

A Study on the new autonomous police system in Korea

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I. Introduction

Among several of the law enforcement agencies, the police organization is working most closely with citizens in daily life, therefore, the change of police system can significantly affect citizens' ordinary life. Because police is power oriented organization, most of the citizens and civilian or governmental organizations take interest in the direction of the police system alternation. Due to the fact that the Korean police system has been established as a national system since 1945, there arose some atmosphere requesting that decentralized police management should be established to satisfy the interests of residents and real democratic accomplishments during those days.

In 1995, the Korean government decided to get an election with respect to the autonomous government for multi democratic accomplishments and to the actual guarantee of citizen's basic rights. Prior to the election of the autonomous government, disputes of an autonomous police system have been discussed within Korean society continuously. The core of argument regarding autonomous police system is about merits and demerits when this system is adapted. According to the view of a sight, there seems to be a different interpretation. One of the important reasons to adapt autonomous government system is to ensure the security of residents in welfare aspect.

The autonomous police system has been discussed during the presidential election for one of the promises to the public for a decade along with the issue of the investigation actualization.

Ryo Mu Hyen government's committee of government innovation autonomous

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system examined the possibility of every kind of topics including autonomous police system. In Jan. 2004, the committee set up the Task Force to examine autonomous police system; TF consists of 10 members, police officers, professors, governmental officers. They visited some European countries including Spain, France and studied and discussed police system to find a desirable autonomous police system. They have exchanged opinions with Korean National Police Agency frequently to narrow down the different point of views between the committee and KNP. At last the committee disclosed the final autonomous police system plan in September 2004. According to the plan, the new autonomous police system will be put into effect by the end of 2005 temporarily and to the full scale by the end of 2006. As soon as they made the new announcement, Korean Government was dedicated to endeavors for publicity activity holding seminars for new autonomous police system with the explanation of the basic direction for the principal of law making and substantial material.

With all those endeavors by government, there still remains some doubt whether new autonomous police system adapted by the government is the effective and desirable choice for the provincial residents or it is just a hasty political decision to satisfy the majority for presidential election. There is only trivial difference between the current provincial law enforcement by autonomous government and the new system. The central government decided that the basic unit adapting new autonomous police system be limited only to a city, county and township. They concluded to make an autonomous police system at the metropolitan and provincial government level. And they eliminated the investigation right of general criminal behavior from the new autonomous police system. They have combined the administrative police function in city, county and township and granted to take the similar national police officer's uniform. In this study, it will examine the problems and adaptability of new autonomous police system adapted by the committee of government innovation autonomous system and Je-Ju province's case..

II. Theoretical background of autonomous police system

1. Previous discussion prior to the present government

a. Assurance of political neutralization and democracy of police

To secure the political neutralization and democracy¹⁾ of police, the introduction of autonomous police system was continuously discussed since 1945. But authority decided to maintain with current national police system for the efficiency whenever they discussed the police system.²⁾

b. Perfect completion of local self-governing realization

Autonomous police system has been discussed to complete local self-governing and a public service of police since operating local self-governing system.

c. Discussion within police

Korean National Police authority has studied autonomous police system independently since 1970s. From March 1998, Police system improvement planning group(PSIPG) was established to compare other countries police system and they decided the autonomous police system introduction proposal in Aug. 1999. But it was postponed due to in terms of immature atmosphere including investigation conflict with prosecutor's office.

d. Previous Overview

According to previous discussion, they prefer to political neutralization and efficiency rather than police response and democracy. Therefore most proposals disclosed the system which consist of the foundation of police commission and elimination of President's intervention in autonomous police, wide area

1) Democracy of police means police activity should done for people.

2) When Korean Government was established, there was discussion for police system between U.S and civil government in 1948.

self-governing body unit execution and self-governing body participation. It was common opinion that autonomous police system belongs to Prime minister's office with policy decision unit controlled by police commission and execution unit level is wide area self governing group. Province police agency and police office chief's personnel affairs lies in police commission and chief of KNP(Lee Jong Bae, 2005 : 13-14).

2. Necessity and general direction for the introduction of new autonomous police system

The necessity for the introduction of new autonomous police system was presented as 4 directions. First, accomplishment of perfect local self-governing through enhancement of comprehensive administration. Second, establishment of autonomous police's friendly image to community residents. Third, customized service for community resident's opinion and regional characteristics. Fourth, Improvement of community security condition and national security capacity. The following doctrine is general direction of new autonomous police system. They emphasized the resident's life condition. As mentioned earlier, according to previous discussion of autonomous police system, the execution unit level of autonomous police system was fulfilled on a municipal, province police authority, but they thought this level is not proper to supply desirable security service to community. Therefore new autonomous police system adapted basic self-governing body as execution unit level of autonomous police system. They insisted it came from the principal of supplement(Lee, Hwang Woo, 2001 : 20) and democracy spirit of resident participation, control, responsibility(Lee, Hwang Woo, 2001 : 23).

3. Basic principles and direction of bill enactment by law

Under new autonomous police system, new law for autonomous police organization, personnel, operation will be made, there is no change the law which relates with the police of existing. The main material is as follows; For the autonomous police for guaranteed resident's participation, it is possible to reflect of resident's opinion as to the constitution and abolition of autonomous police organization. To prevent self governing community chief's own control will to

operate autonomous police, the organization, for control and advice of resident to autonomous police operating, will be made. The function between autonomous police and national police is divided two parts. National police charges investigation, demonstration control, VIP escort, security, intelligence affairs, and autonomous police's business territory is health, hygiene, environment and forest affairs. To past, public officers who worked at local self-governing group can not investigate these affairs, except that they could notify to KNP. Specific limit of role scope will be decided by agreement between chief of regional KNP authority and chief of local self-governing group. Basically, the costs for autonomous police system operating responsible for local self-governing group. Prior to full execution, it will be enforced at some jurisdictions partially.

4. The Study on the other countries' autonomous police system for new proposal

Government renovation decentralization commission(GRDC) has been studied 6 countries autonomous police system for new proposal. Among these, Spanish model was recommended mainly rather than other countries.³⁾

a. Spain

Spain has two dimensional police systems which are divided into national police and autonomous police. National police lies under Home office's chain of command. In ordinary times, when autonomous police needs national police's help during law enforcement, it is possible to request their assistance. But under the situation which needs cooperation between national police and autonomous police, the national police authority has the right to command all of police affairs. Autonomous police is consist of autonomous state police and local self-governing group(municipal, county etc.)police. There are various autonomous police patterns and autonomous state and local self-governing group has right to retain police strength. Autonomous police is controlled by chief of local self-governing group. Their main mission and function are to execute law enforcement, to maintain road security, crime prevention. But among 17 states, only 3 states have autonomous

3) KNP has studied many countries police system for developing autonomous police in Korea, but this is the first time they interest in Spanish police system .

police systems. States and local self-governing group which didn't have autonomous police system depends on national police.

b. France

France has autonomous police system and national police system independently. National police divided two kinds of police system. In jurisdiction which over 20,000 population, National police is responsible for community security. In jurisdiction which under 20,000 population, Gendarmerie(military police) is responsible for community security. The level of autonomous police establishment is commune of basic local self-governing group. Basic local autonomous police is responsible for limited police mission such as public security for community convenience. 10% of commune has autonomous police as supporting organization. In principle, the governor can establish and operate autonomous police system under his control. Autonomous police charge with crime prevention patrol, sustain of basic order, law enforcement of local self-governing group law. National police is responsible of general police affairs such as crime investigation , crime prevention, traffic control. The chief of municipal and county, township are supervised by governor and they are responsible for order maintenance and hygiene. They are selected by election and have right to establish the law and policy of police activity. Local police is responsible of jurisdiction which no national police. 30000 local police officers work at 1000 jurisdictions and if there is a shortage of police strength, military police can assist to the local police(Lee Yun Kyen, 2001: 271). Governor has right to control the chief of local self-governing group and latter has right to administrated local police. Under chief of Home Office, autonomous police advising committee works. Autonomous police advising committee which consist of 24 personnels, which divided 3 groups, one third is represent which local self-governing group, one third represent national authority, the remainder are member of police union.

c. Italy

Italy also has two dimensional police systems which is divided into national police and autonomous police. National police is divided into Home Office's national police, Ministry of National Defense's military police, National Treasury Office's

treasury police and correction police under the Ministry of Justice. Autonomous police is operating by state, province, city police. Every local self-governing group can have autonomous police organization. Their mission is law enforcement of local self-governing group's law, traffic control and crime prevention patrol.

d. United States of America

United States has typical autonomous police system. Federal and every state authority also operate the autonomous police system. Constitution mentioned that the policing right lies on every state and citizens. Police system of United States varying from F. B. I to sheriff. The operation system has various and different patterns according to every local self-governing group. Some chief of local police are elected by voting, some are nominated by chief of local self-governing group. There are committee system and independent responsibility system to manage the autonomous police affairs. In ordinary times, general autonomous police affairs is executed by themselves, but if national or wide area range police affairs happens the right of state and Federal jurisdiction to autonomous police operating is approved. Among autonomous police system of U.S., city police is the most typical pattern in terms of size, facility, equipment, crime rate. Reviewing the local police management, there are three kinds of city police management. First, election system that the chief of city police was assigned by election. Second, agreement by police committee, third, independent responsibility system(Lee, Sang Won, 1999 : 67).

e. Japan

Police system of Japan is regarded as moderately decentralized systems, combined systems or compromise systems because of integrated systems of policing and desirable balance between Central government and local government. Japan operates combined police system, national police are divided police office and regional police office. Local police consists of Tokyo police office and state, municipal, county and township police. National police security committee is consisted of 5 member, controlled by Prime minister and manage the National police. National public security committee assigns Chief of National police Office under approval of Prime Minister. Local public security committee consist of 3 to 5 members based of region, management of autonomous police. The member is

assigned by governor under consent of local assembly. The police station is operating under Tokyo police bureau and local police bureau. The chief of autonomous police is assigned by National public security committee with consent of local public security committee. Assignment of Tokyo chief of police bureau need consent of local public security committee and approval of Prime minister. There are two kinds of status which consist of Government employee and Local public service worker. The police officer who ranks lies above Senior superintendent belongs to Government employee and the police officer who ranks lies under superintendent belongs to Local public service worker. Autonomous police works for general local

police affairs, but national police supervise the national affairs of local police affairs. Combined system can supply effective organization, efficiency of operating, consistency of business rather than decentralized police system. Some people who are afraid of potential abuse of authority from well organized national police strength, favor this system. To cope with to wide area crime investigation of Japan , three wide area crime investigation groups were established in July 1994 and after then increased as seven(Lee Hwang Woo, 2002 : 66).

f. Great Britain

The police system of Great Britain form the keynote of autonomous police system. Home Office is responsible of policing and crime investigation. As national police agency, there are national crime investigation group and national crime intelligence agency. State local police committee manage the autonomous police bureau and the committee is 17 member including 9 members of local congress, 3 members of justice of peace. Local police committee assign the chief of autonomous police bureau under approval of Ministry of Home Office. London area chief of autonomous police bureau is assigned by Queen through opinion of police committee and mayor. To attain regional goals with local characteristics under good coordination of national goal is the main contents of autonomous police activity planning proposal. Through this system, Home Office take the initiatives of policing and control the local police affairs(Greer Hogan, 1996 : 77).

5. The final 3 proposals for improvement plan

The committee made three final proposals intensively as the result of autonomous police system comparison.

- a. The proposal for the establishment of new autonomous police system at the basic level of Self-governing body.

According to first proposal, new autonomous police system is established at the basic Self-governing body as supporting organization and they are in charge of security administration which is related residence's life directly such as traffic control, safety. They assigned special public official who is control by chief of basic Self-governing body. This means that existing national police system remains without change. It is possible to sustain merits, effective response to the demand of wide area security under two dimensional police system. To cooperate between basic Self-governing body and national police, it is needed to make security committee in the wide area and basic Self-governing body. The operating fund comes from basic self-governing body tax, fine, subsidy of nation until this system becomes fixed. The merits of first proposal are to enhance the resident's satisfaction through the administrative service, minimize the waste of national police strength. It will be effective countermeasure to wide area crime and accomplish comprehensive administration by fortification of basic self-governing body's law enforcement. The demerits are the unbalance of law enforcement capacity according to the financial ability of basic self-governing body. And there will be happen the conflict between national police and new autonomous police.

- b. The proposal for the establishment of new autonomous police system at the wide area Self-governing body

According to second proposal, new autonomous police system is established at the wide area Self-governing body. For the political neutrality of new autonomous police and to restrain the control power of mayor, governor to the autonomous police, it is only limited to give the recommendation right of security committee's member. The member of wide area police committee is consist of 5 people. Mayor or governor of wide area self-governing body recommend 2 person and the council

of wide area self-governing body recommend 2 person, the other is recommended by national police committee. Wide area Self-governing body police committee consider and decide the general policy of autonomous police. The chief of city or provincial autonomous police agency is assigned by President with request of wide area self-governing body police committee and chief of police station is assigned by chief of national police agency with request of chief of city or provincial autonomous police agency . The official status of police officer is divided two parts, the rank below captain belongs to local governmental officer, the rank above superintendent treated as central governmental officer. The consuming funds will derive from special counting, new grant, subsidy of nation. They take charge general and wide police affairs such as criminal investigation, intelligence, life safety, traffic control, it maintains the relationship which is equal between national police and autonomous police except national commissioned affairs. The second proposal has some of merits, it is possible to cope with wide area security demand effectively, to minimize the change of organization, to guarantee the accomplishment of local government by low cost. Also this proposal has demerits, there is uncertainty of police administrative responsibility as police committee decide the policy of autonomous police and actually autonomous police take charge the policing, chief of the wide area self-governing body has weak control and supervision right to autonomous police, limited reflection of residents to regional security.

- c. The proposal that transfer the responsibility from present national police station operating to autonomous police under basic self governing body supervision

The third proposal is all of the present national police station operating move to under control of basic self governing body level. Their mission and function consist of not only traffic control, safety, basic order sustain but also nation wide affairs such as criminal investigation, intelligence and security. Chief of basic self-governing body is responsible for law enforcement in the area and has the right to assign the chief of autonomous police station with consent of basic self governing committee. All members of autonomous police station's status is transferred from central governmental public officer to special local governmental

public officer. It is possible to process the law enforcement by clear and independent responsibility. But as demerits, the possible disorder comes from the hasty change of national police system structure, poor countermeasure to crime mobilization and wide area phenomenon

III. Final autonomous police system (proposal) contents

1. Main frame

Final autonomous police system (proposal) main frame comes from Spain autonomous police system. That system's basic characters are that police system is divided to national police and local police exactly. Government renovation decentralization commission called this system as autonomous police system focusing on residents life. Main content of this proposal are to sustain present national police organization, operating system and make the new autonomous police under direct supervision of basic self governing body. New autonomous police take charge of crime prevention patrol, protection for the weak, traffic control and law enforcement of traffic affairs, sustain of basic order, facility and local event security. They support security service for basic self governing body resident. Therefore their mission is not general police law enforcement but special law enforcement function which basic self governing body has.

2. Form of final autonomous police system

Independent responsible police system is the system to enhance the inefficiency of consultative police committee(上野治男, 1982 : 69). The consultative police committee is not adaptable to reality, so independent responsible police system is operated by experts. Form of final autonomous police system adapted execution unit which is on the basic self governing community, decided independent responsible police system as operating system. And autonomous police system lies I in the chain of basic self governing command. The title of final autonomous police system is called 'Autonomous police unit'. The decision regarding establishment and

abolition of this system depends the result by voting and the decisions made by commission. When this system is established, it is needed basic self governing counsel's consent and when abolished, depends on resident's voting.

3. Size of organization and Disturbance budget

Total strength of autonomous police at Korea will be 6,000, this prospect is calculated by 25.3 person per basic self governing body. Disturbance budget require three billion dollars. Through the local financial control system, traffic fine and light criminal fine will be major fund for autonomous police system.

4. Application of opening duty position

The official status of autonomous police officer will be special local governmental public officer. To prevent central government's intervention to autonomous police's personnel affairs, chief of local self-governing group has the personnel right of autonomous police officer. They adopted application of opening duty position that any person who want to be a chief of autonomous police can apply. The duration of chief of autonomous police is from 2 years to 5 years according to local self governing group. To search a good expert, they set up the inner regulations under which crew can be promoted from within.

5. Personnel and education of autonomous police

As earlier mentioned, the autonomous police strength will be 6,000, among these, 50% of strength will be selected among national police officer who want to be a autonomous police officer through open competition. The remainder will be supplied from security policemen or parking control crews. The personnel circulation among autonomous police officers will be accomplished wide area self governing group level. For the time being, the education for autonomous police officer will be done at national police educational center. The uniform, equipment, rank system of autonomous police officer will be different from national police officer's.

6. Authority to autonomous police officer

Autonomous police officer take charge of the management for a police questioning or protective custody and danger prevention in the jurisdiction except some of law enforcement. General crime investigation right is not given to the autonomous police officer, as soon as they recognize any kinds of crime or arrest flagrant delict in the line duty, they have to hand over and them to national police officer immediately.

7. Operation of autonomous police

To control of conflicts between autonomous police units which were established at basic self-governing body level, security administrative council at each wide area self-governing body is responsible to negotiate and control the administrative problems in autonomous police system. And at basic self-governing body level, local security council is established and they control the cooperation between autonomous police of basic self-governing body autonomous police and national police in the jurisdiction.

8. The relation between autonomous police and national police

The relation between autonomous police and national police is summarized as follows;

First, autonomous police have to cooperate with national police in ordinary times, but national police supervise, command and control the autonomous police during emergency situation. Chief of national police agency has commanding authority in wartime, domestic disorder, terror, demonstration etc.

Second, national police agency inspect and guide autonomous police. Chief of national police agency inspection over autonomous police.

Third, Because the local self-governing group's public finance independence level differs from area, central government support the labor cost of the personnel who switches jobs from national police to autonomous police, adding financial support provided in purchase of the equipment through state subsidy.

IV. The criticism against an autonomous police system (final proposal)

1. The differences between proposals which has been so far

There are many differences between government's final proposal and the proposals which has asserted so far. The difference can be divided two aspects.

First, according to final proposal the execution unit of autonomous police system is basic self governing group.

Second, general crime investigation right is not permitted to autonomous police. Sufficient examination is necessary to decide the execution level of autonomous police whether wide area self governing group or basic self governing group and to handle the personnel right, financial aspect(Lee, Hee Sean, 2000 : 202). With regard to the execution level of autonomous police, most proposals which are asserted until now have been insisted wide area self governing group. According to the Choi, Jong Sool's a study on the reception attitude of police about adopting the autonomous police system in Korean police system in 1999, he asked the national police officer what kind of administrative level become the most desirable as execution unit of autonomous police system if autonomous police system is introduced to Korea. Among 247 people, 186(75.3%) answered wide area self governing group including Seoul cosmopolitan city level is most desirable, 11(4.4%) replied wide area self governing group except Seoul cosmopolitan city level is most desirable, 46(18.6%) agreed basic area self governing group level(small city, county) is desirable. As a result of research, wide area self governing group level is most desirable as execution unit of autonomous police system.

<Table 1> The police officer's answer to the introduction level of autonomous police system in Korea

	wide area (including metropolitan city)	wide area (except metropolitan city)	basic self governing group	no response	total
superintendent	16	3	6	1	26
inspector/captain	72	2	16	1	91
assistant inspector	98	6	24	2	130
total	186(75.3%)	11(4.45%)	40(18.6%)	4(1.6%)	247(100%)

(source: Choi, Jong Sool(1999), A Study on the Reception Attitude of Police about Adopting the Autonomous Police System in Korean Police System. p. 298.)

There are some studies which concerns the execution unit of autonomous police system. Most studies asserted wide area self governing group level as the execution unit of autonomous police system. Absolutely there are no proposal or study which insist basic self governing group level as the execution unit of autonomous police system. For the questions related to autonomous police and local self-governing group, most national police officer represented opinions that autonomous police system have to be separated from local self-governing group, chief of provincial police agency have to manage and control autonomous police. Choi mentioned that they suggested function transfer such as crime prevention, traffic affairs, general crime investigation function, security from national police to autonomous police(Choi, Jong Sool, 1999 : 298-304.). Until now on, there are many studies suggesting that general crime investigation function should sent to from national police to autonomous police. There are some conflict between National Police Agency and Prosecutor Office in Korea. Prosecutor Office have been command the investigation right to KNP since 1945. Therefore there is some doubt whether it is reasonable that prosecutor office command the investigation right to autonomous police after autonomous police system is established at self governing group. Considering the fundamental role of self governing group's spirit, national agency, it has been criticized that prosecutor office should maintain and intervene and commanding of the investigation right against autonomous police(Oh, Yoon Sung, 2003: 69). In final proposal, autonomous police can't have general crime investigation authority. But real meaning of autonomous police should have all of the right such as crime prevention activity, driver license affairs, security and

general crime investigation authority. These are eminent police affairs which interact every day resident's ordinary life(Son bong sun, 2002: 34). In Mar. 1999, practical affairs team of police reform commission mentioned introductive direction of Korea's autonomous police system in six kinds for the understanding of active police officers. ① acceptance of negotiating form for the harmony between area security and national security ② introduction autonomous police system to wide area self governing group, provincial area, wide area city ③ assurance of democracy and fairness through the police commission operation ④ divide the police officer's status into central public officer and self governing group's public officer and to maintain the autonomous police system by self governing group's financial fund and central governmental support ⑤ countermeasure against national emergency situation and intercept to local political power and influence to autonomous police ⑥ realization of police crime investigation authority and police reform. In this material, there are many mentions about police investigation improvement, this is an reflection of korean national police's deep concern to police investigation improvement which is related with introduction of autonomous police system(Roh, Ho Rae, 2004 : 55). Most contents of this proposal is very similar to Japan's compromised autonomous police system. New proposal which selected by Government renovation decentralization commission is absolutely different system with practical affairs team of police reform commission's autonomous police system. New proposal is based on Spanish autonomous police system. As mentioned earlier, only three states introduced the autonomous police system among 17 states in Spain.

2. The criticism against an autonomous police system introduction necessity

According to the final proposal, as the basic self governing group didn't have any right and responsibility to jurisdiction security, if new autonomous police system will be put into operation, reinforce the crime prevention activity at a crime ridden district, safety maintenance for the students during attending and leaving school, traffic control support at customary traffic jam area will be possible. And it is possible as an order type police activity will available such as sight seeing police, public moral police in accordance with area characteristics. But

what is exact conception of sight seeing police, public moral police? Is it possible to accomplish autonomous police's mission and function by only 25 officers at large area without assistance of national police strength? The Government renovation decentralization commission emphasize that existing provincial police agencies belongs to provincial governor or metropolitan major but actually existing provincial police agencies is controled by central government. This result comes from central government's negligence of decentralization effort. It is desirable to decentralize the authority power from central government to self governing group rather than to make autonomous police system of basic self governing group level. According to new proposal, autonomous police system of basic self governing group level don't possess powerful law enforcement capacity. Therefore autonomous police system should made at wide area self governing group level and actual law enforcement authority including general crime investigation right should be given to autonomous police.

3. The criticism against the general direction of bill enactment by law

First, government renovation decentralization commission(GRDC) insisted that immediate security operation will be possible without water leakage of national security power if new proposal is adopted. But this system only attaching the title 'police' to the affairs which already municipal, county level self governing group has worked as order administrative aspect(Lim, Jun Tae: 2005, 71.). It seems extremely difficult to guarantee immediate security operation. Because new proposal comes from the campaign public promise rather than practical security service for the people.

Second, They explained national police and autonomous police's competitive security service will be done under severe competition and the quality of security service will develop one step more higher naturally. How such situation will occur? Whether national police or autonomous police, any organization can not disappear from competition.

Third, it will be possible to compete between national police and autonomous police psychologically, but actually it is not the situation the autonomous police will be able to compete with national police. Because the national police has general

crime investigation authority, so competition of autonomous police against national police will be impossible.

Fourth, when some kind of emergency situation has happened in society, police is one of the most important organization in the governmental authority. They should cope with any disorder by immediate response(Henry M. Wroblecki Karen M. Hess, PhD : 2000, 127.). Public security is not the thing that can be establish or abolish by financial ability and the result of resident's vote. Although basic self governing group has not sufficient financial capability for public security in the area, resident who stay at jurisdiction has right to live under safe atmosphere. Whether basic self governing group has sufficient financial capability or not, to sustain security is not the choice but essential for resident. Consequently, entrusting an autonomous police system adoption with in the local self-governing group, that is Spain style has many problems. Rather, there is also a country which converts from autonomous police in national police because of financial problems. At Sweden, the police management and control became the object of argument from 1965 to end of 1990s. They consider how make the balance between some view of points; The autonomous police must receive the management of the central government. Local self-governing group must come responsibility against police service. The autonomous police must come democratic responsibility against self governing group. After it is converted to national police, the police received a direct support from central government public finance(Mun, Sung Ho , 2003 : 95).

Fifth, they mentioned that basic self governing group take charge of financial support to autonomous police in the early days. Also there is doubt until when it is possible to give financial support to basic self governing group from central government. Consequently, there is no financial support of the central government to the self-governing body which does have an autonomous police system. This means the imbalance of budget distribution to self governing group.

4. The criticism against an autonomous police main subject

First, The autonomous police's total strength(6,000) was calculated by 25 - 26 people per one basic self governing group. They explained this calculation is only the result of simple arithmetic average method, but to accomplish the autonomous

mission and function mentioned earlier, the total strength of autonomous police is insufficient absolutely. For the law enforcement, 3 shifts which include a night duty are necessary. Is it possible to solve all of the problems including traffic control, parking control and other special law enforcement mission only by 8 police officers? In first stage of recruitment, they said that at least 50% of total strength will be selected from national police officer, but it is uncertain whether to apply or not by national police officer. And they suggested a chance to promote national police officer apply to autonomous police officer. This fact said that autonomous police is not attractive job compared with national police officer. And recently there is administrative structure change of basic self governing group through the resident's vote. For example, in July 2005, Je Ju province local government accepted the unification of wide area self governing group through the abolishment of basic self governing group.⁴⁾ What is the solution to establish the autonomous police at basic self governing group level if there is no basic self governing group in the area?

Second, the idea that acceptance of opening personnel system for the chief of autonomous police has some prospective problems. If a person who didn't have any experience in security, is assigned as chief of autonomous police, can he make a role as a adaptable commander? And maybe the expert fit for the chief of autonomous police is ex-police officer or military officer who are well accustomed to disciplinary mission and function. Of course the member of organization could to promote as chief of autonomous police organization by the inner regulation, but the moral of members will drop naturally if other person assign as boss of autonomous police. This is the result of lack and misunderstanding of oriental mental sphere.

Third, according to new proposal, to solve the personnel problem, they introduced many systems; allocating personnel change system among basic self governing groups, systematization of positive personnel flow through inter dispatch system, periodical personnel change system. They mentioned that if there is no volunteer, it is impossible to force the change or transit to national police officer and according to one's regional preference, this system has optional aspects. They

4) Je Ju province decided to abolish 4 basic self governing group(Je Ju city, south je ju county, north je ju county, Suh gie po city) and to make one wide area self governing group.

suggested promotion to higher rank if one apply to change his or her position from national police officer to autonomous police officer. If then according to periodical personnel change system from autonomous police officer to national police officer, one change his or her status, he or she have to demote? Even though the mission and function is similar between national police and autonomous police, the basic operating conception is different, it will extremely difficult to apply the personnel system.

V. Conclusion

Autonomous discussion which have been discussed today, focused on tension between South and North Korea, the narrow territory, the efficiency of police management, the balance of security service. But government renovation decentralization commission said that these discussions are undesirable when authority try to support security service to residents, to response wide area crime, They said it is reasonable to establish autonomous police system at basic self governing body independently and national police sustain to grip the general crime investigation authority because national police organization has high speciality, the effective investigation, the cooperation among self governing group to cope with crime. But the global tendency of police organization's operation and management consist of two major directions. One direction is to make endeavor democratic control and enlargement of resident's participation through decentralization, the other is go forward to strengthen the central government's control and adjustment to cope with organized crime, international crime and to enhance national efficiency of police activity(Lee, Kwan Hee, 2000 : 32). Professor Hwang suggested four factors as decisive factors of police organization's subject; general administrative system, traditional characters of people, enlargement of population or development of transportation and communication, security condition.

The general Korean society atmosphere of today is that some of resident aren't afraid to break the law and even they neglect the public authority. Without having general crime investigation right, how autonomous police can guarantee the security problems against unlawful circumstances in Korea? Even national police

has serious problems to cope with these persons. The transportation and communication of Korea is developing rapidly, is there any reasons autonomous police system to divided smaller to basic self governing group? This decision will degrade the efficiency of autonomous police. The final proposal suggested by Government renovation decentralization commission is exquisite system which to satisfy the obligations that autonomous police system where the participation of the resident is guaranteed, there is no damage on the national police's main function, to make sure central government's control function to self governing group. Consequently national police agency has no complains because KNP can sustain general crime investigation right and no change of organization, Ryo's government succeed in keeping the election promise; in establishing the autonomous police to respect people's will. Through the law of autonomous police, establishment and abolition of autonomous police is decided by resident's vote or committee's decision. This is the most symbolic to respect people's will. The function of police is divided into two aspects into administrative police and judicial police. Administrative police take charge of public law and order maintenance and judicial police is responsible to investigate criminal case. According to Korean system law, Korea police's function hasn't been divided into administrative and judicial police until now, national police has dual jobs. They can do not only administrative but also judicial police affairs(Lim chang ho, 2004: 32). The meaning of new autonomous police establishment is to separate two function. Therefore, national police take charge of administrative and judicial police function and new autonomous police is responsible of administrative police function only without change of national police's paradigm.

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〈요 약〉

한국에서의 경찰제도는 국가경찰의 형태로 운영되어와 확일적이고 중앙집중식의 경찰활동에 대한 거부감이 전반적으로 있어왔다. 그러나 지역주민의 의사에 따른 자율규율에 의한 다원적 민주주의를 실현하고 국민의 기본권을 실질적으로 보장하기 위하여 지난 1995년 지방자치단체의 장과 지방의회 의원의 동시선거가 시행되어 온 이래 10여년이 흘렀다. 그러나 지방자치제도가 시행되기 이전부터 자치경찰제도에 대한 논의는 지속적으로 이루어져 왔다. 자치경찰제에 있어서 주요쟁점의 핵심사항은 자치경찰제를 도입하는 것의 득실관계라고 볼 것인데 이는 관점과 어느 측면에 중점을 둘 것인가에 따라 다르게 나타나게 된다.

지방자치의 존재 이유 중에는 주민 복지적 차원에서 주민의 안전보호가 중요한 부분을 차지하고 있다. 특히 자치경찰제는 수사권독립과 함께 지난 몇 대에 걸친 각 대통령의 선거공약이었기 때문에 노무현 정부 출범이후 정부는 지방분권차원에서 정부혁신지방분권위원회에서 여러 가지 검토를 해 온 바 있다. 2004년 1월에 정부혁신지방분권위원회의 지방 분권과제 주요과제로 자치경찰제 방안을 검토하기 위해 위원, 관계 공무원 10명으로 자치경찰 T/F를 구성하여 운영한 이후 자치경찰제 도입방안에 대하여 경찰정과 실시 단위 및 수행 사무 등 주요 쟁점에 대해 협의하면서 실천 가능한 방안을 마련하기 위해서 스페인, 프랑스, 이태리, 그리스 자치경찰기관을 현지 방문하여 외국 자치경찰 제도를 조사한 후 2004년 9월 중순에 자치경찰(안)을 발표하였다. 이 안은 크게 경찰을 사법경찰과 행정경찰로 구분하는 개념 하에 최초로 나온 자치경찰제에 대한 구체적 시행 안이라는 점에서 그 의의를 찾을 수 있을 것이나 지금까지의 기대수준에 과연 부응하는 안이 될 수 있을 것인가에 대한 의문이 제기되고 있다. 동 사안은 2005년 하반기에 시범적으로 시행하고 민선 4기 자치단체장이 출범하는 2006년 하반기에 본격적으로 시행될 것으로 발표하고 발표와 동시에 정부혁신지방분권위원회에서는 본 자치경찰제 기본방향과 법안제정의 원칙과 구체적인 내용에 대한 토론회를 개최하는 등 다양한 홍보를 하였으나 여러 가지 문제점으로 인하여 아직 시행되지 못하고 있다.

따라서 과연 이 안이 한국에서의 자치경찰제 시행에 효과적인 안인가 그렇지 않으면 대선공약을 지키기 위한 일종의 정치적 고려를 한 졸속적인 안이 아닌가에 대한 논란이 제기되고 있다. 지금까지 한국에서는 자치경찰에 대한 많은 토의가 있어 왔으나 이번에 제시된 안은 적어도 지금까지 논의되어왔던 제도와는 매우 생소한 자치경찰 제도를 근간으로 하고 있고 현재 지방자치단체에서 시행하고 있는 기존 범집행방식과 거의 차이가 없는 상태에서 ‘무늬만 자치경찰’이라는 비판

이 일각에서 제기되고 있는 실정이다. 현재 자치단체에서 시행하고 있는 행정 경찰적 기능을 다소 보완하고 제복착용과 조직을 하나 더 만든 정도가 아닌가 하는 정도이다. 그러므로 본 연구에서는 정부혁신지방분권위원회에서 제시한 자치경찰 제도(안)을 중심으로 자치경찰제도 운용의 목적 충족과 실질적인 효과의 측면에서 분석하고 바람직한 자치경찰제도의 운용에 대해 살펴본다.

주제어: 자치경찰제도, 중립성, 민주성, 경찰위원회, 치안서비스