

REPORT ON THE PROPOSED

ORGANIZATION
OF THE
LAW ENFORCING AGENCIES
OF THE
REPUBLIC OF VIETNAM

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A C K N O W L E D G E M E N T S

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The members of the Michigan State University Police Advisory group respectfully acknowledge the authority granted to this team by President Ngo-Dinh-Diom to conduct the necessary studies of current law enforcement conditions within the Republic of Viet Nam. Acknowledgement is also made to the many Vietnamese law enforcement officials for their enthusiastic cooperation and assistance.

P R E F A C E

This report is based upon studies conducted by the Michigan State University Police Advisory Group over a period of several months regarding the organization, administration and function of the Vietnamese Bureau of Investigation (Surete), Civil Guard, and Municipal Police Department.

It should be noted that the recommendations included in the report are limited primarily to the authority, responsibility, and accountability of the directors of the civilian law enforcement agencies of the Republic of Viet Nam, as well as to the delimitation of the authority and the responsibility of each of these agencies. In the implementation of this plan, it will therefore be necessary to go into the structural details of each security organization in separate and individual studies. Detailed guidance papers, charts and standard operation procedures (SOP) will be drawn up for all operations down to the district and village level.

Understandably, the thinking embodied in the report largely reflects the experience of American law enforcement. However, the drafters of the report have endeavored to provide recommendations which fit conditions currently existing within the Republic of Viet Nam.

The purposes of this report are to enumerate the weaknesses which were found in the field of law enforcement in Viet Nam, and to outline the recommendations of the MSU Police Advisory Group.

SUMMARY OF RECOMMENDATIONS

The recommendations set forth in this report are summarized as follows:

- I. A Council of National Security Affairs should be created in the Republic of Viet Nam.

The members of this Council should be ministerial level officials of the government whose responsibilities are in internal security areas. This Council should meet regularly and should be assisted by a staff of competent experts in security matters.

The prime function of this Council would be to assist and advise the President on matters pertinent to the nation's security so as to insure efficient and coordinated direction in all actions dealing with the nation's security.

- II. The Assistant for Police and Security to the Secretary of Interior should be appointed and removed from office by the Secretary of Interior with the approval of the President.

He would be responsible for coordinating the activities of all the civil law enforcement agencies of Viet Nam so as to insure coordinated and efficient chains of command. He would be responsible for the processing and training of personnel for those agencies so as to guarantee that they be staffed by loyal competent and well trained personnel. He would be responsible for establishing standards for those agencies and for conducting inspections to ascertain that standards be met.

He would be responsible for the direction of the activities and functions of the VBI, the Civil Guard, and Municipal Police agencies so that their operations shall conform strictly to the laws of the Republic of Viet Nam.

- III. The Civil Guard should remain under the control of the Secretary of Interior except in event of an invasion or extreme emergency at which time it may be placed under the control of the army by a Presidential decree.
- IV. The Director of Civil Guard and VBI and the Director-Coordinator of Municipal Police should be appointed by the Secretary of Interior
- V. The Deputy Director of the Civil Guard and VBI should be appointed and removed by the Director of each agency. The Deputy Director should be selected from within the respective agency and meet all qualifications set forth in the job description.

Summary of Recommendations continued:

- VI. Each Director should be responsible for maintaining public security within the Republic of Viet Nam by the efficient management of his office in complete cooperation with other law enforcement agencies under the Secretary of Interior. Furthermore, he should insure cooperation with the Province Chiefs although these law enforcement agencies should not be responsible to the Province Chief.

PROBLEMS EXISTING IN THE PRESENT LAW ENFORCEMENT SYSTEM

This list of the law enforcement problems and weaknesses found to exist in Viet Nam does not imply criticism of any individuals or organizations. The problems are being objectively identified and reported here in order to clarify those areas which need attention. They are as follows:

I. AUTHORITY

- A. A virtually complete lack of delimitation of authority and responsibility under the law between each of the various law enforcement agencies.
- B. Lack of proper delegation of authority.
- C. Lack of enforcement authority or jurisdiction on the part of civilian law enforcement agencies over military personnel in violation of civil law.
- D. Political interference in purely law enforcement operations and internal administration.

II. ORGANIZATION AND OPERATION

- A. Multiple chains of command.
- B. Conflicting responsibilities resulting from improper unity of command.
- C. Inefficient spans of control.
- D. No provision for adequate inspection.
- E. Antiquated records system.
- F. Obsolete physical identification system.
- G. Lack of proper supervision and discipline.
- H. Lack of proper coordination between various law enforcement agencies.

III. PERSONNEL

- A. Inadequate selection and training of personnel.
- B. Inefficient personnel management.

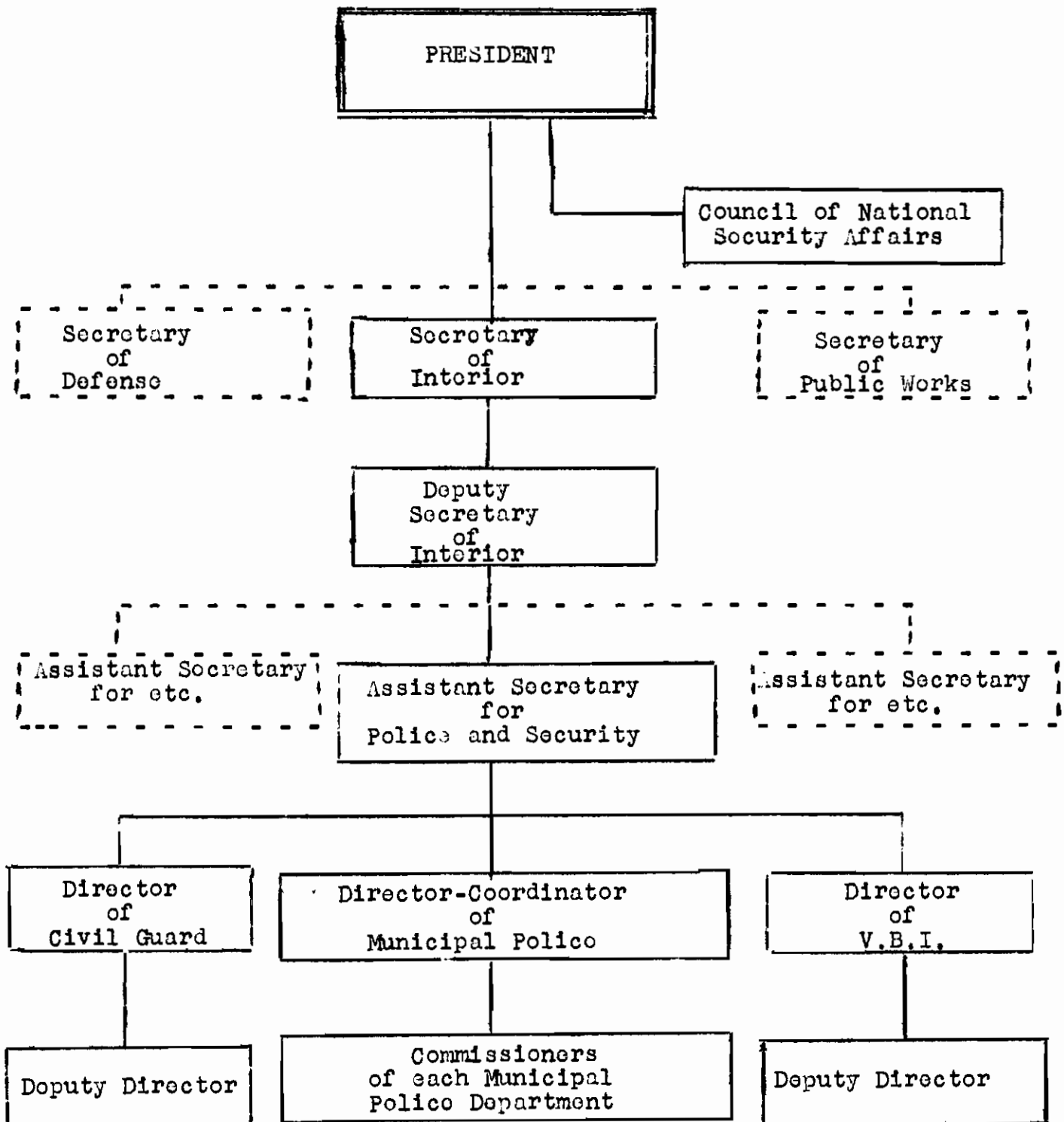
IV. BUILDINGS AND EQUIPMENT

- A. Lack of equipment, especially in terms of communication, transportation and weapons.
- B. Inadequate standards for use and maintenance of buildings and equipment.
- C. Obsolete crime laboratory equipment.
- D. Obsolete photographic equipment.

Peace and tranquility are essentials for the progress and prosperity of any nation. Without internal security, implementation of programs designed to elevate the living standard of the nation's citizenry is made difficult, and, under some conditions, almost impossible.

The problems set forth above are serious. They do not exist only in Viet Nam, they can be found elsewhere in the world. In order that the Republic of Viet Nam can guarantee its citizens peace and security which will encourage progress and prosperity, the members of the MSU Police Advisory Group respectfully urge the adoption of the recommendations included herein.

ORGANIZATION CHART



COUNCIL OF NATIONAL SECURITY AFFAIRS

In order to attain a maximum of security in any nation, it is necessary to consider both peacetime and wartime conditions. The degree of emphasis that should be placed on military and civilian control of security forces within a nation largely depends on the internal as well as the external forces which may threaten that nation.

While the security needs and the method of meeting these needs vary with different nations, the most advantageous manner of determining action on the security needs is basically similar. This is accomplished by the collective efforts of the top officials of the government responsible for the nation's security. Strong and effective internal security is very vital to Viet Nam during these trying days of her struggle as a young republic.

Therefore, it is recommended that:

- I. A Council of National Security Affairs be created in the government of the Republic of Viet Nam.
- II. The members of the Council be cabinet level officials who are responsible for the nation's security during war and peace. The Council members should be supported by a staff of experts on security matters.
- III. The primary responsibility of this Council be to advise and assist the President on matters pertinent to the nation's security.
- IV. The Council shall meet at regular predetermined intervals and freely exchange information relative to security matters. The members of the Council will, in this manner, have the opportunity of learning from each other what each ministry is doing and pool their thinking. By exchanging ideas and information they can serve as a very valuable advisory Council to the President.

THE ASSISTANT SECRETARY OF INTERIOR
FOR
POLICE AND SECURITY

I. OFFICE OF ASSISTANT SECRETARY OF INTERIOR FOR POLICE AND SECURITY

- A. The Assistant Secretary of Interior for Police and Security appointed by the Secretary of Interior with the approval of the President. Removal shall be made by similar procedure.

II. AUTHORITY AND RESPONSIBILITY

- A. The Assistant Secretary shall have the responsibility of guiding and coordinating the activities of recognized civil police agencies throughout the Republic of Viet Nam. Only those recognized civil police agencies will have any jurisdiction over civilian populations.
- B. He shall be directly responsible to the Secretary of Interior for carrying out his responsibilities.
- C. He shall be responsible for directing the activities and functions of the three law enforcement agencies so that they operate strictly in conformance with laws and judicial decisions.
- D. He shall continuously emphasize the philosophy that the law is supreme; and that no individual, regardless of the crime with which he is charged shall be above nor below the law, but rather shall be equal on to it.

III. ORGANIZATION AND OPERATION

- A. The Assistant Secretary shall be responsible for efficient organization and operation of all recognized civilian law enforcement agencies.
- B. He shall be responsible for the development of uniform reporting procedures, crime records, and identification methods. He shall also be responsible for the standard use of these methods and forms by all recognized civil police agencies.
- C. He shall see to it that lines of authority and responsibility are developed and adhered to within each recognized civil police agency.
- D. He shall be responsible for the development of proper coordination between all civil law enforcement agencies. In cases involving military personnel he shall see that the proper military authorities are advised.

A.

IV. PERSONNEL AND TRAINING

- A. He shall develop minimum employment standards for all law enforcement agencies of Viet Nam.
- B. He shall establish adequate training standards for all police.
- C. He shall be responsible for establishing adequate training facilities in the form of a National Police Academy that can handle all the general training of the police of all the agencies.
- D. He shall be responsible for the introduction and standard use of efficient personnel management methods throughout all police services. This would include such matters as ranks, salaries, promotional procedures, retirement, incentives, etc.
- E. He shall be responsible for the development and the administration of an equitable merit system which will insure job security for all members of the civil law enforcement agencies of Viet Nam, protecting them from the influence of political interference, pressure, and bias, as well as against pressures applied by pressure groups.

V. BUILDINGS AND EQUIPMENT

- A. He shall standardize the insignia and uniforms worn by civil police in Viet Nam, and he shall insure the maintenance of the standards.
- B. He shall be responsible for the development and use of standard equipment procurement procedures, for the uniformity of equipment throughout the recognized civil police agencies as well as for the proper maintenance and use of this equipment.
- C. He shall insure the proper use and maintenance of all buildings assigned and utilized by recognized civil police agencies.

THE VIETNAMESE BUREAU OF INVESTIGATION

I. APPOINTMENT AND REMOVAL OF THE DIRECTOR

- A. The Director of the V.B.I. shall be appointed by the Secretary of Interior on recommendation of the Assistant Secretary of Interior for Police. The appointment shall be reviewed by the Council for National Security Affairs for the President's concurrence.
- B. Removal of the Director shall be accomplished by similar procedure.
- C. The Director shall be a citizen of the Republic of Viet Nam, who shall meet all qualifications required in a job description to set up for this position.

II. APPOINTMENT AND REMOVAL OF THE DEPUTY DIRECTOR

- A. The Deputy Director shall be appointed by the Director from within the V.B.I. He must meet all the qualifications required in a job description to be set up for this position.
- B. Removal of the Deputy Director shall be made by the Director.
- C. In the absence of the Director the Deputy Director shall have equal powers and responsibilities of the Director.

III. AUTHORITY AND RESPONSIBILITIES OF THE DIRECTOR

- A. The Director shall be responsible to the Assistant Secretary of Interior for Police and Security for the general administration of the V.B.I. and he shall be expected to exercise full power with respect to the efficient organization, operation, and discipline of this agency.
- B. He shall be responsible for the adherence to the standards formulated by the Assistant Secretary of Interior for Police Security.
- C. He shall establish and maintain efficient operation of divisions within the V.B.I. some of which shall be
 - 1. National Division of Records and Statistics
 - 2. National Crime and Photographic Laboratories
 - 3. National Identification Division
 - a. These three divisions, being national in scope, shall be the depository for all fingerprints, records, crime reports, and statistics from every recognized law enforcement agency in the Republic of Viet Nam.
 - b. The Director shall insure that these divisions in turn, lend assistance to recognized law enforcement agencies upon request or in accordance with future policies to this matter.
 - 4. National Counter-Subversive Division
 - a. This division shall serve as the center and coordinating agency for all intelligence reports from every security agency in all Viet Nam.
 - 5. Inspection Division
 - a. The Inspection Division shall determine for the Director that the VBI personnel are accomplishing their mission in an efficient manner and according to the directives.
 - b. This division will also determine that all buildings, equipment and supplies are properly used and maintained.

- D. The Director shall publish annual national statistics on crime.
- E. He shall submit an annual budget to the Assistant Secretary of Interior for Police and Security covering anticipated fiscal operation of the entire VBI.
- F. He shall be responsible for effective coordination of the efforts of the VBI with those of other law enforcement agencies.
- G. He shall be responsible for close liaison with the Province Chiefs but will not be directly responsible to them.
- H. He shall report regularly to the Assistant Secretary of Interior for Police and Security.

IV. FUNCTIONS AND DUTIES OF THE V.B.I.

- A. The V.B.I. shall be responsible for the enforcement of all laws which are specifically designated as a responsibility of the Bureau, to include those of:
 - 1. Customs and Immigration
 - a. Alien control
 - b. Visas (issuing and vetting)
 - c. Travel control
 - 2. Postal system
 - 3. Subversive activities
 - 4. Collection of intelligence-information
 - 5. Pure Food and Drug
 - 6. Banking
 - 7. National Economic and Commercial
 - 8. National Communications and Transportation
 - 9. National Labor Laws
 - 10. National Taxes and Revenues
 - 11. Civil Aeronautics Authority
- B. The V.B.I. shall have primary jurisdiction over the violations of all criminal laws which carry a maximum sentence of over two years in prison or an equivalent fine. This will apply to military personnel who commit offenses against civil populations and civil laws.
- C. The V.B.I. shall have primary jurisdiction over crimes committed on National Government Reservations, in National Government buildings, or involving National Government equipment or property

- D. The V.B.I. shall investigate reports on mis-feasance, mal-feasance and misconduct on the part of National Government employees.
- E. The duties of V.B.I. agents shall be as follows:
 - 1. To investigate violations of federal laws delegated to the V.B.I. as investigative responsibility.
 - 2. To collect, identify, and preserve all evidence
 - 3. To carry firearms.
 - 4. To make arrests.
 - 5. To serve warrants and subpoenas.
 - 6. To detain prisoners and identify witnesses.
 - 7. To perform other duties as may be requested by competent authority.

CIVIL GUARD

APPOINTMENT AND REMOVAL OF DIRECTOR

- A. The Director of the Civil Guard shall be appointed by the Secretary of Interior upon the recommendation of the Assistant for Police and Security to the Secretary of Interior. The appointment shall be reviewed by the Council for National Security Affairs for the President's concurrence.
- B. Removal of the Director shall be made by similar procedure.
- C. The Director shall meet all the qualifications required in a job description to be set up for this position.

APPOINTMENT AND REMOVAL OF THE DEPUTY DIRECTOR

- A. The Deputy Director shall be appointed by the Director from within the Civil Guard. He must meet all the qualifications required in a job description to be set up for this position.
- B. Removal of the Deputy Director shall be made by the Director.
- C. In the absence of the Director the Deputy Director shall have equal powers and responsibilities of the Director.

AUTHORITY AND RESPONSIBILITIES OF THE DIRECTOR

- A. The Director shall be responsible to the Assistant Secretary for Police and Security to the Interior for the general administration of the Civil Guard.
- B. He shall be expected to exercise full power with respect to the efficient organization, operation, and discipline of the Civil Guard under the standards established by the Assistant for Police and

Security to the Secretary of Interior.

- C. He shall be responsible for adherence to the standards formulated by the Assistant for Police and Security to the Secretary of Interior as related to the recruitment and training of personnel.
- D. He shall establish an inspection division to determine that the Civil Guard personnel are efficient and that they are properly trained.
 - 1. This division will also determine that all buildings, equipment and supplies are properly used and maintained.
 - 2. It will see that all directives and necessary reports are made and carried out by the responsible members of the department
- E. The Director shall be responsible for the coordination of the efforts of the Civil Guard with those of other law enforcement agencies and the military. The President by decree may place the Civil Guard under the control of the army in the event of invasion of the Republic or other extreme emergency. However the Civil Guard shall remain intact, operate under its own command and not be integrated into the army.
- F. He shall require the submission of fingerprints, photographs and records of all persons arrested by the Civil Guard and all other statistical data as required, to the V.B.I.
- G. He shall, at the appropriate time, prepare an accounting of expenditures during the previous year concerning buildings, equipment and supplies under the control of the Civil Guard.
- H. He shall submit an annual budget to the Assistant for Police and Security to the Secretary of Interior, covering anticipated fiscal operation of the entire Civil Guard. He shall be responsible for making the proper expenditures.
- I. He shall be responsible for keeping the Civil Guard personnel alerted at all times for the collection of intelligence information. This information shall be immediately reported to the V.B.I.
- J. He shall be responsible for close liaison with the Province Chiefs but will not be directly responsible to them.

IV. FUNCTIONS AND DUTIES OF THE CIVIL GUARD

- A. It shall be the primary responsibility of the Civil Guard to enforce all criminal laws, the violation of which has a maximum sentence of less than two years in areas in Viet Nam which do not have a recognized Municipal Police Department.
 - 1. When a crime is attempted or committed, either against persons or property the Civil Guard shall be responsible for instituting the proper and appropriate action to suppress the illegal act or to quell the disturbance, to arrest those involved, to gather and

protect evidence, and protect the crime scene, to prepare and submit reports and to notify immediately other government or police agencies who have or may have a responsibility regarding the incident.

2. The Civil Guard shall be responsible for detaining all prisoners and identifying witnesses, to preserve evidence, and record information or other related material and to submit this to other authorities who have a primary responsibility for investigating the incident.
 3. In the event that the other agencies disclaim responsibility for the investigation or refuse to adopt responsibility for the investigation, it shall be the responsibility of the Civil Guard to proceed with the investigation and to present the information to the courts in the same manner as if no other agency were involved.
- B. It shall be the responsibility of the Civil Guard to enforce all traffic laws and regulations throughout the Republic of Viet Nam, except in areas which have recognized Municipal Police Department. It will also:
1. investigate traffic accidents.
 2. have charge of the physical control of traffic and
 3. cause the necessary traffic control devices to be erected and maintained.
- C. The Civil Guard shall be responsible for the physical security of all government buildings, property, bridges, airports and other installations, except military camps and establishments, in all areas of Viet Nam which do not have a recognized Municipal Police Department.
- D. The Civil Guard shall be responsible for the investigation of all criminal offenses committed by military personnel against the civilian population and civil law, the penalty for which carries a maximum sentence of less than two years, in all areas of Viet Nam not under martial law or which do not have a recognized Municipal Police Department.

MUNICIPAL POLICE

I. OFFICE OF THE DIRECTOR COORDINATOR OF MUNICIPAL POLICE

- A. A position of Director-Coordinator of all Municipal Police Departments shall be created. This office shall unify and coordinate all municipal police services throughout the Republic of Viet Nam.

- B. A recognized Municipal Police Department shall consist of a department that is organized, staffed, equipped, operated and maintained according to the minimum standards established by the Office of the Director-Coordinator of Municipal Police.
- C. When a Municipal Police Department meets these standards it shall be financially subsidized by the National Government at an established rate per police officer or per thousand population. If the city department fails to meet these standards of selection, training, equipment and operation, the financial assistance can be partially, or entirely, withdrawn on recommendation of the Director-Coordinator.

II. APPOINTMENT AND REMOVAL OF THE DIRECTOR-COORDINATOR

- A. The Director-Coordinator of the Municipal Police Departments shall be appointed by the Secretary of Interior on recommendation of the Assistant for Police and Security to the Secretary of Interior. The appointment shall be reviewed by the Council for National Security Affairs for the President's concurrence.
- B. Removal of the Director-Coordinator shall be made by similar procedure.
- C. He shall be a citizen of the Republic of Viet Nam who shall meet all qualifications required in a job description for this position.

III. AUTHORITY AND RESPONSIBILITY OF THE DIRECTOR-COORDINATOR OF MUNICIPAL POLICE

- A. The Director-Coordinator of Municipal Police shall be responsible to the Assistant for Police and Security to the Secretary of Interior.
- B. The Director-Coordinator shall exercise full power with respect to the efficient organization and operation of his office.
- C. He shall establish standards for all recognized Municipal Police Departments including:
 - 1. Personnel (minimum number, education, salaries, etc.)
 - 2. Training
 - 3. Job description
 - 4. Organizational structures
 - 5. Uniforms and insignia's
 - 6. Minimum amount of equipment, its type, maintenance and operation.

- D. He shall establish an inspection bureau to ascertain that the personnel of recognized departments meet establish standards and that all standards listed above as well as others which may from time to time be established are complied with.
- E. He shall require submission of fingerprints, photographs and statistical material, crime records and certain reports to the V.B.I.
- F. He shall review budgets and audits of expenditures of the various Police departments and submit them, with his reports and recommendations, to the Assistant for Police and Security to the Secretary of Interior.
- G. He shall be responsible for keeping the various departments alert at all times for the collection of intelligence information. He shall direct that this information be reported immediately to the V.B.I.
- H. The Director-Coordinator shall have no responsibility in regards to the selection or appointment of the Commissioner of Police for the departments under his supervision.

IV. OFFICE OF THE COM ISSIONER OF A REGOGNIZED MUNICIPAL POLICE DEPARTEME

- A. A commissioner shall be appointed by the Mayor with the approval of a 2/3 favorable vote of the Municipal Council. Removal shall be made by similar procedure.
- B. The commissioner shall be a citizen of the Republic of Viet Nam, and shall meet the qualifications included in the job description to be set up for this office.

V. AUTHORITY AND RESPONSIBILITY OF THE COMMISSIONER

- A. The Commissioner of Police shall be responsible for the efficient organization, operation, and discipline of the department.
- B. He shall be responsible for the enforcement of all ordinances, regulations and laws, and for the preservation of peace and tranquility within the city.
- C. The general administration of the department shall be his primary responsibility. He shall be responsible for the efficiency and conduct of those civilians who are employed by or under the supervision of the department.
- D. He shall, under standards established by the Director- Coordinator provide for the recruitment and training of department personnel and for the promotions of personnel within the department.
- E. He shall establish divisions within the department, depending upon its size, to specialize in and to assume responsibility for the following police activities:

1. Administration
2. Traffic
3. Patrol
4. Investigation and court
5. Personnel
6. Inspection
7. Communications
8. Vice, Gambling, and narcotics
9. Firearms
10. Records, statistics and photographs

VI. FUNCTIONS AND DUTIES OF A RECOGNIZED MUNICIPAL POLICE DEPARTMENT

- A. A recognized Police Department shall be responsible for the protection of all municipal and governmental property and officials of the National and of foreign governments within its jurisdiction.
- B. When a crime is attempted or committed or when a disturbance is perpetrated or any other unlawful act is attempted or committed, the department shall be responsible for taking the proper and appropriate action to suppress the illegal act or to quell the disturbance, to arrest those involved, to gather and protect the evidence, and to protect the crime scene, and to prepare and submit reports, and to notify immediately other governmental or police agencies who have or may have a responsibility in reference to the incident.
- C. The Department shall have the further responsibility of detaining all prisoners and witnesses, gathering information and other related material and of submitting them to other authorities who have a primary responsibility for investigating the incident.
- D. The Department shall render all assistance possible and make available the facilities of the department and cooperate with the other enforcement agencies as much as possible.
- E. In the event that the other agencies disclaim responsibility for the investigation or refuse to adopt responsibility for the investigation, it shall be the responsibility of the Police Department to proceed with the investigation and to present the information to the courts in the same manner as though no other agency were involved.

- F. The Municipal Police shall be responsible for the investigation of all criminal offenses committed by military personnel against the civil population or involving violations of civil law.
- G. The department shall be alert to all information on subversion and counter-intelligence and shall report it directly to the V.B.I.