (f) treatment and disposal of prisoners.

RECOMMENDATIONS

15. We recommend that:

- (146) village police stations should be manned initially by individuals who know and understand both the area and the population;
- (147) the number of personnel employed at a village police station (not less than 7) should be governed by the factors and principles set out in paras 2 to 5 above;

- (148) carefully selected personnel should be appointed to command village police stations who should also be sworn Judicial police officers;
- (149) clear and concise Standing Orders should be issued by the Commanding General on the following subjects:
 - (a) the duties and responsibilities of the officer in charge and his men;
 - (b) the supply and maintenance of station equipment;
 - (c) the supply and use of Station books;
 - (d) defence and training;
 - (e) the investigation of crime;
 - (f) the treatment and disposal of prisoners.

Appendix H

TECHNICAL SERVICES AND SUPPLY

1. We consider that there are weaknesses in the existing system with regard to:
 - (a) planning new police buildings and the maintenance of existing buildings;
 - (b) the supply of stores and equipment to police in the field on a regular basis;
 - (c) ensuring a sensible establishment for the distribution of police vehicles in the Force, adequate funds for their operation and maintenance, and their replacement when they are beyond economic repair.

POLICE BUILDINGS

2. In the case of police buildings we understand that, although the Logistics Service has a "Real Estate Bureau" which is responsible for the staff work at National Police Headquarters in respect of new buildings, there is no forward planning and woefully insufficient funds in the Police budget annually. Funds for new buildings are limited to those considered necessary to implement specific projects or programs financed by aid money. There do not appear to be any arrangements for calculating the needs of the Force for other new buildings, either annually or over a longer period, nor for the provision by Government of funds for the purpose. The amounts of 12,900,000, 128,000,000, 7,000,000 and 7,000,000 piastres in the budgets for the years 1968, 1969, 1970 and 1971 respectively were, we have been told, for specific aid-financed projects, mainly the new Police Academy.
3. There is a fair amount of police real estate throughout the country, much of it needing repair and redecoration. Some, like the Police Academy, the regional training centres (some still under construction), the Marine Police Training Centre at Phu Xuan and certain Field Force installations, are excellent because they are new, as are also the building extensions at

the Rach Dua Training Centre. However, although there has been some self-help and civic action construction to supplement the new building, the majority of village police stations have to share offices with Village Councils and have no dependent accommodation. There is an urgent need for new construction throughout the Force, in addition to the dependent housing scheme we have mentioned in para 234 of the Report. If a start is to be made on tackling this very formidable building problem it will require careful planning.

4. For this purpose we think that a Police Building Planning Committee should be established, on which representatives of the Ministry of the Interior and Department of Public Works could sit as necessary. This Committee would be responsible for planning the overall police building requirement according to 5 yearly development periods, and for deciding priorities within such development periods. It would consult Region Police Commanders to obtain accurate details of their needs, and to ensure that, before any police buildings are erected, police ownership of the land is clearly established. It could, at the same time, study carefully the possibility of taking over for police use any installations vacated from time to time by United States and Free World Forces.

5. In the case of the maintenance of existing buildings the budgetary provision of 12,000,000 piasters (1970) and 15,000,000 piasters (1971) has been and is, we were assured, quite inadequate. To allow provincial police officers to re-decorate and make small repairs to those police buildings requiring such attention would, apparently, necessitate an expenditure of something like 60 piasters per square metre, or a provision this year of 92,692,000 piasters.

STORES AND EQUIPMENT

6. There are warehouses of varying sizes at Danang (Region I), Nha Trang (Region II), Bien Hoa (Region III), Can Tho (Region IV) and Saigon (Saigon Municipal Police Directorate). The chief difficulty appears to be to keep these units supplied with a reasonably comprehensive range of uniform, equipment and stores from which provinces can expect to have indents met within a reasonable period. In the case of Danang and Nha Trang, of course, the chief difficulty in this respect is their distance from Saigon and the poor communications which exist between the three places. Naval assistance in transporting supplies to them is provided on an "as and when possible" basis. Only a very limited amount is airlifted. We accept the

estimate given to us that units in Regions I and II can expect delays in meeting their indents of anything from two weeks to three months.

VEHICLES

7. There are at present approximately 4,450 four wheel vehicles in the Force and some 830 motorcycles (at existing Force strength this works out at about 1 vehicle/motorcycle to every 20 men) with a large variety of types in both categories. Not unnaturally, the latter factor has complicated the maintenance problem, and in particular the provision of an adequate scale of spares. A workshop at National Police Headquarters is able to supply a reasonably wide range of repair and maintenance services, but those at Regional and Provincial levels have capacities which are considerably less than this. There does not appear to be any system for the replacement of vehicles when these are beyond economic repair.

RECOMMENDATIONS

8. We recommend that:

- (150) the needs of the Force for new buildings(capital works), whether aid financed or not, should be calculated by a Police Building Planning Committee according to 5 yearly development periods, and the necessary financial provision should be included in the Police budget annually;
- (151) the maintenance of existing police buildings should be put on to a practical basis, which could take the form of a system for painting and redecorating exteriors at calculated periods, (say once every 3 years), and interiors similarly, (say once every 5 years), for which annual provision should be included in the budget, including a reasonable sum for minor repairs;
- (152) the plan which exists for improving the supply system be accepted and implemented, thereby providing adequate supply points at:

Danang - to serve Region I

Qui Nhon
Nha Trang - to serve Region II

Bien Hoa - to serve Region III (but
excluding Long An and
the Capital Police Region
which can draw direct from
National Headquarters)

My Tho
Can Tho - to serve Region IV;

- (153) a staff study of the problems involved in supplying by sea the warehouses at Danang, Qui Nhon, Nha Trang, and possibly Can Tho, should be undertaken in conjunction with the Navy with a view to obtaining such support from the Navy on a regular basis;
- (154) police vehicles should be standardised and the number of types to be used kept to a minimum in order to simplify the maintenance and repair problem;
- (155) an establishment of police vehicles should be prepared, so that the motor transport requirements of all units, from police stations upwards, can be properly calculated and met, and should contain a provision for a small reserve to be held at national and regional levels, from which replacements against vehicles brought in for lengthy repairs or overhauls could be issued;
- (156) the needs of the Force concerning replacement vehicles should be calculated annually by the Director of Technical Services and Supply, and appropriate financial provision included in the budget;
- (157) a staff study should be instituted by the Director of Technical Services and Supply from which decisions can be made by the Commanding General concerning:
- (a) the levels at which motor transport workshops should be established;
 - (b) the scale of repair and maintenance work to be performed, i. e. first, second, third or fourth line;

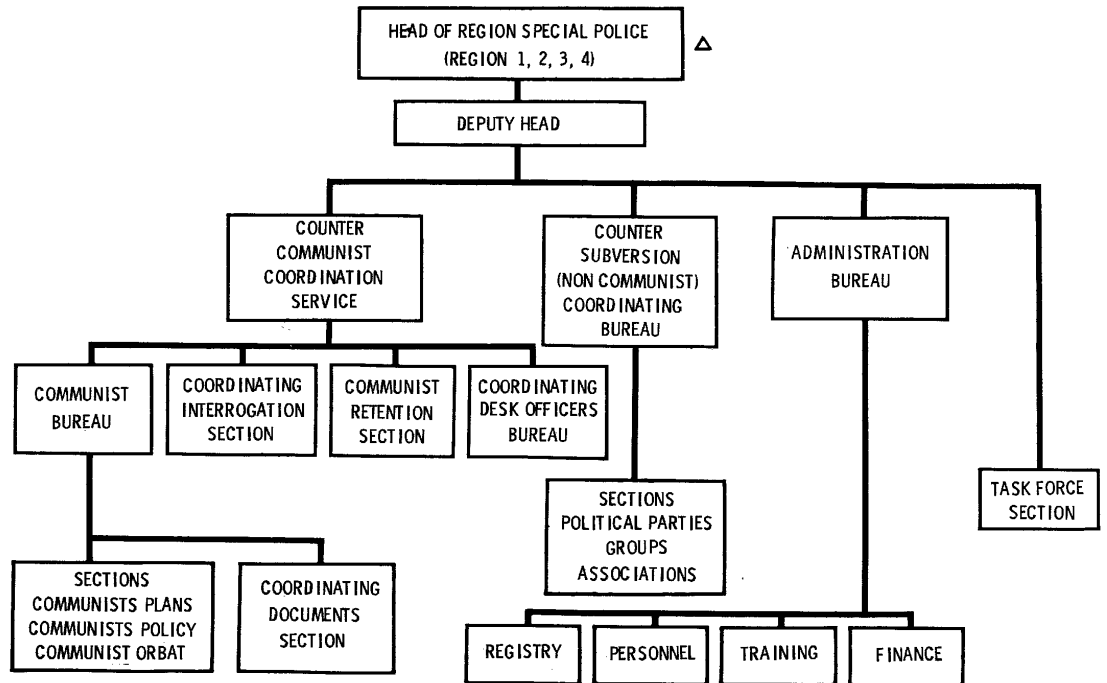
- (c) the workshop staff required;
- (d) the plant, equipment and tools required.

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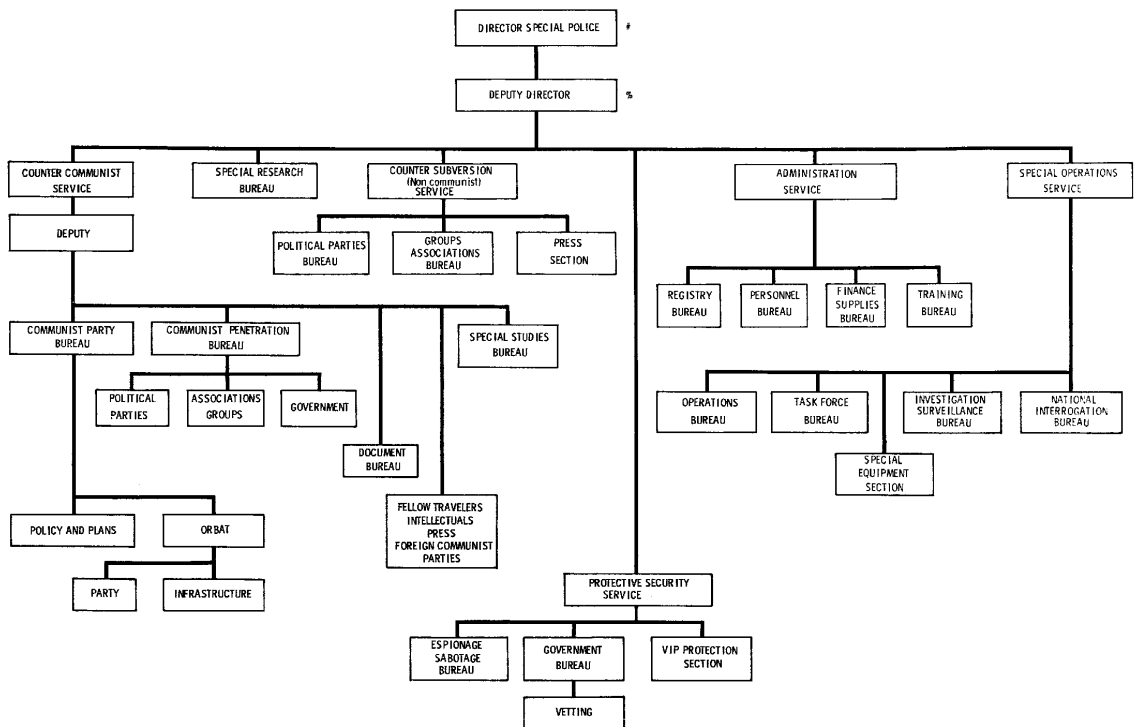
Appendix K

REGION SPECIAL POLICE HEADQUARTERS



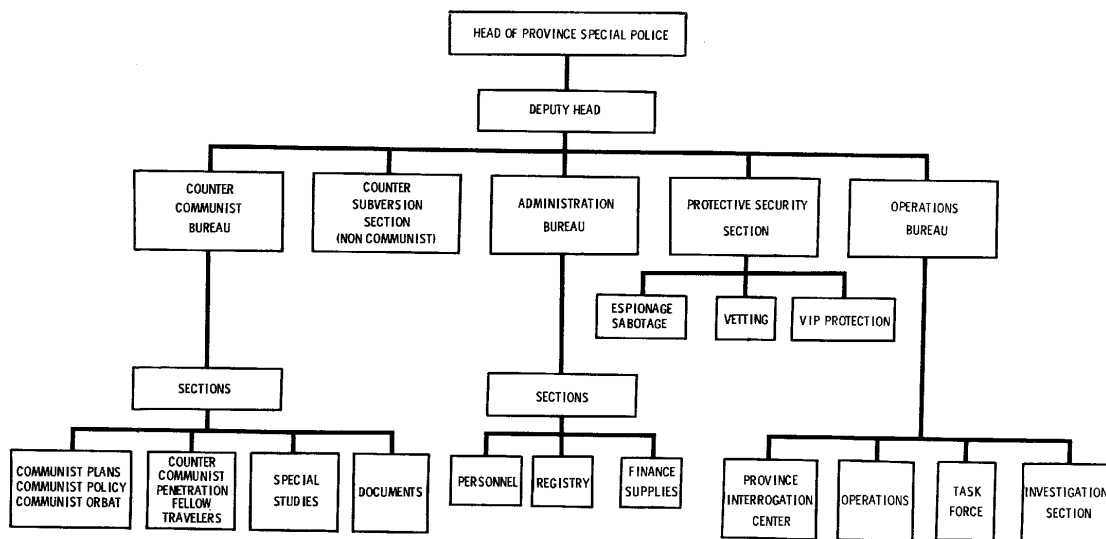
Appendix J

NATIONAL SPECIAL POLICE HEADQUARTERS



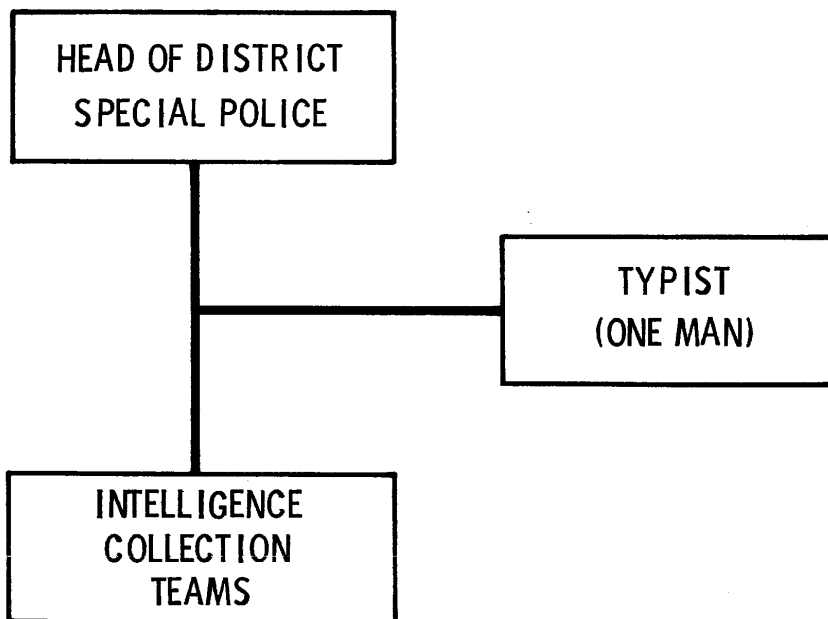
Appendix L

PROVINCE SPECIAL POLICE HEADQUARTERS



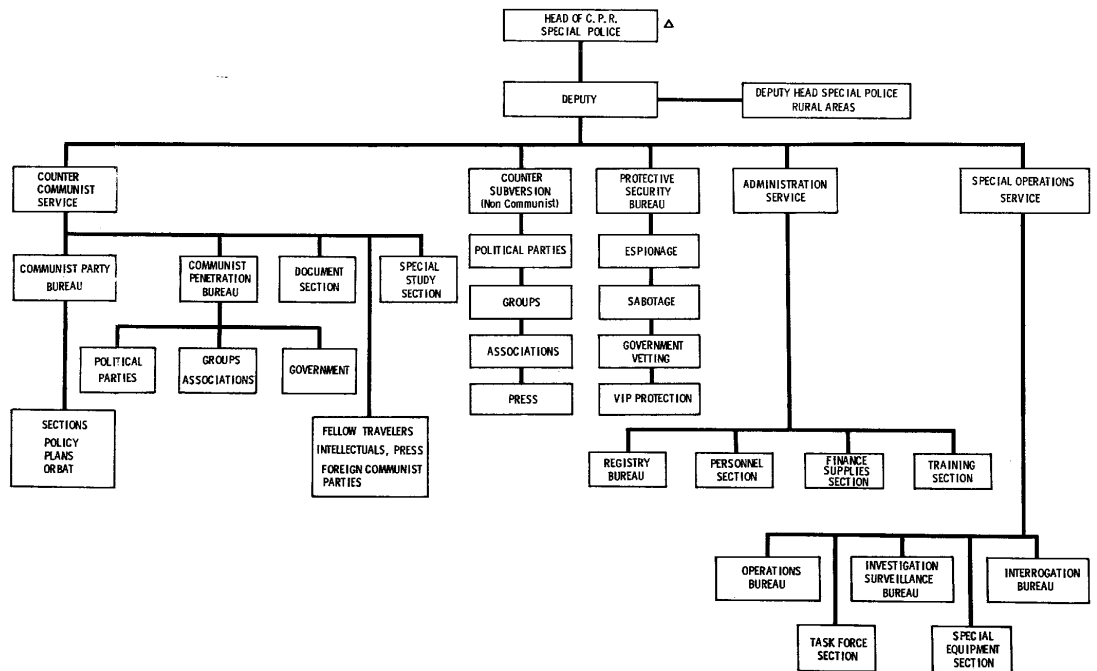
Appendix M

DISTRICT SPECIAL POLICE HEADQUARTERS



Appendix N

CAPITAL POLICE REGION SPECIAL POLICE HEADQUARTERS



Appendix P

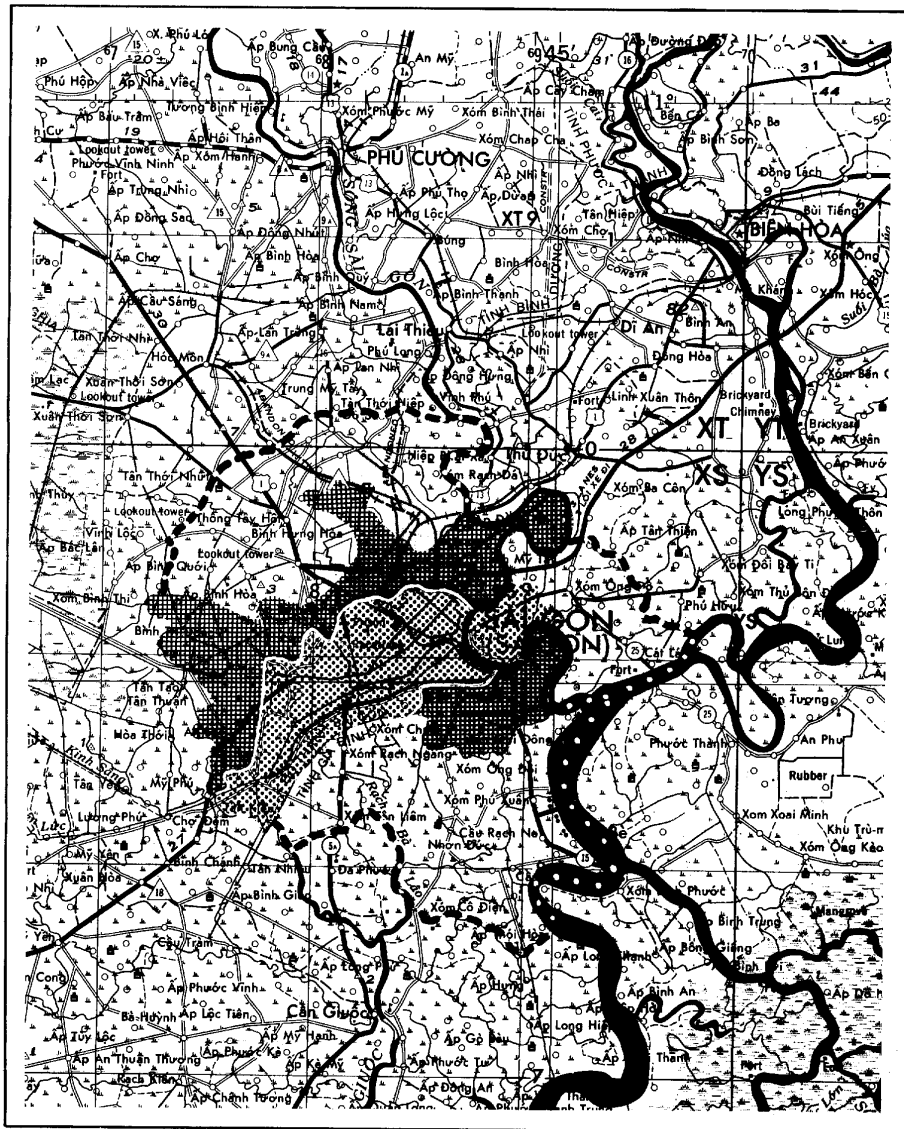
RANK CONVERSION

PRESENT RANKS	PROPOSED RANKS
DIRECTOR GENERAL	POLICE COMMANDING GENERAL
DEPUTY DIRECTOR GENERAL	DEPUTY POLICE COMMANDING GENERAL
	POLICE MAJOR GENERAL
	POLICE BRIGADIER GENERAL
	POLICE COLONEL
	POLICE LIEUTENANT COLONEL
COMMISSIONER (2 GRADES)	POLICE MAJOR
	POLICE CAPTAIN
REDACTOR (2 GRADES)	POLICE LIEUTENANT
	POLICE 2ND LIEUTENANT
INSPECTOR (2 GRADES)	ADJUTANT MAJOR
	ADJUTANT
	SERGEANT
SUB INSPECTOR (3 GRADES)	PATROLMAN

**PROPOSED NOMENCLATURE FOR
COMMAND DUTY POSTS**

POLICE COMMANDING GENERAL
REGION POLICE COMMANDER
CAPITAL POLICE REGION COMMANDER
PROVINCE POLICE COMMANDER
DISTRICT POLICE COMMANDER
POLICE STATION COMMANDER

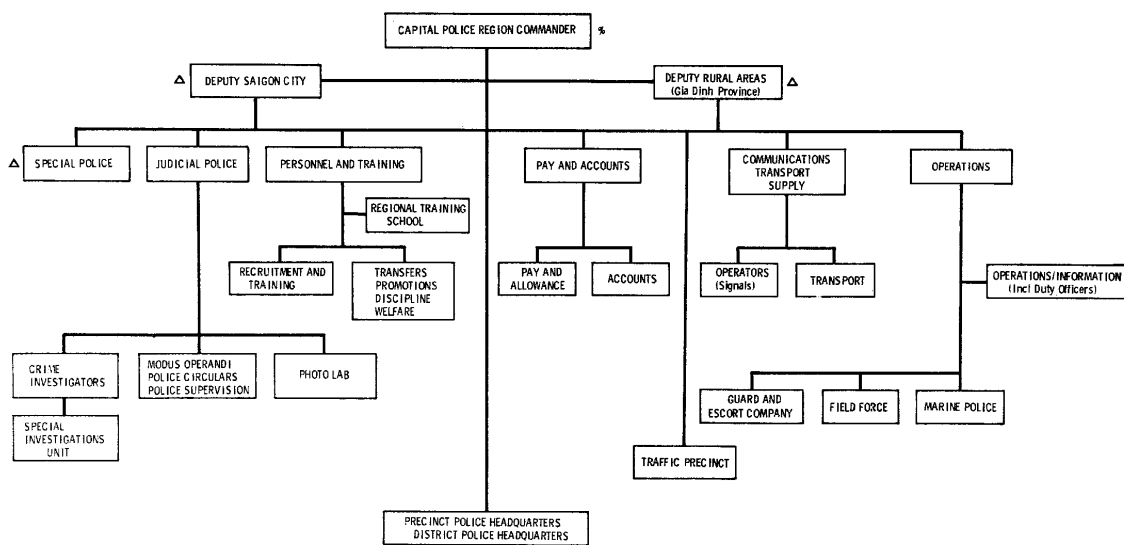
Appendix Q



- Existing City boundary
- New built-up area outside present city limit
- New city boundary at present under consideration by Government

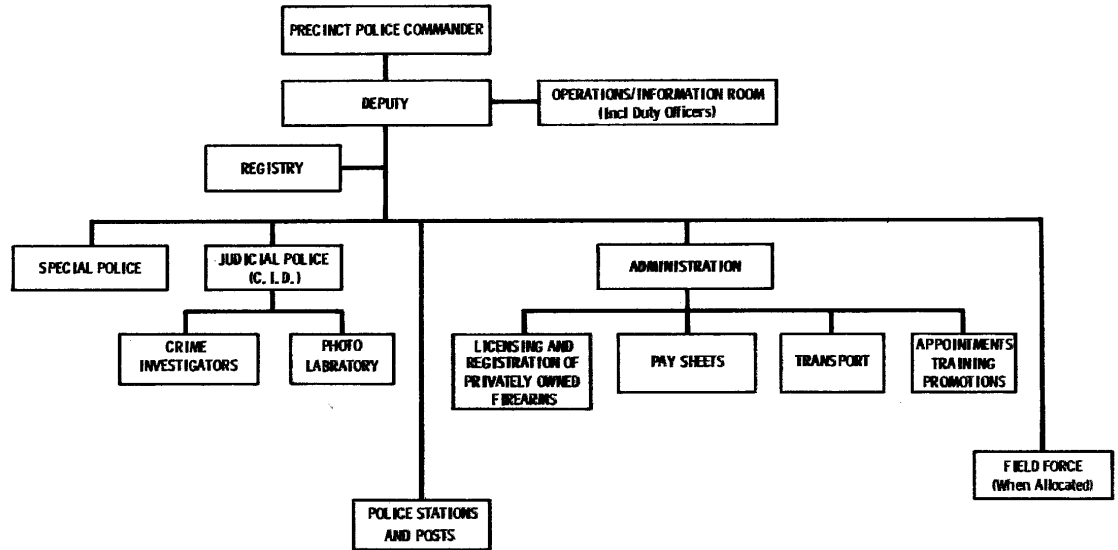
Appendix R

CAPITAL POLICE REGION HEADQUARTERS



Appendix S

CAPITAL POLICE REGION PRECINCT HEADQUARTERS



Appendix - T

REPUBLIC OF VIETNAM

DRAFT POLICE STATUTE

LAW No. _____ of _____ DATE (_____)

In view of the Constitution of the Republic of Vietnam dated April 1, 1967, and upon discussion and vote of the National Assembly,

THE PRESIDENT OF THE REPUBLIC OF VIETNAM

Hereby promulgates the National Police Statute the text of which is as follows:

CHAPTER I

GENERAL PROVISIONS

Article 1. This Law provides for the Status of the National Police of the Republic of Vietnam and defines the purpose, organization, discipline, duties, powers, rights and benefits of the National Police Force.

CHAPTER II

TITLE AND DATE OF COMING INTO FORCE

Article 2. This Law shall be called the National Police Statute and shall become effective on the date of its promulgation.

CHAPTER III

INTERPRETATIONS

Article 3. In this Law unless the context otherwise requires:

The singular shall include the plural.

"Director General", "Deputy Director General", "Assistant Director General", mean the Director General, Deputy Director General and Assistant Director General of National Police appointed in accordance with Article 8 of this Law.

"Force" means the National Police of the Republic of Vietnam established by Article 4 of this Law.

"Government" means the Government of the Republic of Vietnam.

"Management Committee" means the National Police Management Committee established by Article 21 of this Law.

"Minister" means the Minister responsible for the police.

"Unit Commander" means the police officer in command of (the National Police in any specified area or in any specified unit, as the context requires.

"Police Officer" means any member of the National Police who has taken the oath of office prescribed by Article 16 of this Law, and relates to both males and females.

"Republic" means the Republic of Vietnam.

CHAPTER IV

SECTION I: ESTABLISHMENT

Article 4. Police duties in the Republic shall be performed by a Force, to be known as the "National Police of the Republic of Vietnam", which shall consist of such numbers of police officers of the various ranks and classes created by this Law as may be authorized by the Government.

SECTION 2: EMPLOYMENT AND DUTIES OF THE FORCE.

Article 5. The Force shall be employed throughout the Republic, (including its territorial waters) for the maintenance of law and order, the preservation of the public peace, the prevention, detention and investigation of crime, the apprehension of offenders and the collection of information on matters likely to endanger internal security.

Article 6. The President may, in time of war or other emergency, employ any part of the Force to serve together with the Armed Forces in defense of the Republic; provided that any part of the Force so employed shall remain under the command of the Director General, exercised through such police officer as he may appoint.

SECTION 3: COMMAND OF THE FORCE

Article 7. The Force shall be under the command of a Director General who shall be responsible to the Minister for the control, direction, training and management of the Force.

SECTION 4: APPOINTMENT OF DIRECTOR GENERAL, DEPUTY DIRECTOR GENERAL AND ASSISTANT DIRECTOR GENERAL

Article 8. The Director General and the Deputy Director General, at least one of whom shall be a police officer, shall be both appointed by the President and Assistant Directors General shall be appointed by the Prime Minister on the advice of the Minister with the concurrence of the Director General.

The Director General may, at his discretion, delegate certain of his functions to the Deputy Director General or to an Assistant Director General, and, in the event of his absence from the Republic, his incapacity or his absence on leave, his functions may be performed by the Deputy Director General or, in the event of the Deputy Director General being for any reason unable to assume them, by an Assistant Director General authorized in written Order by the Prime Minister.

SECTION 5: TERRITORIAL ORGANIZATION OF THE FORCE

Article 9.

- (1) The Force shall be organized territorially into five levels:
 - a. The Directorate General;
 - b. Four or more regional directorates, one Saigon Metropolitan Directorate, all subordinate to the Directorate General;
 - c. A number of Provinces and Autonomous Cities, or, in the case of the Saigon Metropolitan area, a number of Precincts, subordinate to their related Directorates;
 - d. A number of NP Sub-Precincts in Saigon, a number of NP Districts in Provinces or Cities and in any locality as necessary;
 - e. A number of NP Posts in Saigon, a number of NP Stations in City Quarters or in each Village of each Province. Upon requirements, there may be a number of NP Sub-Posts or Sub-Stations in any locality as necessary.

(2) The boundaries of NP Precinct, City Province, Sub-Precinct, District, Post, Stations, Sub-Post, and Sub-Station areas shall normally conform to those of the corresponding civil administrative area.

(3) Where an emergency or other special problem makes it necessary, the Minister may by Order create police "special areas" with the status of police Province, District or Station as may seem to him to be appropriate; provided that any Regulation made under this section shall be reviewed annually and that no police special area shall remain in being for longer than is necessary to overcome the emergency or problem to meet which it was created.

SECTION 6: INTERNAL ORGANIZATION OF THE FORCE

Article 10. The internal organization of the Force shall be prescribed in an Order issued by the Minister.

SECTION 7: COMMAND OF POLICE IN RESPONSIBLE TERRITORIAL AREAS

Article 11. The command of the police in the territorial areas defined in Article 9 (1), provided that such command positions must be below that of Assistant Director General, shall be exercised by officers appointed for this purpose by the Director General.

In the case of areas or units subordinate to a Province and functional positions below that of Province Police Chief, the Director General may, by order in writing, delegate to a police officer holding a functional position of Director of NP Directorate and above, the authority to appoint the police officers by whom command of such areas or units shall be exercised. Provided that all such appointments are made in accordance with the terms of Article 23 of this Law.

SECTION 8: RELATIONSHIP BETWEEN POLICE AND CIVIL ADMINISTRATION

Article 12.

(1) It shall be the duty of every Police Unit Commander to keep the appropriate Administrative Chief informed of all matters occurring or likely to occur within his area of responsibility which may affect the peace, security or good order of the area.

(2) The Administrative Chief is responsible for the maintenance of law and order within the area of his jurisdiction and he may direct the Police Unit Commander, by written order, to take such lawful measures as he considers necessary for this purpose. Provided that the Administrative Chief may not direct the Police Unit Commander to undertake duties not provided for in this Law or Regulations made thereunder or to act in contravention of the policies, methods and procedures prescribed by the Director General.

SECTION 9: RELATIONSHIP BETWEEN POLICE AND ARMED FORCES

Article 13.

(1) Armed Forces may be requisitioned by:

The Director General of National Police,

A Regional Director,

A Provincial Police Chief,

When, within his area of Police jurisdiction, a serious breach of Public Security is apprehended or for the purpose of quelling a

serious breach of Public Security when such authorized officer is satisfied that a situation which is considered to be imminent or which has developed cannot be met by the National Police.

(2) Where Armed Forces are requisitioned in the terms of paragraph (1) above they will be in support of the civil authorities.

(3) Regulations governing the manner in which Armed Forces may be requisitioned and employed in the terms of this Article shall be prescribed by Decree of the Prime Minister.

Article 14. National Police shall have the same powers of arrest and detention over guilty personnel of the Armed Forces as they have over any other member of the public provided that within the time limit prescribed by law any member of the Armed Forces so arrested or detained shall be released or handed over to the Civil or Military Public Prosecutor having jurisdiction.

SECTION 10: MAINTENANCE OF RECORDS

Article 15.

(1) Every Police Unit Commander shall maintain records in such manner and in such form as may be prescribed by Service Letter of the Director General; in particular all complaints and offences against any Law which are reported by members of the public or by police officers and the name and Identity Card number of every person arrested or detained, the reason for such arrest or detention and the ranks and police numbers of the police officers making the arrest of or detaining such person shall be recorded.

(2) A copy of any entry made in any police record maintained in accordance with the provisions of paragraph (1) above and certified by the Police Unit Commander concerned shall, until the contrary is proved, be accepted by the Court as an accurate record; no proof of the signature of the Police Unit Commander shall be required unless the Court has reason to doubt its genuineness.

SECTION 11: OATH OF OFFICE

Article 16.

(1) Every police officer shall, on first appointment and before assuming duty, taken an oath of office, in such form and before such officer as may be prescribed by Order of the Minister, in the manner most binding on his conscience.

(2) Every police officer appointed to an office to which judicial powers have been entrusted by law shall take before a regional tribunal an oath of office in such form as prescribed by law prior to assuming duty.

SECTION 12: CERTIFICATE OF APPOINTMENT

Article 17. A certificate of appointment, in such form as may be prescribed by the Minister, signed by the Director General or other officer authorized by him, shall be issued to every police officer at the time of his first appointment to the Force and shall be proof of his Status as a police officer, vested with the powers, responsibilities and immunities provided by this Law.

SECTION 13: GENERAL OBLIGATIONS AND PRIVILEGES

Article 18. Police officers are a special type of government employees but, except where contrary to the provisions of this Law, shall be subject to the same Laws and Regulations, and shall enjoy the same rights and benefits, as are applicable to civil servants of corresponding status.

CHAPTER V

SECTION 1: RANKS

Article 19.

(1) National Police personnel shall consist of four ranks each of which will be sub-divided into a number of classes in the following order of seniority and command authority.

INTENDANTS

Principal Intendant Out of Class
Principal Intendant
Intendant Class 1
Intendant Class 2
Intendant Class 3
Intendant Class 4 (Also Probationary Intendant)

COMMISSIONERS

Commissioner Class 1
Commissioner Class 2
Commissioner Class 3
Commissioner Class 4 (Also Probationary Commissioner)

DEPUTY COMMISSIONERS

Deputy Commissioner Class 1
Deputy Commissioner Class 2
Deputy Commissioner Class 3
Deputy Commissioner Class 4 (Also Probationary Deputy Commissioner)

INSPECTORS

- Inspector Class 1
- Inspector Class 2
- Inspector Class 3
- Inspector Class 4 (Also Probationary Inspector)

(2) The salary indices to be applied to each rank and class of rank shall be prescribed by Decree of the Prime Minister.

SECTION 2: SENIORITY AND PROPORTION OF RANKS

Article 20.

(1) The ranks and classes prescribed in Article 19 (1) are arranged in order of seniority, from the highest to the lowest. Officers of higher rank command all those of lower ranks and officers within higher classes of each rank command all those in lower classes of their rank.

(2) The Director General and Deputy Director General and officers of each rank and class within each rank shall wear a separate and distinctive insignia. Insignia and dress uniform for each rank and class of rank will be prescribed by Decree of the Prime Minister.

(3) The proportion of police officers in each rank above Inspector shall be not less than:

Intendants	0.2%	of	total	Force	strength
Commissioners	2.8%	"	"	"	"
Deputy Commissioners	9.0%	"	"	"	"

SECTION 3: NATIONAL POLICE MANAGEMENT COMMITTEE

Article 21.

(1) Police officers of all ranks are placed under the management of the National Police Management Committee, which shall consist of:

The Minister (or his representative).....Chairman

The Director General (or his representative)...Deputy Chairman

The Chief of Personnel Service, Directorate General...Member

Two representatives from each rank of the Force selected by the officers of each rank respectively.....Member

In addition to being a full Member of the Management Committee, the Chief of Personnel Service shall also act as Secretary.

(2) The Management Committee shall meet whenever convened by the Chairman or at the request of the Director General; it will make all decisions by a straight majority vote and, in the event of a tied vote, the vote of the Chairman shall decide

(3) In matters relating to the discipline and promotion of individual officers only those officers of or above the rank of the officer concerned may attend management committee meetings.

SECTION 4: RECRUITMENT AND PROMOTION

Article 22. Upon the recommendation of the Management Committee, police officers will be recruited, promoted, punished or permitted to resign by Decree, Order or Decision from the following officials:

- Prime Minister Decree in respect of officers of the rank of Intendant and above,
- Minister Ministerial Order in respect of officers of the rank of Commissioner and Deputy Commissioner,
- Director General Decision in respect of officers of the rank of Inspector.

SECTION 5: ASSIGNMENT OF COMMAND POSTS

Article 23.

(1) Police officers shall be assigned to functional and command positions according to the following comparative table:

- Positions of Director General and Deputy Director General will be assigned to officers of the rank of Intendant Class 1 or above.
- Positions of Assistant Director General or equivalent will be assigned to officers of the rank of Intendant Class 2 or above.
- Positions of Chief of Service or equivalent will be assigned to officers of the rank of Intendant or above.
- Positions of Chief of Province Police or equivalent will be assigned to officers of the rank of Commissioner Class 2 or above.
- Positions of Chief of Bureau or equivalent will be assigned to officers of the rank of Deputy Commissioner Class 2 or above.

- Positions of Chief of District or equivalent will be assigned to officers of the rank of Deputy Commissioner or above.
- Positions of Chief of Station and equivalent will be assigned to officers of the rank of Inspector Class 2 or above.

(2) The Prime Minister will prescribe equivalent command and functional positions by Order.

SECTION 6: RECRUITMENT

Article 24. Individual who wish to join the Force must meet the following general requirements:

(1) Aptitude: Be of Vietnamese Nationality, possessing civil rights and of good behavior.

(2) Education, Age and Physical Condition

- a. To be appointed Intendant hold a university degree.
- b. To be appointed Commissioner hold a Baccalaureate Part 2 Certificate or equivalent, or higher.
- c. To be appointed Deputy Commissioner hold a Baccalaureate Part 1 Certificate or equivalent.
- d. To be appointed Inspector possess an educational background as completion of Elementary level.
- e. Be at least 18 and not more than 30 years of age (Applicants under 21 years must have their parents' or sponsors' approval). This age-limit may be extended by not more than 5 years for applicants holding university degree, 10 years for persons with equivalent seniority in either the civil or military service or a combination of the two, and 15 years for serving non-career officers of the Force.
- f. Be in good health as certified by a public health agency.
- g. Have a minimum height of:

Male:	1m57
Female:	1m47

h. Have a power of vision of:

5/10:	uncorrected
10/10:	with glasses

Provided that no one may be directly appointed to the rank of Intendant or Commissioner other than in a technical capacity. All other appointments within these ranks shall be reserved for serving officers.

(3) The physical conditions stipulated in (g) and (h) above may be reduced by the Minister, after consultation with the Management Committee, in the light of service and manpower needs.

(4) Professional Ability

- a. Applicants must pass an entrance examination fixed by an Order of the Minister for the rank at which they wish to enter and then graduate from a specialized training course conducted by the appropriate Police Training Center.
- b. During the training period, trainees will receive the salary of a probationary officer of the rank for which they have been recruited from which deductions shall be made by order of the Director General as a contribution towards the cost of messing and for such other benefits as they may receive.

SECTION 7: PROBATIONARY PERIOD

Article 25. Recruits will undergo a two-year probationary period, including time spent under training. Non-career police officers transferred to career status may count their previous service for a maximum reduction of one year in the period of probation.

SECTION 8: RECRUITMENT OF ALIENS

Article 26. Vietnamese of alien descent may be recruited into the Force in career status only after five years of naturalization; provided that the following persons shall be exempt from this condition:

- a. Former Vietnamese and their minor children on their re-naturalization.
- b. Aliens recently naturalized who have completed military service in compliance with current regulations.
- c. Aliens recently naturalized who are adjudged by the Minister to merit a waiver of the five year naturalization rule.

SECTION 9: RESIGNATION

Article 27. Police officers may normally request permission to resign only after five years of service. This period may be reduced for female police officers. Requests for resignation must be made in hand writing at least three months before the date on which the police officer concerned wishes to cease work. The request will be decided upon by the appropriate official, as defined in Article 22, on the advice of the Management Committee.

CHAPTER VI

SECTION 1: EVALUATION SHEETS FOR CLASS PROMOTION

Article 28. In September of each year every police officer must record all matters relating to service and family status in an Evaluation Sheet, the form and content of which will be prescribed by Order of the Minister.

Article 29. Annually, Unit Commanders shall forward the Evaluation Sheets of their subordinates to the Personnel Service of the Directorate General of National Police, through command channels together with nominal lists of:

- a. Police officers meeting seniority requirements and recommended for promotion in class.
- b. Police officers meeting seniority requirements but not recommended for promotion in class. In each case the reason for not recommending promotion, and any statement the police officer concerned wishes to make after having been notified of this reason will be attached.
- c. Police officers not meeting seniority requirements for promotion in class.

SECTION 2: REVIEW FOR CLASS PROMOTION

Article 30. In December of each year, the Personnel Service of the Directorate General will gather complete promotion dossiers of all police officers to submit to the Management Committee for review and consideration. Decisions of the Management Committee shall be issued in the forms of minutes, over the signatures of all authorized committee members, and shall be transmitted to the appropriate official prescribed in Article 22 above for promulgation of the necessary Order or Decision.

SECTION 3: PREVIOUS SENIORITY

Article 31. Previous seniority in military service and time served in unhealthy or dangerous areas may be added to police seniority for class promotion in accordance with the provisions of the current laws governing the status of civil servants.

SECTION 4: CLASS PROMOTION

Article 32.

(1) Officers who have completed two years of service in the top step of their class will be considered for class promotion provided that they have been recommended by their direct commander and have no punishments recorded against them for two years.

(2) Class promotion will be based solely on merit which will include spirit in service performance and academic qualifications.

SECTION 5: STEP INCREASE

Article 33.

(1) Police officers will be advanced automatically to the next higher step within their class after completing two years of service on their present step, provided that they have not been awarded a major punishment or two recorded minor punishments during that period.

(2) A police officer whose step increase is stopped in accordance with paragraph 1 above shall be awarded the step increase after two years from the date of the award of the last recorded punishment.

SECTION 6: POLICE OFFICERS NOT RECOMMENDED FOR PROMOTION

Article 34. The dossier of an officer not recommended for class promotion on three consecutive occasions will be forwarded to the Management Committee for review. In these circumstances, the officer concerned has the right to appear in person before the Management Committee to present his case prior to any decision being taken.

SECTION 7: RANK PROMOTION

Article 35.

(1) Rank promotion, as necessary to fill vacancies, shall be made by examination of eligible serving police officers followed by graduation from a course of training.

(2) Only when the Management Committee is satisfied that there are no serving police officers eligible and suitable for rank promotion will vacancies be filled by direct entry.

SECTION 8: EXAMINATION FOR RANK PROMOTION

Article 36.

(1) Save as provided in Article 39, eligibility for attendance at an examination for rank promotion is reserved for officers with at least four years service in their present rank who have not less than three years service to complete before reaching retirement age.

(2) A police officer who fails at his first or any subsequent attempt to pass the examination for promotion to a higher rank shall wait two years before becoming eligible to make a further attempt.

(3) Details concerning examinations for rank promotion shall be prescribed by Decree of the Prime Minister or Order of the Minister, as appropriate to the rank for which they are intended.

SECTION 9: COURSES FOR RANK PROMOTION

Article 37.

(1) Police officers who are successful in the examination for rank promotion will be accepted for the appropriate training course and, on graduation, shall be promoted to the next higher rank.

(2) A police officer who fails, other than for disciplinary reasons, to graduate from a training course for rank promotion, may be allowed to re-enter for the qualifying examination and attend a second course after a period of three years.

SECTION 10: SALARY INDEX UPON RANK PROMOTION

Article 38. Upon promotion an officer shall be placed on the step of the new rank which carries the same salary index or, if there is no such step, at the step which carries the salary index closest to but higher than that which he held in his previous rank.

SECTION 11: EXEMPTION FROM SENIORITY REQUIREMENT FOR EXAMINATION

Article 39. Police officers of the following ranks holding the diploma or certificate shown will be exempted from the seniority requirement for promotion examination:

- Inspectors Class 3 or above holding Baccalaureate 1 or an equivalent diploma;
- Deputy Commissioner Class 3 or above holding full Baccalaureate or an equivalent diploma;
- Commissioners Class 3 or above holding Bachelor Degree or an equivalent diploma.

SECTION 12: MEDALS-COMMENDATIONS

Article 40.

(1) Medals, commendation letters and merit citations may be awarded to police officers who display exceptional merit. In case of death in action, and dependent upon the merit of the individual, a special class or rank promotion may be granted posthumously.

(2) Benefits on the different types of awards which may be granted, the officials who may make awards and the circumstances in which they may be made will be prescribed by Decree of the Prime Minister.

CHAPTER VII

SECTION 1: SALARIES

Article 41. Police salaries consist of:

- a. Basic salary, calculated upon the salary indices authorized under the provisions of Article 19(2);
- b. Common allowances for civil servants, provided in Article 18;
- c. Functional allowances: the positions for which this allowance shall be paid shall be prescribed by Decree of the Prime Minister;
- d. Special allowances reserved for police officers as authorized by Articles 42, 43, 44 and 45 of this Law.

SECTION 2: SPECIAL ALLOWANCES RESERVED FOR POLICE OFFICERS

Article 42. Risk Allowance: Shall be paid monthly to serving police officers.

Article 43. Housing Allowance:

(1) Married police officers shall be provided with suitable family accommodation and bachelor police officers shall be provided with suitable bachelor accommodation at their assigned location or shall be paid a monthly housing Allowance in lieu.

(2) Where both husband and wife are police officers and are serving in the same location, only one of them, at their choice, shall be entitled to accommodation or Housing Allowance in lieu.

(3) A police officer who for any reason refuses to occupy accommodation allocated to him shall forfeit all entitlement to Housing Allowance while assigned to that location.

Article 44. Uniform Allowance:

(1) Police officers shall be issued with free uniform and personal equipment. If for any reason it is not possible to provide, in whole or in part this free issue during any given year, a Uniform Allowance or a proportion thereof shall be paid in lieu for that year only.

(2) The pattern and scale of issue of uniform and personal equipment provided for police officers shall be prescribed by Order of the Minister.

Article 45. Technical and Specialist Allowance: Police officers of and below the rank of Deputy Commissioner who have graduated from an approved course of technical or specialist training shall be paid a monthly Technical Allowance for as long as they remain assigned to the technical or specialist duty for which such training qualifies them.

Article 46. The amount of the allowances authorized by Articles 42, 43, 44 and 45, the circumstances in which and the method by which such allowances shall be paid shall be prescribed by Order of the Minister.

CHAPTER VIII

SECTION 1: DISCIPLINE

Article 47. Loyalty and Obedience: Police officers must be loyal to the Government, uphold and safeguard the Constitution and enforce National and local laws and regulations. They must also promptly and strictly obey the orders of their superior officers provided that these orders are not in abuse or excess of the powers, or outside the responsibilities of the Force, as prescribed by Law.

Article 48. Responsibility for Maintenance of Discipline: The Director General shall be responsible for the discipline of the Force and shall have the authority to issue specific instructions for the maintenance of

discipline. Police officers holding command or supervisory positions at any level are responsible for the discipline of their subordinates and for enforcing the instructions of the Director General.

Article 49. Offences: A police officer who commits any of the following offences shall be punished by one of the disciplinary measures provided in Article 50:

- a. Cowardice in the performance of duty;
- b. Insubordination;
- c. Disobedience or neglect of police regulations or any police orders, whether written or verbal;
- d. Sleeping on duty;
- e. Absence from duty without leave or good cause;
- f. Being unfit for duty through intoxication from drink or drugs;
- g. Malingering;
- h. In the course of duty making a statement which is false in a material particular;
- i. Wilful or negligent destruction, damage or loss of government property;
- j. Unlawful, excessive or unnecessary use of police authority;
- k. Conduct to the prejudice of good order and discipline or which is likely to bring the Force or the public service into disrepute.

Article 50. Punishments:

(1) Any police officer who violates Articles 47, 48, and 49 shall be subject to one of the following punishments:

- a. Warning without record in personnel file.
- b. Reprimand with record in personnel file.
- c. Confinement in barrack for 1 to 30 days.
- d. Delay in promotion.

- e. Downgrading one or two salary steps.
- f. Suspension from duty for 1 to 60 days without pay.
- g. Dismissal.

(2) The table at Appendix 1 of this Law provides for higher police officers the authority to order punishments, the ranks of the officers against whom they may order punishments, and prescribes the maximum punishment which they may order; no punishment order other than those listed in paragraph (1) above may be imposed upon a police officer for a disciplinary offence.

(3) The power to dismiss from the Force Police officers of any rank is reserved to the officials empowered to appoint to that rank.

Article 51. Appeal against Punishment: Police officers have a right of appeal against punishment in accordance with procedures fixed by the Director General.

SECTION 2: REMOVAL OF PUNISHMENT RECORD FROM PERSONAL FILE

Article 52.

(1) Warning, reprimand and confinement in barrack are minor punishments and do not of themselves affect promotion; after a period of two years of clean conduct they will automatically be removed from the record.

(2) The remaining punishments are major and are a bar to promotion. A police officer may request that a record of a major punishment be removed from his personal file and that he be restored to the promotion list if he:

- a. Has completed two years of clean conduct from the date of the original offence and thereafter receives official recognition of meritorious service or outstanding achievement, or
- b. Has completed six years of clean conduct from the date of the original offence.

(3) A request by a police officer for the removal of a record of a major punishment shall be decided by the Director General, on the advice of the Management Committee.

CHAPTER IX

SECTION 1: RESPONSIBILITIES OF POLICE OFFICERS

Article 53.

(1) Police officers are responsible for:

- a. Protecting lives and property of the citizens;
- b. Maintaining order and security;
- c. Assisting administrative and judicial authorities in the enforcement of laws and regulations and in search, investigation and arrest of offenders;
- d. Collecting, collating and communicating intelligence on matters likely to endanger the internal security of the Republic;
- e. Controlling traffic, preventing obstructions of any kind and keeping order on public roads and in other public places;
- f. Cooperating with other states and international organizations with which the Republic of Vietnam has policing agreements.

(2) Whether on or off duty, police officers must at all times be ready to carry out these responsibilities and for this purpose may be assigned for duty at any time anywhere within the Republic of Vietnam.

SECTION 2: RIGHT TO USE FIREARMS

Article 54.

(1) Individual firearms are provided to police officers for use in carrying out their responsibilities. A permit shall be issued by the Director General or any police officer to whom he delegates this power authorizing the police officer to whom it is issued to carry a firearm. But this permit shall not exempt a police officer from licensing requirements in respect of any private firearm in his possession.

(2) Any police officer may use arms against:

- a. Any person in lawful custody when such person is escaping or attempting to escape where such police officer has reasonable grounds to believe that he

cannot otherwise prevent the escape and has given an oral warning to such person that he is about to use such arms against him and such warning is unheeded;

b. Any person who:

- By force, rescues or attempts to rescue any other person from lawful custody; or
- By force, prevents or attempts to prevent the lawful arrest of himself or any other person.

Where such police officer has reasonable ground to believe that he or any other person is in danger of grievous bodily harm and that he cannot otherwise effect such arrest or prevent such rescue.

(3) In the event of police action in any of the circumstances in paragraph (2) above, accidental injury caused to a third person will be a civil charge against the Government and all compensation payable to the victim will be met from the National Budget.

SECTION 3: POWER TO ERECT ROAD BARRIERS

Article 55.

(1) Any Unit Commander of NP Directorates, Precincts, Provinces, Cities, Sub-Precincts, Districts, Posts and Stations may for the maintenance of law and order or for the prevention or detection of crime or for the apprehension of offenders, cause barriers to be erected across any road or other public place.

(2) Any National Police officer in uniform may take reasonable steps to prevent any person or vehicle from passing such barrier and any person who fails to comply with any reasonable signal of such police officer requiring him to stop before reaching such barrier shall be sentenced to from eleven days to six months imprisonment or to a fine of from \$250 to \$5,000.

(3) National Police officers shall not be liable for any loss, injury or damage caused to any person or property resulting from any attempt to pass such barrier in disregard of police signals.

SECTION 4: POWER TO ARREST WITHOUT A COURT ORDER

Article 56. Any police officer of or above the rank of Deputy Commissioner is empowered to arrest without a warrant:

- a. Any person whom he suspects upon reasonable grounds of having committed a felony or misdemeanour;

- b. Any person who obstructs a police officer while in the execution of his duty, or who has escaped from lawful custody;
- c. Any person in whose possession anything is found which may reasonably be suspected to be stolen property or who may reasonably be suspected of having committed a felony or misdemeanour with reference to such thing;
- d. Any person whom he suspects on reasonable grounds of being a deserter from the Armed Forces of Vietnam;
- e. Any person whom he finds in any public road or other place during the night and whom he suspects upon reasonable grounds of having committed or being about to commit a felony or misdemeanour;
- f. Any person having in his possession without lawful excuse any firearm or offensive weapon or any implement of housebreaking;
- g. Any person for whom he has reasonable grounds to believe to be the subject of a warrant of arrest, or a court order of restricted residence and police supervision with any of the provisions of which he is failing to comply.

SECTION 5: POWER TO STOP, SEARCH AND APPREHEND PERSONS, VEHICLES AND VESSELS

Article 57.

(1) While carrying out their responsibility for the maintenance of public order and security any police officer in uniform is empowered to:

- a. Stop and check the papers of suspect persons or of those in possession of something or doing something which requires a permit as prescribed by law.
- b. Arrest, without court order required, persons who are not in possession of identification papers or who possess improper identification papers, except when such persons are guaranteed by two reliable persons and on the condition that they shall report themselves on receipt of a Court order or a Police requisition letter requiring them to do so.

- c. Temporarily detain on the spot for search, without Court order required, persons, vehicles and vessels suspected of an illegal action; provided that, if no illegal act is revealed, such temporary detention shall not last longer than is reasonably necessary for check, search and interrogation.
- d. Any person who fails to obey a reasonable signal, order or request made under paragraph (1) above shall be sentenced to imprisonment from from 11 days to 3 months or to a fine of from \$250 to \$5,000.

(2) Vehicles or vessels reasonably suspected of having been used for illegal purposes shall be moved to the nearest police station for custody pending a fuller investigation. Such custody shall not exceed forty-eight hours; thereafter the case must be submitted to the Court for decision.

SECTION 6: POWER TO SEARCH WITHOUT A WARRANT

Article 58.

(1) In addition to carrying out Court orders any police officer of or above the rank of Deputy Commissioner may, with the consent of the householder or owner, search buildings under the following circumstances:

- a. To pursue and arrest offenders seen to enter, or whom there are reasonable grounds to believe have entered and are still within the building and to seize for use as material evidence in Court, anything in the possession of or left by an offender.
- b. When there are reasonable grounds to suspect that there are traces or material evidence left by an offender in the building which, if not seized immediately, may be subject to destruction or removal.

(2) In either of the cases mentioned in paragraph (1) above, if for any reason the consent of the householder or owner cannot be obtained, police officers may still enter and search provided that they do so in the presence of two voluntary witnesses and, if there is no other reasonable way by which they may achieve their lawful purpose, may use such minimum force on persons or property as may be necessary to obtain entry and to effect search.

(3) For the purpose of emergency pursuit of offenders or of approach to the scene of a crime, police officers may demand the opening of any door or gate and the removal of any other obstacle

to their progress and, if such demand is refused or not complied with in reasonable time, may use such minimum force as is necessary to obtain passage.

(4) In every case where the powers provided by this Article are used, an immediate police report must be made and signed by all persons concerned and sent to the public prosecutor having jurisdiction in the area.

SECTION 7: POWER TO CONTROL PUBLIC MEETINGS AND ASSEMBLIES

Article 59.

(1) The Police Unit Commander of a Province, Precinct or City, shall consider all requests for meetings or ceremonies, with or without procession, for which a permit is required and advise the Administrative authorities whether or not such requests should be approved with adduction of good reasons.

(2) Police officers are empowered to order any unauthorized procession or meeting to stop and disperse and to arrest, without Court order required, any person who does not promptly obey such order.

(3) Police officers are empowered to order any authorized procession or meeting which is in violation of any conditions imposed by the administrative authority or when fresh facts make it appear that such gathering will endanger security, to stop and disperse and to arrest, without Court order, any person who does not promptly obey such order and who is responsible for any such violation.

(4) Any person who fails to comply with an order made under paragraphs 2 or 3 of this Article 59 shall be sentenced to imprisonment for from 11 days to 3 months or a fine of from \$350 to \$5,000.

SECTION 8: POWER TO FORBID DISPLAY OF FLAGS, SLOGANS AND POSTERS

Article 60.

(1) With the concurrence of the Administrative authority the Police Unit Commander is empowered to forbid the display within his area of jurisdiction of any type of flag, slogan, poster or other device which may intentionally or otherwise excite the public against the Government or lawful authority, endanger the security of the Republic or cause public disorder and any police officer may, without a Court order, arrest any person who continues to display such flag, slogan or poster or other device and seize the material evidence for production before the Court.

(2) Any person who fails to obey the police order made under paragraph (1) of this article 60 shall be sentenced to from 11 days to 3 months imprisonment or to a fine of from \$250 to \$5,000.

SECTION 9: POWER TO TAKE FINGERPRINTS

Article 61. Police officers are empowered to require persons lawfully in police custody or subject to restricted residence to submit to the taking of their fingerprints, footprints or photograph as may be necessary for identification or investigation and, if any person refuses to submit, to use such minimum force as may be necessary to achieve the purpose.

SECTION 10: POWER TO CALL WITNESSES

Article 62.

(1) A police officer of or above the rank of Deputy Commissioner may verbally or by letter require any person who he has reason to believe has information which will assist him in investigation to attend before him at any police station in the locality in which such person resides or for the time being is.

(2) Any person who without reasonable excuse fails to comply with a requisition to present himself to a police station shall be sentenced to a contravention penalty.

SECTION 11: UNCLAIMED PROPERTY

Article 63.

(1) Police officers are empowered and required to take possession of all unclaimed property found by or handed to them and to deposit such property at the police station having jurisdiction over the area; on each occasion that a police officer takes possession of any unclaimed property, he shall make an immediate report, countersigned by one or more witnesses, of the circumstances of the case.

(2) The Unit Commander of every police station shall maintain a register of all unclaimed property deposited with him for safe custody and shall cause a notice of such property to be prominently displayed outside the police station; any property not claimed by its owner after a period of three months shall be reported to the competent Court with a request for a decision.

(3) Unclaimed property of a perishable nature shall be made the subject of a report to the Court of competent jurisdiction within the area for a decision.

CHAPTER X

SECTION 1: OBLIGATIONS OF POLICE OFFICERS

Article 64. Restriction on Commercial, Business or Trade Activities:

(1) No police officer or his wife or minor child shall engage in any activity of a commercial business or trade nature the object of which is to obtain or undertake Government contracts or services or to obtain for a third person any Government permit, license or other official document.

(2) Whenever a police officer or his wife wishes to engage in any commercial, business or trade activity, he shall first obtain the permission of the Director General or an officer authorized by him; such permission shall not be refused unless the Director General or officer authorized by him is satisfied that the proposed activity falls within the scope of paragraph (1) of this Article 64 or is otherwise detrimental to the efficiency of the police officer concerned or to the reputation and good name of the Force.

Article 65. Prohibition of Political Activities:

(1) Police officers are prohibited from holding office or taking active part in the conduct or management of, or speaking or canvassing on behalf of, any federation, association or party the object of which is political.

(2) Within thirty days from the date of promulgation of this Law, police officers holding office in or taking part in the conduct or management of any federation, association or party engaged in political activities shall resign from such office and cease to take any part in the conduct or management thereof; any police officer who, after this period of thirty days, continues to hold office in, assist in the conduct or management of, or speaks or canvasses on behalf of, any federation, association or party engaged in political activities, shall be in violation of Force discipline.

Article 66. Prohibition of Membership of Trade Unions:

(1) Police officers are prohibited from becoming or remaining members of any Trade Union or any other organization other than a Police Society established in accordance with Article 73 of this Law, the purpose of which is to influence the pay or conditions of service of police officers or of any other group of individuals.

(2) Within thirty days of the promulgation of this Law, any police officer who remains a member of a Trade Union or other body prescribed in paragraph (1) above shall be in violation of police discipline.

Article 67. Prohibition of Strikes: Police officers are forbidden to go on strike for any purpose whatsoever.

Article 68. Property Declaration:

(1) Every police officer shall, upon first recruitment to the Force, make a written declaration of all property or other assets possessed or co-possessed by him or his wife and minor children of a value of VN\$100,000 or more.

(2) Thereafter, every police officer shall submit a supplementary declaration whenever there is a change in his assets of VN\$100,000 or more.

Article 69. Presumption of Corruption Activity:

(1) Police officers publicly conducting their lives obviously in excess of the salary and allowances enjoyed by them shall, unless they can show justification for their additional income, be presumed to be engaged in corrupt activities.

(2) A police officer shall be presumed, until such time as the origin of such property or other asset can be justified, to be engaged in corrupt activities when he, his wife or minor child is found possessing, co-possessing or signing for the possession of any property or other asset to a value of more than VN\$100,000 which has not been declared in the original and supplementary declaration.

SECTION 2: PRIVILEGES OF POLICE OFFICERS

Article 70. Protection against Court Action when Acting on Lawful Orders:

(1) A police officer executing in accordance with lawful procedure any order of sentence, Court summons or any other written order by a competent government official shall not be held responsible for the result of such action but shall be regarded as a witness.

(2) Where an order of sentence, Court summons or other written order is proved to be forged or unlawfully signed, a police officer executing or acting upon it shall still not be held responsible for the result if there is reasonable evidence to show that he acted upon such order in good faith.

(3) When detained for investigation, police officers will be confined in a separate section of each jail.

Article 71. Protection of Salary and Allowances: No deduction may be made from the salary and allowances of any police officer in settlement

of a private debt or for any other reason except in accordance with a proper Court order or with the written consent of the police officer concerned.

Article 72. Military Service:

(1) Except in the case of general mobilization, a police officer is exempted from his obligation for military service for as long as he remains on active duty or upon completion of five years service in the Force.

(2) In the case of general mobilization a serving police officer who has completed not less than two years service, including period under training, shall be exempt from military service for as long as he remains on active duty in the Force; any police officer who, for any reason other than discharge on medical grounds, leaves the Force during a period of general mobilization, shall immediately become liable to complete his full military obligation.

Article 73. Police Societies:

(1) In order to give police officers the opportunity to study all matters related to the conditions of their service and employment and the effectiveness of the methods and procedures used in police work, and present to the Government any changes or improvements which seem to them to be necessary or aspirations, one or more Police Societies may be created.

(2) A police society may cover one rank or a combination of several ranks, but membership shall be confined to police officers; the society shall be completely independent and shall not be associated in any way with any federation, organization or individual outside the Force and should not be considered as a trade union.

(4) A police society may not engage in any form of political activity, neither may it interest itself in the appointment, promotion, transfer, discipline or dismissal of any individual police officer unless such action involves a matter of general principle affecting other police officers; the organization, procedure and operation of police societies shall be prescribed by an Order of the Minister.

CHAPTER XI

SECTION 1: MISCELLANEOUS AND TRANSITIVE PROVISIONS

Article 74. Conversion to New Ranks: Career and non-career police officers in the Force at the date of promulgation of this Law shall be converted from their present rank and status to the new ranks provided in Article 19 in accordance with a Decree of the Prime Minister.

Article 75. Attached and Detached Personnel:

(1) Civil servants and military personnel attached for service in the Force shall assume the obligations, and may enjoy the full rights and privileges, provided by this Law except that, in the case of promotion, they will continue to be governed by the regulations of their parent branch; save as provided in paragraph (3) of this Article 75, periods of attachment may not exceed two years.

(2) If required in the interest of the public service, police officers may be detached to serve with other government agencies. During such detachment police officers shall enjoy either the full rights and privileges provided by this Law or the full rights and privileges of the agency to which they are detached, whichever are the more beneficial to them, except that, in the case of promotion, they will continue to be governed by the provisions of this Law; save as provided in paragraph (3) below, periods of detachment may not exceed two years.

(3) When, on completion of a period of two years attachment or detachment the Force or the other Government agency, as the case may be, wishes to retain the services of the officer concerned for a further period, it shall first obtain the written consent of the officer himself before seeking the agreement of the parent agency for the continuation of such attachment or detachment; during any period of attachment or detachment exceeding two years, the officer concerned shall, except in the case of promotion, enjoy the rights and privileges of the agency with which he is employed.

Article 76. Branch Transfer:

(1) Civil servants and military personnel attached for service in the Force at the date of promulgation of this Law and who have been so attached for a period of not less than three years, shall have the right to request permanent transfer to the Force in the ranks provided in Particle 19 appropriate to their status and seniority.

(2) Requests made in accordance with paragraph (1) of this Article 76 shall be the subject of a recommendation to the Prime Minister by the Director General, having considered the advice of the Management committee; the detailed procedure for such transfers shall be prescribed in a subsidiary text by the Prime Minister.

Article 77. Additional Responsibilities, Powers, Rights and Benefits:
The responsibilities, powers, rights and benefits conferred on a police officer by this Law shall be in addition to and not in derogation of any other responsibilities, powers, rights and benefits conferred on such police officer by any other Law.

Article 78. Regulations and Orders: As appropriate to each level, the Prime Minister, the Minister and the Director General are empowered to issue whatever Decree, Ministerial Orders and instructions are necessary to implement, complement or apply this Law.

FINAL CHAPTER

Article 79. Any provisions of current laws and regulations contrary to those of this Law no longer apply to the National Police.

Article 80. The Prime Minister and the Minister are charged, within their area of responsibility, with the execution of this Law.

This Law will be published in the Official Gazette of the Republic of Vietnam.

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TABLE OF DISCIPLINARY PUNISHMENTS

Committee of Officials having authority to order or propose punishments	Rank of punishable Officers	Punishments from the minimum to the maximum	Committee or Officials having authority to decide
Management Committee	<ul style="list-style-type: none"> -Principal Intendant -Intendant 	<ul style="list-style-type: none"> -Warning -Reprimand with record -Delay in promotion or removal of name from the nominal list for promotion (not exceeding 2 years) -Downgrading 1 or 2 salary steps -Suspension of duty -Proposal for dismissal to the Prime Minister 	<ul style="list-style-type: none"> -President -Prime Minister
	Commissioner	<ul style="list-style-type: none"> -Warning -Reprimand with record -Delay in promotion (not exceeding 2 years) -Downgrading 1 or 2 salary steps -Suspension of duty -Dismissal 	<ul style="list-style-type: none"> -Prime Minister
	Deputy Commissioner	<ul style="list-style-type: none"> -Warning -Reprimand with record -Confinement in barrack not exceeding 30 days -Downgrading 1 or 2 salary steps -Suspension of duty -Dismissal 	<ul style="list-style-type: none"> -Prime Minister

Director General	-Intendant -Commissioner	-Warning -Reprimand with record -Delay in promotion (not exceeding 1 year)	Management Committee
	Deputy Commissioner	-Warning -Reprimand with record -Confinement in barrack not exceeding 20 days -Delay in promotion (not exceeding 2 years)	Management Committee
	Inspector	-Warning -Reprimand with record -Confinement in barrack not exceeding 30 days -Delay in promotion (not exceeding 2 years) -Downgrading 1 or 2 salary steps -Suspension from duty not exceeding 60 days without pay -Dismissal	Management Committee
-Deputy DG -Assistant DG -Regional Director -Rector of NP Academy -Director of Police Training Center	-Intendant -Commissioner	-Warning -Reprimand with record	Director General
	Deputy Commissioner	-Warning -Reprimand with record -Confinement in barrack not exceeding 10 days	Director General
	Inspector	-Warning -Reprimand with record -Confinement in barrack not exceeding 15 days	Director General

<ul style="list-style-type: none"> -Chief of Service -Chief of Precinct, Province and City Police -Deputy Rector -Deputy Director of the SMPD -Intendant 	Deputy Chief of Precinct, Province and City Police	<ul style="list-style-type: none"> -Warning -Reprimand with record 	Deputy DG or Assistant DG
	Deputy Commissioner	<ul style="list-style-type: none"> -Warning -Reprimand with record -Confinement in barrack not exceeding 7 days 	Deputy DG or Assistant DG
	Inspector	<ul style="list-style-type: none"> -Warning -Reprimand with record -Confinement in barrack not exceeding 10 days 	Deputy DG or Assistant DG
<ul style="list-style-type: none"> -Deputy Chief of Precinct, Province & City Police -Chief of Bureau DGNP and Regions -Equivalents -Commissioner 	Deputy Commissioner	<ul style="list-style-type: none"> -Warning -Confinement in barrack not exceeding 6 days 	Intendant commanding a unit or Service
	Inspector	<ul style="list-style-type: none"> -Warning -Confinement in barrack not exceeding 8 days 	
<ul style="list-style-type: none"> -Chief of Bureau Province or Training Center -Chief of Sub-Precinct and District Police -Chief of NP Post and Station and Equivalents -Deputy Commissioner commanding a unit. 	Inspector	<ul style="list-style-type: none"> -Warning -Confinement in barrack not exceeding 5 days 	Intendant or Commissioner commanding a unit

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