

PERFORMANCE MEASURES AND ACCOUNTABILITY OF OVERSIGHT AGENCIES

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Date Tendered: Monday 20 May 2013
Hearing Number: 2
Hearing Location: Jubilee Room

Document Title: Police Practice & Research, Volume 14, Number 2
Author: Editor-in-Chief Dilip Das
Guest Editors: Tim Prenzler and Garth den Heyer
Publication Date: April 2013

POLICE PRACTICE & RESEARCH

An International Journal

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SPECIAL ISSUE: Civilian Oversight of Police Guest Editors: Tim Prenzler and Garth den Heyer

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Police Practice and Research
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Abstracting and Indexing
Police Practice and Research is listed in CSA Political Science Abstracts, Criminal Justice Abstracts, Environmental Sciences and Pollution Management, Health and Safety Science Abstracts, OCLC, PsycINFO, Risk Abstracts Online, Sociological Abstracts and PAIS International (Print).

POLICE PRACTICE AND RESEARCH: AN INTERNATIONAL JOURNAL

Volume 14 Number 2 April 2013

SPECIAL ISSUE: CIVILIAN OVERSIGHT OF POLICE
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SUBSCRIPTION INFORMATION

Police Practice and Research, Print ISSN 1561-4263, Online ISSN 1477-271X, Volume 14, 2013.

Police Practice and Research (www.tandfonline.com/gppr) is a peer-reviewed journal published in February, April, June, August, October and December by Taylor & Francis, 4 Park Square, Milton Park, Abingdon, OX14 4RN, UK.

Institutional Subscription Rate (print and online): \$676/€544/£411

Institutional Subscription Rate (online-only): \$592/€476/£360 (plus tax where applicable)

Personal Subscription Rate (print-only): \$155/€125/£105

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The print edition of this journal is typeset by Scientific Publishing Services, Chennai, India, and printed by Hobbs the Printers (UK) or Markono (Singapore) using the Taylor & Francis Distributed Print on Demand model. For more information please email AcademicJournalsManufacturing@informa.com. The online edition of this journal is at www.tandfonline.com

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The US annual subscription price is \$676. Airfreight and mailing in the USA by agent named Air Business Ltd, c/o Worldnet Shipping Inc., 156-15, 146th Avenue, 2nd Floor, Jamaica, NY 11434, USA. Periodicals postage paid at Jamaica NY 11431.

US Postmaster: Send address changes to *Police Practice and Research*, Air Business Ltd, c/o Worldnet Shipping Inc., 156-15, 146th Avenue, 2nd Floor, Jamaica, NY 11434, USA.

Subscription records are maintained at Taylor & Francis Group, 4 Park Square, Milton Park, Abingdon, OX14 4RN, United Kingdom.

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Police Practice and Research, 2013

Vol. 14, No. 2, 85–87, <http://dx.doi.org/10.1080/15614263.2013.786263>

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From the Editor-in-Chief

This Special Issue, Civilian Oversight of Police, brings to life 'a topic that is important but contested.' (Bruce Baker, Commentating Editor of this Special Issue). PPR Managing Editor, Professor Kam Wong, admires that the issue has been 'nicely put together ... covering police accountability worldwide'. It consists of five articles of descriptive studies of how police accountability works in the UK, US–Canada, Asia, Australia, New Zealand, and South Africa. The final two articles are concerned with opinion surveys on the topic and a case study approach to cooperation between police and oversight bodies.

According to the Guest Editors, Tim Prenzler and Garth den Heyer (they are also PPR Editors), 'We also took into account the commendable emphasis PPR places on publishing work by practitioners'. The Guest Editors are proud that they have a mix of authors, including former and serving police, long-term high-profile policing scholars, and emerging young scholars. The Guest Editors say that 'Methodology may be a little underdeveloped in several papers but we feel this is matched by the usefulness of the content'. Tim and Garth added: 'There is considerable variation in the way authors presented their work. We wanted to allow some freedom to authors in that regard, and we felt that a special issue should not be overly uniform'.

It has been PPR policy, ever since its inception, to give guest editors freedom they need to shape and fashion their issues according to their goals and vision that inspire them to undertake this creative labor of love. And, *Police Practice and Research: An International Journal* looks upon the special issues that focus on a single important topic as an ideal vehicle for bringing out the latest research on policing to its worldwide audience of scholars and practitioners.

Some topics which are contemporary and of universal interest are more challenging than the others. During our discussion on the various aspects of this special Issue, PPR Production Editor, Dr. Melchor de Guzman made an interesting observation that 'Just as putting up civilian oversight is a difficult process in any jurisdiction, writing about it becomes more difficult with scarcity of data and the controversial nature of the topic'. Despite these limitations, PPR decided to present this vital topic – which should be of great interest for police anywhere and everywhere – in this first special issue of the current year.

In a flyer included in this issue, the readers will note the next four special issues with celebrated scholar-editors who are working on topics that are of great interest to the police everywhere in the world today. The Guest Editors need no introduction. They are pre-eminent in the special areas of their issues. They are: Wesley Skogan, David Weisburd, Curt Griffiths, and Anthony Braga.

In a recent survey, PPR Editors recommended that we should plan special issues on the following topics:

Police use of force, Partnership policing, Gender and policing, Race and policing, Racial profiling, Policing and social media, Policing and technology, International policing developments, Cooperation of police agencies and Universities, Policing the juvenile, Police and military cooperation/collaboration, Police and torture in the 21st century, Policing new forms of social protest, Policing of small towns, Policing of intimate community, Policing of primitive society, Policing of rural areas, Globalization and policing, Comparative Policing Systems, Intelligence-Led Policing, Police and Law Enforcement Intelligence and the Threat of Terrorism, Fusion Centers and Interagency Cooperation, Police Role in Homeland Security / Civil Security, Police and Cyber Crime, Police Response to Mass Shooting Events, Policing in developing countries, Diffusion of public security policing, Police leadership succession management strategies, Developing non-traditional partnerships for co-creation of public safety and security, Measurement of police effectiveness, and Incidence of sudden mass casualty events.

I would like to take this opportunity to invite interested guest editors to send proposals to PPR for a special issue on any of the above mentioned topics. I also add that these topics will also be eminently suitable for books in the our highly acclaimed Series, *Advances in Police Theory and Practice* (Acquisition Editor, Carolyn Spence, CRC Press/Taylor & Francis Group, Carolyn.Spence@taylorandfrancis.co.uk and Editor-in-Chief, Dilip K. Das). Several PPR Editors, namely, Clifford Shearing, Kam Wong, Tim Prenzler, James Adcock, and Arvind Verma contributed to this series. Editor Bruce Baker's contribution was awarded 'the best book of the year' prize by the American Society of Criminology. PPR Editors (Editor Dr. Ana Das MD, contributed a chapter, in the book, *The International Trafficking of Human Organs: A Multidisciplinary Perspective*, Ed. Leonard Territto, 2011) have also contributed chapters to the books in this Series. Acquisition Editor Carolyn Spence is glad to receive proposals for converting special issues into books. Moreover, Dr. Melchor de Guzman, IPES Book Editor, has been preparing books with submissions to PPR which are found unsuitable as journal articles.

'Civilian Oversight of Police' is a challenging special issue which is a product of scholars and practitioners mentioned above who have worked hard with many others to present to our readers balanced, scholarly, and thought-provoking views on this very important subject. Guest Editor Tim Prenzler says, 'And thanks very much for the opportunity to put the special issue together. I'm extremely pleased with it. Thanks to everyone who assisted'.

We do hope that the PPR's global community of readers will find useful information in this issue like 'Divergent views of the degree and practicality and cost and effectiveness of various oversight formats' (Commentating Editor, Bruce Baker). While this is a very valuable knowledge for police leaders, policy-makers, and policing scholars, they will also note that there seems to be no co-relation between democracy and the degree of oversight. In any case, they will not find an easy answer to the perennial question as to what level of oversight is humanly possible and democratically desirable in view of the fact that it has been observed that well-intentioned efforts in the sphere of civilian oversight can be counter-productive.

I thank Guest Editors, Tim Prenzler and Garth den Heyer, Commentating Editor, Bruce Baker, Production Editor, Stephen Kirton, Managing Editor, Kam Wong, and PPR Production Editor, Melchor de Guzman for their excellent contribution to the first Special Issue of 2013, Civilian Oversight of Police. Above all, the authors and the reviewers who have made this issue possible deserve heartfelt thanks from the Board of Editors of *Police Practice and Research: An International Journal*. Last but not the least; I invite

PPR readers to send their comments on the issue so that we can continue to strive vigorously to meet their needs.

Dilip K. Das
Editor-in-Chief



Remarks by Commentating Editor

Power corrupts wherever it is found. It is little surprising therefore that the extraordinary powers granted to the police and the invisibility of much of their work have produced persistent abuse, misconduct, corruption, violence and cover-up worldwide. What is perhaps even more surprising is that anyone ever imagined that left to themselves the police themselves or even governments would be willing to thoroughly investigate complaints and would unhesitatingly discipline erring officers. Yet the movement to bring citizens into the police accountability process, though apparently self-evident, was long delayed and when it did first put forth its case in the late 1940s, was often met with either scepticism or outright hostility from both police and politicians. Even today, 60 years after those first initiatives, the progress has been very limited even in full democracies that pride themselves in their accountability processes. Probably, only Northern Ireland has a truly independent complaints and investigation system. For the rest of the world, the picture is much bleaker.

This special issue puts the spotlight on the topic of civilian and independent complaints mechanisms for the police, and how these mechanisms work worldwide. The articles cover four continents, and trace the history and development of citizen involvement, the different institutional arrangements and powers, and the problems that still exist in ensuring police conformity to law and procedures.

The complaints system in the UK is addressed by Graham Smith. Currently, a two-tier system is operated in England and Wales, in which the majority of complaints are investigated by the police under the supervision of an independent body, whilst serious incidents are investigated by a separate body. Though this more closely fits with European human rights legislation than former iterations, Smith rightly demonstrates that such mixed systems are not without problems. As he notes, independence can never be guaranteed when an investigation of a complaint against the police is undertaken by seconded or former police officers. Sadly, the record so far is one where there is evidence of poor levels of investigation. Smith also believes that the resistance by the police to establishing that individual officers are responsible to the alleged victims of abuse continues to hamper the complaints process. All of which makes the Northern Ireland option of complete independence of the complaints mechanism much more attractive.

Any assumption that citizen oversight in North America is far ahead of others is dispelled by Frank Ferdik, Jeff Rojek and Geoffrey Alpert. They tell us that of the 18,000 state and local police agencies in the US only 120 have citizen oversight agencies. And as their paper shows, the oversight agencies of the US and Canada vary considerably in the degree of citizen participation. Their account is proof, if it was needed, that this movement to enhance oversight is an uphill battle against political and police resistance and that there is a long way to go.

Mahesh Nalla and Chae Mamayek seek to provide an overview of citizen oversight of the police in 24 Asian countries. It may surprise some that, with the exception of Laos and North Korea, every Asian country has an oversight agency of some sort or other.

However, only three of the 24 have civilian oversight. It seems that invariably the bodies responsible, whether human rights commissions, ombudsmen or anti-corruption bureaus are compromised in their composition. What is surprising and depressing is that there appears to be no connection between the level of democracy in a country and the level of civilian oversight of the police.

Garth den Heyer and Alan Beckley investigate Australia and New Zealand, where nine existing police oversight commissions exist with varying compositions and powers. They note the progression of all of them, though inevitably the timing of their formations has determined the degree to which they have incorporated current thinking about the degree of independence, especially relating to the use of police officers for investigation and their remit regarding prevention and education. Their article reminds us that developing accountability mechanisms is an ongoing process.

In practice, the police have their powers and practices shaped by politics, either by legislation or by executive influence. Julie Berg demonstrates the role of politics in the oversight of the South African Police Service. Her argument is that an initially weak legislative framework and inadequate resources was further compounded by the government's 'war on crime strategy'. The latter prioritised reducing crime above human rights concerns. Nevertheless she believes that a new political approach is gaining momentum that strengthens civilian oversight and offers opportunities to look at systemic causes of misconduct as well as individual cases.

Tim Prenzler, Mateja Mihnjac and Louise Porter summarise surveys worldwide of the public, complainants and the police regarding their views of existing complaint handling systems. The available surveys may be limited in number, focused on the developed world and not strictly comparable in the questions they ask, but the overall picture is one of public demand for truly independent investigations, and of police ambivalence about complaint systems. It seems that both the public and the police fear being a victim of the other's investigation; the public fear a biased investigation and the police fear a censorious investigation.

It may be that the final goal of reform is not simply independent complaint handling of individual cases, but that goal along with a further goal of seeking to counter structural opportunities and circumstances for police misconduct. This is the prospect that Louise Porter puts before us. As she observes, independent oversight may play a part in deterring police misconduct, but anything that instils values and transforms conduct from the inside the organisation is even better. She suggests that a problem solving approach through utilisation of complaint data offers potential for taking this next step and provides two cases studies to illustrate her point.

This issue then addresses a key question for police services. If the public are sceptical that the complaints mechanism is biased or even too cumbersome, they will refrain from participation and confidence in the police will never grow. It would appear that citizens worldwide seek an independent civilian run complaints mechanism over their police and preferably a complaints mechanism that minimises the use of the police themselves in the investigation of complaints. That this simple request has for so long been denied citizens, even in so-called democracies, is something of a scandal. The good news of this issue, however, is that the tide is turning and that at least in some jurisdictions there is emerging what the public want, what the police need and what justice demands.

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Introduction

It is our pleasure to introduce this special issue of *Police Practice and Research: An International Journal* on the subject of civilian oversight of police. This topic concerns one of the emerging features of modern policing, and it seems timely to reflect on the many issues associated with this trend.

‘Oversight’ of police – in terms of external scrutiny and judgement – can be carried out by various institutions – including courts, parliaments, financial auditors and human rights organisations. Nonetheless, the term is used here with reference to its common contemporary usage in relation to specialist agencies tasked with ensuring police accountability. ‘Citizen oversight’ and ‘external oversight’ are alternative terms. Oversight agencies themselves adopt different names, including ‘ombudsman’, ‘commission’, ‘office’, ‘authority’ and ‘board’.

Civilian oversight of police is certainly a complex and controversial topic. The tendency has been for both police and politicians to oppose oversight, but supporters, and even champions, of oversight can also be found amongst these two groups. All the same, police tend to see oversight as a threat. It seems many would prefer to take their chances with internal disciplinary processes. Outside policing, a variety of groups have lined up in favour of oversight, including civil libertarians, defence lawyers, human rights groups and many academics.

The complexity of the issue derives in part from the many options available for structuring oversight. A wide spectrum of forms is available. At one extreme, oversight agencies can be very small, limited to paper-based audits of police internal investigations. They may only be able to review complaints or appeals that are formally lodged, and only critique police decisions or recommend changes. At the other extreme are large agencies with a wide range of investigative powers and capacity to input disciplinary decisions, with research units that influence evolving policies and procedures in policing.

In between these two extremes, there are numerous variants. Two of the key issues concern (1) the division of labour between police and the oversight agency and (2) the conditions necessary for an oversight agency to be genuinely independent. Generally speaking, most agencies are limited in their role and, around the world, the investigation of complaints against police by police remains the norm, with some degree of external review if there is any oversight at all. A third, increasingly important, issue relates to the disposition of complaints, including alternatives to the traditional model of formal investigations and adjudication focused on disciplinary outcomes.

This special issue seeks to address these issues with empirical research from diverse international settings. The first four papers provide regional reviews, covering the UK, Canada and the USA, Asia, and Australia and New Zealand. We, then, have a paper on one country of particular interest in terms of democratisation, police reform and oversight: South Africa. Following this are two papers dealing with more general issues: stakeholder preferences and experiences in relation to the management of complaints

against police, and innovative means by which oversight agencies can work with police departments to improve police conduct.

The first paper, by Graham Smith, examines developments in the UK, with a focus on England and Wales. The author argues that, despite areas of progress, a more consistent application of the Council of Europe Commissioner of Human Rights standards would advance public trust in the independence and effectiveness of oversight agencies. This paper is followed by an overview of the situation in Canada and the USA by Frank V. Ferdik, Jeff Rojek and Geoff Alpert. The authors condense a very complex situation, with case studies that illustrate key developments and issues in this region in more depth. Mahesh Nalla and Chae Mamayek tackle another multiple country review. In this case, they summarise the diverse and evolving arrangements for police oversight and accountability in the Asian region. Garth den Heyer and Alan Beckley’s tour around Australia and New Zealand includes in-depth critiques of the pros and cons of oversight systems in place in four jurisdictions. The next paper, by Julie Berg, examines the reasons for the transition, in South Africa, from an Independent Complaints Directorate to the present Independent Police Investigative Directorate (IPID). She concludes that the enlarged powers and responsibilities of the IPID, including a requirement that it investigate a range of serious matters, is likely to contribute to enhanced police accountability, subject to ongoing political support.

The first of the general set of papers reviews surveys of the public, complainants and police about their expectations and experiences with police complaints and discipline systems. Tim Prenzler, Mateja Mihnjac and Louise Porter found widespread dissatisfaction with existing systems. They argue that a greater focus on independence, and more opportunities for informal resolution and mediation, would improve stakeholder confidence in the legitimacy and fairness of systems. The final paper, by Louise Porter, provides a suitable positive end to the special issue. The paper frames the work of oversight agencies in terms of the famous problem-oriented policing SARA process (‘scanning, analysis, response and assessment’), and provides a number of case studies of improvements in police conduct resulting from the cooperative efforts of oversight agencies and police departments.

Finally, we have two book reviews. One reports on a book on police internal investigations, and the other examines a book on police corruption and accountability.

The authors thank everyone who provided assistance in bringing this special issue together: the authors, the anonymous reviewers, the Editor-in-Chief Dilip Das, and Kathryn White – Production Editor at Taylor & Francis.

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RESEARCH ARTICLE

Oversight of the police and residual complaints dilemmas: independence, effectiveness and accountability deficits in the United Kingdom

Graham Smith*

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Focusing on England and Wales, this article examines how police complaints reform in the UK has been informed by developments in European human rights law. Particular emphasis is placed on the continuation of long-standing dilemmas in regard to who investigates the police, the effectiveness of investigations of police and accountability deficits in jurisdictions where police oversight bodies are equipped to investigate police.

Keywords: police complaints; police oversight; police reform; police accountability; human rights

Background

Independent oversight of the police has emerged as a core principle of democratic policing (Council of Europe Commissioner for Human Rights [CECHR], 2009; United Nations Office on Drugs and Crime, 2011). Around the globe, non-police engagement in complaints procedures are to be found at the heart of police reform programmes that are carried out in the name of ‘modernisation’ in established democracies and ‘democratisation’ in transitional states. Originally associated with English-speaking jurisdictions, what are variously referred to as independent, external, civilian or citizen complaints mechanisms thrive as a rapidly developing area of police policy. Cycles of reform at the national level, punctuated by scandals, enquiries and legislative intervention (Smith, 2006) have contributed to a growing police complaints discourse and discernible waves of reform on the international stage (Goldsmith & Lewis, 2000). This is no more apparent than in Europe, where the Council of Europe’s Strasbourg-based human rights institutions play a leading role in ensuring police complaints mechanisms adhere to principles of independence and effectiveness (Smith, 2004, 2010). Since the introduction of the Police Complaints Board for England and Wales in 1977, non-police oversight bodies have been set up, not in chronological order, in Belgium (Standing Police Monitoring Committee); Cyprus (Independent Authority for the Investigation of Complaints and Allegations Against the Police); France (Commission Nationale de la Déontologie de la Sécurité); Hungary (Independent Police Complaints Commission [IPCC]); Ireland (Garda Síochána Complaints Board, which was replaced in 2007 by the Garda Síochána Ombudsman Commission (Conway & Walsh, 2011)); and Portugal (Inspeção-Geral da Administração Interna). At the time of writing, independent commissions or governmental

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bodies have recently given consideration to, or are developing, non-police institutions in Austria, Denmark, Norway, Sweden and Turkey.

The central role of oversight bodies in police reform programmes is clearly identifiable in the UK and a succession of institutions in Northern Ireland, England and Wales and Scotland have held responsibilities for handling complaints (Porter & Prenzler, 2012). Developments in Northern Ireland served as a blueprint for reform (Savage, 2007) when, in 2000, the Office of the Police Ombudsman for Northern Ireland (OPONI) replaced the Independent Commission for Police Complaints. The OPONI has sole responsibility for handling all complaints, including investigations, against the Police Service of Northern Ireland (Ellison, 2007). Criticism of the way in which a number of historical investigations were conducted in apparent breach of human rights standards (Committee on the Administration of Justice, 2011; Criminal Justice Inspection Northern Ireland, 2011) culminated with the resignation of the Chief Executive and Police Ombudsman in 2011 and 2012, (Anon, 2011) and a consultation exercise is currently considering the structure and responsibilities of the OPONI (Department of Justice Northern Ireland, 2012). The first oversight body with powers to investigate complaints against the 43 police services of England and Wales, the IPCC, replaced the Police Complaints Authority (successor to the Police Complaints Board) in 2004. As part of a later cycle of reform, including introduction of elected Police and Crime Commissioners, (Newburn, 2012) the Police Reform and Social Responsibility Act 2011 significantly altered complaints arrangements. The IPCC holds that the changes will improve the complaints system by reducing bureaucracy, devolving responsibility to frontline police managers and focusing on concerns raised by complainants (IPCC, 2012b). The UK Parliamentary watchdog, the Home Affairs Committee (HAC), which has played a vital role in police complaints reform in England and Wales, (HAC 1982, 1997; Smith 2001) published, in 2010, a report critical of the IPCC (HAC, 2010) and, at the time of writing, is conducting an inquiry into the independence, powers, responsibilities and effectiveness of the IPCC (HAC 2012a, 2012b). The Police Complaints Commissioner for Scotland (PCCS) assumed responsibility for overseeing complaints, without investigation powers, against Scotland’s eight police services in 2007 (Scott, 2011). Aligning with arrangements in the rest of the UK, the Police and Fire Reform (Scotland) Act 2012 created a unified Police Service of Scotland and a Police Investigations and Review Commissioner, with powers to investigate complaints, will replace the Police Complaints Commissioner (both organisations are due to commence operations on 1 April 2013) (Scottish Government, 2012).

Focusing on developments in England and Wales, with references to Northern Ireland and Scotland, this article examines residual dilemmas that plague police complaints practice in all jurisdictions. The IPCC was created in an attempt to address widespread concern with the lack of independence, effectiveness and accountability in the police complaints system of the 1990s, (IPCC, 2005b) and current issues relating to these residual dilemmas are briefly examined below.

Who investigates the police?

There are several live issues relating to this enduring police complaints dilemma, and three of them are briefly examined here: aggregate numbers of complaints investigated by police services and oversight bodies; involvement of seconded police officers or former officers in investigations conducted by oversight bodies; and the practices of independent complaints investigators.

The OPONI investigates all complaints against officers serving in the Police Service of Northern Ireland; the PCCS does not investigate complaints against any Scottish officers; and a two-tier system operates under the auspices of the IPCC in England and Wales. The OPONI's wide-ranging powers and responsibilities set it apart from other police complaints bodies and, as non-police oversight has become more commonplace, it is the IPCC two-tier model that conforms to a more standard approach whereby the oversight body has investigative and review responsibilities (Prenzler & Ronken, 2001). The IPCC investigates a small number of complaints and the vast majority are investigated by the police, some of which are managed or supervised by the IPCC. Between 2004/2005 and 2010/2011, a total of 114,532 complaints allegations against police in England and Wales were investigated (IPCC, 2012a). In the same period, the IPCC started 729 and completed 515 investigations; started 981 and completed 881 managed police investigations; (IPCC, 2012c) and started supervision of 2317 police investigations (Furniss, 2011). It is widely accepted that shared responsibility for investigation between police and overseer represent best practice as well as good value for money (Prenzler 2009; Punch 2009). For these arrangements to work, particularly in regard to maintaining public confidence, it is crucial that complainants trust the police to investigate their complaints and the oversight body's procedures to review police investigations are effective (see further below) (Goldsmith, 2005). The research evidence, however, indicates significant numbers of people with grievances against the police are reluctant to complain to the police (Grace & Bucke, 2009; Smith 2009b). One method of access to the complaints system in England and Wales is directly to the IPCC which, with the consent of the complainant, forwards the complaint to the police service concerned. Between 2005/2006 and 2010/2011, of the 71,899 direct complaints received by the IPCC 21,959 complainants withheld consent for their complaint to be forwarded to the police (IPCC, 2012c). A total of 182,023 complaints were recorded against the police in this period, (IPCC, 2012a) which indicates that over 10 per cent of people who were compelled to register a complaint against the police did not have their complaint recorded. IPCC research found the three principal reasons given by complainants for withholding their consent were as follows:

- that they did not think the police would handle their complaint properly (32%),
- that they wanted their complaint to be handled by the IPCC (25%) and
- that they feared police harassment or other police action (17%). (Hagger Johnson, 2011, p. 15)

It is apparent that the opportunity for a member of the public to register a complaint with the IPCC and not have it recorded by the police has served as an important indicator of trust and confidence in the complaints system. The Police Reform and Social Responsibility Act 2011 (Schedule 14, paragraph 8 (2)), however, removed the consent requirement, and the IPCC is now required to notify the police of a complaint unless it considers exceptional circumstances apply.

Two-tier complaints systems, with the majority of complaints investigated by the police and serious incidents investigated by a separate body, have increasingly become the norm in European jurisdictions (Smith 2010). This is partly as a result of the requirement, under European Convention on Human Rights (ECHR) case law, that an independent investigation, irrespective of whether or not a complaint has been recorded, must be conducted in the event that a police officer may have been responsible for a violation of the right to life or the prohibition of torture, inhuman and degrading treatment or

punishment (CECHR, 2009). There are two limbs to the meaning of 'independence' in the jurisprudence of the European Court of Human Rights: there must not be any institutional or hierarchical connection between the police officer under investigation and the investigator, and the conduct of the investigation must be independent in practice (*Ramsahai v the Netherlands* (2007) 46 EHRR 43). Greater importance is thought to attach to the first limb and adherence to the independence principle has been assumed, more or less, in Northern Ireland as a consequence of the OPONI's comprehensive complaints responsibilities; in England and Wales by means of statutory police referrals to the IPCC of death and serious injury (DSI) cases; (Smith, 2009a) and, in Scotland, the powers of the Crown Office and Procurator Fiscal Service to conduct Fatal Accident Investigations are held to meet the required standard (Cullen, 2009).

The assumption that independence is a corollary of investigation by a non-police body has been challenged from a variety of quarters in recent years. In regard to the first limb, the involvement of seconded and former police officers in investigations has given rise to cause for concern and, in regard to the second, questions have been raised on cultural grounds about the degree of independence exercised by investigators and caseworkers.

As early as 2002, when the legislation to create the IPCC was drafted, the civil liberties non-governmental organisation, Liberty (2002), warned against the appointment of former police officers to lead IPCC complaints investigations and criticism of the practice has dogged the IPCC since (HAC, 2010; Liberty, 2009). In its first Annual Report, the IPCC explained that all senior investigators were from a police background because of 'their specialist experience in dealing with serious crimes' (IPCC, 2005a, p. 18). The prospect of capture (Prenzler, 2000) was raised by the HAC after learning that ex-police officers employed by the IPCC may have been 'investigating possible ex-colleagues in their former force' (HAC, 2010, p. 15). The IPCC's long-term goal of training up a cohort of IPCC investigators failed to materialise and, in 2011, it was revealed that eight of the Commission's nine serving senior investigators were ex-police officers and, of a total of 115 investigators, 35 (30.43 per cent) were ex-police officers (Furniss, 2011). In response to growing concern on this issue, Dame Anne Owers (much respected former Chief Inspector of Prisons for England and Wales), in her first speech as Chairperson of the IPCC, announced a programme to recruit and train investigators with a non-police background (Owers, 2012).

It is inconceivable that the presence of a large body of investigators with a police background and vast experience of criminal investigations and years of exposure to police occupational culture has not impacted significantly on IPCC working practice generally. Capture of this type has a direct bearing on whether or not IPCC investigations are independent in practice and relates to the third live issue considered in this section of the paper. Practical independence is based on the exercise of independent judgment, and the close association between independence and impartiality signals the importance of independent decision-making by unbiased practitioners to the fair and effective administration of justice. The Police Action Lawyers Group (PALG), a representative body of practitioners who act for complainants, gave written and oral evidence to the 2012 HAC inquiry into the IPCC. The PALG complained that a culture had developed in the IPCC which regarded police officers to be witnesses rather than suspects in complaints proceedings. Their view was that this culture, which results in IPCC investigations lacking rigour and independence, is based on attempts by the IPCC to 'appear neutral to police officers' (HAC, 2012b, p. 148). In oral evidence, PALG representatives explained further that IPCC investigators and caseworkers lacked the courage to use their powers to hold the police to account and 'the IPCC confuses its duty of independence with neutrality' (HAC

2012a, answer to Q1). The PALG's evidence, presented exclusively from the standpoint of complainants, mirrors Savage's (2013) research findings into the understandings given to independence by IPCC, OPONI and Ireland's Garda Síochána Ombudsman Commission personnel. There are clear synergies between practitioners' concerns about the difficulties their clients faced and research evidence of the problems encountered by 'independence workers' (Savage, 2013). Concluding that oversight bodies are particularly vulnerable to capture, Savage found complaints caseworkers, investigators and overseers in the three jurisdictions conceptualised independence in three ways: as (a) impartiality or neutrality, (b) distance or separateness and (c) objectivity. Impartiality/neutrality was the most commonly cited definition and objectivity the least, and more than 80% of the practitioners interviewed believed their independence was constrained, primarily as a consequence of institutional proximity to, and reliance on, the police.

A feature of police complaints reform on the international stage is the 'ripple effect' that sees developments in one jurisdiction replicated in another (Goldsmith & Lewis, 2000). The OPONI's reputation for independence has also been found wanting after similar objections were raised to the involvement of investigators with police backgrounds and the degree of independence practised. The Committee on the Administration of Justice (2011) published a review critical of the OPONI's performance in dealing with historical cases. Much of the review focused on the effectiveness of investigations into a series of cases and inconsistencies in the conclusions reached, particularly in regard to findings of collusion between the security forces and paramilitaries. The Committee also spelled out its concerns with the independence of the Police Ombudsman and his Office in relation to the appointment of the Police Ombudsman, recruitment of senior personnel with police backgrounds and dependence of OPONI investigations on intelligence held by the Police Service of Northern Ireland. A subsequent report by the Criminal Justice Inspection for Northern Ireland highlighted the dilemmas associated with OPONI's employment of staff with police backgrounds (estimated to be 41%) and 'the flawed nature of the investigation process used in historical cases' (Criminal Justice Inspection Northern Ireland, 2011, pp. 32–34).

Effectiveness of investigations of police

The effectiveness of investigations sits alongside the 'who investigates' question as a core police complaints dilemma. Independence reflects the authority and legitimacy of a complaints system, and effectiveness is essential to the credibility and integrity of investigations. All investigations of police must be effective for the police and IPCC to meet their obligations to investigate and sanction misconduct and maintain public confidence in the complaints system (IPCC, 2010; Smith, Hagger Johnston, & Roberts, 2012). There is not the space in this article to give consideration to the effectiveness of the many police investigations of police, and discussion is therefore limited to examination of some of the issues that have arisen in regard to IPCC investigations and reviews of police investigations.

Whereas independence may be more to the fore in public debate, effectiveness is the key factor in the jurisprudence of the European Court of Human Rights, and independence, along with adequacy, promptness, public scrutiny and victim involvement, is one of five ECHR principles of effective police complaints investigation (CECHR, 2009). The ECHR adequacy principle holds that for an investigation to be effective it must be capable of gathering evidence to establish if police behaviour was unlawful, and identify and punish those responsible (*Aksoy v Turkey* (1996) 23 EHRR 553). There is extensive ECHR case law in support of the adequacy principle that establishes what is required for

an investigation of police to be thorough: including where criminal culpability may be an issue, officers should be interviewed as suspects in accordance with due process safeguards; (*Ramsahai v The Netherlands* (2007) 46 EHRR 43) full and accurate statements should be obtained from officers; (*Assenov v Bulgaria* (1999) 28 EHRR 652) and police testimonies should not be uncritically accepted (*Kaya v Turkey* (1999) 28 EHRR 1). Failure to conduct a prompt and expeditious investigation, as required by the promptness principle, may also render an investigation inadequate because of the risk that evidence may be lost as a result of delay (*Aydin v Turkey* (1997) 25 EHRR 251).

Investigations of deaths in custody or following contact with the police are the most high profile IPCC cases and bereaved relatives and their representatives have been among the Commission's most vocal critics. The campaigning civil rights non-governmental organisation, Inquest, which represents bereaved relatives and friends of persons who have died in custody or following police contact (Shaw & Coles, 2007) have consistently raised concerns with the failure of IPCC to meet ECHR standards. Giving evidence to the HAC (2010) inquiry into the work of the IPCC, Inquest criticised the Commission for its 'failure to treat deaths in custody or following police contact as potential crimes and do important evidence-gathering at the beginning of the investigation' (HAC 2010, p. 9).

A principal cause of controversy arises out of conflict between the public interest of determining whether a police officer may be liable in criminal or misconduct proceedings on the one hand, and safeguarding the rights of the officer on the other. As a matter of principle, a police officer is accountable to the law the same as any member of the public, and similar conflict between effective investigation and the rights of suspects is present in all criminal proceedings. There is, however, an important extra dimension that has to be taken into consideration in investigations of police. The police officer's duty to act and resort to physical force if necessary, to enforce the law, has resulted in the development of differences between how police investigate crime and how the behaviour of police officers is investigated. (Procedural differences became more pronounced as a consequence of rule changes under Schedule 23 of the Criminal Justice and Immigration Act 2008 to Paragraphs 19A-E of Schedule 3 of the Police Reform Act 2002, and the introduction of 'special requirements' for investigations of police). When learning about an incident, police must keep an open mind about whether, when making their enquiries, they are seeking assistance from a witness or investigating a suspect alleged to have committed a criminal offence. Police criminal investigations are relatively unhindered by the classification of a suspect as a witness. If an officer has reasonable cause to suspect a witness committed or may commit an offence the officer has the power to issue a caution, and the witness becomes a suspect. This flexibility, which facilitates effective criminal investigation by allowing witnesses to speak freely while, simultaneously, safeguarding the rights of suspects, is not straightforwardly available to those who investigate the police. In an investigation of the police, under the provisions of the Police Reform Act 2002, (IPCC, 2010) a decision has to be made at the outset whether the officer's conduct, which may or may not lead to criminal or misconduct proceedings, is an issue. In non-DSI cases, this determines the mode of investigation, that is, whether a local investigation will be carried out by the police, or whether an IPCC supervised, managed or independent investigation will be conducted (IPCC, 2010). In the event of a decision to conduct an independent investigation, which statutorily includes DSI cases, the IPCC also has to decide at the outset whether to certify the case as subject to special requirements, which authorises investigators to interview an officer under caution as a suspect.

In written and oral evidence to the 2012 HAC inquiry, the PALG explained that the reluctance of the IPCC to take the necessary steps to ensure police officers are interviewed as suspects, or to review decisions not to certify special requirements, protected officers from effective investigation. These IPCC practices, the lawyers averred, rendered the Commission complicit in the efforts of officers to avoid having to account for their behaviour and effectively placed them above the law:

[O]rdinary members of the public who have not been invested with the powers of a Police Constable also have the right to use force, including lethal force, in self-defence. However, the difference is that if someone is killed by a member of the public – even in self-defence – the individual who struck the fatal blow will be treated as a suspect, arrested and given an opportunity to provide his account in an interview under caution. If, during that interview, the suspect does not raise a defence, an adverse inference can be drawn at trial from that failure to give an account. It is entirely unclear why police officers are not treated in the same way (HAC 2012b, p. 147)

The IPCC have not been impervious to criticism that their investigations lack independence and effectiveness; a review of investigations of deaths is currently underway and the Commission are lobbying for statutory powers to compel police officers to attend interviews (HAC 2012a, 2012b).

IPCC investigations are liable to be criticised as inadequate when the outcomes of other legal proceedings, during which the conduct of police officers is subject to further scrutiny, are inconsistent with the IPCC's findings. The PALG and Inquest point to verdicts in coroners' courts and successful actions for damages in the civil courts as evidence of the failings of the IPCC (Cafe, 2012). The case of Sean Rigg, who died in police custody in August 2008, demonstrates their point. In August 2012, the IPCC announced that their investigation into the death of Sean Rigg would be independently reviewed after the jury at the inquest into the cause of his death issued a narrative verdict (a verdict that gives additional details for the purpose of explaining the jury's findings in contrast to a short verdict when the cause of death is simply stated, for example whether 'lawful' or 'unlawful') which was critical of multiple failings by the National Health Service and police (Dodd, 2012). The IPCC investigation into Rigg's death found that police officers acted 'reasonably and proportionately' when arresting and restraining him and there was no evidence that excessive force was used (IPCC, 2012d). In contrast, the inquest jury found:

The level of force used on Sean Rigg whilst he was restrained in the prone position ... was unsuitable. ... The agreed view of the Jury is that Sean Rigg was struggling but not violently. The length of restraint in the prone position was therefore unnecessary. It is the majority view of the Jury that this more than minimally contributed to Sean's death (Inquest, 2012, p. 1).

Turning to civil actions, the PALG's suggestion in evidence to the 2012 HAC inquiry that successful claims for damages in civil proceedings illustrate the ineffectiveness of complaints investigations is reminiscent of arguments put to the Committee in 1997 (HAC, 1997). The HAC was, then, agnostic about whether the increase in successful civil actions against the Metropolitan Police Service in the 1990s compared with the low substantiation rate of complaints demonstrated the complaints system to be ineffective. The Committee did conclude, however, that the disparity in outcomes between these two principal remedies to police misconduct contributed to public dissatisfaction in the disciplinary and complaints system.

Table 1. Appeals to IPCC against the outcome of police investigations of complaints.

Appeal type	2004/2005	2005/2006	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011
Received	265	1239	n/a	n/a	2684	3631	4453
Completed	246	880	1838	2260	2402	2928	4259
Upheld	52	131	307	439	528	603	971
% upheld	20%	11%	17%	19%	22%	21%	23%

Source: Police Complaints Annual statistics 2004/2005–2010/2011 (IPCC, 2012a).

The IPCC's appellate function in cases where a complainant is dissatisfied with the way in which the police handled their complaint is a central feature of the Commission's oversight role. A complainant may appeal to the IPCC against a decision of the police not to record their complaint, local resolution proceedings (arrangements for handling complaints which are not investigated (IPCC, 2010)) and the outcome of a police investigation into their complaint. The number of appeals completed by the IPCC in each of these three categories has increased year on year since 2004/2005, and in 2011/2012, a total of 6476 appeals were received, of which 1893, 38 percent were upheld (IPCC, 2012c). The IPCC Chair has expressed her concerns in recent months that the volume of appeals and success rate clearly indicate that complainants are dissatisfied with the way in which their complaints are handled by the police (HAC, 2012a, 2012b; Owers, 2012). Appeals against the outcome of police investigations have increased the most (Table 1) and account for the largest number of received, completed and upheld appeals. In 2010/2011, the 4453 appeals received by the IPCC represented more than one fifth of the 21,096 complaints investigations completed that year (IPCC, 2012a).

In spite of the relatively high portion of appeals upheld by the IPCC, the PALG made similar criticisms of the lack of independence and effectiveness of IPCC caseworkers in their handling of appeals in their evidence to the 2012 HAC inquiry (HAC 2012a, 2012b). Particular mention was made of the failure of caseworkers to exercise their independent judgment and critically examine decisions not to substantiate complaints which police investigators had determined were 'not capable of proof'.

Accountability deficits

Crucial to any discussion of accountability are six basic questions: (i) accountability of whom, (ii) to whom, (iii) for what, (iv) to what standards, (v) under what process, and (vi) what consequences may follow? (Mashaw, 2006) The legislative framework for holding police officers accountable for misconduct in England and Wales is provided by the Police Reform Act 2002 and accompanying regulations, currently the Police (Complaints and Conduct) Regulations 2012, for which the IPCC provides guidance (IPCC, 2012b). Within this statutory framework, there is scope for a police officer to be deemed formally accountable under law while remaining unaccountable to the person who made an allegation against them and, therefore, in a position to escape personal responsibility for a wrong they may have committed. Accountability deficits of this type are evident from the discussion above and are deserving of further brief mention.

Hidden victimisation is widely acknowledged in the criminal justice system, (Walklate, 2012) yet remarkably little research has been conducted into the experiences of complainants against the police. The National Audit Office (2008) was critical of the IPCC for failing to research the experiences of complainants and pointed out that only

two of the 15 member organisations of its Advisory Board represented complainants. The National Audit Office commissioned their own study into the experiences of stakeholders, (May, Warburton, & Hearnden, 2008) and the IPCC abandoned the Advisory Board following withdrawal of the PALG (Davies, 2008). Despite the many advances achieved as a consequence of police reform in the UK in the last decade or so it remains the case that victims of police misconduct continue to suffer secondary victimisation of a different order to other victims of crime (Smith, 2003). The IPCC has made little difference to the victims of police injustice in so far that they continue to find themselves in the situation where they have to campaign for justice and remain unlikely to gain redress against individual officers responsible for their suffering. In the recent past, two high profile cases that served to highlight the failings of the IPCC's predecessors, the Police Complaints Board (operational between 1977 and 1985) and the Police Complaints Authority (1985–2004) were back in the public spotlight. It was 31 years before the Metropolitan Police Service (2010) acknowledged that a police officer probably killed Blair Peach with a truncheon blow to the head in 1979 (his widow, Celia Stubbs, was a founder member of Inquest); and the bereaved families of 96 Liverpool Football Club supporters, who died at Hillsborough football ground in Sheffield in 1989, campaigned for 23 years before the truth was revealed about the extent to which police concealed their role in the disaster from the public (Hillsborough Independent Panel, 2012).

Since formation of the IPCC there have been a number of deaths in custody or following contact with the police where family support campaigns have found it necessary to criticise the IPCC in addition to the police. These include the following: the families of Jean Charles de Menezes, who was shot dead by police in 2005 as part of a calamitous counter-terrorism operation; (Inquest, Inquest Lawyers Group, & PALG, 2006) Sean Rigg (see above); Ian Tomlinson, who died after being pushed to the ground by a police officer in 2009; (Lewis, 2009) and Mark Duggan, whose death triggered a wave of rioting across the UK in 2011 (Scott, 2012).

Conclusion

The type, frequency, methodology and outcomes of police complaints serve as important indicators of institutional responsiveness, and it follows that procedures should be subjected to close scrutiny for the purpose of improving complaints practice and police performance generally. Developments in the three jurisdictions of the UK, where the pace of change has been uneven, conform to this ideal and further upheaval is imminent. At the time of writing, Scotland is preparing for operationalisation of an entirely new system under the stewardship of a Police Investigations and Review Commissioner; procedural changes have been introduced in England and Wales under the Police Reform and Social Responsibility Act 2011; and in Northern Ireland, the outcome of the Department of Justice's consultation on the OPONI is awaited. In these times of financial austerity, some of the reforms have to be understood in the light of the limited resources available to oversight bodies including, for example, transfer of some of the IPCC's appellate responsibilities to the police. Furthermore, the ongoing HAC inquiry gives notice that more far reaching change in England and Wales is on the horizon. The intensity of criticism levelled at the IPCC has increased significantly in recent months and the shadow home secretary, Yvette Cooper, announced plans to abolish the Commission and replace it with a Professional Standards Authority at the October 2012 Labour Party conference (Travis, 2012). It would appear that a resurgent IPCC, which is engaged in a recruitment programme of non-police investigators, conducting a review of investigations of deaths and

seeking statutory powers to compel police officers to attend interviews, is seeking to rescue its damaged reputation.

Notes on contributor

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RESEARCH ARTICLE

Citizen oversight in the United States and Canada: an overview

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Police misconduct and corruption have the potential to erode public trust and confidence in both policing and government agencies. Repeat accounts of law enforcement officials engaging in deviant acts have prompted greater citizen involvement in the review of officer behavior. However, citizen oversight has had a contentious history in both the USA and Canada, with most challenges expressed by law enforcement officers whose behavior often comes under scrutiny. This article provides a review of how citizen oversight has evolved in both nations, as well as an examination of contemporary models of this accountability practice. This review reveals that operational differences exist between the different oversight models and that external factors such as political, police, and public support, as well as budgetary considerations also impact the procedural outcomes of citizen oversight. We conclude with a discussion of the future prospects and challenges to citizen oversight of the police.

Keywords: citizen oversight; civilian review board; police misconduct and corruption

Introduction

Democratic governments empower the police to regulate the conduct of citizens, who in return expect a degree of professionalism on their behalf. Allegations of excessive use of force, intentional homicide, racism, and other forms of misconduct and corruption, unfortunately, have been leveled at the law enforcement community and the public has grown wary of the inability of agencies to control the actions of their own officers. For many private citizens, even the courts and politicians have failed at deterring officers from engaging in proscriptive behaviors, especially those that violate the welfare and safety of the public (Punch, 2009). To address these shortcomings, calls for citizen oversight agencies to investigate and adjudicate claims of police misconduct and corruption have been made by citizens, reformers and scholars. The philosophical justification for civilian oversight is twofold: (1) compensate for governmental failures to combat police deviance and (2) equalize the balance of power between public officials and citizens. As Terrill (1988a p. 239) notes, citizen oversight ‘... is based on the premise that although the public has relinquished to the police the authority to enforce the law, the public retains the right to control the police bureaucracy externally, if the need arises.’

Walker (2000) succinctly defines citizen oversight as ‘a procedure for providing input into the complaint process by individuals who are not sworn police officers’ (p. 5). Whether termed ‘civilian,’ ‘citizen,’ or ‘external’ oversight, the existence of such citizen

accountability initiatives has become common practice in democratic nations (Prenzler, 2011); with each agency varying in relation to the degree of citizen involvement in the mechanisms of complaint review. With this said, the purpose of this article is to provide an overview of this accountability practice in the USA and Canada. First, attention is given to the evolution of citizen oversight in both countries. Second, an examination and explanation of several specific examples of these contemporary models and their practices are provided. Third, we conclude with a discussion of citizen oversight as a viable option for reducing the occurrence of unlawful police behavior and satisfying citizen demands for increased police accountability.

Evolution of citizen oversight

United States

Policing scholars have commented extensively on the persistent existence of officer misconduct and corruption within American police departments. (Goldsmith, 1969; Petterson, 1978; Punch, 2009; Walker, 2000). Many agencies during the early history of the USA were inefficient organizations with pervasive corruption and abuse and were staffed with poorly qualified and untrained officers (Haller, 1976; Walker, 1977). Special commissions reviewing police behavior in the early part on the twentieth century repeatedly cited the observation of such problematic behavior, particularly in the form of brutality. As the 1967 President’s Commission on Law Enforcement and Administration reports:

The National Commission on Law Observance and Enforcement (the Wickersham Commission), which reported to President Hoover in 1931, found considerable evidence of police brutality. The President’s Commission on Civil Rights, appointed by President Truman, made a similar finding in 1947. And, in 1961, the U.S. Civil Rights Commission concluded that ‘police brutality is still a serious problem throughout the United States.’ (1967, p. 3)

These concerns prompted continuous waves of police reform intended to professionalize the conduct of officers by establishing minimal qualifications that included a law-abiding background, the establishment and subsequent upgrade in training, and adoption of standard operating procedures, among other improvements. However, Walker (2000) concludes, ‘despite accomplishments in many areas, the professionalization movement fell short with respect to accountability’ (p. 10).

The continued pattern of police abuse, misconduct and corruption, coupled with the failure of government to address these problems in a transparent way, led to a movement of citizen involvement in the police accountability process (Lewis, 2000). Although volunteer attorneys in the Los Angeles area during the 1920s proposed the idea of having private citizens evaluate complaints against police officers, it was the 1931 Wickersham Commission that recommended the creation of ‘some disinterested agency’ in each city to assist people with their complaints (Walker, 2000). Similar recommendations were proposed over the years, but it often took a race riot, other type of civil unrest or catastrophic event to spark reform. Politicians disinterested in the issue of police corruption, and more specifically, police brutality, unfortunately blocked attempts to create these types of agencies. Nonetheless, continuing racial tensions and riots that erupted in cities such as New York, Detroit, Washington, D.C. and Los Angeles in the 1940s spearheaded the creation of the first citizen oversight agency in the USA (Walker, 2000).

Formally instituted in 1948, the (CRB) for the Metropolitan Police in the District of Columbia was the first oversight agency developed in this country (Walker, 2000). It was

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comprised of three citizens who reviewed complaints referred by the police chief and offered suggestions on the proper disposition of each case. However, an informal coalition of politicians and law enforcement representatives were successful in impeding its development and capabilities. Though the agency would remain in existence until the mid-1990s, funding constraints and a chronic inability to handle a large and growing caseload led to its demise. Although reformers saw this failure as a setback, oversight agencies around the country continued to develop.

Philadelphia would produce the first significant oversight agency (in 1958), called the Philadelphia Police Advisory Board. Directors and members of the American Civil Liberties Union (ACLU) and the mayor, Richardson Dilworth, were serious in their efforts to reform the police. An executive order passed in 1958 created the agency, which consisted of a board of citizens who would receive complaints, refer them to the police department for investigation, and after reviewing the department's reports, make recommendations for action (see Terrill, 1988b). Similar to the Washington experience, this board suffered a lack of public and private support, financial stability and an overwhelming number of cases that collectively led to its downfall in 1969 (Walker, 2000).

The backlash against citizen oversight by police unions, police officials and associations, including the International Association of Chiefs of Police (IACP), continued to limit the viability of citizen review boards. Arguments against oversight included the belief that the police could discipline their own, that corruption was not as rampant as the media led the public to believe, and that oversight would undermine the police's autonomy and ability to effectively perform its job (Walker, 2000). For example, opponents of citizen oversight, most notably powerful police unions, were successful in their efforts to diminish any momentum on the part of oversight advocates in New York City, leading the New York City Civilian Complaint Review Board (NYCCRB) to suffer the same fate as that of the Washington and Philadelphia boards. Teamed with the Policeman's Benevolent Association, police unions staged a successful campaign in New York to influence citizens to vote in favor of a referendum to abolish the NYCCRB in 1966 (Walker, 2000).

Civil unrest in major cities in the USA during the late 1960s and early 1970s, however, reversed this trend and reinstated a serious call for citizen accountability of the police. As public confidence and trust in government agencies waned, the notion of increased police accountability was resurrected. As an example, Kansas City established a citizen review system in 1969 that survives today. Walker (2000) acknowledges that the Kansas City initiative survived because it was created by an ordinance, which cannot be repealed with the same ease as an executive order, and because police officials began to accept the idea of citizen oversight. Police endorsement simultaneously increased public support, which thereby led to a renewed growth in this accountability mechanism across the country. In fact, cities such as Berkeley, Detroit and San Francisco, among others, have developed and maintained citizen oversight agencies since the 1970s and 1980s. New York has also reconstituted an all-civilian review board. Moreover, as of 2011, more than 120 citizen oversight agencies operate across the USA (National Association of Citizen Oversight of Law Enforcement [NACOLE], 2012).

Canada

While police misconduct and corruption in Canada has not received the same level of public and scholarly attention as in the USA, the problem exists in many of the same ways. As Campbell, Mahaffy, Stewart, and Trepanier (2004, p. 1) note:

Corruption within Canada's law enforcement services is not a new phenomenon. The Caron inquiry of the early 1950s looked into corruption among Montreal officers involved in prostitution and gambling. The provincial Keable inquiry in Quebec and the related MacDonald Commission of the late 1970s examined police wrongdoing following the October crisis. More recent incidents of police corruption and police misconduct in Canada include assaults committed by Vancouver police officers, police involvement in the freezing deaths of aboriginal men in Saskatchewan, and a litany of corruption-related charges facing members of Toronto's police force.

Driving the need for change in the handling of complaints against Canadian law enforcement were strained police-minority relations, lack of transparency and consistency in the complaints process and ineffective measures to control police misbehavior (Landau, 2004). The more progressive political climate of the 1980s and a demand for increased responsibility and professionalism of the police by members of the public eventually led to the introduction of citizen oversight in Canada. According to Landau (2004), the *Metropolitan Toronto Police Force Complaints Project Act 1981*, which formally established Canada's first review board, was contingent upon:

At least a decade of hostile, even volatile, police-community relations that sparked a significant round of reforms for the civilianization of the handling of public complaints against the police in Ontario. These issues were compounded by findings of procedural irregularities and criminal wrongdoing within a number of Canadian police forces, including the Royal Canadian Mounted Police and the Metropolitan Toronto Police Force. The completely internal handling of complaints and the lack of transparency in the process were also identified as significant barriers to police accountability and legitimacy. (pp. 65–66)

Landau (2004, p. 66) further states that the Toronto model:

Was one in which the responsibility for management and discipline within the force rested with the police, but which established a civilian authority – the Public Complaints Commissioner – who could intervene when that responsibility was breached.

Initially, the review board was severely limited in both its investigative and adjudicative power(s), as well as the range of departments it was permitted to oversee. Only the Toronto police force was subjected to this oversight, and the legal powers of the commissioner were restricted simply to monitoring the investigation, monitoring the decision(s) of the chief of police and initiating a review of the claim if either the officer-defendant or citizen-complainant requested it (Landau, 2004, p. 67). Contrary to the American police response to citizen oversight, the Toronto police force was originally supportive of the idea, mostly because of the heightened level of involvement of the chief in disposing of and resolving cases, as it was he who initiated most investigations and rendered the final decision concerning responsibility and discipline (Lewis, 2000).

Citizen review of the Toronto police complaint process was seen by many as a watershed moment in Canadian police accountability. Passage of the *Metropolitan Toronto Police Force Complaints Act, 1984* made the civilian review board permanent, and the *Police Services Act 1990* expanded its coverage to include all police services in Ontario (Landau, 2004, p. 68). Positive aspects of the complaint process, according to complainants, were that citizens could lodge them with an agency that was separate from the police force, which limited the 'intimidation factor' (Landau, 2004, p. 68) associated with filing complaints directly with the police. Also, all complaints had to be officially recorded with copies sent to the complainant, chief and officer(s) in question. Chiefs were

required to update complainants every 30 days regarding the status of the complaint and what actions had been taken to resolve it (Landau, 2004, p. 68). This behavior though prompted the police to voice concerns over the operation of these review boards.

The Ontario Provincial Police Association and various chiefs within the province responded unenthusiastically to the increased autonomy and powers invested in citizen oversight based on this legislative action (Landau, 2004). This response led to legislative proposals to substantially decrease the powers of review boards and change the dynamics of citizen oversight in Ontario. Passed in November 1997, *Bill 105* increased the discretionary powers of the chief in dealing with complaints. For example, the chief could dismiss claims if she/he perceived them to be ‘frivolous, vexatious or made in bad faith,’ and had the authority to take no action on a claim that did not directly involve police policies or practices (Landau, 2004, p. 74). The requirement that the chief inform citizens and the new office of complaints (The Ontario Civilian Commission on Police Services [OCCPS]) of the claim’s status was also eliminated under the provisions of *Bill 105*.

Nonetheless, in keeping with the demand for citizen oversight, other Canadian provinces began instituting civilian review boards. The Royal Canadian Mounted Police, for instance, created the Public Complaints Commission, which grants the civilian agency ‘an active monitoring and inquiry role, while maintaining the major investigative and disciplinary decision-making within the police structure’ (Lewis, 2000, p. 169). Quebec, Manitoba, British Columbia and other Provinces have all passed legislation creating civilian review boards that are very similar, if not equal to, the Toronto model (Lewis, 2000). Currently, there are 18 municipal, provincial, and federal citizen oversight agencies operating throughout Canada (Canadian Association for Civilian Oversight of Law Enforcement [CACOLE], 2012). As with the American experience, most officers have been resistant to the idea of citizen oversight, with even the public expressing notable ambivalence (Landau, 2004, p. 68). Initial public ambivalence, as will be illustrated in our discussion of the Ontario Civilian Commission of Police Services, stemmed from the fact that the oversight agency did not have complete independence from the police and that most of the investigative and adjudicative powers largely rested with the chief.

Contemporary models of citizen oversight in the USA and Canada

As civilian review boards have been created over the years, there exists distinct variability in their structure and procedure. Some differ in terms of where and how complaints can be filed, the exact nature of citizen and police department input, investigative and adjudicative powers of each side and even in terms of agency independence from the police department. To understand better the structure and function of these boards, Walker (2000) created a classification schema distinguishing four models of oversight, which is presented in Table 1. His models are best described on a continuum, where Class I systems represent the greatest involvement of citizens and Class IV reflect the least involvement.

Class I systems, or what Walker (2000) refers to as Citizen Review Boards, represent review bodies composed of non-police personnel that are autonomous from law enforcement agencies. These boards have complete investigative responsibility (investigates complaints and makes recommendations for disciplinary action) of complaints, as well responsibility for making policy recommendations. Class II systems, Police Review/Citizen Oversight, include agencies where investigation of the complaint and disciplinary recommendations are conducted by the police department, but the citizen board has input into the review and analysis of reports. Class III systems, Police Review/Citizen–Police

Table 1. Models of oversight agency responsibilities.^a

Responsibilities	Class I systems	Class II systems	Class III systems	Class IV systems
Complete investigative responsibility	X			
Autonomous agency	X			
Non-police members	X			
Mixed police–citizen investigations		X		
Appellate-review only			X	
Auditor system				X
Policy recommendation ability	X	X		X

^aModels based on Walker’s (2000) classification of citizen oversight approaches.

Appeal Board, represent a model where police departments maintain responsibility over the investigation, review and disposition of the case, but complainants can appeal the outcome to a board composed of officers and citizens. Class IV systems reflect an independent auditor approach where the investigation, review and disposition of cases are handled internally by the agency, but a citizen based body (individual auditor or group) reviews the complaint process as a means of transparency and regulation, with the ability to make policy recommendations on the review process.

To illustrate how these systems work, the following examination provides a description of citizen oversight bodies that fall within these categories. The oversight bodies come from one Canadian province and three cities in the USA: Ontario, Canada; St. Paul, Minnesota, Portland, Oregon; and San Jose, California. The discussion of each oversight body provides a review of the elements that classify it within Walker’s (2000) framework, along with additional insight into the functioning of each body.

In addition to the above classification schema, Walker (2000) has provided the most comprehensive method to evaluate citizen oversight agencies which includes whether non-English speaking individuals have access to a complaint form in their native language, the substantiation rate, the reduction in number of officer misconduct cases, the independence of the agency from the police department, the ability of the agency to investigate and adjudicate claims, the reception the complainant receives by the agency and police department when filing a complaint, how the complaint is categorized and recorded, the resources and staffing of the oversight agency, its cost-effectiveness to taxpayers, whether the agency influences police policy, and whether the oversight agency helps bridge any divide between police and community. Ideally, the below discussion of each oversight body would capture whether these characteristics are present, along with providing these comparative measures. Unfortunately, the review below is based on the annual reports produced by these oversight bodies and other materials, which often do not provide some of the above information. Thus, we provide these measures below when available.

Class I system

Ontario province

Mentioned earlier was the fact that civil unrest, lack of transparency and ineffective anti-corruption measures prompted a demand for external accountability of Toronto’s police force. Passage of the *Metropolitan Toronto Police Force Complaint Project Act 1981* created the first citizen oversight agency in Canada. Despite public concern over perceived illegitimacy of the review board (Landau, 2004), government officials agreed

to make it permanent and to expand its powers by overseeing all Ontario police services with the passage of the *Metropolitan Toronto Police Force Complaint Act 1984* and the *Police Services Act 1990*. Originally, complaints were investigated and adjudicated by the chief of police. Recently, though, the board has taken a more proactive stance on investigation, as well as offering the police policy recommendations (Landau, 2004). Given its current ability to initiate independent investigations, despite at times sharing that responsibility with the chief, as well as having the authority to recommend policy changes, the OCCPS is categorized as a *Class I System*. Individuals who feel they have been harmed by a police officer may file a complaint on-line in English or French, and/or in-person at one of several locations throughout the province.

Ontario board members include a chair, a commission counsel, senior, full and part-time investigators, as well as case managers and administrative coordinators who are all appointed by the Lieutenant Governor in Council (OCCPS, 2011). OCCPS also has the ability to review decisions by the police, upon request from the complainant, and either confirm the decision or order a disciplinary hearing into the matter. Of the roughly 24,000 police officers in the Ontario province, there was an average of 2600 complaints filed annually by citizens between the years 2005 and 2009. Starting in 2005, complaints steadily declined, yet the amount of reviews of decisions requested by citizens increased from 569 in 2005 to 644 in 2009 (OCCPS, 2011).

Landau (2004) conducted a mixed-methods study of officer-defendant and citizen-complainant perceptions of the OCCPS system. As previously stated, dissatisfaction was expressed by virtually every citizen who had experience with the system because they perceived it to be 'biased, in-favor of the police, and ineffective at minimizing officer misconduct' (Landau, 2004, p. 67). This sentiment is likely due to the lack of complete autonomy the agency has from the police departments throughout the Ontario province. Despite this, Ontario's board continues to receive governmental support and funding, and is recognized as 'promoting police entitlement while guarding against internal impediments to accountability' (Lewis, 2000, p. 163). It should also be noted that as the agency has gained increased independence from these police departments over the years, not only have conviction rates against accused officers increased, but so too has public support for the OCCPS (CACOLE, 2012).

Class II system

St. Paul

Created in 1993, the Police-Civilian Internal Affairs Review Commission (PCIARC) began overseeing investigations into the inappropriate conduct of St. Paul police officers. Then, police chief, William Finney, urged city council members to adopt a procedure that would permit civilians the opportunity to not only make recommendations regarding case disposition, but also the opportunity to aid in the investigative process (Finn, 2001). According to Finn (2001), hearings into police wrongdoing are typically closed, there is no appeals process regarding final decisions, neither the Internal Affairs Unit (IAU) nor the PCIARC make public their disciplinary recommendations, no party to these investigations acts as a mediator and though the commission maintains the power to subpoena witnesses, it infrequently uses it.

Similar to both the *Class I* and *IV* systems, the PCIARC has the ability to make policy recommendations to the police department and it is open to hearing cases involving excessive use of force; discrimination; poor public relations; improper procedure and firearm discharges that do not occur within the realm of police training. However, unlike

a *Class I* system review board, the PCIARC does not have the authority to initiate its own investigations, and it does not operate independently of the police department. Most investigations are conducted in tandem with the police department's IAU, and though the PCIARC may make recommendations regarding punishment, it is the chief who makes all such final decisions (Finn, 2001). In fact, the chief is not obliged to follow any PCIARC disciplinary recommendations, but s/he must acknowledge the findings and make any determinations according to them. These procedural criteria coincide with Walker's (2000) *Class II* system classification scheme.

A 2009 PCIARC policy report offers additional insight into the inner-workings of this oversight model, as well as any successes it has had in working both with its respective police department and community members. Throughout 2009, PCIARC and IAU members convened 11 times and reviewed 114 cases which resulted in 358 separate charges of improper action by members of the department. Of those charges heard, 35 were sustained, 157 were not sustained, 62 were exonerated, 103 were unfounded and 1 was deemed a policy failure (PIACRC, 2010). Until 2009, the PCIARC had never invoked its power to subpoena, but it utilized this ability in 2009 on two separate occasions – both of which involved PCIARC 'fact-finding' efforts which required interviews with two separate witnesses. Finally, St. Paul's civilian review board has been successful in getting the police department to adopt various policy recommendations. According to the PCIARC's annual report, not only has the commission managed to make both its representative body more diverse and reflective of community demographics, but it also managed to get the St. Paul police department to diversify its personnel. Even more, as of 2009, increased training of both IAU and PCIARC members is required regarding case handling and disposition, and each year both departments are now required to publish their annual findings, thereby making them accessible to the public (PCIARC, 2010).

Class III system

Portland

The Portland's Internal Investigations Auditing Committee (PIIAC) was established in 1982 by a majority vote from city residents. Following reports of racial bias and prejudice on behalf of Portland police officers in the 1970s and 1980s, city council and community members convened and agreed to respond to many of the concerns. However, city council members were successful at minimizing the powers of the PIIAC and ensuring it did not have any investigative authority. During the late 1980s and early 1990s, reports of officer misconduct subsided and the simultaneous resignation of various PIIAC members prompted city council to pass legislation that effectively abolished the agency (Independent Police Review [IPR], 2011). Episodes of police corruption, including a controversial shooting, revitalized discussions about police accountability shortly thereafter though. As a result, in 2001, the contemporary version of Portland's citizen auditor agency, the IPR, was instituted and continues to the present-day (IPR, 2011).

The IPR is composed of a director and a nine civilian volunteers that form the citizen review committee. When the IPR was constituted in 2001, it was given the authority to manage the intake of complaints, monitor the complaint investigation process conducted by the Police Bureau's Internal Affairs Division (IAD) and the discipline recommended and manage officer and citizen appeals of complaint review outcomes. During the intake process, the IPR collects initial information from the complainant and witnesses and makes a recommendation on whether the complaint should be dismissed, sent to a mediation program managed by the IPR, or forwarded to the Police Bureau's IAD for

investigation. In addition to monitoring the investigative efforts, the IPR director was given the authority to initiate an investigation of a specific complaint or class of complaints where the director believes IAD has not done an adequate investigation, representing at some level a board determined appellate function. In addition, if an officer or citizen appeals a complaint outcome, the civil review committee is then responsible for conducting this review.

These functions do not provide a clear cut classification into Walker's (2000) four class schema. The IPR is not an autonomous body with complete investigative authority, nor does it conduct complaint investigations jointly with police internal affairs investigators. It does have responsibility for appellate review of cases, leading to its classification here as a *Class III* system under Walker's (2000) schema. The IPR also has monitoring responsibility for the investigative process that represents an audit function discussed in the following section. In 2010, however, the city council voted to expand the IPR's oversight authority and increase the transparency of the Portland Police Bureau's investigative procedures (IPR, 2012). These changes included:

- (1) Increased investigative authority for independent investigations by granting the IPR subpoena authority to compel civilian witness testimony and the production of evidence, and authorizing the IPR to initiate investigations in cases of community concern even when no actual complaint was filed.
- (2) Increased IPR's role in investigations conducted by the Police Bureau: requiring IPR approval before an administrative investigation is closed, authority for IPR to challenge post investigatory findings recommended by the Police Bureau, and authority to challenge discipline recommendations.
- (3) Restructured the Police Bureau's disciplinary review board to make the IPR a voting member and thereby increasing civilian influence in discipline recommendations. (IPR, 2012, p. 2)

These changes suggest the IPR has maintained political support. It also makes the classification of the IPR into Walker's (2000) schema less clear cut, possibly existing between a *Class III* and *Class II* system.

In 2011, the IPR handled the intake and initial review of 373 citizen complaints. The IPR dismissed 267 or 72% of these complaints, 100 (27%) complaints were referred to IAD, 5 (1%) were sent to mediation, and 1 (<1%) was resolved at intake (IPR, 2012). The majority of dismissed cases were the result of the IPR finding in their initial review that there was no misconduct in 142 or 53% of cases, and not being able to prove misconduct in 42 cases (16%). In addition to these intake processing efforts, the IPR also engaged in a variety of community outreach efforts that included meeting with community members and organizations to discuss the IPR, as well as arranging public forums for Police Bureau leaders to engage the public on various issues. No data was provided in the 2011 report regarding appeal cases reviewed.

Class IV system

San Jose

Created by a city ordinance in 1993, San Jose's Independent Police Auditor (IPA) system is responsible for providing independent oversight of the complaint process through objective review of police misconduct investigations (IPA, 2012). Much like other oversight agencies, it was started because of a public perception that the internal

investigations unit of the San Jose police department (SJPD) failed to address effectively complaints of officer misconduct. Board members include a director, two senior analysts, a general analyst and a specialist. Their duties consist of responding to citizen requests to review departmental decisions on misconduct cases, looking for witnesses to see if claims can be corroborated, abiding to a 65-day timeline to complete reviews, making recommendations to the SJPD to improve their practices and engaging in various community activities to improve relations between the police and public. Collectively, these functions classify the San Jose IPA as a *Class IV* system under Walker's (2000) framework.

In 2010 and 2011, the IPA made a combined 41 policy recommendations to the SJPD (IPA, 2012). For example, while the department required officers to track the race/ethnicity of individuals stopped for automobile searches, there was no such requirement when pedestrians were stopped. Because the IPA does not distinguish between these types of stops and considers identifying and addressing potential discriminatory practices important, the department now requires officers to collect the same information for all stops. Also, the SJDP used to issue citations to homeless people sleeping in their cars. However, the IPA conducted an investigation and uncovered no city ordinance that prohibits this behavior; therefore, the SJDP is no longer permitted to engage in such practices. Another policy recommendation accepted by the SJDP was a requirement that IA and IPA officials be trained jointly regarding the investigation of officer misconduct. Taught by Stanford University professors, training on investigation focuses primarily on bias-based policing practices that have a harmful effect on community morale.

Apart from helping to reduce that amount of complaints filed against police officers from 2006 to 2011, this oversight agency is extremely active within the community (IPA, 2012). It organizes events, meetings and presentations that bring together members of both the community and law enforcement. Concerns both sides have regarding police practices and other related issues are raised and attempts are made by IPA representatives to mediate any disputes. Despite these positive activities, the agency warns that failure on behalf of IA to close all investigations within a 300-day time period may undermine the IPA's oversight role. The IPA requires at least 65 days to complete all reviews and must stay within that time period to maintain its promise of expediting its review procedures (IPA, 2012).

Discussion

Regardless of the police force or country, repeated accounts of officer misconduct voiced by the public can seriously undercut the level of trust, confidence, and support community members have in their law enforcement officials. Governmental responses to police corruption include court hearings, legislative mandates, and internal investigations. Unfortunately, not only have these measures failed to resolve police accountability problems, they have often failed to earn credibility among citizens. In response, oversight committees comprised of citizens who look into and/or oversee the investigative procedures of the police departments have gained considerable support in recent decades. Our review provides an illustration of different models of citizens' oversight that have emerged to improve transparency and accountability of law enforcement agencies.

It is important to acknowledge that most of our data are taken from reports produced by police agencies or their related oversight bodies, which introduces potential bias in how these models are presented. This dependence on agency reports is largely the product of a limited body of independent empirical literature evaluating these citizen-based systems. Future research should focus on mixed-methods studies whereby outcome variables can be supplemented with qualitative interviews with citizen-complainants and

officer-defendants about their perceptions of the processes and outcomes. Surveys can also be administered to involved parties in order to obtain more generalizable findings. Collectively, this data would provide the potential for developing comparative performance measures that could be used to evaluate oversight bodies that reflect similar forms of review.

Setting the research issues aside, it is important to recognize that citizen oversight is an evolving framework. The traditional intent of citizen oversight has been to develop a transparent complaint system that creates a perception of fairness on the part of the complainant. In addition, and perhaps more important, such oversight is meant to provide a more effective and objective review process that will address current misconduct and provide a general deterrent to future officer misconduct. Livingston (2004) observes that such efforts have generally focused on the reactive investigation of individual complaints. She notes, however, that even in the best circumstances, this reactive approach will face limitations in creating change that will reduce future misconduct. For example, many individuals who feel they have been a party to misconduct do not file complaints, even in the most hospitable citizen systems. She also notes many complaints reviewed by citizen boards are 'one-on-one confrontations' where there is little additional evidence to determine whether the officer or complaint is telling the truth, resulting in a large number of unsubstantiated complaints. Combined, these issues will prevent the identification of misconduct or failure to discipline it, assuming some portion of unsubstantiated complaints reflects misconduct. As a result, Livingston calls for a more proactive form of citizen review that involves evaluating factors that create opportunities or circumstances for misconduct as a means to develop policies that better regulate officer behavior. Her argument is not meant to discredit traditional approaches to citizen review, but instead to enhance the role of these oversight bodies.

Livingston's suggestion reflects a comprehensive form of Walker's (2000) *Class I system*, or what Harris (2012) and others (Lewis, 2000) call 'holistic' approaches to citizen review. While such a model provides perhaps the maturation to the ideal in transparency and oversight, Harris (2012) observes that it will continue to face the same challenges in development and sustainability with regard to a lack of political will, limited authority, and an inability to counter police opposition. In fact, it can be argued that holistic models will face much stronger opposition in the USA and Canada given its inclusion of a preventative policy recommendation that intrudes on an activity that police managers have generally viewed as their domain. As indicated in our analysis, police managers may sometimes be reluctant to accept recommendations, let alone afford authority to mandate policy changes from individuals who they view as having little experience or expertise in managing police organizations. This highlights the argument that success in citizen oversight, in whatever form, will hinge on police leadership that is open to cooperating with such citizen bodies (Harris, 2012; Livingston, 2004).

It is also important to acknowledge that the future expansion of citizen oversight in the USA and Canada faces additional unique challenges due to the more fractured nature of police services relative to countries such as Australia and England where citizen oversight has a strong presence. There are approximately 18,000 state and local law enforcement agencies in the USA (Reaves, 2011) and nearly 400 provincial and municipal police services in Canada (Swol, 1999).¹ In light of these agency figures, there are just over 120 citizen oversight agencies in the USA (NACOLE, 2012) and 18 in Canada at the municipal, provincial, and federal level (CACOLE, 2012). This gap in oversight is partially misleading in Canada given that many municipal police services fall under the authority of legislatively adopted citizen oversight bodies at the provincial level, such as

the OCCPS discussed earlier. However, the political autonomy of municipal and county governments in the USA does not provide such provincial authority to regulate the respective police services at the state level. Thus, a very small percentage of agencies in the USA are covered in some form of citizen oversight, and any growth will only come through individual community decisions across these numerous jurisdictions. This means battling the issues of political will, autonomy, police resistance, and funding across hundreds of diverse jurisdictions.

Conclusion

This discussion on the challenges to holistic approaches to citizen oversight and the expansion of agencies under some form of oversight, particularly in the USA, is not intended to present a pessimistic view or deride the relevance of these efforts. Instead, it is meant to take stock on the current existence of citizen oversight and some of the real challenges ahead if this is going to become a common practice in North American law enforcement. At the same time, it is important to not overlook the progress that has been made. A number of citizen oversight models, including some of the ones discussed in this article like the San Francisco, San Jose and Portland models, appear to be accepted by their respective public members as viable approaches to police officer monitoring. These advances provide an increased level of legitimacy to citizen oversight and successful agencies worthy of emulation.

Note

1. Swol (1999) identifies just under 600 law enforcement agencies in Canada, but approximately 200 have policing services provided by the RCMP or Ontario Provincial Police through contract.

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RESEARCH ARTICLE

Democratic policing, police accountability, and citizen oversight in Asia: an exploratory study

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One of the ways in which the ideals of policing mirrors democratic governance is the role played by citizens in dealing with matters relating to police accountability. While many western developed democracies have mechanisms for civilian oversight of police that include an active citizen role, the extent to which citizen oversight exists in new and emerging democracies is unclear. In this exploratory study, we examine the nature and extent of police accountability in emerging and new democracies in Asia, their efforts to democratize police organizations, and the extent to which civilians are included in police oversight mechanisms.

Keywords: citizen oversight; police accountability; democratic policing; development and policing; Asia

Introduction

There has been a growing citizen interest in Asia in governance and democracy, their institutions, and, particularly, the role of civil society and rule of law, as well as the public's ability to contribute to law and criminal policies (Lu & Liang, 2011). This can be attributed partly to an upsurge in citizen support for government responsiveness, accountability, transparency, and overall efficiency (Rahman & Robinson, 2006) in all matters of state functioning, including policing. Many developed economies have recognized and widely implemented mechanisms for police oversight by including citizen participation in handling complaints about police misconduct and other matters related to police accountability. Nearly, 80% of all law enforcement agencies in the U.S. have some form of citizen oversight – which is by no means a small achievement, given that proposals for any form of citizen participation were roundly rejected by police organizations all over the country a few decades ago (Walker, 2005). A quick search of the countries which rank in the top 20 democracies in the world (Economist Intelligence Unit (EIU), 2011), shows that over 60% of them have police oversight mechanisms that include civilians. Such developments are reflective of developed democracies, which recognize and emphasize the principles of democratic policing, police legitimacy, and procedural justice as foundational to democratic governance. Established practices like Civilian Review Boards (CRB) and other such policies (Walker, 2001) not only represent citizen participation in processes to check for police accountability and misconduct but also are believed to be beneficial, as they can improve general public satisfaction with police and, more specifically, police accountability (De Angelis, 2009).

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An earlier version of this paper was presented at the annual meetings of the Midwestern Criminal Justice Association, Chicago, 27–28 September 2012.

Is the existence of mechanisms for civilian oversight of police accountability reflective of the maturity and development of a democracy? Many countries have internal mechanisms for police accountability, which include written departmental policies, and other internal review mechanisms. However, civilian complaint procedures such as the CRBs and written departmental policies, became part of the police culture in the U.S. and other developed democracies after centuries of independence and numerous democratic and police reforms. The primary purpose of CRBs is to overcome the limitations of internal oversight mechanisms by independently handling complaints against the police and monitoring police organizations. The assumption is that the extent to which police work represents 'democratic policing' reflects the nature of the democratic governance of the country. That is, where a government ensures citizen participation and representation, equality in the application of rule of law, protection of human rights, and transparency in governance, one can expect the police, as an extension of the state, to reflect and adhere to such values.

The post-World War II era has witnessed the emergence of many new independent countries from colonial rule. Not all democracies are the same. Many of these countries call themselves democratic republics but claim to hold values of political freedom, civil liberties, and freedom of the press among others. The extent to which policing and police culture reflect these larger indicators of democracy is unclear. The extent to which these democracies have evolved to include civilian participation in matters pertaining to democratic policing and police accountability is even more uncertain. The goal of this study is to examine the state of development in civilian oversight mechanisms in Asia. We follow this discussion with an analysis of case studies from select Asian countries from the four groups of democracy rankings (e.g., full, flawed, hybrid regimes, and authoritarian regimes) with a goal of assessing if the measures of progressive democracies are a good indicator of civilian oversight of police.

Emerging and evolving democracies in Asia

While democracy exists in many forms, the effectiveness of a government is measured by its level of citizen participation, its protection of human rights, the quality of the civil service and its degree of independence from political pressures, its ability to maintain order, and its equal application of a rule of law that is representative of the citizens' views.

A common classification of nations on a democracy scale suggests four categories: Full Democracy, Flawed Democracy, Hybrid Regimes, and Authoritarian Regime (EIU, 2011). The characteristics of full democracies include a favorable climate for political and civil freedom; satisfactory government functioning; governmental checks and balances; independent media and judiciary; and enforcement of judiciary rulings (EIU, 2011). The Economist Intelligence Unit (2011) outlines the characteristics of democracies as follows. Flawed democracies share similarities with full democracies on matters relating to civil liberties and free and fair elections. However, these democracies are flawed because of weaknesses in areas of governance, underdeveloped political culture, and minimal political participation. Hybrid regimes are seen as having considerable irregularities preventing free and fair elections, potentially common improper government pressure, and more prevalent drastic weaknesses in the political culture, government functions, and citizen participation. Other issues include prevalent corruption, weak civil society and rule of law, media hindrance, and non-independent judiciary. Finally, in authoritarian regimes, political pluralism is non-existent or restricted; elections are not free and fair; the state owns the media; civil liberties are suppressed; the judiciary is far from independent; and there are dire consequences for criticizing the government.

Table 1. Ranking of Asian countries on various measures of democracy.

	Rank ^a	Overall score ^b	Electoral process and pluralism ^b	Political participation ^b	Political culture ^b	Civil liberties ^b	Government effectiveness ^c	Corruption control ^c	Political rights ^d
<i>Full democracy^b</i>									
Japan	21	8.08	9.17	6.11	7.50	9.41	1.35	1.50	1
South Korea	22	8.06	9.17	7.22	7.50	8.53	1.23	0.45	1
<i>Flawed democracies</i>									
Taiwan	37	7.46	9.58	5.56	5.63	9.41	1.17	0.90	1
India	39	7.30	9.58	5.00	5.00	9.41	(0.03)	(0.56)	2
Timor-Leste	42	7.22	8.67	5.56	6.88	8.24	(1.13)	(1.05)	3
Sri Lanka	57	6.58	7.00	5.00	6.88	7.94	(0.08)	(0.42)	5
Thailand	58	6.55	7.83	5.56	6.25	7.06	0.10	(0.37)	4
Indonesia	60	6.53	6.92	5.56	5.63	7.06	(0.24)	(0.68)	2
Mongolia	69	6.33	8.33	3.89	5.00	8.24	(0.62)	(0.68)	2
Malaysia	71	6.19	6.50	5.56	6.25	5.88	1.00	0.00	4
Philippines	75	6.12	8.33	5.00	3.13	9.12	0.00	(0.78)	3
<i>Hybrid regimes</i>									
Hong Kong	80	5.92	3.50	4.44	6.88	9.41	1.70	1.84	N/A
Singapore	81	5.89	4.33	2.78	7.50	7.35	2.16	2.12	4
Bangladesh	83	5.86	7.42	5.00	4.38	7.06	(0.85)	(1.00)	3
Cambodia	101	4.87	6.08	2.78	5.00	4.41	(0.75)	(1.10)	6
Bhutan	104	4.57	6.25	3.33	4.38	3.53	0.62	0.74	4
Pakistan	105	4.55	5.17	2.22	4.38	5.29	(0.82)	(1.00)	4
Nepal	108	4.24	1.83	3.89	5.63	5.59	(0.79)	(0.77)	4
<i>Authoritarian regime</i>									
China	141	3.14	0.00	3.89	5.63	1.18	0.12	(0.67)	7
Vietnam	143	2.96	0.00	2.78	6.25	1.47	(0.28)	(0.63)	7
Afghanistan	152	2.48	2.50	2.78	2.50	3.82	(1.46)	(1.55)	6
Laos	156	2.10	0.00	1.11	5.00	1.18	(0.91)	(1.06)	7
Myanmar	161	1.77	0.00	0.56	5.63	0.88	(1.64)	(1.69)	N/A
North Korea	167	1.08	0.00	1.67	1.25	0.00	(1.87)	(1.38)	7

() = negative.
^a167 nations were ranked, 1 = most democratic, 167 = least democratic; Source: Economist Intelligence Unit, Democracy Index 2011.
^bScored: 1 = least democratic, 10 = most democratic, with the mean overall score for Asian and Australia is 5.51; Source: Economist Intelligence Unit, Democracy Index 2011.
^cData from 2011, range from (-2.5, 2.5) with high score representing greater government effectiveness or greater corruption control; Source: Kaufmann et al. (2012).
^dScored: 1 = Most Free, 7 = Least Free; Source: Freedom in the World (2012).

Table 1 lists 24 Asian nations out of 167 nations included in the analysis in descending order based on the data drawn from the Economist Intelligence Unit's (EIU) Democracy Index 2011 rankings and other related sources. We have adopted the United Nations classification and included all the countries in South, Southeastern, and Eastern Asia. We have excluded three countries, Iran, Maldives, and Macao, as data were not available. The measures in the table aim to illustrate how closely individual states adhere to principles widely considered democratic. Countries were ranked on various dimensions of democracy with measures that include:

- Electoral process and pluralism (estimating whether nations maintain free and fair elections);
- Political participation (estimating whether all citizens are active and voluntarily participating within the democracy, for example, voting, engaging in politics, minority representation);
- Political culture (estimating whether the state's culture is conducive to a flourishing democracy, e.g. desired leadership, perception of militaristic rule, perception of democracy as a successful form of government);
- Civil liberties (estimating whether commonly recognized basic human rights such as freedom of speech, freedom of religion, freedom of the press, and right to due process are respected [EIU, 2011]).

Additional measures include Government Effectiveness, which estimates the quality of public services, civil service (including its level of independence), policy formation and implementation, and the government's level of commitment, as well as Corruption Control, which estimates public perceptions regarding the level of corruption (Kaufmann et al., 2009).

Drawing from the EIU (2011), the nations are separated into four categories (Full Democracy, Flawed Democracy, Hybrid Regimes, and Authoritarian Regimes) based on an overall score. Nations such as Japan and South Korea are categorized as full democracies based on factors such as the existence of basic political and civil freedom, a culture favorable to democracy, satisfactory government functioning, governmental checks and balances, independent media and judiciary, and the enforcement of judiciary rulings (EIU, 2011).

Flawed democracies like Thailand, India, Indonesia, Malaysia, and the Philippines share similarities with full democracies, such as basic civil liberties and free and fair elections (EIU, 2011). However, these democracies are flawed because of significant weaknesses in areas of democracy such as government problems, weak political culture, and minimal political participation (EIU, 2011).

Hybrid regimes such as Hong Kong are seen as having considerable irregularities preventing free and fair elections, potentially common improper government pressure, and more prevalent drastic weaknesses in the political culture, government function, and citizen participation in government. Other issues include prevalent corruption, weak civil society, media hindrance, and a non-independent judiciary (EIU, 2011). Finally, in authoritarian regimes such as China, political pluralism is non-existent or very restricted, with many nations governed by dictators (EIU, 2011). While 'democratic' governments may formally exist, they do not include free and fair elections, civil liberties are not respected, media and the judiciary are far from independent, and there are often consequences for criticizing the government (EIU, 2011).

Overall, Table 1 displays a framework for comparing the degree of democracy achieved by various nations in Asia. We caution that the descending order of country rankings may not truly represent their rankings on different measures of democracy. For instance, although the nations of Thailand (58th) and Indonesia (60th) are more democratic than the Philippines (75th) in rank, the Philippines' score for Electoral Process and Pluralism, as well as Civil Liberties, exceeds that of both Thailand and Indonesia, showing that while an overall rank and score may be higher for a particular nation, the disaggregated scores for each category do not necessarily follow the same descending pattern.

From democracy to democratic policing and citizen oversight

While opinions regarding what constitutes democracy seem to change continuously, the extent to which police are democratic is also continuously evolving (Nalla, 2009). Within developed democracies such as the United States and Great Britain, the underlying premise of the police as a democratic institution (democratic policing) is that officers work as agents of the community to serve and protect community members (Nalla, 2009, p. 521). Although the meaning of democratic policing has seen a variety of interpretations (Bayley, 2006; Goldstein, 1977; Sklansky, 2008), the current image of democratic policing within the United States is the product of a series of reforms following the riots of the early 1960s (Goldstein, 1977; Weisburd & Braga, 2006). In a democracy, police theoretically should uphold the following objectives (Bayley, 2001; Goldstein, 1977): primarily, to serve the public through crime prevention and sustaining order; to depend directly on public approval for the organization's existence; to interfere in the lives of citizens only to the extent necessary to uphold objectives and also with respect to the limitations outlined by the law; to use force only within the limits permitted by law and to the lowest degree considered necessary to restore order; to mirror the characteristics of the community in which their jurisdiction resides; and, to be transparent and held accountable to the public they serve.

The western image of a developed democracy sharply contrasts with images of Asian developing democracies. Many Asian countries that were once ruled by colonial powers or arose from dictatorships continue to reflect significant influences from the past in their legal and bureaucratic systems (Joshi, 2003; Nalla, 2009). Whether ruled by a colonial power or a dictator, policing within the developing nations of the Asian-Pacific region has been focused largely on defence and maintenance of the established rule rather than on service-oriented policing (Joshi, 2003; Kádár, 2001; Kőszeg, 2001; Mawby, 2001). Joshi (2003) argued that even after achieving independence and, in some instances, making efforts to transform policing, many countries have not witnessed transition from regime style policing to a more democratic service (Joshi, 2003).

As noted earlier, the aim of this article is to assess if the measures of progressive democracies are good indicators of democratic policing with emphasis on police oversight and accountability in Asia. These developments parallel and reflect a nation's culture of democracy as measured by factors such as political participation, political rights, civil liberties, and government effectiveness. The preceding arguments outline a framework that suggests countries that rank high on democracy measures have policing systems that are open, transparent, and accountable to civilian oversight mechanisms. Thus, by extension to Asia, one should expect countries that are ranked high on various measures of democracy to have well-developed mechanisms for civilian participation in police accountability.

Except for a smattering of focused studies on the topic in Asia, for example, South Korea (Kang & Nalla, 2011) and the Philippines (de Guzman, 2008a; de Guzman,

2008b), Hong Kong (Wong, 2010), and China (Wu & Sun, 2009), little research has been done on civilian oversight mechanisms in Asia. Pyo (2008) identified 4 types of oversight mechanisms in his review of 16 Asian ASEM¹ (Asian-Europe Meeting) countries: human rights commissions (HRCs); anti-corruption agencies; ombudsmen; and, specialized police complaints organizations. The primary goal of each of these mechanisms is as follows (Pyo, 2008). Human rights commissions and anti-corruption organizations deal with issues such as discrimination, freedom of speech and assembly, fair trials, and integrity. Anti-corruption organizations deal exclusively with charges of corruption of police officials as well as other public officials. Ombudsmen handle petitions and complaints from the public. Pyo (2008) notes that, although in the 16 countries he reviewed, 6 countries have human rights commissions, 10 have anti-corruption agencies, 11 have a national ombudsman, with the exception of two countries none of these mechanisms was created exclusively for police oversight and accountability. Some countries have more than one mechanism in place but note that only one country, Hong Kong, has a specialized police

Table 2. Listing of oversight mechanisms in Asia by democracy rankings.

	Rank ^a	Human rights commission	Anti-corruption agency	National ombudsman	Civilian oversight
<i>Full democracy</i>					
Japan	21			×	
South Korea	22	×	×	×	×
<i>Flawed democracies</i>					
Taiwan	37	NA	NA	×	NA
India	39	×	×	×	?
Timor-Leste	42	NA	×	NA	NA
Sri Lanka	57	×	NA	×	?
Thailand	58	×	×	×	
Indonesia	60	×	×	×	
Mongolia	69	×	NA	NA	NA
Malaysia	71	×	×	×	
Philippines	75	×	×	×	×
<i>Hybrid regimes</i>					
Hong Kong	80		×	×	×
Singapore	81		×		
Bangladesh	83		×		
Cambodia	101	×	×	×	
Bhutan	104	NA	×	NA	NA
Pakistan	105	×	×	×	?
Nepal	108	×	×	×	NA
<i>Authoritarian regimes</i>					
China	141		×	×	
Vietnam	143		×		
Afghanistan	152	×	×	×	NA
Laos	156				
Myanmar	161	×			
North Korea	167				

^a167 nations were ranked, 1=most democratic, 167=least democratic; Source: Economist Intelligence Unit, Democracy Index 2011.

complaints organization. In this article, we fill the void by analyzing a group of countries drawn from the 4 groups of countries discussed earlier – full democracies, flawed democracies, hybrid regimes, and authoritarian regimes – to assess the extent to which the development of oversight mechanisms exclusively for police closely parallel the degree of democratization achieved in these nations.

Using Pyo's (2008) contribution as a framework, we have updated his table outlining various mechanisms of oversight for 24 countries in Asia. Two countries, Brunei and Maldives002C were omitted from the study as they were not ranked on the democracy scale. Table 2 lists all the countries included in the study with columns for democracy ranking and the existence of HRCs, anti-corruption agencies, ombudsmen, and CRBs. Wherever we were unable to confirm the existence of any of these agencies, we indicated this with the letters 'NR'. Three countries in Asia have CRBs that are in existence or working. These are South Korea, the Philippines, and Hong Kong, representing full democracy, flawed democracy, and hybrid regimes, respectively. In two flawed democracies, India and Sri Lanka, as in the hybrid regime, Pakistan, there were efforts to introduce civilian oversight agencies but these either were not fully instituted or are now defunct (CHRI, 2007). With the exception of Laos and North Korea, every Asian country has an oversight agency in one form or another.

For further analysis, we chose South Korea (full democracy), the Philippines (flawed democracy), and Hong Kong (hybrid regime) to compare civilian oversight mechanisms. Among these countries, South Korea and the Philippines have had a close relationship with the U.S., which has played a key role in shaping defense policies and in internal security matters, including law enforcement. In addition to these countries, we also chose one country with a CRB from hybrid regimes (Hong Kong). Hong Kong Special Administrative Region (SAR), though classified as a hybrid regime, is a former British colony that was later leased by China to Great Britain for 99 years, an agreement that ended in 1997.

South Korea

Formerly a colony of Japan, Korea gained its independence in 1945. From 1950 to 1953, the United States and United Nations forces helped to defend the Republic of Korea (South) from the Democratic People's Republic of Korea (North) until the Korean Peninsula was split into North Korea and South Korea. Today, South Korea (from now on referred to as Korea) is considered a fully functioning modern democracy (CIA, 2012) and is committed to aligning with common notions of democratic policing and complying with principles such as rule of law and human rights protection (Kang & Nalla, 2011). South Korea has instituted several oversight mechanisms, including a human rights commission (National Human Rights Commission [NHRC]); the Anti-Corruption and Civil Rights Commission (ACRC), which serves as both an anti-corruption agency and the National ombudsman; and, proposals for establishing a specialized police complaints organization.

In the early 1990s, Korea instituted a series of reforms in an effort to increase police accountability, transparency, and ways in which citizens could participate in oversight (Kang & Nalla, 2011). The NHRC and ACRC do not work in conjunction with police internal investigations of complaints; these mechanisms work on a larger scale, mitigating human rights abuses (NHRC) and dealing with issues of corruption and complaints against public officials (ACRC), although the ACRC is without statutory investigative power (Pyo, 2008).

In 1999, the Korean National Police Agency (KNPA) created the Office of Hearing and Inspection (OHI) nationally, locally, and at the state level to investigate complaints against police (Kang & Nalla, 2011). The OHI failed to gain public trust largely because the chief of the state police appointed the members, and the majority of the members of the committee consisted of police officers (Kang & Nalla, 2011). In 2005, the KNPA established the Civilian Review Committee (CRC), a committee comprised of nine civilians serving two-year terms, to review the internal investigations done by the police department (Kang & Nalla, 2011). A further step toward improving Korean oversight was taken in 2010 following a developing pattern of police misconduct and corruption, in which the South Korean president ordered that civilian programs be created (Choo, 2010). Only one month later, the Korean police introduced guidelines for formal Civilian Review Boards (CRBs) that would be placed at all 16 state police agencies and the national headquarters and include academics, non-academics, and legal professionals as members (Kang & Nalla, 2011; Park, 2010).

On August 21, 2012, CRBs were officially established, and 91 CRB members were appointed to cover the offices established at the police headquarters and state police departments (Min, 2012). However, no CRB offices were established yet at the local level (Cheon, 2012). This came on the heels of a recommendation of the Police Reform Committee (PRC) to the Commissioner General in May 2012 (Kim, 2012). The primary goal of CRBs is to investigate corruption and misconduct charges and to make recommendations to the Chief of State Police or the Commissioner General; they do not have any authority to determine disciplinary action.

The Philippines

The islands of the Philippines saw Spanish colonization in the sixteenth century and then eventually fell under the power of the United States in 1898 following the Spanish-American War. The Philippines became a self-governing commonwealth in 1935; after fighting alongside the United States against Japanese occupation during World War II, the Republic of the Philippines gained independence in 1946. As a law enforcement organization, the Philippine National Police's (PNP) structure and organizational culture were influenced heavily by its former colonial rulers, Spain and the U.S. The U.S. primarily used the Philippine Constabulary, which became the PNP in 1990, as a means of 'colonization and subjugation of the Filipinos' (Varona, 2010, p. 103). In 1986, the Philippine revolution brought about many reforms in the organization of its law enforcement, including demilitarizing the police to make it a civilian organization and, in 1991, creating the People's Law Enforcement Board (PLEB), a civilian review board (de Guzman, 2008a). Despite these developments, the PNP structure strongly reflects military tradition, with sworn personnel, central administration, and significant operational and strategic policies coming directly from national headquarters (de Guzman, 2008b).

The Philippines has all four types of oversight mechanisms suggested by Pyo (2008): a human rights commission (Commission on Human Rights of the Philippines); anti-corruption agency (Presidential Anti-Graft Commission); national ombudsman (Office of the Ombudsman), and, most notably, a specialized police complaints organization, the PLEB. PLEB was a 'novel' piece of legislation when it was implemented, and still remains rather novel, as a majority of Asian nations do not have a specialized police complaints authority (de Guzman, 2008a). PLEB was created through collaboration of the National Police Commission and the Philippine National Police (PNP) (Joshi, 2003). Each PLEB has five members, serving two-year terms. Of the five, two members are nominated by

local bodies (one from his/her respective sangguniang and one from the association of barangay captains). Three members, one of whom must be a member of the Bar, college graduate, or central elementary school principal in the locality, are selected by the peace and order council based on their 'probity and integrity' (R.A. No. 6975). The law also governs the dispersion of PLEB, mandating one for every municipality and/or legislative district in a city, and a minimum of one PLEB per 500 city/municipal law enforcement personnel (R.A. 6975, Section 43). The PLEB have jurisdiction to hear and determine citizen complaints against the police using due process; by law, the case must be decided within 60 days, allowing the officers of the National Police Commission of the Philippines to consult, assist, and advise PLEB members. The law empowers PLEB by stating its decisions are 'final and executory' (R.A. 6975). De Guzman's (2008a) findings suggest that complainants' opinions of civilian review boards emphasize timely resolutions of cases, legitimacy, and actual independence of operations. Furthermore, complainants are ultimately very satisfied with PLEB, even though respondents evaluated PLEB as processing cases more slowly than they expected (de Guzman, 2008a).

Hong-Kong

Hong-Kong (HK) became a Special Administrative Region (SAR) of the People's Republic of China (PRC) in 1997 after 156 years of British colonial rule. China's 'one country, two systems' formula allows HK autonomy in all affairs other than foreign and defence for 50 years and ensures China will not impose its socialist economic system on HK. In terms of police oversight mechanisms, Hong Kong is praised among Asian countries because it has an anti-corruption agency (Independent Commission Against Corruption (ICAC)), an ombudsman, a human rights commission (NGO), and – most rare among Asian nations – a specialized police complaints organization (Independent Police Complaints Council [IPCC]) (Pyo, 2008).

The political atmosphere of HK, first under British colonization and now as a SAR, requires that the Hong Kong Police (HKP) seek to ensure a politically and socially stable environment while also maintaining levels of prosperity (Chan, 1983; Wong, 2010). HK, and in turn, the HKP is a west-meets-east blend of ideals based on traditional Chinese society and British colonial paternalistic rule (Wong, 2010). Historically, the HKP has held a broad range of powers, and since power has great propensity to attract abuse, it is no surprise that HK has witnessed significant patterns of police corruption and misconduct (Wong, 2010). The 1960s continued to see high levels of police abuse, and contradictory low levels of citizen complaints (Wong, 2010). Any complaints against law enforcement were investigated and reviewed internally by the chief inspectors and district commanders (Wong, 2010). This changed in 1974 when the HKP created the 'independent' Complaints Against Police Office (CAPO).

Wong (2010) notes that, while an abundance of complaints were filed each year (about 3000–4000), only a very small percentage of these was substantiated by Independent Police Complaints Commission (IPCC). This led to the Human Rights Committee (1995) expressing its concern over the claims found to be 'unsubstantiated' by police investigation, and recommending that the duty of investigating complaints of police abuse of authority be vested in an independent mechanism.

HK began experimentation with specialized police complaints civilian review boards with the non-statutory Unofficial Members of the Executive and Legislative Councils (UMELCO) in 1977, followed by the Police Complaints Council (PCC), which replaced UMELCO in 1986 and was then renamed the Independent Police Complaints Commission

(IPCC) in 1994 (Wong, 2010). In 1996, the IPCC was empowered the commission to 'refer complaints back to CAPO for re-investigation; allow selected public members to sit in on CAPO Investigation proceedings through scheduled or surprise observations; establish special panels to monitor serious cases; submit its reports to the governor on an annual basis; and lay its annual report before the Legislative Council for scrutiny' (Wong, 2010, pp. 11–12). Ultimately, the power entrusted to IPCC is largely reviewing and monitoring; the commission does not handle investigation and discipline of police or receive initial complaints themselves (UNODC, 2011; Wong, 2010). The all-civilian IPCC consists of 1 chairperson, 3 vice-chairpersons, 14 council members and a 29-members-strong secretariat (Pyo, 2008).

While theoretically CAPO appears structurally independent, in actuality it is neither independent nor objective, because the people who are members are police officers and return to their original postings after serving their terms (Wong, 2010). Overall, the current system in which CAPO investigates a case and forwards the report to the IPCC is recognized as 'well-established' and 'function[ing] adequately' (Wong, 2010, p. 20). This is apparent in that the public prefers to file a complaint with CAPO (police investigation system) rather than with the independent oversight mechanism, the IPCC (Wong, 2010). Thus, overall, the HK system of oversight is far more transparent, independent, sufficient at holding police accountable, and, one could argue, largely more democratic, than its counterparts in China and the majority of Asian nations.

Discussion and conclusion

Countries have varying forms of mechanisms for oversight of the government and its many agencies. Some nations have established external agencies with the sole responsibility to investigate and oversee complaints filed against the police, while other nations have allocated oversight responsibility to existing agencies such as ombudsmen or national human rights institutions (Mehta, n.d.). These agencies and institutions carry a range of mandates and deal with many different areas of policing, such as human rights violations, police corruption, corporate management, and complaints against individual officers (Mehta, n.d.). The focus of this study was on countries that engage the public through a civilian role in police oversight. In this range of oversight mechanisms, countries that include citizens in this way represent a higher degree of democratic governance, as direct citizen participation in establishing checks and balances is consistent with the larger ideals of citizen involvement in democratic governance.

In this article, we examined the extent to which countries in Asia with various levels of democracy have mechanisms and processes for police oversight. We asked whether the degree or ranking of a state's democracy, measured by factors such as transparency, political freedom, civil liberties, and civilian participation, is related to the degree to which police oversight mechanisms have evolved. That is, we sought to discover whether countries high on the list of democracy rankings would also have more democratic mechanisms for police oversight that include civilian participation.

An overview of police oversight mechanisms in select countries in Asia does not support that assumption. Nearly, all Asian democracies have some form of oversight in the form of human rights commissions, ombudsman, or anti-corruption bureaus, but only 3 out of 24 Asian countries have civilian oversight. Of the two full democracies, Japan and South Korea, only one country has civilian oversight of police (South Korea), which was recently established in August 2012. While such a finding is not too distinct from the practices of countries in Europe, North America, and Oceania, where 11 out of the top 20 ranked democracies have CRBs, the findings relating to the existence of these similar

mechanisms in flawed democracies is interesting. For instance, the Philippines, which is ranked 75th and considered a flawed democracy, has a CRB, unlike another flawed democracy, India, which is ranked 39th. It is worthwhile to note that although the India Supreme Court has directed central and state governments to establish civilian oversight agencies at both the state and local levels, 'governments are strongly opposing their creation' (CHRI, 2007, p. 73). CHRI further notes that 'even where the agencies have been put in place, the model put forward by the Supreme Court has been watered down, with less independence and fewer powers, through problematic membership and appointment procedures, limited mandates, and little power' (2007, p. 73). Another flawed democracy, Sri Lanka, has had a similar history and experience with civilian oversight agencies. Sri Lanka has experimented with forms of civilian oversight mechanisms for police agencies, but as of 2007, these agencies 'existed merely on paper and the members have not had any meetings, with many not even clear about their role and mandate' (CHRI, 2007, p. 73). One of the more interesting finding from this review, however, is that Hong Kong, which is a hybrid regime and a China SAR, and is ranked the 80th strongest democracy in the world, and has a well-developed CRB.

What emerges from this study is that democracy rankings are not good predictors of the existence of the values and elements of democratic policing in nations. As noted earlier, of the top 20 ranked full democracies, we found that only 11 of them have civilian oversight mechanisms. Perhaps the democratic values and principles are so well assimilated by the people that there is no need for civilian oversight. However, determining what factors distinguish full democracies with such civilian oversight from those without it requires further research. This research also highlights that not all flawed democracies are the same: some are more progressive than others. This poses another question: why is it that countries such as India, Pakistan, and Malaysia, which are former colonies of Great Britain and have similar colonial experiences, do not have civilian oversight, even though Hong Kong, another British colony and currently a special administrative region of China and a hybrid regime does? Yet, two countries that have U.S. military bases and close ties with the U.S. as former colonies have in recent years developed full-fledged, fully-operating civilian oversight agencies. Finally, is the presence of a civilian oversight a true reflection of the effectiveness of police accountability? How effective are such mechanisms? As noted in examples like Sri Lanka, India, and Pakistan, it is unclear if initiatives to establish citizen oversight agencies are merely a token gesture by governments to appease the public or a sincere effort to progress from a para-militaristic police culture reflective of their colonial heritage? These constitute questions for further research.

Note

1. Asia-Europe Meeting (ASEM) is a group of Asian and European governments engaged in informal conversations about political and cultural issues.

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RESEARCH ARTICLE

Police independent oversight in Australia and New Zealand

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The purpose of this article is to describe the system of independent oversight of policing organizations in Australia and New Zealand to discuss the effectiveness and accountability of those organizations. After defining what is meant by independent oversight and its importance to democratic policing systems, it covers the background and history of these bodies. Information was obtained from desk research examining publicly available documents such as annual reports and other published sources; also practitioners from independent oversight bodies were interviewed from four out of the possible nine organizations. Analysis of the information revealed a wide variety of scope, capability and functions within the bodies researched which indicated there was no commonality of constitution or investigation operating procedures although there was considerable development of the oversight function in the last fifty years. Many organizational developments were noted and the general movement towards cross-public sector integrity commissions.

Keywords: Australia; New Zealand; police oversight; police accountability; corruption prevention; complaints against police

Introduction

Independent police oversight bodies or ‘civilian’ oversight bodies are agencies whose goal is to ensure that citizen complaints against police behavior are effectively investigated, properly recorded, and proceed towards a fair and equitable outcome. These organizations vary greatly internationally and the purpose of this article is to compare and contrast the roles, responsibilities, powers and features of police independent oversight bodies in Australia and New Zealand and make observations as to their effectiveness in ensuring ethical behavior in police services they supervise and in their monitoring of the wide powers entrusted to the police (Ross, 2007, p. 151).

This concept is frequently called ‘police accountability’ and was first articulated in the nine principles of policing within the ‘new police’ of the Metropolitan Police Service, London attributed to Sir Robert Peel (Beckley, Bronitt, & Prenzler, 2012, p. 1; Lewis, 1994, p. 95; Noble & Alpert, 2009, p. 175). Police accountability is of crucial importance to society and the ‘importance of effective police accountability can hardly be overstated. It is a cornerstone of democracy and the rule of law’ (Prenzler, 2004, p. 86). Lewis (1994, p. 96), claims that scrutiny of police integrity must be external to the police organization and should be independent to convey that the monitoring organization is directly accountable to an impartial person or group of persons. Lewis also maintains that the

staff of the complaints organization should consist of civilian, or primarily non-police personnel.

Independent oversight body models (Prenzler, 2011) vary from those dependent on police as investigators through semi-independent to entirely independent bodies (Lewis & Prenzler, 1999). These models include a range from true citizen oversight and ‘Ombudsman’ type roles to cross-public sector Integrity Commissions. A number of academic writers have tried to place the models of independent oversight bodies into categories, although, as an analysis of the scope and powers of those in Australia demonstrate; this can only be a simplification of the actual situation. For example, Harris (2012) proposes that the organizations’ activities have gone from ‘reactive’ through ‘pro-active’ to ‘holistic’ oversight, while Prenzler & Ronken (2001) place and describe scrutiny of police integrity into three main types: ‘The Internal Affairs Model’; ‘The Civilian Review Model’; ‘The Civilian Control Model’ (Prenzler & Ronken, 2001, pp. 156–173).

There has been much discussion about an ‘ideal’ or ‘model’ type of independent oversight body (Goldsmith, 2001; Lewis & Prenzler, 1999). This study will use the Prenzler and Faulkner (2010) model for comparison purposes; that is, a model commission should be able to: (1) ‘conduct own motion investigations; (2) require attendance and answers to questions; (3) hold public hearings; (4) apply for warrants to search properties and seize evidence; (5) engage in covert tactics ...; (6) directly investigate the most serious and intermediate matters; (7) make disciplinary decisions and manage a mediation program; (8) conduct research and risk reviews ...; (9) engage in public sector ethics training; (10) Prosecute complainants who are patently vexatious, and; (11) Account for its work using a variety of performance measures’ (Prenzler & Faulkner, 2010, p. 259).

According to Prenzler and Faulkner (2010, p. 255), where oversight commissions are believed to be more successful than other models of oversight bodies, they need to add the functions of ‘research, education and prevention’. With several notable exceptions such as the Police Integrity Commission (PIC, NSW) and Office of Police Integrity (OPI, Victoria), analysis of the existing organizations identified that these features are usually found in cross-public sector integrity organizations. Ross (2007, p. 156) notes that prevention and education functions when used in ‘a proactive manner’ are important ‘to improve integrity and to reduce misconduct.’ There have been significant developments in the scope, role and responsibilities of police independent oversight bodies in the last fifty years.

History of Independent oversight bodies in Australia and New Zealand

The independent oversight of police in Australia did not occur until after 1963 as it was noted in a seminar on policing and human rights (United Nations, 1963) that there was not an ombudsman or any independent oversight of police in the country. As a result of the recommendations of Royal Commissions into policing (of which there were over 60 between 1963 and the present day), the situation changed markedly over the following 50 years (Lewis, 2007, pp. 139–141). In intervening years, according to Goldsmith (2001, p. 185) ‘police integrity has been pursued with increasing vigour’.

The most influential inquiries conducted in Australia focused on police corruption and were located in Queensland (Fitzgerald, 1989), New South Wales (Wood, 1997) and Western Australia (Kennedy, 2004). The objectives of the Royal Commissions were to achieve a satisfactory level of police accountability and they recommended independent oversight bodies should be introduced which were assumed to be superior to internal review methods. These recommendations were based on the findings of many official inquiries into police corruption around the world (e.g. UK: Scarman, 1981; Macpherson

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[Stephen Lawrence], 1999; USA: Christopher, 1991; Mollen, 1994; Rampart [Rice, 2006], 2000) and bring this part of the study to the current era.

Method

The information in this article has been obtained from two sources: a literature search in Australia and New Zealand, and; personal interviews with staff from four independent oversight agencies in the two countries. The main source of information was 'official' reports from independent oversight bodies such as annual reports and also information in the public domain from websites. Initial searches were conducted from the Australian National Library (Trove); the Australian Institute of Police Management (AIPM) Catalogue, and; the Library & Information Services of the NSW Police Force (Goulburn). Keywords for the searches were 'independent,' 'oversight,' 'integrity,' 'inquiries,' 'accountability,' 'complaints,' 'corruption,' 'police corruption,' 'police OR policing.'

Interviews with members of staff of police independent oversight bodies gave a representative sample of organizations in this category: One in New Zealand – Independent Police Conduct Authority (IPCA) and three in Australia: Police Integrity Commission (NSW); Office of Police Integrity (Victoria); Crime and Misconduct Commission (Queensland). The questions for the interviews and intended participants were approved by the Charles Sturt University Human Research Ethics Committee. The participating independent oversight bodies were chosen for geographic inclusion in respect of New Zealand and the three largest police organizations in Australia being NSW (Number of staff: 17.6k); Victoria (13.5k); Queensland (12.6k), based on 2006 data (Broadhurst & Davies, 2010, p. 51), although a fourth organization did not respond to the researchers' request. The independent oversight bodies were informed of the details of the research project and asked to put forward a person who they considered appropriate to answer the survey questions. The participants varied between an Acting Deputy Director, Deputy Manager Investigations, Operational Coordinator and Investigator.

The questions put to the participants were based on an earlier survey carried out in July 1995 by the Criminal Justice Commission of Queensland (CJC, 1995, p. 2):

- (1) Details about the independent oversight organization they represented (Questions 1 to 15 on the detailed questionnaire – Appendix 1);
- (2) A statement of the respondents' professional background;
- (3) Their role/s in the police independent oversight body;
- (4) Their involvement and experience in the operation and functions of the independent oversight body;
- (5) Their views on existing and alternative approaches of the independent oversight body; and
- (6) Their perceptions of how the work of the independent oversight body has developed over the last twenty years.

Findings

The findings from this study will be in two main sections: first, the organizational information obtained from official sources and the interviews with respondents and second, comments from interviews with respondents about developments in independent oversight of police and its future directions.

Current situation

Independent police oversight bodies were introduced widely throughout Australia in the 1990s, with a number of different models being introduced in respective states or territories. Following several years of debate into the accountability of police, the New Zealand Independent Police Conduct Authority was established in 1989. The following Table depicts the independent oversight bodies that currently exist in Australia and New Zealand.

Table 1 illustrates the disparity of independent oversight arrangements in New Zealand and Australia which will be discussed with reference to the Prenzler and Faulkner (2010, p. 259) model and the questions used in the interviews that related to: own motion powers; seconded police officers; powers to hold investigative hearings; coercive investigative powers, and; powers of entry. Readers should assume that the issue is

Table 1. Comparison of integrity institutions in place in Australian and New Zealand jurisdictions.

	Auditor-General	Ombudsman	Police oversight body	Anti-corruption Commission	Crime Commission	Police
New Zealand			✓ Independent Police Conduct Authority			✓
Commonwealth	✓	✓ Ombudsman oversees complaints against police (Cat 3 – serious)	✓ Australian Commission for Law Enforcement Integrity (Cat 4 – corruption)		✓ Australian Crime Commission	✓
New South Wales	✓	✓ Ombudsman oversees complaints against police of a less serious nature	✓ Police Integrity Commission	✓ Independent Commission Against Corruption	✓ New South Wales Crime Commission	✓
Northern Territory	✓	✓				✓
Queensland	✓	✓	✓ Crime and Misconduct Commission			✓
South Australia ³	✓	✓	✓ Police Complaints Authority			✓
Tasmania	✓	✓ Integrity Commission				✓
Victoria	✓	✓	✓ Independent Broad-based Anti-corruption Commission (IBAC) – incorporating the Office of Police Integrity (OPI)			✓
Western Australia	✓	✓	✓ Corruption and Crime Commission			✓

Source – Adapted from: Proust, E. (2010) *Review of Victoria's integrity and anti-corruption system*. Melbourne: Public Sector Standards Commissioner. Appendix F: integrity bodies in Australia (p. 57).
Note 1: Variations exist in the functions and powers assigned to each agency across the jurisdictions.
Note 2: There is no information to tell the reader why the Territory of Northern Territory was omitted from the table provided by Proust, 2010.
Note 3: Due to a legislative change on 20 December 2012, the situation has changed in the state of South Australia, please see dated addendum endnote.

Table 2. Comparison of police oversight agency functions.

Function	CMC	PIC	IBAC / OPI	CCC	ACLEI	IPCA, NZ
Misconduct – police	Yes	Yes	Yes	Yes	Yes	Yes
Misconduct – public Sector	Yes	No (1)	Yes/No	Yes	No	No
Prevention	Yes	No (2)	Yes (3)	Yes	No	No
Organized crime	Yes	No (4)	No	Yes	No (5)	No
Independent agency	Yes	Yes	Yes	Yes	No (6)	Yes
Employ police from that jurisdiction	Yes	No	Yes	Yes	Yes	No

Adapted from Glen (2007, p. 155).

(1) Misconduct in the NSW public sector is overseen by the Independent Commission Against Corruption (ICAC).

(2) The prevention function for police is a responsibility of ICAC.

(3) OPI has incorporated a prevention function for four years.

(4) Organized crime remains in the province of the NSW Crime Commission.

(5) Organized crime investigations are undertaken at Commonwealth level by the Australian Crime Commission.

(6) ACLEI operates within the structure of the Federal Attorney General's Department.

contained within the powers and remit of the respective organization unless specifically stated to the contrary.

There are only two independent oversight bodies that do not have own motion powers to investigate appropriate matters of their own volition and they are the NSW Ombudsman and the Police Complaints Authority (PCA) of South Australia. Several organizations do not use seconded police officers to investigate complaints against police: New Zealand's IPCA; the Commonwealth Ombudsman; the Police Integrity Commission of NSW; the Northern Territories Ombudsman and the Crime and Corruption Commission of Western Australia. This policy emanates from legislation in respective jurisdictions and is intended to bring objectivity, openness and transparency to the investigation. The PCA does not have the power to hold investigative hearings (see Table 2).

While all of the independent oversight bodies have coercive powers of investigation, several have their powers limited in that they cannot compel witnesses or suspects to answer incriminating questions and these are: IPCA; the Commonwealth Ombudsman; NSW Ombudsman and PCA. There are safeguards in all jurisdictions that evidence gained by compulsion cannot be used in other legal tribunals. The only oversight body that does not have statutory powers of entry to aid their investigations is IPCA.

The reader may conclude from the above information that there are a great many differences in the powers and scope of the independent oversight bodies of New Zealand and Australia when considering the issues listed at the opening of this section. The organizations that incorporated all the powers and scope of those issues were: the Commonwealth Australian Commission for Law Enforcement Integrity; Crime and Misconduct Commission of Queensland; the Integrity Commission of Tasmania and the Independent Broad-based Anti-corruption Commission (IBAC) of Victoria.

The following table contains all the information provided by respondents and from research into policy documents and website information about the functions of police oversight bodies.

Developments in independent oversight of police and future directions

The remainder of the findings will explain the information that was elicited from the interviews which related to questions 3–6 in the list above (questions (i) to (vi) on the detailed questionnaire – see Appendix 1).

New Zealand

The New Zealand Independent Police Conduct Authority (IPCA) is an independent Crown Entity under the Crown Entities Act 2004 and was created by the Independent Police Conduct Authority Act 1988. The Authority's primary role was to ensure public confidence in the Police and to increase the effectiveness of policing generally (IPCA, 2011a) and this is achieved through the purpose of the Authority (p. 4). Since the establishment of the IPCA in November 2007, the institution has undergone continual transformation which has included the appointment of additional investigators, and changes to the Authority's legislation, structure and operations (IPCA, 2012a). Further legislative, procedure and policy change has been proposed. These proposals 'would complete the process of transforming the Authority from a reviewing body into a fully independent investigative body' (IPCA, 2012a). The Authority's independence is achieved through three separate but inter-related critical factors: (i) legislative or statutory independence; (ii) operational independence; (iii) Impartiality.

The current practice of the Authority is for the majority of complaints to be referred to the Police for investigation, especially those complaints pertaining to breaches of the Police Code of Conduct. However, the most serious complaints or those that involve public interest are undertaken by the Authority (IPCA, 2011b). The Authority, upon the completion of a Police or Authority investigation, determines 'whether there was any breach of practice, policy or procedure, and whether any Police act or omission was contrary to law, unreasonable, unjustified, unfair, or undesirable' (IPCA, 2011b, p. 5) and must inform the Police of its findings. If the Authority is not satisfied with the Police response to its investigative recommendations, the Authority must inform the Attorney-General and the Minister of Police. The Attorney-General must in turn inform Parliament (IPCA, 2012a).

Although the IPCA Act requires the Authority to maintain secrecy in respect of complaints and investigations, it does have the discretion to publish public reports (IPCA, 2012a). In 2010, the Authority produced 17 public reports that covered the most serious complaints (IPCA, 2012a). An Annual Report is also presented to Parliament, which demonstrates how the Authority has performed against its budget and performance measures and the Authority is also required to make four-monthly reports to the Minister of Justice (IPCA, 2012a).

The Authority employs approximately five experienced investigators who have extensive policing experience either in New Zealand or in other British Commonwealth countries but there are no serving members of the New Zealand Police employed by the Authority; this structure ensures that the Authority possesses the appropriate investigative expertise to maintain its independence.

New South Wales

Few developments have taken place since the major changes were introduced by the Wood Royal Commission (Wood, 1997), and the ten year review, in 2006, recommended maintaining the status quo (Parliament of NSW, 2006). The work of the PIC has not changed a great deal over this time although there have been major developments in enhancing intelligence gathering, 'tasking' and development of investigative expertise (Police Integrity Commission, 2012). New South Wales has a 'bifurcated' process of police oversight in that the role of monitoring investigations is undertaken by the NSW Ombudsman (for less serious complaints than the PIC) and the PIC (introduced by the Police Integrity Commission Act, 1996) for serious misconduct matters and police

corruption (Ross, 2007, p. 153; Police Integrity Commission, 2012; S8A Police Act, 1990). There is also the Independent Commission Against Corruption (ICAC – established in 1988) that has a cross-public sector role but is lacking the ‘focus and resources to deal adequately with the specific issue of police corruption’ (Ross, 2007, p. 153). This assertion is supported by the PIC who believe that ‘Investigation of the police is a specialized job’ (Police Integrity Commission, 2012) and, should a broad-based commission be introduced, there would still be a need to separate the investigation of police misconduct as it is a special and difficult investigative area. The PIC’s function is ‘preventing, detecting, and investigating serious police misconduct’ and also oversees allegations of misconduct relating to administrative staff in the NSW Police Force and the NSW Crime Commission (Police Integrity Commission, 2012). Despite this strong approach toward investigation of police misconduct, recent research among legal practitioners and advisers in NSW reported the perception that investigation of complaints against police was not considered to be sufficiently ‘independent’ (Delahunty et al., 2012), although the belief within PIC is: ‘I think we are quite effective’ (Police Integrity Commission, 2012) on maintaining independence of operation. The PIC incorporates a very strong research team that produces authoritative reports on relevant police misconduct and corruption prevention matters closely linked to its operations arm (Police Integrity Commission, 2012).

Queensland

The history of police oversight bodies in Queensland dates back to the authoritative Fitzgerald Report (1989). This report introduced the Criminal Justice Commission that in 2002 evolved (Crime and Misconduct Act, 2001) into the wider scoped Crime and Misconduct Commission (CMC). The CMC is a wide-ranging and powerful organization that investigates cross-public sector misconduct and serious and organized crime (CMC, 2011). The CMC reviews all misconduct matters that are mainly investigated by police. In fact, as an organization, CMC investigate approximately 1% of complaints under the ‘devolution’ principle (CMC, u/d), although 54% of complaints registered in 2010–11 were against the police (CMC, 2011, p. 30). The CMC describes itself as being forward looking (CMC, 2010) and innovative with a ‘less risk-averse’ approach, by, for example, using corruption prevention officers in liaison with investigation teams and ensuring that decisions taken regarding prosecution are made by investigators rather than lawyers (Crime and Misconduct Commission, 2012). Recent developments have also been ‘much more focused on prevention,’ with a separate research function but CMC are awaiting government decisions on a recent review of police misconduct procedures that contains 65 recommendations (Crime and Misconduct Commission, 2012).

Victoria

In 2010, there was a thorough and comprehensive review of Victoria State Government integrity and anti-corruption systems at the end of which a Government Minister stated: ‘For the first time, Victorians can be assured that bodies such as IBAC [Independent Broad-based Anti-corruption Commission], which are vested with covert and coercive powers, will be subject to appropriate and robust oversight’ (Victoria Government, 2011). The Proust report (2010) proposed the introduction of the Victorian Integrity and Anti-Corruption Commission (VIACC) and subsequent legislation incorporated the role of the OPI into the IBAC (OPI, u/d; Office of Police Integrity, 2012).

The IBAC role (Independent Broad-based Anti-corruption Commission Amendment (Investigative Functions) Act 2011) and responsibility includes the oversight of the judiciary, members of parliament, police and support staff (Proust, 2010, pp. 11–14). IBAC was formally inaugurated on 1 July 2012, following the appointment of an Acting Commissioner (Victoria Government, 2012) and a ‘detailed transition plan’ was activated (Proust, 2010, p. 39). The independent oversight of the police in Victoria is an ‘evolving journey’ toward a new model of a broadly-based integrity commission which had to overcome some resistance to change (Office of Police Integrity, 2012). The respondent stated that it is ‘critically important for public confidence to have complete independent oversight and prevention strategies’, and ‘prevention should be a balanced approach to the investigations and prevention function’ (Office of Police Integrity, 2012).

General findings

A number of general findings from the overall analysis of the independent oversight bodies in Australia and New Zealand and their partnership working arrangements with their respective police services have been identified. The main purpose of police independent oversight bodies is to achieve accountability and trust of the police and enhance the perception of the public in the integrity of the police. This can be achieved through three avenues: (i) openness and transparency of the organization in giving details and progress of investigations to complainants, and, if appropriate to the public; (ii) independence and objectivity in the investigation of complaints against police achieved by a clearly discernible process of independence and operational independence from the police (for example, non-police investigators) in serious cases (Crime and Misconduct Commission, 2012; Office of Police Integrity, 2012; Police Integrity Commission, 2012); (iii) credibility of the oversight body in the number of complaints it investigates independently and the outcomes of those cases. Primarily, the respondents who were interviewed all believed that they were doing an effective job of ensuring accountability and public confidence in the police forces they supervised, although research and surveys of the public have not wholeheartedly endorsed this belief (Beckley et al., 2012; Delahunty et al., 2012).

There was a consistent emphasis from respondents on the transformation of the structure and strategy of their organizations and the approach being focused on prevention rather than detection of police corruption. Several stated that investigating the police is a specialist role and a generalized approach toward the issue would be less effective.

Strategically, there has been an emphasis on change to police accountability from police internal oversight (pre-1980) to external oversight (1980–2000) and finally to cross-public sector integrity commissions (2000 onwards) (Prenzler and Faulkner, 2010, p. 255; Proust, 2010; Police Integrity Commission, 2012; Office of Police Integrity, 2012). Cross-public sector commissions may be considered for implementation in the future in New Zealand and in states and territories in Australia which will ensure consistency, coverage and adequate intelligence to prevent or mitigate corruption and foster integrity in the public sector. The media has expressed surprise that corruption hearings in the Victorian IBAC body would be held in private (Fyfe & Millar, 2012, April 20) but legislation dictates that most hearings will be in public.

Discussion

One major criticism of the key stakeholders in police accountability in Australia, New Zealand (and for that matter, the rest of the world) is that police oversight bodies do not appear to learn from earlier lessons. Indeed, it was as early as 1970 that an Inquiry determined that 'the police cannot adequately investigate themselves' (Lewis, 1999, p. 23). This determination was followed by the Australian Law Commission Report (1975) that an 'independent element' to investigating complaints against police had not been introduced despite recommendations to do so. However, the role of an Ombudsman was established in 1976 (Commonwealth Ombudsman Act, 1976) and the first independent oversight body was formed in South Australia in 1985 (Grieve, 1983). But there is still not a consistent coherent, comprehensive and coordinated system of police oversight in place in Australia; and it has been described as a 'balancing act to remain independent' (Police Integrity Commission, 2012). Examples of inconsistency on the need for independence relate to rules around employing staff; one oversight body (PIC) does not employ former police officers employed within its state as investigators, but the majority do. However, there is common agreement among respondents that, because of the complexity of investigations into police misconduct and corruption and the fact that suspects are very knowledgeable about the investigative process, it is necessary to employ ex-police officers as independent oversight body investigators (Crime and Misconduct Commission, 2012; Office of Police Integrity, 2012; Police Integrity Commission, 2012). The reasons for the differences in the scope, constitutions, roles and responsibilities of police oversight bodies in Australia and New Zealand are based on historic factors. Some oversight bodies reflect the 'best practice' recognized at the time of their establishment (Independent Police Conduct Authority, 2012b), while others reflect measures that address specific issues that were identified by Royal Commissions (Crime and Misconduct Commission, 2012; Office of Police Integrity, 2012; Police Integrity Commission, 2012).

Research and analysis of Royal Commissions into policing completed by one of the authors (Beckley, 2012b) has identified several issues that have impacted on the formation and implementation of police independent oversight bodies:

- (i) 'Devolution' of investigation (Delahunty et al., 2012; Lewis, 2010, p. 70 and 76; Lewis, 2007, p. 143; Wood, 1997, p. 254);
- (ii) Lack of resources and capability (Beckley, 2012a, p. 275; Harris, 2012; Police Integrity Commission, 2012);
- (iii) Proactive investigation methods such as 'mystery shopper,' 'sting operations' and body fluid testing (Lewis, 2007, p. 147; Porter & Prenzler, 2011, p. 235; Police Integrity Commission, 2012);
- (iv) Timeliness and quality of investigating complaints against police (Lewis, 2007, p. 147; Lewis, 2012; Peatling, 2012; Police Integrity Commission, 2012)
- (v) 'Constructive tension' between the oversight body and the police organization it supervises (Ross, 2007, p. 162; Prenzler, 2000, p. 662);
- (vi) The so-called 'blue curtain of silence' of police response toward investigations of complaints against police (Lewis, 1994, p. 97; Vito et al., 2011, p. 153).

Some of these issues were highlighted in this study but others were not. It is important to record that the interviews carried out for this study indicated a 'good working relationship' between the oversight body and police (Police Integrity Commission, 2012) and there was a 'reasonable percentage of complaints against other police officers'

submitted by police officers themselves giving evidence of misconduct about their colleagues (Police Integrity Commission, 2012) which indicated a healthy regard for integrity within the police ranks.

Conclusion

Judging from the results of recent research with Legal Practitioners and Community Advocates in NSW about the police complaints system, there is still much work to be done on reassuring the community on the effective accountability of the police (Delahunty et al., 2012). It seems that the purported independence in the investigation of complaints against police must not only be actually independent and external to the police organization, it must be seen to be independent and constantly demonstrated to be so to achieve credibility in the eyes of the public. In policing systems that require 'policing by consent,' public confidence is crucial (HMIC, 2011, p. 15). To answer the ancient question, 'but who will guard the custodians themselves?' (Latin Proverbs, n.d.), independent oversight bodies are essential in today's questioning society. As this article has established, there has been considerable development from the time when there was no independent oversight of police 50 years ago, to some very sophisticated bodies that oversee all of the public sector, including elected members. The strength in this structure is that these independent oversight bodies are also under scrutiny, mainly to parliamentary committees, but are they respected and credible to members of the public and the community?

Dated addendum (January 29, 2013)

The independent oversight arrangements in South Australia were subject to a significant change to a cross-public sector integrity commission by the Independent Commissioner Against Corruption Act 2012, enacted 20 December 2012. The Act will be implemented in 2013 and will introduce new arrangements to establish an Independent Commissioner Against Corruption to identify and investigate corruption in public administration and prevent or minimise corruption, misconduct and maladministration in public administration. A new Office for Public Integrity will be formed and a Police Ombudsman to take over the role of the Police Complaints Authority.

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Websites – Police Oversight Bodies

Australian Commission for Law Enforcement Integrity (ACLEI) – <http://www.aclei.gov.au/Pages/About-us.aspx>

Corruption and Crime Commission, Western Australia -<http://www.ccc.wa.gov.au/AboutCCC/WhoWeAre/pages/default.aspx>

Crime and Misconduct Commission, Queensland – <http://www.cmc.qld.gov.au/>

Independent Police Conduct Authority, New Zealand – www.ipca.govt.nz.

Integrity Commission, Tasmania – www.integritycommission.tas.gov.au

Office of Police Integrity, Victoria – <http://www.opi.vic.gov.au/index.php?i=7&m=1&t=1>.

Police Complaints Authority, South Australia – <http://www.pca.sa.gov.au/PCMain.htm>.

Police Integrity Commission, NSW – <http://www.pic.nsw.gov.au/AboutUs.aspx>

Latin Proverbs – <http://latin-proverbs.com/phrases/who-will-guard-the-custodians-themselves> – accessed 21/4/2012

Independent oversight bodies in Australia and New Zealand – research project

Appendix 1: Questions for interviews

Questions used through the Interview – (a) respondents' organization

- (1) What is the Predominant function re police complaints?
- (2) Who can receive complaints?
- (3) Must police notify oversight body of all complaints?
- (4) At which stage in the complaints process must police notify oversight body?
- (5) Does oversight body have own motion powers re police?
- (6) Jurisdiction to investigate complaints by police against other Police?
- (7) Does the oversight body use seconded police as investigators?
- (8) Can oversight body conduct investigative hearings?
- (9) Can oversight body compel production of documents?

- (10) Can oversight body compel attendance of witnesses and/or impose sanctions for not attending?
- (11) Does oversight body have powers of entry?
- (12) Sanctions available for failure to comply with investigative powers of oversight body.
- (13) Can police officer be compelled to answer incriminating questions?
- (14) Does the oversight body have power to impose disciplinary sanctions?
- (15) Does the oversight body have the power to make recommendations on procedural issues?
- (16) Does the jurisdiction use informal resolution/conciliation?
- (17) Body to which oversight body is accountable.

Questions used through the Interview – (b) respondents' details and reflections:

- (i) Your professional background.
- (ii) Your role/s in the police independent oversight body.
- (iii) Your involvement and experience in the operation and functions of the independent oversight body.
- (iv) Your views on existing approaches of the independent oversight body.
- (v) Your views on alternative approaches of an independent oversight body.
- (vi) How you perceive that the work of the independent oversight body has developed in the last twenty years.

RESEARCH ARTICLE

Civilian oversight of police in South Africa: from the ICD to the IPID

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South Africa's transition to a democracy brought with it a holistic accountability system geared toward aligning the South African Police with democratic principles. This article focuses on one component of this accountability system – the Independent Complaints Directorate (ICD) and its recent successor, the Independent Police Investigative Directive (IPID). It aims to critically review the mandate and operations of the ICD; reflect on the shift from the ICD to the IPID; and discuss the IPID's mandate in light of past difficulties. The article concludes with a discussion of the theoretical implications of this shift and current challenges of police oversight.

Keywords: police accountability; civilian oversight; South Africa; independent complaints directorate; independent police investigative directive

Introduction

A significant component of South Africa's political transition to a democracy in the 1990s was the reform of the Apartheid police known for its racist ideologies, violent oppression and gross violations of human rights. With South Africa's first democratic elections in April 1994, an architecture of police accountability was systematically created within broader processes of legal reform. This was to ensure that the then South African Police (SAP) would operate in a democratic and human rights-orientated manner and so too acknowledged the fundamental linkages between policing and democracy (Bayley, 2001; Sammonds, 2001). This new architecture of accountability included a range of laws and mechanisms by which to directly and indirectly hold the SAP to account. The most fundamental legal tools being the Bill of Rights (1996) and the Interim (1993) and final Constitutions (1996) as well as the South African Police Service Act (1995) which sought to transform the SAP (both in name and in principle) from a *force* to the South African Police Service (SAPS). Other mechanisms created included, for instance, the Human Rights Commission, Public Protector, and a National Secretariat of Safety and Security (now known as the Civilian Secretariat for Police). However, it can be argued that one of the most direct attempts to instill practices of accountability within the police was the creation, in 1997, of an independent complaints mechanism in the form of the Independent Complaints Directorate (ICD). The ICD was an independent and external mechanism created specifically to receive serious complaints of abuse against the SAPS and thus formed an integral component of this system of accountability created to shape police reform in South Africa's new democracy (Pigou, 2002).

Given the commendable but complex system of accountability created in South Africa, it is not within the scope of this paper to deal with all of its components. The

article will instead critically discuss the ICD and its recent successor – the Independent Police Investigative Directive (IPID) – as just one component of this accountability architecture, focusing specifically on whether the new IPID can overcome the challenges faced by its predecessor. Therefore, the aim of the article is to firstly undertake a critical review of the normative framework informing the creation of the ICD. It will then undertake a thematic discussion of the main operational and structural challenges faced by the ICD in practice, including a brief discussion of the political context in which it operated. The article will then discuss the shift from the ICD to the IPID, through briefly reflecting, again, on the political context in which this took place and providing a critical analysis – in light of the challenges faced by the ICD – of the new normative framework designed to mandate and empower the IPID. The theoretical implications of the shift to the IPID will then be discussed, with a specific focus on the possibility that the IPID has undergone a paradigm shift with respect to how regulation and accountability is envisaged. The article will conclude with brief comments on the challenge of police oversight in South Africa in the future.

The Independent Complaints Directorate (1997–2012)

Normative framework and critique

The ICD was officially created through section 222 of the 1993 Interim Constitution, which states that

There shall be established and regulated by an Act of Parliament an independent mechanism under civilian control, with the object of ensuring that complaints in respect of offences and misconduct allegedly committed by members of the Service are investigated in an effective and efficient manner (in ICD, 2012, p. 3).

Although the final Constitution of 1996 makes provision for a civilian secretariat, it does not contain the above provision (Manby, 2000). However, the final Constitution does contain the following: 'On receipt of a complaint lodged by a provincial executive, an independent police complaints body established by national legislation must investigate any alleged misconduct of, or offence committed by, a member of the police service in the province' (Constitution of the Republic of South Africa, 1996).

The South African Police Service Act of 1995 is the main legislation outlining the functioning of the ICD to be headed up by an Executive Director (Republic of South Africa, 1995). It also emphasizes the independence of the ICD (that it is an offence to interfere with its duties) and stipulates how the ICD will be funded. The mandate of the ICD is outlined in section 53, which stipulates that it *may* of its own accord or upon receiving complaints 'investigate any misconduct or offence allegedly committed by any [police] member, and may, where appropriate, refer such investigation to the [police] Commissioner concerned' (there is thus no obligation on the ICD to investigate these offences itself) (Republic of South Africa, 1995). Similarly, it *shall* on its own accord or upon receiving a complaint 'investigate any death in police custody or as a result of police action' (meaning that it must investigate these instances) (Republic of South Africa, 1995). The Act also allows for matters to be referred to it by the Minister of Safety and Security (now Minister of Police) or a provincial executive (Republic of South Africa, 1995). The ICD was thus tasked to deal with four classes of police misconduct: Class 1 offences, as mentioned, had to be investigated and included all deaths in custody or as a result of police action. Class 2 offences could be investigated by the ICD or

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referred to the SAPS to investigate and were cases referred to it by the Minister or a provincial executive. Class 3 offences could be investigated by the ICD or referred to SAPS and included criminal offences not resulting in death such as torture, rape, serious corruption and serious injury while in police custody or as the result of police action, for instance. Class 4 offences were referred to SAPS for investigation and included less serious misconduct and service delivery issues (Burger & Adonis, 2008; Manby, 2000).

The powers conferred to the ICD for this purpose were the same powers afforded to any police officer and included the power to request any information and co-operation from any police official as well as to monitor and set guidelines for the investigations that it referred to the police (Republic of South Africa, 1995). It was also mandatory for the police to report all deaths in police custody or as a result of police action (Republic of South Africa, 1995).

Yet, the powers referred to in the legislation are not spelt out – the wording of the legislation is vague with respect to the types of, and limitations to, its powers (Manby, 1996). A particular bone of contention with the legislation was that the ICD could only make *recommendations* to the police commissioner or to the Minister (Republic of South Africa, 1995). And furthermore, with respect to requesting any information and co-operation from the police the wording of the provision is ‘open to the interpretation that the Executive Director of the ICD is merely competent to request and receive the co-operation of members, but that there is no obligation on police members to co-operate.’ (Bruce, Savage, & de Waal, 2000, p. 76). There was no sanction to ensure that the police *did* co-operate and the ICD had no input into the disciplinary procedures of the police – even where it referred a case back to them to investigate (Bruce et al., 2000; Manby, 1996, 2000). In other words, according to the Act, the ICD has no power to enforce recommendations made either to the Minister, the police commissioner or to the attorney-general (now the National Prosecuting Authority) for consideration whether or not to prosecute (Republic of South Africa, 1995). There are no provisions in the Act which indicate if or how the recommendations should be addressed. Thus, there is no compulsion for either of the three to respond to and/or give reasons for non-implementation of recommendations (Bruce et al., 2000; Manby, 1996). Furthermore, the ICD is also directly answerable to the Minister of Safety and Security (Republic of South Africa, 1995). It is not fully independent in terms of its relationship with the Minister of Safety and Security also charged with the very organization the ICD is meant to oversee. The Minister appoints the Executive Director (who in theory could be a police officer) and can in turn remove him or her (Manby, 1996). What is also interesting about the provisions of the Act is that the ICD can draw in the ‘resources and logistical support or engage the services of experts’ to assist it in achieving its objectives (Republic of South Africa, 1995). At the outset, this begged the question as to whether the ICD would have to rely on the SAPS to effectively fulfill its mandate, again impacting on its independence (Manby, 1996). These provisions have thus been criticized as the power and independence of the ICD was called into question even before its establishment (Manby, 1996).

Operations and challenges

The ICD officially came into operation in April 1997, and it is clear that many of the concerns expressed about the weaknesses in the legislation also extended to the operations of the ICD over the years. In other words, the two key issues with the legislation – lack of power and lack of independence – have also been the main issues experienced in practice, as well as lack of capacity and resources.

Lack of capacity and resources

At the start of its activities, the ICD had no budget and, as was predicted earlier, had to rely heavily on SAPS for resources and logistical assistance (i.e., investigators) (Manby, 2000). However, national and regional offices were established and the ICD began recruiting its own civilian investigators who began their work in late 1997 (Manby, 2000). In 2011, the ICD had 10 offices (one national and nine regional). Initially, part of the police budget, the ICD eventually secured its own budget (Du Plessis & Louw, 2005). Its budget has increased eightfold from 1997 to 2011 and its staff almost tripled, yet it never attained a full contingent of staff and, despite these increases in personnel and resources, the demand always seemed to outweigh the capacity to deliver, particularly with the steady rise in cases received (Hendricks & Musavengana, 2010). In the 1998/1999 period, for instance, the ICD received just under 3000 cases, and by 2011 (not accounting for fluctuations in load), it received just under 6000 cases but due to backlogs, it was actually dealing with almost 8500 cases (Independent Complaints Directorate, 1999, 2011). The ICD itself admitted, in almost all of its Annual Reports, that resource and capacity constraints hampered its effectiveness.

Their lack of capacity and resources over the years has meant that the ICD's mandate to investigate *all* deaths in police custody or due to police action was not fulfilled (Manby, 2000). As mentioned, most of the Classes of offences could be referred to SAPS for investigation but it was found that the ICD had tended to investigate as many of the cases as possible, even though the SAPS also receives and investigates public complaints (Bruce, 2006). ‘We had a vision where one of our top management must take each and every case within the mandate. That killed us. So in the end, we could not really provide an excellent service to the public ...’ (ICD representative, Western Cape Office, personal communication, March 2007). This broad reading of its mandate, coupled with under-resourcing, lack of capacity and broader logistical challenges (for instance, travelling long distances to get to rural cases) has meant that the ICD could not cope with its case loads (Bruce, 2006). This, it is argued, spread its limited resources too thinly resulting in a lower quality investigation, a less thorough investigation and a failure to adequately address issues that are far more prevalent than deaths in custody or as a result of police action (such as corruption and torture) (Bruce, 2006; Du Plessis & Louw, 2005; Pigou, 2002). This is compounded by the claim that the ICD had difficulty in recruiting quality investigators (Manby, 2000; Pigou, 2002).

Lack of power

Although evidence suggests that the ICD and the police were generally on good terms, it has also been found that police would not co-operate with the ICD in terms of answering the questions of ICD investigators or that there was a general lack of co-operation to protect police officers under investigation (Bruce, 2007; Bruce et al., 2000). Similarly, as predicted by critiques of the legislation, the SAPS apparently did not generally provide feedback to the ICD on internal investigations or recommendations (Bruce, 2007; Burger & Adonis, 2008; Manby, 2000). Also, as mentioned the SAPS were only obligated to report deaths in police custody or as a result of police action, meaning that it had no obligation to report on other serious offences, such as torture (Pigou, 2002). Where the SAPS had reported deaths, there were also claims of SAPS not referring cases to the ICD or not reporting deaths timeously (Manby, 2000). When the ICD initiated ad hoc visits to police stations, a strong negative reaction from the police and the Ministry caused it to

suspend this activity – it thus had no automatic right to visit police stations unannounced (Manby, 2000; Pigou, 2002). These issues thus speak to broader concerns about the ICD lacking the power to compel SAPS to provide certain types of information and access.

Lack of independence

As mentioned, concerns were raised initially about the independence of the ICD relative to its relationship with the Minister. According to Manby (2000, p. 212): 'In practice, there has been no direct interference in the work of the ICD, and the fears raised by the legislation relate rather to the public perception that the ICD is not fully independent of the police ...' This is compounded by the fact that the ICD was housed in the Ministry of Safety and Security (later known as the Ministry of Police) presenting a potential conflict of interests. But also due to more localized aspects of the ICD's operations, such as the fact that the ICD had to remain dependent on SAPS during the course of an investigation (Burger & Adonis, 2008). For instance, the ICD made use of the SAPS photographer, SAPS officers to collect evidence on their behalf, the SAPS-run ballistics laboratory and/or the DNA laboratory (jointly run by SAPS and the Department of Health) (ICD representative, Western Cape Office, personal communication, March 2007; Manby, 2000).

Overall purpose

In light of these concerns, the overall purpose of the ICD has also been called into question. 'For an oversight body to be really effective in bringing about the desired changes in police culture and practices, it is essential that it also have the capacity to identify the underlying systemic problems.' (ICD as cited in Manby, 2000, p. 213).

This is a concern raised by many. The ICD had not attempted to address broader reform issues within the SAPS, but operated on an ad hoc, case-by-case basis (Pigou, 2002). It did not therefore make recommendations related to changing the institutional culture of the police so as to reduce complaints, but only recommendations to the National Prosecuting Authority to prosecute, or recommendations to SAPS (which it was not compelled to take up) (Newham, 2005).

Decline in importance of civilian oversight

It is important to reflect also on the political context in which the ICD operated. As is apparent, in the mid- to late-1990s the newly formed democratic government was very committed to the creation of an accountable police institution respectful of human rights and due process, as is evidenced by the period of legislative reform in this regard. However, with growing concerns about crime – particularly violent crime – and a shift in political leadership in 1999, the rhetoric and practice of community policing which had dominated policy up until then shifted to a war-on-crime approach (Bruce & Neild, 2005). Indicative of this shift in thinking was the increased emphasis on effectiveness of police over and above a human rights approach. This resulted in a weakening of political support for, and interest in, police accountability demonstrated, for instance, by the disbanding of the SAPS own Anti-Corruption Unit in 2002 and the downgrading of the powers of the National Secretariat of Safety and Security (Du Plessis & Louw, 2005; Newham, 2005; Sammonds, 2001). This shift in rhetoric is perhaps articulated in the following quote from the Deputy Minister of Safety and Security, Susan Shabangu on 9 April 2008, who received a standing ovation after her talk to an anti-crime forum

I want to assure the police station commissioners and policemen and women from these areas that they have permission to kill these criminals. I won't tolerate any pathetic excuses for you not being able to deal with crime. You have been given guns, now use them. I want no warning shots. You have one shot and it must be a kill shot. If you miss, the criminals will go for the kill. ... The constitution says criminals must be kept safe, but I say No! (Hosken, 2008)

Prior to this, the National Commissioner of Police in 2006, Jackie Selebi, stated that the ICD had 'outlived its usefulness' and that it needed to be disbanded to allow the police to deal with their own issues (Hartley, 2006).

The Independent Police Investigative Directorate (2012–)

In spite of the political pressure to resolve high crime rates through tougher policing, South Africa seems to have entered a new phase with respect to how civilian oversight is envisaged. The appointment of a new Minister of Police in 2009, emphasizing the need for a strengthened civilian oversight system seems to have been the catalyst for the enactment of a recent tranche of new legislation aimed at tightening up the accountability framework. The new phase reflects a desire to balance police effectiveness and accountability rather than allowing one to trump the other. This has included the creation of a Civilian Secretariat for Police (to replace the National Secretariat of Safety and Security/Police) mandated to fulfill a policy development and networking role (to improve SAPS service delivery) (Republic of South Africa, 2011a). However, what is perhaps even more symbolic of this new phase is the fact that the IPID, created to replace the ICD, has its own legislation. In other words, whereas the ICD, as mentioned, was created through the South African Police Service Act of 1995, the IPID is mandated through the Independent Police Investigative Directorate Act (1 of 2011) (hereafter the IPID Act) and the Regulations for the Operation of the Independent Police Investigative Directorate, 2012. This is a move toward ending the 'uncomfortable connection to the SAPS Act' (Faull, 2011, p. 5). The IPID Bill was tabled in Parliament in September 2010 with the IPID Act eventually signed off by the President in May 2011 and enacted in April 2012.

Mandate of the IPID

The new legislation has considerably extended the mandate of this oversight body, in that it is *compelled* to investigate any deaths in police custody or as a result of police action, but now, unlike the ICD, also a list of other offences, including: complaints related to the discharge of a firearm; rape by a police officer (whether on or off duty); rape of any person while that person is in custody; complaints of torture or assault; corruption (which the Executive Director can initiate); and any referred matter (by the Minister or the Secretary of the Civilian Secretariat for Police) (Republic of South Africa, 2011b). It *may* also investigate any offences on receipt of a complaint (which it can refer to SAPS) or cases relating to systemic corruption (but with service delivery complaints generally the responsibility of the Civilian Secretariat for Police) (Republic of South Africa, 2011b). The new mandate and name change reflect a desire to reinvent the ICD from one focused on complaints and the processing thereof, to one focused on investigations (Beukman, 2011).

Under the IPID Act, the Executive Director is still appointed by the Minister of Police and the IPID still housed within the same Ministry (Republic of South Africa, 2011b). Much of the changes in the new legislation lie rather in the granting of new powers to the IPID as compared to the ICD.

New powers

The IPID Act clearly outlines for the first time the powers of its investigators – the ICD did have police officer power, but now the Act stipulates what this entails (Republic of South Africa, 2011b). However, a clear boost in its powers comes from Chapter 7 of the IPID Act, in which the SAPS is mandated to report the offences listed ‘immediately after becoming aware’ of them (whereas previously the timing of reporting offences to ICD was not stipulated) and also submitting a written report to the IPID within 24 h (Republic of South Africa, 2011b). Similarly, the IPID Act compels the SAPS to co-operate with the IPID in other ways, through giving identity parades, if necessary, within 48 h; making officers available for taking affidavits; giving evidence or producing any document and providing any other information or documentation required for IPID to investigate (Republic of South Africa, 2011b). The most important provision in the IPID Act is the fact that the National Commissioner of the Police is now compelled to initiate disciplinary recommendations made by the IPID within 30 days, submit a quarterly report on progress regarding disciplinary matters to the Minister of Police (and copied to the IPID’s Executive Director and Secretary of the Civilian Secretariat for Police) and similarly report to them when a disciplinary matter is finalized and report on the outcome thereof (Republic of South Africa, 2011b). Although the previous legislation stipulated that no one could interfere with the workings of the ICD, the IPID Act explicitly mentions that police officers who fail to comply with the requests of the IPID will be liable for conviction (Republic of South Africa, 2011b).

IPID responsibilities

The Regulations for the Operation of the Independent Police Investigative Directorate, 2012, clearly articulates IPID’s own responsibilities. For instance, regulations now give input into: the logistics around receiving complaints and providing feedback to complainants (the IPID must give feedback within seven days of receipt of the complaint and thereafter regular, monthly input as to the progress of the case); attending the scene of a death in police custody or as a result of police action and the finalization thereof (that is, within 90 days); the types (and timing) of activities that investigators must fulfill at the outset of a case (procedures for investigating the different offences; securing crime scenes; procedures related to identity parades, taking affidavits and so forth).

Networking

An interesting inclusion in the IPID Act is the fact that the IPID is now legally obligated to strengthen its relationship with the Civilian Secretariat for Police, in that the IPID Executive Director and the Secretary of the Civilian Secretariat for Police are compelled to meet on a regular basis (Republic of South Africa, 2011b). This may have happened in the past but the inclusion of this provision in the legislation is perhaps indicative of an attempt to cement relations between two civilian oversight bodies which should be complementary in their duties toward holding the SAPS accountable, thereby closing gaps in oversight.

Future prospects

Thus far, within a few months of official operation, the IPID has already begun to utilize its new powers by, for instance, laying criminal charges against all police officers failing to report to it (South African Press Association, 2012b).

The IPID’s annual budget has been topped up by 36 million Rand (approximately three million Euro) and there are hopes, at the time of writing, that the number of investigators and satellite offices will be increased (South African Press Association, 2012a, 2012b). However, the increased mandate essentially translates into a much bigger mandatory case load than the ICD, requiring more specialized skills, more time devoted to crime scenes and testifying in court and more access to resources (such as forensic support), as well as a bigger case load per investigator (Faull, 2012; Prenzler & Ronken, 2001). It remains to be seen whether the increased budget will be able to cope with the inevitable surge in cases which IPID is compelled to investigate.

Shifting paradigms of regulation?

In light of the new powers afforded to it, it can be argued that the IPID is by no means a minimal model of oversight but represents a civilian control or civilian external investigative model of oversight which entails excluding police from investigations and having ‘final control’ over the whole process (Clarke, 2009; Prenzler, 2004; Prenzler & Ronken, 2001, p. 170). It now has considerable power to investigate and influence the police as an institution.

Further to this, in statements made by the Minister of Police and the Executive Director of the IPID, it seems that there is an intention for the IPID to be more focused on general, systemic issues, or ‘defects’ as the Minister of Police calls them, within the SAPS – despite the legislation only suggesting that the IPID may (voluntarily) look at systemic *corruption* issues (Beukman, 2011; Independent Complaints Directorate, 2011, p. 8). This is an interesting shift from a case-by-case complaint’s mechanism with a predominantly punishment-orientated outlook to one that is now also problem-orientated (Braithwaite, 2002).

Civilian oversight systems have generally been criticized because of the fact that they have predominantly focused on punishing individual transgressors on a case-by-case basis rather than focusing on deeper, systemic organizational problems (Bayley, 1995; Goldsmith, 1995). There have thus been calls to ‘fix the police barrel’ or the rotten orchards rather than simply focusing on the rotten apples (Bayley, 1995, p. 96; Punch, 2003). What is essentially at stake here is a paradigm shift from a deterrence approach to an opportunity-focussed approach. A deterrence approach is how many criminal justice systems operate, focusing on individual offending through a case-by-case basis in order to punish individuals so as to deter would-be offenders. It operates in a reactive way, focusing on breaches of the law after they have occurred (Reiss, 1984).

An opportunity-focused model focuses on opportunities for offending rather than just on individual offenders and will ask a different set of questions. For instance, instead of asking who is to blame, it will ask questions about how offences can be prevented from recurring in terms of the conditions that were present to allow the problem to take place (Berg & Shearing, 2011). It is a more proactive strategy focused on controlling *opportunities* for breaching the law and it is more reflective, in terms of problem-solving (Shearing & Stenning, 1982). It also requires a more networked approach in order to uncover deeper issues (Wood & Shearing, 2007). An optimal system would be one in which there is a balance of the two paradigms as both have benefits and harms (Braithwaite, 2002).

However, there are challenges to adopting a more systemic approach. One of which is the ability of independent, civilian oversight mechanisms to penetrate police institutions ‘given the strength of the police culture and police knowledge of how to evade prosecution.’ (Prenzler & Ronken, 2001, p. 168). Another challenge is the political will to enable such mechanisms to fulfill their mandates.

Even with the indications of some complaints bodies exhibiting a more systemic approach to the analysis of complaints, the structural location of these bodies and the degree of political influence they can exercise, which are the product of their resources as well as their constitutional and legal status, constrain the degree to which they can highlight, let alone have an impact on, the wider considerations that frame the debates on police accountability. (Goldsmith, 1995, p. 126–7)

Linked to this concern, is the age-old problem of resources, no matter how strong a legislative framework, enforcement relies on capacity, expertise and resources (Clarke, 2009).

In light of this, Goldsmith (1995) calls for a realist perspective which acknowledges that complaints mechanisms can only do so much. They need to operate within a broader framework of accountability functioning at all levels – internal, governmental and societal – with multiple mechanisms in a mixed, holistic system (Clarke, 2009; Stone, 2007).

Conclusion

The IPID has only been in operation since mid-2012, it remains to be seen how its new mandate is fulfilled and whether capacity and resource constraints will still hamper effectiveness given its now larger mandatory case loads. Adopting two paradigms of oversight will be a challenge but the legislation has gone some way in addressing this through compelling a more networked approach and granting considerable powers to the new IPID. In this regard, the call by Goldsmith (1995) for a realist perspective and by many others for a networked system of accountability is an important consideration within the South African context. What will a more networked approach look like and how will the IPID engage with other players within the accountability system, such as the Human Rights Commission (which may investigate the same cases) and other mechanisms not specifically mentioned in the legislation? Will a networked approach build in some redundancy thus reducing gaps in oversight? Or will it be beneficial in terms of drawing in resources and capacities to boost the effectiveness of oversight agencies overall? The key question is really how to operationalize a networked approach and also to create one which will be of benefit to the project of oversight, rather than a liability.

However, besides the operational aspects of creating a more networked approach, one of the greatest obstacles to oversight is not the police institution itself, but a political system ill-disposed to strengthening police accountability. As mentioned, South Africa has gone through waves of police reform. There has been a movement from building up systems of oversight within a human rights framework, to favoring tough on crime responses and now to a possible new phase in which the architecture of accountability is given new life to perform its task effectively.

Yet, a recent prediction by Moeletsi Mbeki (the brother of former South African President Thabo Mbeki) is a stark warning for what the IPID has to face in the future. He has stated that the re-militarization of the SAPS, among other things, was in fact a preparation by the government to suppress increasing civil unrest arising because of the deepening of inequalities generated by a capitalism system designed to cater to minority elites (Mbeki, 2012). Testimony to this predicted future of government suppression is the tragic incident that occurred in August 2012 at a platinum mine at Marikana (two hours north west of Johannesburg). Called the Marikana Massacre it involved the SAPS killing 34 miners involved in an illegal strike – some had been shot at close range or crushed with police vehicles (Marinovich, 2012). At the time of writing, investigations were underway involving a Commission of Enquiry appointed by the President and the IPID. In line with

Moeletsi Mbeki's predictions, the Marikana incident speaks to broader issues of poverty, class disparities and pressures from the global market economy. The role of the SAPS in dealing with these types of unrest, particularly when using excessive force, necessarily raises the very systemic issues that the IPID and other oversight bodies may have to confront. However, these issues also extend far beyond the ambit of policing and speak to the system of economic governance in its entirety. The Marikana Massacre investigation may be the litmus test of this new phase of commitment to oversight but it raises broader questions too, which bodies like the IPID may not be equipped to address, even within networked arrangements.

Notes on contributor

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RESEARCH ARTICLE

Reconciling stakeholder interests in police complaints and discipline systems

Tim Prenzler*, Mateja Mihnjac and Louise E. Porter

This article summarizes surveys of three key stakeholder groups in the police complaints and discipline process: the public, complainants and police. In general, public and complainant surveys showed strong support for independent processing of complaints. Complainants were generally deeply dissatisfied with police-dominated and mixed (police/independent) systems. Police experiences and views regarding complaints systems were divergent, but with high levels of satisfaction where they experienced independent processing. Overall, it appears that a much greater role for an independent agency can be managed in a way that substantially satisfies all three groups, especially with the inclusion of informal resolution and mediation options.

Keywords: complaints against police; police oversight; complaint resolution

Background

The creation of oversight agencies has largely occurred in response to the abysmal record of police internal investigations. Numerous inquiries and reviews have stridently condemned police for protecting officers and deflecting or threatening complainants (Goldsmith, 1991; Hopkins, 2009). The trend toward greater independence has occurred largely within democratic contexts, with governments obliged to give ground to lobbyists on the issue. Nonetheless, the argument that only police have the expertise and understanding to manage complaints continues to dominate. Most oversight agencies engage in very limited reviews of police investigations and discipline. This is despite the ongoing record of failure, despite the generic nature of investigative skills, and despite indicators of high levels of stakeholder dissatisfaction (Hopkins, 2009).

Inquires and reviews have also frequently found that oversight agencies lacked the powers or resources to counteract the problem of bias. Consequently, there are ongoing moves for agencies to take a much greater role in directly processing complaints. Some agencies have prescribed degrees of involvement for different matters, focused on independent investigation of more serious cases. Others have discretion to independently investigate serious matters (Hopkins, 2009; Porter & Prenzler, 2012). At this stage, however, the system in Northern Ireland, established in 2000, appears to be the only one that embodies substantial independence – in terms of the institutional separation of the Police Ombudsman from the Police Service and the large scope of investigations by the Ombudsman (Criminal Justice Inspection Northern Ireland, 2011; Porter & Prenzler, 2012).

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Improved public confidence is a major goal of complaints handling bodies. Therefore, the general public, together with complainants and police, are viewed as key stakeholders in these systems. While agencies are not expected to serve a particular client base, participant satisfaction – particularly in relation to perceived impartiality and fairness – is one indicator of the effectiveness and legitimacy of a system. This article, therefore, reviews stakeholder surveys of different complaint handling systems, differentiated by the degree of independence from police. While individual views may be biased by personal perspectives or agendas, triangulation between sources minimizes these effects. Thus, if stakeholders with potentially different agendas can be satisfied by the same system, this goes some way to validating its effectiveness.

Method

A systematic review was undertaken to identify studies of the public, complainants, and police about the issue of who should process complaints; and of complainants and police about their experiences of different systems. Databases searched up to August 2012 included Criminal Justice Abstracts, CINCH, Google Scholar and Google Search. A large number of keyword combinations were employed; including 'complaints against police,' 'complaint investigation,' 'public opinion,' and 'police oversight'. The reference lists of publications identified by this means were also searched, and initial sources were used to inform searches of agency websites.

A shortlist was developed of public opinion surveys that included questions about complaints against police. These surveys are generally conducted by telephone and often involve outsourcing to private survey firms. Most are careful to engage in proper sampling and report on the demographics of respondents. Surveys were included in the final list if they had a question that essentially asked, 'who should investigate complaints against police?' Surveys were excluded that asked questions about respondents' views of the agency in their jurisdiction, because the questions were not sufficiently generic. A number of limitations apply to these surveys. Responses are likely to be affected by contextual factors, which may be hard to identify, such as the nature of police-community relations or particular policing scandals. The wording of questions can also restrict the range of views. For example, questionnaires tend to polarize responses between independent and internal investigations, excluding the option of mixed formats; and they usually do not ask for views about how different types of complaints should be handled.

Two shortlists were developed for the surveys of complainants and police about their experiences with complaint systems. Surveys of complainants are mainly conducted by post, with reportage of response rates and demographics. Surveys of police are conducted by various means, including internal post. Questionnaires often ask numerous specific questions about diverse aspects of the complaints process. The results reported here are focused on investigations, and responses to questions about satisfaction regarding 'process,' 'outcome,' and 'overall' experience; and about preferred agencies for investigations. In some cases, these categories were applied to closely related terms, such as 'aims achieved'.

Initially, an attempt was made to identify surveys in four types of systems, including purely internal ones. However, it was apparent that most systems described in survey reports included some oversight. Consequently, three categories were included. Surveys were categorized as being in (1) 'police-dominated' systems, where it appeared that external involvement was probably either non-existent or highly limited and detached. For example, Queensland was categorized this way because the large majority of complaints

were managed by police, while oversight agency investigations were carried out by seconded police. Surveys were included in (2) 'mixed' systems, where it seemed that there were significant degrees of both internal and external involvement in investigations. This included cases where it appeared that the external agency conducted investigations, but using former police officers from the jurisdiction (e.g., Israel). Surveys by Sviridoff and McElroy (1989a) and Bartels and Silverman (2005) involved complaints that appeared to have been investigated independently by the Civilian Complaint Review Board in New York City. However, these were included with mixed systems because the Board lacked an adjudicative function.

The final category was (3) 'independent' and was applied only to the Police Ombudsman for Northern Ireland. The Ombudsman's Office directly investigates almost every complaint made against police, and it has a direct role in adjudication. A recent review found that some investigations into legacy cases may have been partially compromised (Criminal Justice Inspection Northern Ireland, 2011). However, the review expressed confidence in the Ombudsman's independence in relation to contemporary matters. The review did note that 'there is a substantial proportion of investigative staff (around 41%) from a former police background' (p. 32), and there was an implication that this ratio was a little too high to ensure adequate perceptions of independence. At the same time, when selection standards and 'operational protocols' were considered, the review found that, 'in the main, the necessary safeguards are in place to protect the operational independence of the Police Ombudsman' (p. 32). Finally, surveys where it was entirely unclear which agency was most involved in the investigation were excluded from the sample.

As indicated, the issues addressed in these surveys are complex. The present study was only able to provide summary data on key topics. It should also be noted that results have been rounded wherever decimal points were included, and that results for categories such as 'undecided' or 'don't know' have not been included.

The public

A final list of 12 public opinion surveys was developed. Table 1 shows variation in the results, but a large number of surveys with extremely high levels of support for external investigations. In their report on the results in the British Social Attitudes Survey, Tarling and Dowds described the average response of 91% in favor of independent investigation of 'serious' complaints as 'unusual,' representing 'near-universal support' (1997, p. 206). Only two surveys asked about a combination of internal and external agencies, with 80% support for 'review boards with both police and civilian members' in one case. Overall, there were very low levels of support for purely internal police investigations.

Of note is the fact that five of the Queensland surveys included questions about different types of complaints: 'rudeness,' 'assault,' and 'bribery'. Respondents were asked about the best agency to deal with these complaints: the Police Service or the oversight body – the Criminal Justice Commission (CJC, later the Crime and Misconduct Commission (CMC)). Other alternatives were 'Ombudsman,' 'Local MP/councillor/mayor,' 'Solicitor/lawyer/barrister,' 'Media,' and 'Other'. Table 2 shows the results averaged across the five surveys from 1999 to 2010, with the final survey year included separately. The results show a consistent preference for the police to deal with lower level complaints of rudeness, but with majority support for an external body for assault and bribery allegations.

Table 1. Summary findings of public opinion surveys on who should investigate complaints against police.

Location	Percent supporting type of investigation			Qualifier	Source (survey year where relevant)
	Independent	Mixed/both	Police		
Britain	93			'Serious complaints'	Tarling and Dowds, 1997, p. 206, 1990
England and Wales	92			'Serious complaints'	Ibid., 1994
	89			'Serious complaints'	Ibid., 1996
	59	20	16		Electoral Reform Ballot Services, 1997, p. 7
	87			'Serious corruption'	IPCC, 2008, p. 8
	47			'All complaints'	
Queensland	49			'Most serious'	
	77			'[Death] after contact with police'	
	89				CMC, 2009, p. 54, 1995
	90				Ibid., 1999
	84				Ibid., 2002
United States	86				Ibid., 2005
	92				Ibid., 2008
	91				CMC, 2011, p. 34, 2010
	15	80	4		Law Enforcement News, 1992, p. 1

Table 2. Summary results, Five public opinion surveys, Queensland, 1999–2010, 'Agency perceived to be the best to deal with a complaint involving a police officer'.

Complaint/agency	Rudeness		Assault		Bribery	
	Average	2010	Average	2010	Average	2010
Queensland Police	70	63	46	26	33	15
CMC	20	39	37	65	53	80
All other	11	7	18	10	14	5
CMC + all other	31	46	54	75	67	85

Source: CMC, 2011, pp. 36, 37 and 39.

A number of other surveys asked questions that were relevant to the topic, including in relation to terms such as 'oversee' or 'review,' rather than 'investigate':

- A New York City survey found that 76% of respondents supported the proposition that 'An independent group should oversee the Department' (McGuire Research Services, 2000, p. 7).
- A survey of 'black and minority ethnic communities' about the independent Office of the Police Ombudsman for Northern Ireland found that 76% believed the Ombudsman was 'necessary' and 59% believed it 'can help change the police' (Radford, Betts & Ostermeyer, 2006, p. 102).

- A survey in Austin, Texas, found that 87% of respondents favored 'the creation of a citizen's review board' to monitor police (Schott, 2001, p. 4.5).
- A focus group study in the US found that 'a large majority of participants expressed deep cynicism about the [police-dominated] complaint process' (Walker, 1997, pp. 219–220).
- In a focus group study in England and Wales, 'the majority of participants – regardless of background – were in favor of an independent body being responsible for dealing with complaints against police' (Wake et al., 2007, p. 27).
- The US nationwide survey, shown in Table 1, found that, 'Overall, 60 percent of respondents felt that police officers would be too lenient in judging officers accused of misconduct' (Law Enforcement News, 1992, p. 1).

The surveys reported in this section identified minor variations in responses between different demographic groups, but with few consistent patterns. Overall, there was some evidence of a more positive view of independent investigations and greater scepticism of police among minority respondents and those in the 18–24 age bracket.

Complainants

Table 3 shows the findings for surveys of complainants in 26 police-dominated complaints systems. In 24 of these, the large majority of complainants were dissatisfied with all aspects of the process. Only a Canadian survey of 'street-involved individuals' – who claimed to have made a complaint against police – found that a small majority reported some satisfaction with the way the complaint was handled (Strathcona Research Group, 2006, p. F-13). The results for nine mixed systems were little different, with only one survey – from the Philippines – showing majority satisfaction (Table 4).

Only the surveys for independent systems – all for the Police Ombudsman for Northern Ireland – produced consistent majority satisfaction in any category (Table 5). The Ombudsman obtained overall satisfaction levels averaging 59% over ten years, with peaks of 67% and 65%. This is despite minority satisfaction with outcomes – 41% over eight years – although a large majority was satisfied with the process – 69%. (The figure for 'process' is a compilation of seven specific questions about communication, timeliness, and staff attitudes.) On average (over 10 years), 71% believed they had received fair treatment, with a similar response regarding perceived impartiality of the Ombudsman's staff – 72% over eight years, with a score of 78% in 2010/11 (PONI, 2011a, p. 19).

Reasons for dissatisfaction across all systems were complex. In some cases, respondents with unsubstantiated complaints were less satisfied than those with substantiated complaints. However, this was not a consistent finding, and respondents with substantiated complaints were also often dissatisfied. Numerous factors were cited that did not necessarily relate to which type of agency conducted the investigation – including lack of communication and lack of timeliness. However, a common theme was distrust of investigating police. Complainants frequently referred to officers appearing to take the side of their colleague under investigation. This was the case even with investigations where some oversight was involved, including external 'supervision.' In many cases, it was 'who' handled the complaint, more than 'how' it was handled, that was critical. In that regard, a common finding was reported by Brown (1987, p. 37): 'Nearly, two-thirds of the sample was dissatisfied because they felt it was wrong in principle for the police to investigate complaints against their own number'. In jurisdictions with prominent oversight agencies, complainants also reported a sense of extreme disappointment and

Table 3. summary of complainant experiences in police-dominated systems.

Location	Percent satisfied			Percent dissatisfied			% Supporting independence	Source (survey year where relevant)
	Process	Outcome	Overall	Process	Outcome	Overall		
Albuquerque					78			Luna and Walker, 1997, p. 28
Boston	4	7	14	82	82	71		McDevitt et al., 2005, pp. 60-61
British Columbia			54			42		Strathcona Research Group, 2006, p. F-14
Calgary	36	36		68	80			Calgary Police Commission, 1999, p. 92
Cincinnati	8		12	64	64			Ridgeway et al., 2009, p. 134)
Denver					86	75	68 'investigate' 94 'monitor'	De Angelis and Kupchick, 2006, pp. 23-24, 32
England & Wales								Brown, 1987, p. 37
		3	20		97	60	90	Maguire and Corbett, 1991, pp. 162, 164, 180
		20		71	71	82	67	Waters and Brown, 2000, p. 629, 631
			29			71		Grace and Bucke, 2009, p. 28, 2001/02
			36			64		Ibid., 2002/03
			20			80		Ibid., 2003/04
			24			76		Ibid., 2004/05
			19			81		Ibid., 2005/06
			20			80		Ibid., 2006/07
Oakland & Berkeley				44			77	Perez, 1994, p. 112
Pasadena	40	28	48	78		52		Bobb et al., 2006, p. 80
Queensland			39	60	72	56		CJC, 1994, pp. 60-62
				65				CJC, 1995, p. 9
				71				CJC, 2000, p. 7
	45	12		50	53			CMC, 2009, p. 47
								CMC, 2011, p. 29
Scotland								Fraser, 2009, p. 36
Toronto			16			84	73	Landau, 1994, pp. 63, 64
Victoria (Australia)	23	21		62	55			Ethical Standards Department, 1999, p. 32
	30	24		59	62		78	Prenzler et al., 2010, pp. 8, 11

Table 4. Summary of complainant experiences in mixed systems.

Location	Percent satisfied			Percent dissatisfied			% supporting independence	Source
	Process	Outcome	Overall	Process	Outcome	Overall		
Denver	11	10	15		87	74	88 'monitor'	De Angelis, 2008, pp. 13, 16
England & Wales		7						Schaible, et al., 2012, p. 15
		4	26		96	74	82	Maguire and Corbett, 1991, pp. 162, 164, 180
		10			70			IPCC, 2009b, p. 11
Israel					77	89.2	97	Herzog, 2000, pp. 134, 136
Kansas City	22	18	7	59	75	90	64	Perez, 1994, p. 180, 183
New York City	43	32	36			64		Sviridoff and McElroy, 1989a, pp. 45 & 47
			32					Bartels and Silverman, 2005, p. 627
Philippines			69			32		Guzman, 2008, p. 131

Table 5. Summary of Complainant Experiences in Independent Systems (Northern Ireland).

Process	Percent satisfied		Dissatisfied Overall	Source (survey year)
	Outcome	Overall		
		56		PONI, 2011a, p. 18–19, 2002/03
		67		Ibid., 2003/04
		58		Ibid., 2004/05
70	40	58		Ibid., 2005/06
67	38	58		Ibid., 2006/07
74	40	62		Ibid., 2007/08
70	37	57		Ibid., 2008/09
68	42	59		Ibid., 2009/10
73	47	65		Ibid., 2010/11
69	41	59	31	Ibid., 2011/12
61	39	52	37	PONI, 2012, p. 17, 2011/12

betrayal when their complaint was referred back to police (e.g. Landau, 1994). Indeed, Tables 3 and 4 show very high levels of support for both independent investigations of complaints and monitoring of police.

Two surveys of appellants were also identified. In England and Wales, 80% of respondents were dissatisfied with the way the Independent Police Complaints Commission (IPCC) dealt with their case (May, Warburton & Hearnden, 2008, p. 20). A follow-up study found 85% were dissatisfied (IPCC, 2009a, p. 10). Although it appeared that these cases involved a capacity by the Commission to 'uphold' an appeal against a police finding, it was not clear – in fact it appeared unlikely – that there was any capacity to overturn a decision.

Eight surveys were also identified regarding complainants' experience with some form of informal resolution or mediation, normally involving lower level complaints. The results were very mixed. In a Calgary survey: 'The majority of complainants offered mediation refused it and cited ... a lack of faith that mediation would result in a positive outcome for them' (Calgary Police Commission, 1999, p. 93). In England and Wales, under a police-managed 'local resolution' program, 41% of complainants were satisfied compared with 51% who were dissatisfied (May et al., 2007, p. 23). In Victoria, Australia, 72% of complainants who had their matter dealt with under a 'Management Intervention Model' 'rated the process as unsatisfactory' (Office of Police Integrity, 2008, p. 47).

In Queensland, 'informal resolution' – using police officers trained by civilian Alternative Dispute Resolution specialists – produced more positive results: 76% of complainants who experienced informal resolution were satisfied with the process, compared with 40% of those who experienced a 'formal investigation'; and 60% who experienced informal resolution were satisfied with the outcome compared to 28% of the formal investigation group (CJC, 1994, pp. 60–62). In Northern Ireland, an evaluation of 'police-led informal resolution' found that 52% of complainants were satisfied that their complaint was 'successfully resolved' (PONI, 2005, p. 29).

Three studies involving mediation were also identified, all with positive outcomes. In New York City, Bartels and Silverman (2005) surveyed persons whose complaint was either investigated or mediated by the Civilian Complaint Review Board: 'Eighty-one percent of the complainants felt that the real issues of their complaint were discussed in their mediation session, compared with 32 percent of those who participated in regular full investigation' (2005, p. 627). A study in England and Wales compared 'informal

resolution' cases with 'restorative' cases involving 'a face-to-face meeting between complainant(s) and police officers(s) in the presence of a trained facilitator' (Young et al., 2005, p. 285). The face-to-face encounters were described as 'restorative meetings,' while the informal resolution process, conducted by police, was described as 'a weak form of conciliation' (pp. 292 and 287). In most cases, the facilitator was a police officer, although an external person was used in a few cases where complainants objected to a police facilitator (p. 291). The main finding was that, overall, 61% of the restorative group were satisfied and 28% were dissatisfied, while only 33% of the conciliation group were satisfied and 45% were dissatisfied (p. 303). In Denver, 79% of complainants who experienced mediation – conducted through 'an independent mediation vendor' – were satisfied with the process, compared with 11% in the 'non-mediation' sample; and 63% were satisfied with the outcome in mediated cases compared with 7% in non-mediated cases (Schaible et al., 2012, pp. 8 and 15).

Dissatisfaction with informal resolution generally related to lack of information and non-receipt of an apology. There was often a feeling that officers subject to complaint did not take the process seriously and were unwilling to take responsibility for their actions. Efforts at resolution were often considered tokenistic, providing a convenient 'bureaucratic suppression of a dispute' (Young et al., 2005, p. 300). Criticisms were also directed at alleged unsupportive or biased attitudes on the part of police conducting the resolution. In Northern Ireland, 58% of complainants wanted to meet with the officer who was the subject of their complaint, and 73% of complainants thought that informal resolution 'should be handled by people who are independent of the police' (2005, pp. 27 and 29). Complainants also supported external management of informal resolution in Queensland (CJC, 1994, p. 65) and Victoria (Office of Police Integrity, 2008, p. 47).

Police

Tables 6–8 provide summaries of the available results for police experiences of the three types of complaints systems. The seven sets of findings for police-dominated systems were highly variable (Table 6). Some police were very satisfied with the experience, but most were divided – with less than a majority satisfied or dissatisfied. For the six sets of results for mixed systems, there was also considerable variance (Table 7). The Philippines system produced very high levels of satisfaction. The Israeli system, reliant on ex-police, produced very high levels of dissatisfaction. Of some note is the improvement in experiences with the complaint process by Denver Police before and after the introduction of the Office of the Independent Monitor (Tables 6 and 7).

There were six results for independent systems, all from the Police Ombudsman for Northern Ireland. Overall satisfaction averaged 71%, trending upwards slightly. Police officer satisfaction with outcomes was higher, averaging 83%. The scores for satisfaction with process were averaged from six specific criteria, and averaged 69% (2011a, p. 28; 2012, p. 18). This combined result for process was reduced by lower scores for 'Frequency of updates' and 'Time taken to investigate the complaint' – around 53% on average. Much higher scores were obtained for 'Manner of staff during interview' and 'Manner in which police officer was received' – around 83%. A separate question on fairness of treatment received an average positive score of 84%.

Six surveys of officers included general views on internal and external investigations, with highly divergent results (Table 9). For internal systems, support was reported in three studies at 'just over half,' 'a majority' and 45%. Support for mixed systems varied between 70% and 20%. Support levels for independent systems were between one-third

Table 6. summary of police experiences in police-dominated complaints systems.

Location	Percent satisfied			Percent dissatisfied			Source
	Process	Outcome	Overall	Process	Outcome	Overall	
Boston	46	27	36	45	46	64	McDevitt, et al., 2005, p. 69
Denver	46	49	12	30	35	64	De Angelis and Kupchik, 2006, p. 19
Pasadena			75			18	Bobb et al., 2006, p. 50
Queensland	76	68		24	32		CJC, 1994, p. 76
			70			30	CJC, 1995, p. A-2*
Victoria (Australia)	39	38		42	41		Ethical Standards Department, 1999, pp. 22 and 23
	36	26		40	36		CAPPE, 2008, p. 17

*Officers with complaints 'investigated by Queensland Police Service'.

Table 7. Summary of police experiences in mixed complaints systems.

Location	Percent satisfied			Percent dissatisfied			Source
	Process	Outcome	Overall	Process	Outcome	Overall	
Denver		56	37		25	43	De Angelis, 2008, p. 15
	12	49					Schaible et al., 2012, p. 16
England & Wales		55	39		23	31	IPCC, 2009b, pp. 15-16
Israel					79	90	Herzog, 2000, P. 134
Philippines	82	81	80	17	20	20	de Guzman, 2004, PP. 372-373
Queensland			79			22	CJC, 1995, P. a-2*

*Officers with complaints 'investigated by Criminal Justice Commission'.

Table 8. Summary of police experiences in independent complaints systems (Northern Ireland).

Process	Percent satisfied		Overall	Source (survey year)
	Outcome	Overall		
71	84	70		PONI, 2011b, p. 28, 2006/07
72	86	70		Ibid., 2007/08
65	81	68		Ibid., 2008/09
66	80	68		Ibid., 2009/10
70	86	74	14	Ibid., PONI, 2011b, p. 18, 2010/11
70	82	73	17	PONI, 2012, pp 17 & 18, 2011/12

and just under half. Some police also supported the view that independent investigations were necessary for public confidence. This was the view of 85% of police in the survey in England and Wales by the Electoral Reform Ballot Service (1997, p. 12). Lower levels of support for this view – typically around one-third – were expressed in other surveys (e.g. Kang & Nalla, 2011; Maguire & Corbett, 1991; Perez, 1994; Reiner, 1991; Wells & Schafer, 2007).

Table 9. Police views on internal and external investigations of complaints.

Location	Percent support			Source
	Internal	External	Mixed/both	
England & Wales	'Just over half'	'Almost half'		Maguire and Corbett, 1991, p. 70
	'A majority'	'About one-third'		Ibid., p. 71**
	45	30	70	Reiner, 1991, p. 215*
		33	20	Electoral Reform Ballot Services, 1997, p. 9
Israel			62	Herzog, 2001, p. 451
South Korea			36	Kang and Nalla, 2011, p. 184

*Chief Constables. **Investigating Officers

A number of studies asked about officers' experiences of informal resolution of complaints. Satisfaction levels varied enormously. In Queensland, 76% of officers who experienced 'informal resolution' were satisfied with the outcome, compared to 68% who experienced a formal investigation; and 83% were satisfied with the process, compared to 76% subject to formal investigation (CJC, 1994, p. 76). However, in one study in England and Wales, only 25% of police were satisfied with informal resolution (Warburton, May, & Hough, 2003, p. 22). In another, 27% were satisfied and 54% dissatisfied with 'local resolution' (May et al., 2007, p. 20). A Cincinnati study found officers fairly evenly divided over their experiences with a complaint resolution procedure. A small majority were positive: 57% believed the outcome was fair, while 43% disagreed; and 42% were satisfied with the process, while 48% were dissatisfied (Ridgeway et al., 2009, p. 134). Across the studies, reasons for dissatisfaction were largely related to perceptions of bias in favor of the complainant, alleged triviality of complaints, delays, and lack of information.

Police, however, were much more positive about mediation. In the British study of 'restorative' and 'conciliation' cases, described earlier in the complainant section, 85% of police in the restorative group were satisfied and 5% were dissatisfied, while 69% of the conciliation groups were satisfied and 15% were dissatisfied (Young et al., 2005, p. 306). In the Denver mediation study, 81% of police participants were satisfied with the process, compared to 12% in the non-mediation sample; and 73% were satisfied with the outcome compared to 49% with non-mediated cases (Schaible et al., 2012, p. 16). In Calgary, 78% of officers accepted the offer of mediation and, of these, 83% were satisfied with the outcome (Calgary Police Commission, 1999, p. 92). A police focus group study in New York City found that 'the overwhelming majority of officers claimed that they would prefer some procedure which would permit face-to-face interaction between officers and complainants' (Sviridoff & McElroy, 1989b, p. 36). Reasons included the ability to counter 'unfounded' allegations.

Discussion and conclusions

This review of the available literature on stakeholder views of police complaints and discipline systems was limited by several factors. It was difficult or impossible to identify specific contextual factors that may have influenced responses. At times, the wording of questions or forced responses limited the expression of a full range of views. Furthermore,

of necessity, the review adopted a highly summary approach. Nonetheless, valuable findings were obtained. The most obvious is that there were very high levels of support for independent processing of complaints amongst the public and complainants, particularly for more 'serious' matters. The study also found expressions of support for external 'monitoring' or 'review'. Overall, the general direction of opinion was clearly in favor of wide-ranging independence. Complainant dissatisfaction with police-dominated systems and weak mixed models aligned with public expectations about the lack of legitimacy and potential for bias in internal investigations. Police views were much more diverse, but tending to oppose independent processes. At the same time, a sizeable proportion of police recognized that internal processing is intrinsically suspect and does not satisfy the criterion of public confidence.

Is it possible to produce a 'win-win' arrangement from the results of this research? The positive experiences of police in Northern Ireland, while only a single jurisdiction, support the view that police concerns about biased investigations can be assuaged by an external agency, while also generating majority satisfaction amongst complainants – achieved through a combination of independence and adequate attention to process criteria (communication, timelessness, fairness, thoroughness, etc.). Evidence was also found that the interests of complainants and police can be more effectively addressed through carefully managed forms of informal resolution and, especially, mediation. More generally, the evidence supports a much greater role for complainant input into how a matter is managed. Some complainants will be happy with a senior police officer quickly resolving their matter on an informal basis. Others will strongly desire a face-to-face meeting, probably facilitated by an external mediator. Others again will desire a fully independent formal investigation. These preferences may be partially dependent on the type of complaint. An approach that involves a negotiated response, including with subject officers, is certainly feasible, subject to some controls for consistency and for the seriousness of allegations. Adequate resourcing of this approach is also feasible within a general public sector integrity agency – a system that would also be fairer for police by including other public servants in its jurisdiction (Prenzler and Faulkner, 2010). Efficiency and outreach would be enhanced through the creation of regional offices, easily accessible to the public. Close monitoring of stakeholder experiences would allow for fine-tuning to optimize the system.

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RESEARCH ARTICLE

Beyond 'oversight': a problem-oriented approach to police reform

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This article looks beyond the traditional compliance-based model of police oversight to discuss the emerging contributions of external oversight agencies to proactive police reform. Drawing on the approach of Problem Oriented Policing and the Scan, Analyse, Respond, Assess (SARA) problem-solving model, the article provides a framework to highlight a number of activities that identify and analyse problems in the police integrity domain, and design and implement solutions that impact positively on the police and communities. The article provides examples of agency activity for each stage of the SARA model and case studies to illustrate the whole model in practice.

Keywords: oversight; police integrity; problem-oriented; SARA; police reform

Introduction

While police oversight agencies continue to invest resources into reactive complaint handling or review functions, the role of these agencies is widening to reflect a more holistic approach to police reform. Oversight roles now frequently include education, training and consultancy/advisory services, as well as making recommendations regarding policy and practice issues, addressing systemic reform rather than simply providing case-by-case judgments. Similarly, within police agencies, what were once known as Internal Investigations (or Internal Affairs) departments are now being relabelled as Professional Standards departments, reflecting a similarly broad responsibility for standards of conduct across organisations. The widening of these respective roles has produced an interesting duality to the relationship between these agencies. While the reactive investigation and review functions of oversight agencies still conform to a compliance-based system, a more collaborative relationship has formed under the function of improving the police service more generally. This latter role implies a shared goal of reform that prescribes mutual prevention efforts to address emerging issues. This article outlines the contributions that oversight agencies can, and do, bring to police reform, with a focus on proactive activities. The article outlines how a problem-oriented approach can help to frame these efforts and promote the value of partnerships between oversight and law enforcement agencies to improve police services to the community.

Traditional purpose of oversight agencies

The tradition of external police oversight emerged in the latter part of the twentieth century in response to a number of commissions of inquiry and exposés of corruption,

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misconduct and criminal activity by police officers (Prenzler & Ronken, 2001; Smith, 2009). Examples include the Knapp Commission (1972) and Mollen Commission (1994) in the US, the Scarman Report (1981) in the UK and the Fitzgerald Inquiry (1989) and Wood Royal Commission (1997) in Australia. All called for the creation of independent agencies to increase external accountability for police. Agencies were recommended to have investigatory powers that would preclude the police from investigating their own members internally for serious misconduct. The purpose of such powers was to increase public confidence that investigations of police officers would be conducted with greater scrutiny and fairness, with suspicions that police internal investigations were biased towards subject officers, being at best too lenient and, at worst, involving intimidation of complainants and witnesses.

Traditional models of oversight

Internationally, oversight agencies have been created with differing models and powers, which are also evolving rather than static (although subject to legislation and resources). Typically, over time agencies have been provided with increased powers, as well as widened roles. However, at the same time, there is an increasing movement towards handing back the responsibility of complaint handling and investigation to the police themselves, particularly for less serious matters.

Prenzler and Ronken (2001) discuss two main models of external oversight – ‘civilian review’ and ‘civilian control’ – while in the US, Walker (2001) offered four classes of oversight models. The basic distinction between the models described by these authors lies with the amount of independent power that the oversight body has to investigate the police agency. At the lowest end of the spectrum are models that reflect an oversight agency’s ability only to review or audit police internal investigations. At the highest end of the spectrum, investigations of the police are conducted externally, with the oversight body having its own independent investigative capacity, often with significant powers and resources. While this higher level of external oversight is typically proposed as best practice, it has also been acknowledged that such a degree of external involvement can actually reduce internal organisational responsibility for integrity (Porter & Prenzler, 2012a; Prenzler & Ronken, 2001).

According to Livingston (2004), the impact of citizen oversight is deterrence-based. She states that citizen involvement in the complaint process should increase the fairness and thoroughness of investigations. Deterrence occurs where these improved investigations lead to an increased likelihood of consequences for misconduct through the enforcement of rules and disciplinary action. As Livingston explains,

With better investigations, the theory goes, more complaints will be sustained, resulting in more discipline of officers who have committed acts of misconduct. More discipline in turn will lead to greater deterrence of police abuse. (Livingston, 2004, p. 654)

Underpinning Livingston’s explanation of deterrence is a process of transactional influence on behaviour, whereby individuals are influenced externally by reward and punishment. This is in contrast to transformational influence that attempts to change behaviour internally, through instilling certain values. The latter corresponds to principles of co-operation (as opposed to compliance), where goals are shared and members behave in ways that are consistent with their own moral decision-making; this means that influence operates in the absence of surveillance (Kelman, 1958). In theory, this form of organisational influence

can, therefore, be more successful and less costly than influence that relies on instrumental inducements (reward and punishment) for employee behaviour (Tyler & Blader, 2005).

While oversight efforts may have begun with deterrence, there are a number of values-based integrity strategies that have emerged to prevent problems of misconduct and corruption. For example, codes of ethics, ethics training, support for employees who report misconduct, and integrity-based promotions criteria are increasingly in use within police agencies. External oversight agencies are also broadening their repertoire of strategies to be proactive. Moving beyond deterrence theory to transformation-based influence on police reform may increase the impact of oversight agencies on the policing environment through modifying values and increasing the investment of police in shared goals. However, the effectiveness of such efforts would likely hinge on the extent of inter-agency collaboration, trust and ownership in tackling problems.

Problem-oriented approach

Problem-oriented policing was first conceptualised by Herman Goldstein in 1979 (Goldstein, 2003) and has become increasingly popular with both academics and law enforcement agencies, predominantly in tackling particular forms of crime. The approach recognises the range of problems concerning policing and that each may require a different solution. The approach emphasises the importance of analysis to identify the problem and tailor solutions that can be implemented not just by police, but in partnership with external stakeholder agencies. Thus, problems are identified as being salient for both police and communities, and the approach is collaborative. The approach also emphasises creative solutions to identified problems and the evaluation of their impact:

The concept carries a commitment to implementing the new strategy, rigorously evaluating its effectiveness, and subsequently reporting the results in ways that will benefit other police agencies and that will contribute to building a body of knowledge that supports good practice and ultimately, thereby, will also contribute toward the further professionalization of the police. (Goldstein, 2003, p. 14)

Some authors have highlighted the potential of a ‘problem-oriented’ approach to law enforcement oversight through utilisation of complaints data to highlight key issues (Walker, 2001). Livingston (2004) asserts that, just as police have begun to embrace a problem-oriented approach with the recognition that the wide range of problems facing police requires methods beyond enforcement of the law, so too should oversight agencies expand their role beyond rule enforcement. She discusses four principles of a problem-oriented approach to citizen review: ‘triage’ of complaints, complaints ‘information gathering and analysis’, the ‘involvement of [subject-officers]’ line supervision’ in the complaints process, and ‘monitoring the complaint review process’. However, Livingston recognises that such a process requires collaboration between oversight agencies and police and that this raises questions as to the independence of the oversight agency:

Much of what is proposed here requires that participants in the citizen review process work more closely with police to see that the information contained in complaints is effectively used to better the police organization and enhance police services ... Can the citizens in citizen review processes maintain their independence (and be perceived as independent) in light of this closer collaboration? (Livingston, 2004, p. 669)

Indeed, Grabosky and Braithwaite (1986) and Prenzler (2000) discuss agency ‘capture’ as a risk of close working relationships between staff of agencies that should be

independent. However, Livingston (2004) argues that the role of civilian oversight should be broadened now beyond the 'first generation' of merely providing independent scrutiny, to a second generation role of ensuring that the wider problems raised in complaints are adequately addressed by police organisations.

SARA model

One method, and perhaps the best known, for undertaking problem-solving in policing is the SARA problem-solving model (Eck & Spelman, 1987). SARA represents the four stages of Scanning (identifying a problem), Analysing (collecting data to inform the scope or cause of the problem), Responding (developing and implementing solutions to the problem) and Assessing (evaluating the effectiveness of the response). The process can be cyclical, in that the results of the evaluation can be fed back into understanding the problem and monitoring the need for further intervention. However, the process is not necessarily linear (involving all stages, or in this order) and the SARA model is only one model of the problem-solving process; other variations have also been presented (for example see Ekblom, 2005; Read & Tilley, 2000). However, as a conceptualisation of the basic stages of understanding and responding to a problem, and expanding on the idea of problem-oriented oversight, SARA is presented in the current article as a guiding framework to understand the contributions (both real and potential) of oversight agencies to police problem-solving, or police reform.

Problem-oriented approach to police reform

Figure 1 depicts the stages of the SARA model and how they relate to the general process of identifying a problem, producing and implementing solutions, and evaluating the impact of those solutions. This section discusses each stage of the SARA model with



Figure 1. Representation of the SARA model.

reference to the potential contributions of oversight agencies and examples of current practices that illustrate these contributions. This is then followed by two case study examples that demonstrate the whole SARA process.

Stages of the SARA model

Scan

Many authors (including Livingston, 2004 as previously mentioned) have highlighted that oversight agencies at all levels, accumulate information about the policing environment that can be used to build a picture of potential areas of concern. At the lowest, or most basic, level of oversight, agencies may receive appeals from unsatisfied complainants, or audit police systems for complaints handling or other practices. For example, in the UK, the office of the Police Complaints Commissioner for Scotland (PCCS) has only a complaint review function but initiated an audit of the complaints handling process of one jurisdiction after a complaint handling review raised concerns (PCCS, 2008). The PCCS has also undertaken, on its own initiative, an audit of the accessibility of police complaints procedures (PCCS, 2009).

At a more detailed level, the Corruption and Crime Commission, oversight agency to the Western Australia Police, conducts in-depth 'systems-based evaluations' (Porter & Prenzler, 2012a) to audit police practices in a variety of areas (geographically based and subject/procedures-based). This audit process goes beyond dip-sampling cases for purposes of rule enforcement and involves site visits and discussions with personnel to provide a more educative presence.

At a higher level of oversight, agencies may independently receive and investigate complaints or reports of potential misconduct. Patterns may be identified between a number of cases handled by the agency that suggest systemic issues, or individual matters may be viewed as particularly serious or of significant public interest and deemed as warranting further inspection. However, while issues may be recognised by staff on such a case-by-case basis, the observance of patterns of incidents, or existence of systemic problems is more efficient with the keeping of databases that allow statistical examination of cases by a range of features, such as the subject of the complaint, location, the issues involved, and so on. To this end, some oversight agencies are tasked with compiling local or national statistics on complaints. For example, the PCCS, mentioned earlier, collects statistical information from Scottish police districts and compiles this into a report on complaint numbers, while the Independent Police Complaints Commission (IPCC) for England and Wales collects raw complaints data from the 43 police forces and produces its own statistical trend analysis for public reporting (Porter & Prenzler, 2012b).

Other oversight agencies are the sole keepers of complaints databases. In Northern Ireland, the Police Ombudsman (PONI) receives all complaints against the Police Service of Northern Ireland (PSNI) and produces large amounts of statistical outputs, both publicly on its website and in reports to PSNI units. These descriptive data allow police managers to interpret the problem areas, or indeed people, under their supervision (Porter & Prenzler, 2012b). In Australia, the States of New South Wales and Queensland have systems that allow both the police and oversight agencies real-time access to one centralised complaints database and can, therefore, utilise this information for 'intelligence-gathering' purposes (periodic scans or focussed on particular areas of concern) (Porter & Prenzler, 2012a). In Canada, the Commission for Public Complaints Against the Royal

Canadian Mounted Police (CPC) operates an early invention system – the Multiple Complaint Member Project – whereby it identifies,

RCMP [Royal Canadian Mounted Police] members who are subject to three or more public complaints, where the allegations are serious in nature (e.g. improper use of force, improper use of firearms) within a 12-month period. Once a member is identified under the current criteria, the CPC shares this information with the RCMP, which is then able to communicate the information to the relevant division and/or detachment. (CPC, 2011, p. 12)

Some oversight agencies also conduct wider environmental scans of issues to proactively seek out emerging trends in policing and to inform possible areas of focus for their own jurisdictions. These can be produced as public literature reviews or agency briefing reports. For example, The Police Integrity Commission (PIC) in Australia published a review of Early Intervention Systems (Bertoia, 2008), and the CPC in Canada produced a review of literature on in-custody deaths (CPC, 2009).

The information accessible to oversight agencies can, therefore, be extensive and an important source for recognising trends or systemic issues, or other matters of significance that may warrant further scrutiny. Thus, oversight agencies are often in a prime position for proactive problem identification.

Analyse

The section above included the scrutiny of data for identifying problems at the descriptive level and intelligence gathering. Many oversight agencies are also involved in conducting more sophisticated, targeted forms of analysis around particular identified problems. This includes analysis of data held on agency databases (described above), as well as conducting additional forms of data gathering and analysis through specific research initiatives.

There are numerous examples of oversight agencies undertaking targeted data analysis of specific problem areas. For example, in Australia, the Office of Police Integrity (OPI) in the State of Victoria (oversight agency to the Victoria Police), conducted a *Review of the Use of Force by and Against Victoria Police* (2009) incorporating analysis of data from Victoria Police's use of force reporting system. The review highlighted necessary improvements in policy, training, monitoring, and reporting practices and urged Victoria Police to utilise that data more strategically and 'demonstrate a commitment to strategically managing the risk associated with inappropriate use of force' (OPI, 2009, p. 58).

In the UK, the IPCC for England and Wales undertook analysis of all cases in their jurisdiction of deaths in or following police custody over an eleven-year period from 1998/99 to 2008/09 and reported on trends in the data that highlighted failings of police duty of care, particularly in the assessment and monitoring of persons in custody. This led to specific recommendations for both police and health care services to improve practices. Similarly, the IPCC has collated and conducted analysis of over 100 investigation reports of road traffic incidents involving the police that have resulted in a fatality or serious injury (Docking, Bucke, Grace & Dady, 2007). Recommendations of that report have resulted in revised pursuit guidelines.

Oversight agencies are increasingly engaging in primary research; that is, collecting new data for analysis. In Australia, some states have oversight agencies that are heavily involved in research, with dedicated research teams or units. In New South Wales, for example, the PIC has conducted and published reports on a range of research projects.

Recent landmark projects explored and identified potential misconduct risks of individuals (Project Odin: PIC, 2009) and work places (Project Manta: Gorta, 2011) in order to highlight a framework for proactive prevention efforts. In Queensland, the Crime and Misconduct Commission (CMC) (and its predecessor the Criminal Justice Commission) has collected survey data on the Queensland Police Service (QPS) recruits and First Year Constables yearly since 1995 to monitor ethical attitudes towards a range of scenarios. A 2010 CMC report on this data noted decreased ratings of seriousness of, and willingness to report, certain unethical behaviours in recent years as a potential area of concern for the QPS (CMC, 2010).

In the UK, the IPCC conducted a project to take stock of their early years of operation around complaints handling. The work incorporated stakeholder discussions and the collection of survey data, which identified dissatisfaction with the complaints handling system as well as under-access of the system by certain groups. The outcome of the work was a new Statutory Guidance for police complaint handling that the IPCC launched in 2010 (IPCC, 2010). The IPCC noted (see Porter & Prenzler, 2012b) that part of the success of the implementation of the Statutory Guidance was the high level of stakeholder input in its inception, with a number of police agencies/personnel engaging in discussions with the IPCC.

Indeed, in some cases, research and analysis is conducted through collaboration between police agencies and their oversight bodies. This could involve the police agency approaching the oversight agency to utilise their research resources, an oversight agency involving the police in the conduct of a project, or a fully collaborative research endeavour. In-depth analysis of identified problems enables the specific nature of problems to be explored and for possible causes to be highlighted. This allows for a more informed response.

Respond

As outlined previously, police oversight agencies were traditionally established to respond to problems of police misconduct, but typically did so on an individual case-by-case basis and in response to a particular complaint of wrongdoing. Responses in these circumstances have included investigations, reviews, targeted audits, and even adopting sophisticated covert methods such as targeted integrity testing. However, beyond a reactive ad hoc response, there are a number of more positive, proactive strategies that oversight agencies are beginning to adopt to address problems uncovered by the means outlined above.

Oversight agencies frequently have the capability of making recommendations to improve police practices at the wider level, based upon their work in assessing and analysing problems. Recommendations in these cases are typically directed towards improvements and can concern systems, policies, procedures, training, or any other area of policing. For example, the work highlighted above of the IPCC in relation to traffic incidents recommended changes to UK police pursuit policies, while the work of the OPI made recommendations to Victoria Police regarding their use of force.

However, while oversight agencies have the power to make such recommendations, they rarely have any power over police to accept and implement them. Police can be held to account publicly to explain their position, but ultimately the way the police agency 'does business' is up to the head of that agency. Thus, while public shaming can be an effective 'stick' to move an agency to change, collaborative efforts in the area of recommendations and implementation are increasingly adopted. Many oversight bodies

now involve their police agencies in discussions of the findings of their research activity and the development of recommendations (Porter & Prenzler, 2012a). Indeed, such collaboration can result in recommendations having been discussed, actioned and implemented before the oversight agency's official report is released. It is widely recognised that resources and operational issues known best to police can create barriers to oversight agency-recommended practice. Oversight agencies are often held to account for the number of recommendations they make that are implemented, as an indicator of their performance in terms of providing impact. While it is recognised that oversight bodies should not be making 'easy' recommendations to increase their performance profile, there is perhaps room for flexibility in the measurement of implementation to focus more on the intent of the recommendation rather than the specific practical operation of that intent. Thus, often it is necessary for police agencies to propose their own ways of meeting the intent of a recommendation to ensure its feasibility. Involvement of police at this level also increases police agency engagement and ownership over solutions.

Indeed, in support of police agencies implementing their own changes, many oversight bodies are developing their role in the areas of education and advice. For example, in the UK, both the IPCC and the PCCS produce publications of the lessons to be learned from particular cases that they see, in order to promote the consequences of certain wrongdoing and provide information on best practice to avoid future similar cases. Other agencies are also involved in officer training and providing toolkits for officers to use to aid decision-making. For example, in Australia, OPI has a Corruption Prevention and Education Unit that provides a range of educational and advisory services to the Victoria Police, including training sessions, consultancy and educational resources (OPI, 2012b). OPI recently published an *Ethical Health Assessment Tool* (OPI, 2012a), a self-assessment tool for law enforcement agencies to measure the strength of integrity systems. The CMC also provides guidance and toolkits to Queensland police officers (and other public sector agencies). For example, the CMC has produced a number of publications on managing conflicts of interest. These activities help to equip the police with the knowledge to tailor their own responses to problems. However, it is important that responses are targeted, informed and are followed up with appropriate evaluation to assess their impact.

Assess

The final stage of the SARA model is the assessment, or evaluation, of any response recommended or implemented. Many oversight agencies perform a compliance-oriented function of monitoring, or auditing, whether recommendations have been accepted and implemented adequately by the police. OPI in Australia, for example, maintains a database of the systemic recommendations it has made and the progress of the Victoria Police on accepting and implementing these (Porter & Prenzler, 2012a). The CPC in Canada publishes details on its website of recommendations that remain to be implemented by the RCMP (CPC, 2010). Indeed, as mentioned previously, numbers of recommendations made and accepted are reported publicly by many oversight agencies as part of their own performance framework.

Whilst this process is important, it does not provide evaluation of whether the response has actually met the intended outcomes or had the desired effect. Effectiveness needs to be measured for a number of reasons, including informing on whether the problem has been 'solved' or if an alternative intervention is necessary; informing the allocation of resources; understanding how similar problems in the agency might be

tackled; or demonstrating how other agencies could implement similar responses. Indeed, many oversight bodies publish extensively on the results of their work, particularly reports on individual investigations or complaint reviews. However, public reports of formal evaluations are much less prevalent.

In the UK, the IPCCs work on deaths in custody (IPCC, 2011) reported a marked decrease in deaths over the 11-year period of study, as well as decreases by particular causes of death and drew inferences on a number of possible influences on this decline. The report highlighted changes in laws and guidelines, improvements in cell design, hospitalisation of arrestees, assessments and closer monitoring of detainees, provision of health services to detainees and a custody visitor scheme. However, this work did not directly assess the impact of the introduction of these interventions specifically. Rather, it provided a retrospective analysis of cases.

In order to fulfil the evaluation component of the process, the impact of the response must be assessed on the basis of what was intended. In other words, there needs to be clarity at the outset regarding the purpose of the response, what the indicators of success should be and how those can be measured. Indeed, sometimes monitoring and evaluation requires the collection of specific data and so it may be wise to plan for this at the point of designing the response. For example, perhaps the gathering of appropriate data, or establishing the mechanisms to do so, should be included in the initial recommended response plan.

Case study examples of problem-oriented police reform

The section above-presented ways that oversight agency activities can contribute to each of the stages of the SARA model. The following section presents two, more in-depth, case studies that illustrate the full SARA process utilised in oversight-police partnership projects, including the evaluation of impact.

Case study: Portland, USA

The full SARA process can be illustrated with the example of the Portland Force Task Force, a joint initiative between the Portland Police Bureau (PPB) and Portland's Independent Police Review (IPR) Division. In 2006, these two organisations established a Task Force, with members from both the PPB and IPR, as well as from Portland's Citizen Review Committee. The goal of the Task Force was to review the PPB use of force activity, policies and training, with comparisons to similar jurisdictions, and to highlight potential areas of improvement.

Portland Police Bureau instigated a new use of force reporting system for its officers in 2004, reporting to be one of only a few similarly-sized police departments in the US to publicly report on this activity (Force Task Force, 2007, p. 4). The Force Task Force analysed the use of force data held by the PPB, among other sources of information. They reported their findings publicly (Force Task Force, 2007), making 16 recommendations across the areas of data collection and analysis, policy and training, supervision and management, and intra-bureau patterns of force. The recommendations were designed to improve the Bureau's management of force and reduce the number of community complaints involving force. The majority of recommendations were specifically directed towards the Police Bureau and the Chief of Police agreed to their implementation and invited a follow-up assessment. The 2008 follow-up by the reconvened Task Force assessed the implementation of the recommendations and agreed that at least the intent of

all 16 had been met. The Task Force further analysed the use of force report data of the Police Bureau to evaluate the impact of the changes. The Task Force reported decreases in uses of force and citizen complaints of excessive force, as well as decreases in both officer and citizen injuries (Force Task Force, 2009).

This case illustrates the value of collaboration between the police and external agencies using an approach similar to the SARA model. The Task Force scanned the environment (similar police departments) and analysed data to highlight specific problems of citizen complaints and agency management of force. The collaborative Task Force provided a number of recommendations, with the actual implementation left to the agencies concerned (those subject to the recommendation). The changes were assessed and evaluated collaboratively by the Task Force in order to follow not only that the response was adequate but also what impact that response was having on the problems identified at the analysis stage. Thus, the response was evaluated against the intended effects. The reports provided by the Task Force were made public. They highlight that the process was challenging but comment on the 'maturity' of the Portland Police to be internally critical and to accept both criticism and reform showing a commitment to improving its services to the public (Force Task Force, 2009, pp. iii-v).

Case study: Queensland, Australia

In Australia, the QPS and their oversight body the CMC jointly undertook a review of the QPS Taser policy, procedures, training and monitoring. The joint review was initiated by the Minister for Police, Corrective Services and Emergency Services in the wake of a Taser-related death in Queensland during statewide roll-out of Tasers to QPS officers. The roll-out of Tasers was put on hold while the joint review team conducted their work. The review team consisted of officers from both the CMC and the QPS who had experience and background in relevant issues such as use of force, operational skills and tactics, and risk management.

The team undertook a review of the available literature on Conducted Energy Weapons (CEWs), particularly research from the US and Canada, as well as an audit of QPS Taser data; data collected by the Taser device that records when it is activated, how many times it is deployed, and for what length of time. The literature review and audit highlighted issues and risks associated with Taser use by the QPS. The review team then conducted an assessment of the QPS Taser policy, procedures and training in the light of those findings. The review was published in 2009 (QPS-CMC, 2009) and made 27 recommendations. The report also stated 'the paramount importance of ongoing collaboration between the CMC and QPS in monitoring both the implementation of the report's recommendations and emerging research on the effective and safe use of CEWs' (QPS-CMC, 2009, p. 1). The review (QPS-CMC, 2009) was followed by an evaluation by the CMC, published in 2011 (CMC, 2011). The evaluation by the CMC reported that the QPS had

... demonstrated a firm commitment to implementing the 27 recommendations from the 2009 QPS-CMC review, investing considerable time and resources to do so. To date, 24 recommendations have been implemented, including all recommendations related to Taser policy and training. Progress continues on the three recommendations related to Taser monitoring and continuous improvement processes that are outstanding. (CMC, 2011, p. xvii)

The CMC reported positive effects of the changes, including decreased Taser uses. This included a decrease in presentations and deployments, as well as 'drive stun' uses (where the Taser is held against the body rather than the probes being deployed). The

CMC also noted decreases in Taser use in certain circumstances, particularly against handcuffed people, and a decrease in multiple and prolonged uses. The CMC concluded that there was 'no evidence of widespread misuse' and 'no indication of mission creep in terms of officers using Tasers in less serious situations' (CMC, 2011, p. xvii). However, some concerns were raised and suggestions made for continuous improvement in the area of Taser use, particularly regarding Taser use against members of vulnerable groups and ensuring that QPS standards are consistent with suggested best practice internationally. An additional 21 recommendations were presented in the evaluation report that will require further monitoring and evaluation.

The Queensland case study illustrates a slightly different implementation of the SARA model from the Portland case study in that the final stage of assessing the implementation and impact of the recommendations was independently undertaken by the oversight body rather than in collaboration with the police agency. The independence of the evaluation by the oversight agency, rather than jointly with the QPS, may add weight to its report in terms of reassuring public confidence in the system. The case study also illustrates the circularity of the SARA model, where the assessment stage can highlight further, or outstanding, concerns that may need additional monitoring or response and further subsequent evaluation.

Conclusion

The value of a problem-oriented approach to police reform has been described through a variety of examples and case studies, with particular use of the SARA problem-solving model. It is important to note that SARA is not offered as a prescriptive model for all oversight work, but as a framework for describing a complementary suite of activity that can contribute to reform. While cases of misconduct continue to arise, and citizens continue to make complaints against the police, there is still a place for reactive oversight. Clearly, both deterrence and reform are important functions for external oversight agencies in their endeavour to increase public confidence, reduce police misconduct and improve or enhance police services. Further, in order to fully embrace the Problem-Oriented Policing philosophy, responses would need to be innovative, implementation and evaluation would be rigorous, scientific and experimental (or quasi-experimental) (see Tilley, 2010), and efforts would engage a variety of stakeholders. While there is clearly activity emerging in each of these areas, including collaborative efforts between police and oversight agencies, there is a great deal of scope for increasing these efforts, particularly in relation to conducting and publicising evaluations. Oversight agencies have much to offer, if provided with appropriate resources. The case studies presented here show that appropriate partnerships with police are possible and that they can add value to enable problem-oriented work to be undertaken that impacts positively on police service members and communities.

Notes on contributor

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BOOK REVIEWS

Managing accountability systems for police conduct: internal affairs and external oversight, by Jeffrey J. Noble and Geoffrey P. Alpert, Long Grove Ill., Waveland Press, Inc., 2009, 327 pp., \$32.95 (paperback), ISBN 978-1-57766-567-0

Noble and Alpert's book is intended to remedy a lack of published information about 'Internal Affairs Departments' (IADs) that investigate complaints against police, and internal police disciplinary and criminal allegations. The book is a comprehensive guide, which appears to be aimed at small police departments in the USA, advising how to manage professional standards and IADs. Most of the contents of the book would only be relevant to police departments in the USA as they are set up and constituted differently to any others in the world. That the USA prides itself on small, locally accountable police departments is made clear by this book, which includes all the information necessary to introduce and manage accountability systems in police departments. It does not assume that any audit or inspectorate services are provided elsewhere or centrally, as in other countries, nor does it assume that IADs exist in small police departments.

The contents are written at several levels, commencing at a very basic level on advice about interviewing but also providing information at a more strategic and management level on how to set up an IAD. The book is written as a 'how to' guide to manage police accountability systems. Therefore, readers would probably not read the whole book but would refer to sections necessary for their own purposes. At the same time, it would be useful for persons outside the police service with an oversight responsibility.

The book consists of 10 chapters which are set out in a logical order, starting with the 'fundamentals' for the IAD of selection and training of personnel and then the role and responsibilities of the department and staff. It advises on policies, practices and procedures, which would be useful if a police department had to set up an IAD from scratch – although most organizations should already have this capability. There is a following section on investigation, which goes into very basic detail on the investigation process. It seemed a little strange that this was included as it is likely that police departments would know this information and already employ experienced investigators. The book moves on to a chapter on interviews and interrogation and, again, this is information that every self-respecting police officer should know. It is not until chapter 4, 'Criminal, Proactive, and Undercover Investigation', that the book moves on to some strategic and management matters on which every police department should have a policy. Although the book includes some basic information on operations management, it does set out the main issues which should be considered by police management. The book lists many 'specific issues', such as discrimination, employee conduct and 'whistle-blowing', and gives useful advice on how to deal with these problems. This section of the book includes good

content in relation to protection of 'whistle-blowers' guarding against discrimination and the many ethical dilemmas faced by police officers.

Chapter 6 sets out information about external investigations and accountability that is only relevant to the USA. The claim is made that 'In fact, no evidence exists showing that an outside agency or review board is more effective at revealing misconduct and imposing discipline' (p. 6). Unfortunately, this view is not systematically interrogated, and the book should have explained that most official enquiries into police misconduct and corruption have recommended that external oversight is necessary to ensure accountability and integrity, or to reassure public confidence in the processes of police integrity systems. Despite the direct links to US law and rights, there are useful principles contained in this section relating to personal and corporate liability that apply internationally. For example, the issues highlighted by the 'RICO' provisions (Racketeer Influenced and Corrupt Organizations Act) could apply to serious and organized crime anywhere in the world.

The book gives advice on how to prepare an investigation report and findings, which again seemed rather basic. The findings section appeared to be viewed from an organizational perspective rather than honouring the rules of natural justice. Indeed, under the heading 'employee notification', the book had earlier said that although the suspect police officer should be informed of their rights, he/she should be only given a 'broad statement that does not include any specific charge'. This recommendation breaches fairness procedures in other jurisdictions. Furthermore, the book makes few mentions of the suspect officers' rights and does not take into account possible union or staff association input into the whole process, although it does include information about appeals at a later stage. There is information about 'frivolous complaints' in chapter one (p. 29), but there is no advice to investigators on how to deal with 'vexatious complaints' or 'querulants'. Some suspects do make complaints against police actions without good grounds and for spurious reasons. This appears to be a weakness in the advice given by the book on pre-disciplinary proceedings, because police officers could be targets of victimization.

The book proves to be very useful and interesting in the latter chapters relating to discipline and post-disciplinary actions. The point is made that an appeal or court case relating to discipline is the same as any criminal case and that this should be within the knowledge of police officers. At the same time, the book goes on to explain the trial process in great detail. There is a very useful section on evaluating and auditing the effectiveness of internal investigations and risk management systems. At the back of the book, there are some appendices with checklists for interviews and, again, these seemed to disregard the fact that police officers should be trained in interviewing techniques. In conclusion, the book is good in parts but its usefulness appears to be largely restricted to the USA.

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© 2013, Alan Beckley
<http://dx.doi.org/10.1080/15614263.2013.767097>

Police corruption: deviance, accountability and reform in policing, by Maurice Punch, Collumpton, Willan Publishing, 2009, 281 pp., £25.99 (paperback), ISBN 978-1-8439-2410-4

Maurice Punch has researched corruption, deviance and reform since the 1970s, and is a leading writer in the field. With Punch so widely cited in the literature on police corruption, I am surprised that this is his first book on the topic. It has, therefore, received the attention it deserves, not least of which comprises a set of 11 reviews in an issue of *Policing: A Journal of Policy and Practice*, by academics and practitioners, as well as a discussion of these by Punch himself. The depth of comment in those reviews demonstrates the valuable resource that Punch has produced in terms of assimilating material that inspires academic debate on such a variety of issues. Those reviews also provide a taste of the mixture of reactions that a book on such a sensitive topic is so likely to generate. While some praise the theoretical aspects of the book, as well as the importance of publications in this area, others criticise it variedly for its naivety and for its pessimistic tone. In regard to the latter, the book conveys that policing will always have the potential for deviance, it also concentrates primarily on the bad (and often more accurately, the worst) police behaviour, which Punch himself recognises as a shortfall of literature in this area more broadly. The book is ostensibly a collection of case studies of police deviance from three international jurisdictions. Covering the USA, the UK and the Netherlands, Punch draws on a range of materials, including his own observational research of the Dutch police in the 1970s, public enquiries, agency reports, academic literature, media reports and film and television documentaries. Punch uses this material to offer evidence for his theory of police deviance, which moves away from individualistic explanations, with analogies to 'rotten apples', to concentrating on 'rotten orchards', stating 'managerial failure and organisational fault' (p. 236) as the causes.

The book begins with a short overview of definitional issues – what is police corruption? – and how the topic will be treated in the book. Punch presents many of the classic typologies of corruption, including his own, with the message that corruption includes many forms of police deviance beyond taking bribes in exchange for abuse of authority, and that it can cause a variety of harms. The case studies and examples presented in the bulk of the book show wide-ranging behaviour from laziness to predatory and violent (it is even suggested sadistic) criminal activity by police. Also included are examples of behaviour that might be considered tragic mistakes, with the 'corruption' presenting more in the organisation's handling of such incidents. For example, Punch cites the case of the shooting of Jean Charles De Menezes by the Metropolitan Police in London, who wrongly identified him as a terrorist threat. The book discusses how the Met closed itself off to external accountability, even after the shift to independent oversight in the UK with the establishment of the IPCC for exactly these sorts of cases.

Indeed, the central message of the book is one of systemic causes of corruption, with the focus often on shifting the blame from the individuals to the organisation. The case material presented dates back to the 1970s, citing famous cases, such as Serpico in New York, and lesser known cases, including from Punch's serendipitous experience in the Netherlands. The brief conclusions made on each of these events always highlight aspects of institutional failure, sometimes with a hint of wider system failure, including by government and the broader criminal justice system.

After presentation of these jurisdictional case studies, the book then moves on to an interesting chapter on individual pathways in and out of deviance. Particularly, as Punch states, pathways out of police deviance have received little attention, so its mention here

is an important one. However, in contrast to the organisational perspectives espoused in each case study chapter, this section concentrates on individual rationalisations and neutralisations for 'becoming bent' as well as the role of social dynamics and the need of officers to belong that can send them down the 'slippery slope'. This is an interesting chapter, drawing primarily on TV/film documentary and autobiographical evidence, set around the framework of the 'career' of deviance and including references to the classic neutralisation categories developed by Sykes and Matza in the 1950s. However, these individual pathways do not always fit neatly with the organisational theories that Punch has presented thus far in the book. While inadequate systems may fail to react to officers on their deviant pathways, they do not necessarily *cause* these pathways. Indeed, there are interesting distinctions drawn between 'good cops who turn bad', and ringleaders who proactively test, promote and encourage deviance in others, but there is little comment on why these distinctions exist within the same organisational system – presumably it is due to individual-level factors.

Many risks and dangers are evident in the cases presented. Not least of all is the danger of distinguishing some deviant officers as 'noble' in their cause and, therefore, somehow less corrupt (or more excusable) than those who are in it for themselves. The case studies of the miscarriages of justice in the UK show that a so-called noble cause still produces significant harms. Risks of complacency after reform, or forgetting the lessons, are highlighted to lead to cycles of scandal and reform, with results of reform efforts stated to last little beyond the lifetime of appointed reformists. This perhaps shows that reform efforts are not hitting the mark – that change needs to come from within by instilling new values across all levels of the organisation, engaging the individuals within the new system rather than imposing a hard line of compliance with new rules (which can create resentment and fuel the construction of rationalisations for breaking them).

However, the picture is not all bleak, says Punch, and the penultimate chapter highlights steps forward in accountability. The appendix also provides a short summary of important aspects that an accountability system should include. The book provides a good historical overview of how things have evolved since some of the most significant events in the history of policing. However, by concentrating largely on historic cases, the book does fall somewhat short of discussing some of the emerging trends in police deviance (or perhaps more accurately threats to police integrity), or of systems developed to combat that deviance. Some mention is made of innovations, such as early intervention systems and external civilian oversight, but the integrity landscape is changing rapidly and is increasingly under the microscope to a degree not fully communicated in this book. It is impossible to say everything on a subject in one volume, though, and the focus of this book is on the importance of organisations not forgetting the past and staying vigilant to potential risks.

While academics and practitioners will find a great reference in this book, the easy writing style makes the book just as readable for those who may simply be interested in what the police can get up to when people 'take their eye off the ball'. This does present a potential problem, though, which has been picked up in other reviews, that the picture painted may be somewhat misleading to the lay person, and reinforce negative stereotypes of police that are shaped by the media. The book focuses predominantly on major cases of serious deviance that may skew the perception that all police are deviant and that all deviance is this serious, when actually these cases are more likely to be exceptions than the rule in modern policing. Overall, though, this book serves to remind us that policing occupies a precarious position and that police organisations must be vigilant and

held accountable, 'accountability in policing is essential; without accountability there is no legitimacy, and without legitimacy the police cannot function in a democratic society' (p. 191). Scandals, old and new, serve to remind us of the risks, benchmark how far we have come and, sometimes, show that we may still have a long way to go.

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 © 2013, Louise E. Porter
<http://dx.doi.org/10.1080/15614263.2013.767098>



The International Police Executive Symposium was founded in 1994. The aims and objectives of the IPES are to provide a forum to foster closer relationships among police researchers and practitioners globally, to facilitate cross-cultural, international and interdisciplinary exchanges for the enrichment of the law enforcement profession, and to encourage discussion and published research on challenging and contemporary topics related to the profession.

One of the most important activities of the IPES is the organization of an annual meeting under the auspices of a police agency or an educational institution. Every year since 1994 annual meetings have been hosted by such agencies and institutions all over the world. Past hosts have included the Canton Police of Geneva, Switzerland; the International Institute of the Sociology of Law, Onati, Spain; Kanagawa University, Yokohama, Japan; the Federal Police, Vienna, Austria; the Dutch Police and Europol, The Hague, The Netherlands; the Andhra Pradesh Police, India; the Center for Public Safety, Northwestern University, USA; the Polish Police Academy, Szcztyno, Poland; the Police of Turkey (twice); the Kingdom of Bahrain Police; a group of institutions in Canada (consisting of the University of the Fraser Valley, Abbotsford Police Department, Royal Canadian Mounted Police, the Vancouver Police Department, the Justice Institute of British Columbia, Canadian Police College and the International Centre for Criminal Law Reform and Criminal Justice Policy); the Czech Police Academy, Prague; the Dubai Police; the Ohio Association of Chiefs of Police and the Cincinnati Police Department, Ohio, USA; the Republic of Macedonia and the Police of Malta. The 2011 Annual Meeting on the theme of 'Policing Violence, Crime, Disorder and Discontent: International Perspectives' was hosted in Buenos Aires, Argentina on June 26–30, 2011. The 2012 annual meeting was hosted at United Nations in New York on the theme of 'Economic development, armed violence and public safety' on August 5–10. The 2013 Annual Meeting on the theme of 'Global Issues in Contemporary Policing' will be hosted by the Ministry of Interior of Hungary and the Hungarian National Police on August 4–9, 2013.

There have been also occasional Special Meetings of IPES. A special meeting was cohosted by the Bavarian Police Academy of Continuing Education in Ainring, Germany, University of Passau, Germany, and State University of New York, Plattsburgh, USA in 2000. The second Special Meeting was hosted by the police in the Indian state of Kerala. The third Special Meeting on the theme of 'Contemporary Issues in Public Safety and Security' was hosted by the Commissioner of Police of the Blekinge Region of Sweden and the President of the University of Technology on August 10–14, 2011.

The majority of participants of the annual meetings are usually directly involved in the police profession. In addition, scholars and researchers in the field also participate. The meetings comprise both structured and informal sessions to maximize dialogue and exchange of views and information. The executive summary of each meeting is distributed to participants as well as to a wide range of other interested police professionals and scholars. In addition, a book of selected papers from each annual meeting is published through CRC Press/Taylor & Francis Group, Prentice Hall, Lexington Books and other reputed publishers. A Special Issue of *Police Practice and Research: An International Journal* is also published with the most thematically relevant papers after the usual blind review process.

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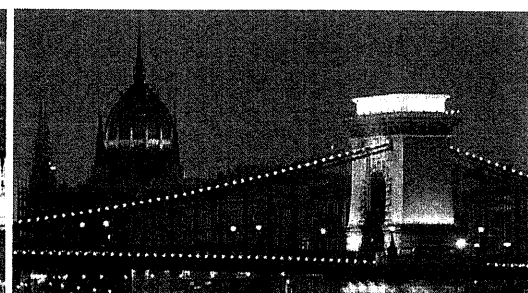
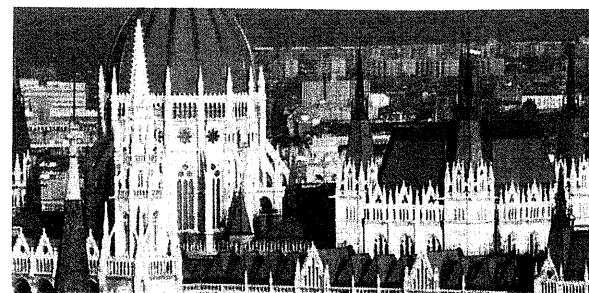
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23RD ANNUAL MEETING OF THE INTERNATIONAL POLICE EXECUTIVE SYMPOSIUM BUDAPEST, HUNGARY – AUGUST 4-9, 2013 HOSTED BY THE MINISTRY OF INTERIOR AND THE HUNGARIAN NATIONAL POLICE “GLOBAL ISSUES IN CONTEMPORARY POLICING”



Program Chair: John A. Eterno, Ph.D. – email: jeternobudapest@molloy.edu
Local Organizer: General Dr. József Boda – email: fojgazgato@nbsz.gov.hu

Suggested Sub-Themes for Panels, Roundtables, and Papers:
(for detailed Sub-Theme Topics please visit our website at www.ipes.info)

- Global perspectives on police performance management
- Police practitioner/academic partnerships: costs and benefits
- Global issues in crime/terrorism fighting
- Policing of immigrant/multicultural populations
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- Cyber security: the challenge to global law enforcement and the law

A WORD FROM THE IPES PRESIDENT, DR. DILIP K. DAS

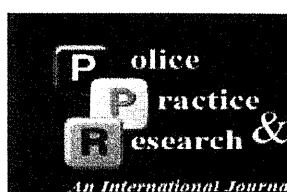
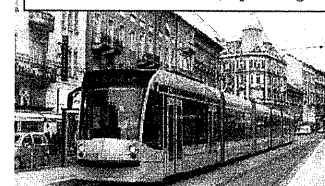
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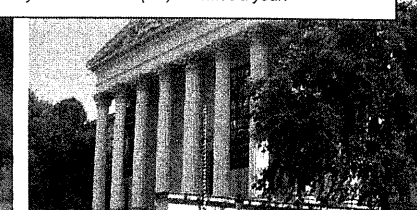
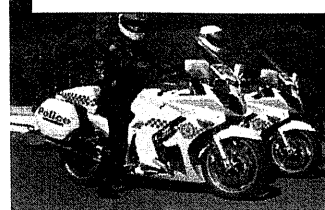
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Laub, J.H., & Sampson, R.J. (1988). Unraveling families and delinquency: A re-analysis of the Gluecks' data. *Criminology*, 26, 355-380.

Ulviller, R.H. (1984). The unworthy victim: Police discretion in the credibility call. *Law and Contemporary Problems*, 47(4), 15-33.

Book

Chin, Ko-Lin. (1996). *Chinatown gangs: Extortion, enterprise, and ethnicity*. New York, NY: Oxford University Press.

Graycar, A., & Grabosky, P. (Eds.). (1996). *Money laundering*. Monsey, NY: Criminal Justice Press.

Rengert, G.F. (1997). Auto theft in Philadelphia. In R. Homel (Ed.), *Policing for prevention: Reducing crime, public intoxication and injury* (pp. 199-299). Monsey, NY: Criminal Justice Press.

Legal

Casey v. Pennsylvania-American Water Co., 12 Pa.D. & C. 4th 168 (C. P. Washington County 1991).

Lessard v. Schmidt, 349 F. Supp. 1078 (E.D. Wis. 1972).

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