

A EUROPEAN BENCHMARK ON POLICE OVERSIGHT



Findings of Standing Committee P:
seeking out best practices

*Standing Police
Monitoring Committee*



Aerial photograph: Wim Robberechts & Co.

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1. Introduction

1. In 2018, Belgium's Standing Police Monitoring Committee (Standing Committee P), and therefore also Investigation Department P, celebrated its 25th anniversary with a seminar held in the Belgian Federal Parliament's Chamber of Representatives.
2. Over the years, Standing Committee P has experienced many changes and developments, including the expansion of its field of competence. In the same period, the Belgian police system has undergone one major and several minor reforms.
3. While the police are clearly doing their utmost to provide the best possible policing they can with the resources at their disposal and the vast majority of police officers are worthy of the confidence the public puts in them, recent years have shown that independent police oversight remains vital now more than ever - not least because such oversight also contributes to this public confidence in the police.
4. To ensure that they can continue providing this oversight to a high professional standard, Standing Committee P and Investigation Department P are always working on optimising their own operations. Indeed, the various presentations at this jubilee event revealed that while many things had been achieved in this area too in the quarter-century of police oversight, there was still also room for improvement.
5. Therefore, this anniversary was an excellent opportunity to gain new insights by looking across borders and organising a benchmark with authorities overseeing and monitoring police forces in a number of European countries¹. Preparations started in late 2017, when we made an initial visit to the French police watchdogs. This was followed in 2018 by most of the other consultations, with one final visit taking place in March 2019.
6. There follows a brief summary of the final report on the results of this benchmark. It sets out the objective and the methodology adopted and a short overview of the countries and entities visited and of the areas of police oversight the visited institutions are involved in. A series of interesting findings are subsequently presented. A short conclusion brings the report to a close.

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¹ In a broad sense and on the basis of the competences of Standing Committee P, so not only the police as such, but also entities or officials with police powers.

2. Benchmark

2.1 Objective

7. The purpose of this benchmark is to gain new insights from the bodies we visited about how investigations are conducted in a police (oversight) context, issues that are investigated, why and how such investigations are carried out, and their results and potential impact.
8. With this assessment of these watchdogs abroad and thanks to their cooperation, Standing Committee P also wants to invest in and contribute to the further development of European and international networks with similar organisations and institutes.
9. In the future, this could, if desired, result in the exchange of expertise and/or best practices regarding investigative themes and concerning investigation methods used in this context. The objective of this would be to increase the effectiveness, efficiency and intended impact of such investigations. Joint activities or training or possibly even a joint blueprint for investigations in the relevant countries are also envisaged as potential outcomes of this exercise,
10. and therefore an extremely practical strategy has been adopted. It was decided not to pursue a more academic or comparative approach, despite the clear potential for interesting results.
11. Based on our own background and history, the benchmark mainly focused on those aspects of oversight and monitoring that have an impact on the operations of the police (and its officials) with regard to human rights, the relationship between the police and the public (*viz.* community policing) and integrity. In addition, inspiration was drawn from various international institutions' recommendations and publications which provide points of reference for police forces and their watchdogs².
12. Based on the principles recommended by these institutions and on the specific competences, organisation and experiences of Standing Committee P and Investigation Department P, a questionnaire was compiled about issues that were raised during a meeting with the foreign watchdogs. However, this questionnaire was regarded more as a rough guide than a strict framework for discussions.

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² For example United Nations Office on Drugs and Crime (2011), *Handbook on police accountability, oversight and integrity*, Criminal Justice Handbook Series 2011, New York: United Nations, 140 pages and Council of Europe (2017), *Report On Police Oversight in the Council of Europe Countries*, Strasbourg: Council of Europe Publishing, 72 pages.

2.2 Methodology

13. With a view to improving our own operations and in light of our ambition to be able to share knowledge and information in the future and perhaps even to cooperate with other European watchdogs, we adopted two approaches for this benchmark. Initially, we conducted an analysis of the information available at Standing Committee P and of documentation publicly available on the internet, followed by a (limited) examination of the literature. Contact was then made with various watchdogs asking whether we could visit their institution and whether they believed it would be worth also visiting other entities or institutions in their country. Subsequently there were face-to-face meetings with those in charge of the various institutions.
14. While the countries visited were selected on a somewhat arbitrary basis, they were not chosen at random. The choice of countries took into account, among other things, the fact that various authors³ have noted previously that there are a number of different police oversight systems in Europe. Several countries were chosen because we already knew that they had a well-developed police oversight system. However, as we could not be sure of this for every country, we also selected countries with relatively different cultures and legal systems, and therefore possibly also a different approach to police oversight.
15. Before all working visits, a questionnaire was sent to the entities that would be visited, along with an explanation of the operations of Standing Committee P and Investigation Department P. The personnel who conducted the interviews used a slightly more extensive list with explanations of the questions.
16. The following questions formed the basis for discussions with the watchdogs' management and representatives:

Purpose and aim of the surveillance and control

- 1) Why is there a surveillance and control over the police(competences)? What are the purpose and the aim of your work?
- 2) What is the legal and/or regulatory basis for your surveillance and control?

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³ VERHAGE, A. (2012), Toezicht en Controle op politie, in: PAUWELS, L. & VERMEULEN, G. (eds) (2012), *Update in de criminologie VI: actuele ontwikkelingen inzake EU-strafrecht, veiligheid & preventie, politie, strafprocedure, prostitutie en mensenhandel, drugsbeleid en penologie*, pp. 130-142, and FILSTAD, C. & GOTTSCHALK, P. (2011), Performance evaluation of police oversight agencies, in: *Policing and Society*, 21:1, pp. 96-109.

- 3) Who assigns the investigations and what are the criteria to start an investigation?
- 4) What are the guarantees for the independence of your organization and your activities?
- 5) Is there another organization/service in your country dealing with surveillance and control over the police? If yes, what is your relationship with this other organization/service?

Organization and execution of the surveillance and control

Complaints' investigations

- 1) How many complaints do you receive on a yearly basis?
- 2) What are your procedures with regard to the handling and the investigation of complaints?
- 3) Which information do you communicate to the complainant and the concerned police officer/service, during and at the end of those procedure(s)?
- 4) How do you deal with the management of (the possible interactions between) the diverse aspects of a complaint (for ex. judiciary versus disciplinary, individual versus structural/ organizational dysfunction, etc)?
- 5) What are your competencies when you're handling complaints and conducting investigations (for ex. interrogation of police officers and witnesses, requesting documents, visitation, etc.)?

Investigations on a specific theme - Audits - ...

- 1) In your investigations on the police services do you make a distinction according to the nature/approach of the investigation (for ex. inspection with regard to the conformity with the standards, audit, investigation on a specific theme, etc.)?
- 2) How do you choose the theme of your investigations and how do you give priority to some investigations over others?
- 3) What are your positive/negative experiences with regard to your investigation methods and procedures?
- 4) How do you communicate with the investigated service, third parties, the authority that assigned you the investigation and the public? Do you have standards/agreements regarding to transparency of the investigation's methodology and the investigation's results?

- 5) Do you follow-up of the investigation's results (recommendations)? If yes, how?

Judicial inquiries

- 1) Are you committed to conduct judicial inquiries on crimes and offences allegedly committed by members of the police? If yes, what kinds of cases are assigned to your organization? Are there criteria with regard to the assignation of the inquiry to your organization specifically (instead of a "regular" police service)?
- 2) In case of an extensive inquiry, does your organisation carry out all the inquiry on its own or do you (systematically) collaborate with other services?
- 3) Do you have a duty office?
- 4) Do you systematically open an inquiry in case of use of a firearm by a police officer?
- 5) Do you use the information and findings on the working of the police you've gathered in the frame of a judicial inquiry for other purposes in the frame of your mission? If yes, how?

Personal that performs the surveillance/control

- 1) What are the profiles of your individual investigators?
 - 2) How do you recruit them?
 - 3) What are the guarantees for their independence and objectivity?
 - 4) Do the investigators who conduct judicial inquiries also have to perform other tasks (for ex. do they also work on audits)?
 - 5) Are there specific (basis)trainings for your collaborators?
17. Our interlocutors were not expected to provide written answers to all the questions, which were instead intended to form a basis for the discussions. In fact, only a small number of them answered these questions fully. Rather, most used their own template to give a presentation of their institution. This made it impossible to compare all the visited countries based on these questions alone. Instead, this was done by drawing on the discussions held and the information gathered during the visits (see below).

2.3 Countries and organisations visited

- **Overview of the visited organisations, listed by country**

18. For the benchmark study, delegations of various compositions made working visits to watchdogs in eight European countries.
19. It is worth pointing out here that all the visited countries have an institution similar to the Court of Audit (*Cour des comptes/Rekenhof*) in Belgium. Most of these institutions can perform both financial audits and audits regarding performance or efficiency. These institutions were not visited for this benchmark.

Denmark

Visits on 12, 13 and 14 February 2018

Watchdogs visited:

- Independent Police Complaints Authority (IPCA) (*Uafhængige Politiklagemyndighed*)
- Danish Institute for Human Rights
- Director of Public Prosecutions (*Rigsadvokaten*)
- Danish National Police

England (and Wales)

Visits on 14 and 15 June 2018

Watchdogs visited:

- Independent Office for Police Conduct (IOPC), formerly the Independent Police Complaints Commission (IPCC)
- Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS)
- Directorate of Professional Standards (DPS) of the London Metropolitan Police (similar to a police force's internal oversight department)

France

Visits on 12 and 13 December 2017

Watchdogs visited:

- General Inspectorate of the National Police (IGPN - *Inspection générale de la police nationale*)
- General Inspectorate of the National Gendarmerie (IGGN - *Inspection générale de la gendarmerie nationale*)
- French Customs' Services Inspectorate (IS - *Inspection des services*)

A meeting was also held with Nanterre's public prosecutor.

As we have regular contacts with the Defender of Rights (*Défenseur des Droits*), we did not visit them for this benchmark. However, they are a key external watchdog with broader power than police services only.

Germany

Visits on 26 June and 17 October 2018

Watchdogs visited:

- Police of the Federal State of Hamburg
- Police of the Federal State of Bavaria

Italy

Visits on 15 and 16 May 2018

Watchdogs visited:

- Central Inspections Office (*Ufficio Centrale Ispettivo*)

There were also consultations with representatives of the Bilateral Relations Department of the Ministry of the Interior (*Ministero dell'Interno*), the Financial Police (*Guardia di Finanza*), the Italian National Police (*Polizia di Stato*) and the General Command of the Carabinieri (*Comando generale dell'Arma dei Carabinieri*).

Luxembourg

Visit on 30 November 2018

Watchdogs visited:

- General Police Inspectorate (IGP - *Inspection Générale de la Police*)

Netherlands

Visits on 20, 21 and 28 February 2018

Watchdogs visited:

- Inspectorate of Justice and Security (*Inspectie Justitie en Veiligheid*)
- National Complaints Commission (*Nationale Klachtencommissie*)
- National Police Internal Investigations Department (*Rijksrecherche*)
- National Ombudsman (*Nationale Ombudsman*)
- National Centre for Commissions of Oversight for Police Custody (*Landelijke Centrum Commissies Toezicht Arrestantenzorg*)

Sweden

Visits on 8 and 9 April 2019

Watchdogs visited:

- Police Special Investigations Department (*Polisen, Avdelningen för särskilda utredningar*)
- Parliamentary Ombudsman (*Riksdagens Ombudsman*)
- Separate Public Prosecution Office
- Ministry of Justice (*Justitiedepartementet*)

3. Overview

20. This chapter provides a brief overview of the institutions involved in police oversight in the visited countries, focusing in particular on complaint handling and on thematic inquiries and criminal investigations. This schematic summary follows some reflections about police oversight in a democratic society and about the neutrality and independence of watchdogs and investigators.

3.1 Democratic police oversight

21. The police have a key role to play in a democratic society. In the Belgian context, this is evident, for example, from Article 1 of the Policing Act, which emphasises that the police must monitor the enforcement of individual rights and freedoms and help to protect them and to foster the democratic development of society.
22. The range of resources, not least the exclusive right to use force, available to the police means that any police organisation and its personnel wield considerable power. From a democratic perspective, this also makes monitoring the operation of the police absolutely vital⁴. Such monitoring is supposed to contribute to ensuring that the police perform their duties with integrity and use their power fairly in the interest of society.
23. In a democratic society, this control function is performed by various stakeholders, starting off with the police themselves. By establishing internal control mechanisms and being transparently accountable (including about things that go wrong), the police can steadily improve how they work and also boost public confidence in them. This reflects the fact that the quality of policing is clearly impacted not only by the police's effectiveness and efficiency but also by their legitimacy.
24. That legitimacy is also closely linked to the police's acceptance that there must be transparent oversight from the 'civilian' population. Furthermore, ethical police organisations will have less of a problem with transparent accountability.
25. Therefore, police accountability means that all police activities (from the conduct of individual police officers to police structures, policy and funding) are not only subject to internal controls and oversight by public

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⁴ VERHAGE, A. (2012), Toezicht en Controle op politie, in: PAUWELS, L. & VERMEULEN, G. (eds) (2012), *Update in de criminologie VI: actuele ontwikkelingen inzake EU-strafrecht, veiligheid & preventie, politie, strafprocedure, prostitutie en mensenhandel, drugsbeleid en penologie*, pp. 130-142.

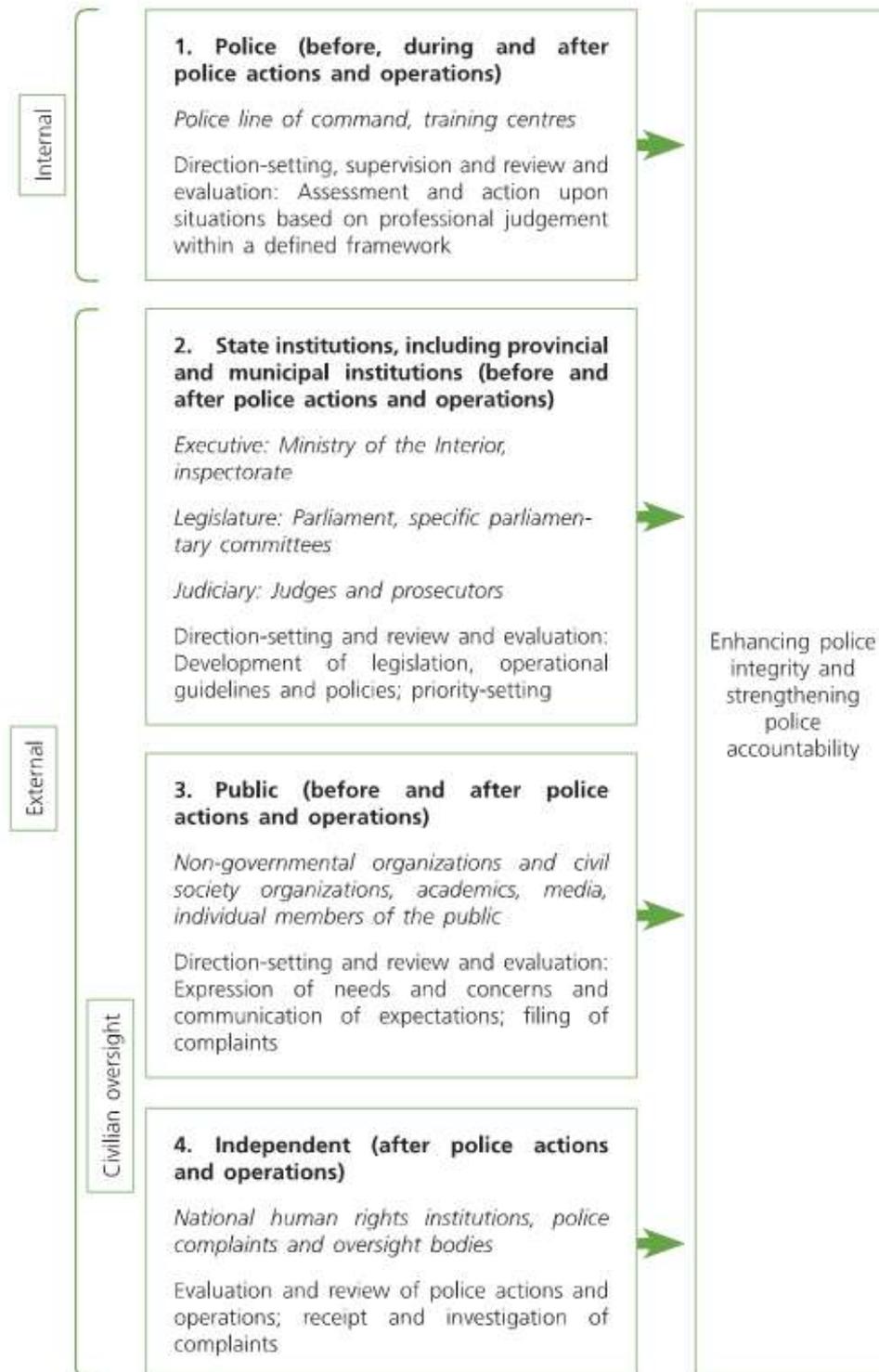
authorities but also to assessment and evaluation by citizens and civil society organisations or institutions⁵.

26. Indeed, in a broad sense, while police watchdogs may be associated with the executive or legislative branch or the judiciary, they may be human rights organisations, (civil) complaints commissions or independent ombudsmen or mediation services.
27. In a handbook on police accountability, oversight and integrity, the United Nations Office on Drugs and Crime (UNODC) provides ⁶a schematic presentation of the various stakeholders and institutions that (may/must) contribute to police oversight in a modern, complex democratic context. This diagram can be found below.

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⁵ For example: OSCE (2008), *Guidebook on Democratic Policing* by the Senior Police Adviser to the OSCE Secretary General, Vienna: OSCE. Available at: <https://www.osce.org/spmu/23804>.

⁶ United Nations Office on Drugs and Crime (2011), *Handbook on police accountability, oversight and integrity*, Criminal Justice Handbook Series 2011, New York: United Nations, 140 pages.

A comprehensive model of effective police accountability



28. For this benchmark, meetings were held with representatives of both the police and institutions referred to in items 2 and 4 of the diagram. As such,

we sought new insights and best practices from both internal and external watchdogs.

3.2 Independence of the watchdog

29. In many countries, (external) watchdogs emerged as the logical conclusion of a transparency drive. Although - virtually without exception - they stress their independence, many of these entities and institutions are still associated in some way with the police themselves or with the police's political masters.
30. In this context, various authors and even the UNODC have indicated that oversight by the executive or the judiciary is not straightforward because these public authorities often have to work closely with the police - in some cases intensively and under difficult circumstances - thereby potentially compromising the neutrality and independence of such oversight⁷. Partly for this reason, oversight of the police is ideally - and in a democracy actually is - carried out not by various stakeholders and not just one of their number. The above figure provides a clear illustration of this.
31. Any discussion about the independence of police watchdogs is not limited to the institutions themselves but also encompasses the investigators providing the oversight. Certain authors mention a paradox which states that while police cannot investigate police, only police can investigate police⁸.
32. However, analyses of rulings handed down by the European Court of Human Rights suggest that the question whether watchdogs' investigators may have a link with the police organisation they are monitoring is less important than how such investigations are conducted. Obviously, there is a need to avoid using for this investigators having links with the police force being investigated. However, the Court does stress the importance of the quality of the investigation (speed of an investigation being launched, completion time and whether it is adequate, appropriately detailed and meticulous)⁹.
33. In our benchmark, we did not examine whether one watchdog was more "independent" or conducts more adequate and more independent investigations than another. Nor was any definition drawn up to clearly

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⁷ GOOSSENS, F. & BERKMOES, H. (2018), Het CPT en de Belgische politie: als men maar genoeg blijft hameren op dezelfde nagels..., in: DAEMS, T. & PARMENTIER, S. (2018), *Europa waakt. Vrijheidsbeneming onder toezicht van het Europese antifoltercomité*, Leuven: Universitaire Pers, pp. 7-75.

⁸ PRENZLER, T. & RONKEN, C. (2001), Models of Police Oversight: A Critique, in: *Policing and Society: An International Journal of Research and Policy*, 11:2, pp. 151-180.

⁹ GOOSSENS, F. & BERKMOES, H. (2018), Het CPT en de Belgische politie: als men maar genoeg blijft hameren op dezelfde nagels..., in: DAEMS, T. & PARMENTIER, S. (2018), *Europa waakt. Vrijheidsbeneming onder toezicht van het Europese antifoltercomité*, Leuven: Universitaire Pers, pp. 7-75.

determine which institutions can truly be considered independent. Many factors may come into play in this regard, for example who the watchdog is monitoring and/or who is paying it and who is part of it.

Freedom of speech also plays a role here, given that seen from one angle, it could be argued that an institution reporting to the executive, in particular the minister responsible for the police, cannot be viewed as completely independent. But does this position continue to hold if such an institution's unadulterated freedom to speak out is enshrined in law?

34. While this is undoubtedly an interesting discussion, it is not further elaborated on in this report. However, it is mentioned here because - especially when it comes to human resource management (HRM) - one of the points surveyed during the visits to the foreign institutions was the independence of investigations and investigators. As indicated at the start of this report, the approach adopted is more of a practical nature.

3.3 Complaint handling

35. The table on the next two pages provides an overview of the entities that are (or may be) involved in handling non-criminal complaints about the police in the visited countries. Only in this first table do we indicate - purely for information purposes and without giving any further value judgement - the institutions that both handle complaints about the police and are organisationally completely independent of the police and the executive (denoted by an asterisk).

	First instance	(Possibility of) Review (appeal)
Denmark	- Police - Independent Police Complaints Authority* (IPCA) (<i>Uafhængige Politiklagemyndighed</i>) (based on specific criteria)	IPCA* (review)
England and Wales	- Police (PSD) Possibility of local mediation or local investigation (after consultation with the complainant) - Independent Police Complaints Authority (IOPC)* (in case of specific serious allegations)	IOPC*
France	- Police: National Police (<i>Police nationale</i>) Gendarmerie Local Police (<i>Police locale</i>) - General Inspectorate of the National Police (IGPN - <i>Inspection générale de la police nationale</i>) - General Inspectorate of the National Gendarmerie (IGGN - <i>Inspection générale de la gendarmerie nationale</i>) - Defender of Rights (<i>Défenseur des Droits</i>)*	
Germany	- Police or the Ministry of the Interior of the federal state Petitions Committee (<i>Petitionsausschuss</i>) ¹⁰	

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¹⁰ The German Federal Parliament (*Bundestag*) has a Petitions Committee (*Petitionsausschuss*), and there are also such committees at regional (federal state) level. These committees handle suggestions, requests and complaints from citizens in general, so including about the police. This entity was not visited but as far as could be determined, handles very few policing-related cases. Rather than being external police watchdogs, these committees perform a mediation role.

	First instance	(Possibility of) review (appeal)
Italy	<ul style="list-style-type: none"> - Police (internal oversight) - Central Inspections Office (<i>Ufficio Centrale Ispettivo</i>) (no formal complaint management) 	Central Inspections Office
Luxembourg	<ul style="list-style-type: none"> - General Police Inspectorate (IGP) - <i>Inspection Générale de la Police</i> 	
Netherlands	<ul style="list-style-type: none"> - National Police (<i>Nationale Politie</i>) units Security, Integrity and Complaints (VIK - <i>Veiligheid, Integriteit en Klachten</i>) Department Informal (possibility of mediation) and formal procedures - Complaints Commission (<i>Nationale Klachtencommissie</i>)* (final decision lies with police chief) 	National Ombudsman (<i>Nationale Ombudsman</i>)*
Sweden	<ul style="list-style-type: none"> - Police (<i>Polisen</i>) - Parliamentary Ombudsman (<i>Riksdagens Ombudsman</i>)* 	

3.4 Thematic inquiries

36. This table provides an overview of the entities that were visited for the benchmark and that are responsible for conducting thematic inquiries regarding the police. In most countries, the police, or rather their management, also conduct thematic inquiries themselves for the purpose of quality improvement. These entities are not included in the table below.

Denmark	- Danish Institute for Human Rights (DIHR)
England and Wales	- Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS)
France	- General Inspectorate of the National Police (IGPN - <i>Inspection générale de la police nationale</i>) (is very inspection-oriented but also conducts 'studies') - General Inspectorate of the National Gendarmerie (IGGN - <i>Inspection générale de la gendarmerie nationale</i>) (viz. IGPN) - Defender of Rights (<i>Défenseur des Droits</i>)
Germany	- Internal Affairs Department (<i>Innenrevision</i>) ¹¹
Italy	- Central Inspections Office (<i>Ufficio Centrale Ispettivo</i>)
Luxembourg	- General Police Inspectorate (IGP - <i>Inspection Générale de la Police</i>)
Netherlands	- Inspectorate of Justice and Security (<i>Inspectie Justitie en Veiligheid</i>) - National Ombudsman (<i>Nationale Ombudsman</i>) (limited)
Sweden	- Parliamentary Ombudsman (<i>Riksdagens Ombudsman</i>)

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¹¹ This entity, which is associated with the federal state's ministry competent for the police, can assess the effectiveness and quality of the police in the state. Thematic inquiries as such have not yet been conducted.

3.5 Criminal investigations (and shooting incidents)

37. The table below gives an overview of the entities which were visited for the benchmark and which are responsible, under the supervision of the judicial authorities, for conducting criminal investigations involving police officers.

Denmark	- Independent Police Complaints Authority (IPCA) (<i>Uafhængige Politiklagemyndighed</i>)
England and Wales	- Police - Independent Police Complaints Authority (IOPC)
France	- General Inspectorate of the National Police (IGPN - <i>Inspection générale de la police nationale</i>) - General Inspectorate of the National Gendarmerie (IGGN - <i>Inspection générale de la gendarmerie nationale</i>)
Germany	- In Germany, as far as we know, there are only three federal states where a special police department is responsible for investigations against the police, namely Hamburg, Bavaria and Bremen. These departments form part of the relevant state's police force.
Italy	- Police
Luxembourg	- General Police Inspectorate (IGP - <i>Inspection Générale de la Police</i>)
Netherlands	- National Police Internal Investigations Department (<i>Rijksrecherche</i>)
Sweden	- Special Investigations Department (SU - <i>Avdelningen för särskilda utredningar</i>)

4. Best practices and key findings from Standing Committee P's perspective

38. The instructive working visits to the various watchdogs abroad yielded many interesting insights. Although not all these practices could be directly applied as part of day-to-day Belgian police oversight, the most striking or apparently useful methods are briefly set out below - so even those which are, or could be, the subject of practical, capacity, cultural or legal objections.
39. This is because as well as several practices that could be implemented relatively easily, indeed a number of methods are also listed whose potential applicability at first sight seems at odds with Belgium's current legislative framework. Others appear to be less reconcilable with our practices or organisational principles. However, even these methods certainly provide a basis for new ideas and aim to promote (medium- to) long-term innovation.
40. A number of these interesting practices are listed in random order here.

4.1 Complaint handling

- **Imposition of set periods for complaint handling**

41. In various countries, periods have been set within which a complaint must be dealt with, and there are deadlines for notifying the complainant and the police officers involved at various stages of the complaint investigation. Such maximum time limits for complaint handling apply for example in Denmark and the Netherlands.

- **Status updates for the complainant**

42. In some countries, the complainant is kept up to speed with the progress of the complaint they have lodged. The extent of these updates varies between countries. For example, in England it is stipulated that the complainant must receive regular updates on their case. This applies not only to the handling of complaints by the police but also to the watchdogs.

43. Standing Committee P only provides feedback to the complainant or denouncer at the end of the procedure.

- **Maximum time limits within which a complaint can be lodged**

44. As well as (binding) deadlines for the watchdog(s), under certain countries' rules a complaint must be lodged within a given period after the events

forming the subject of the complaint occurred (e.g. six months in Denmark). However, exceptions can be made in very serious cases.

45. No restrictive time limits apply in Belgium. This is only the case with regard to the special procedure of whistleblowers.

- **Preliminary opinion on lodging a complaint**

46. In Denmark, any citizen can make a preliminary inquiry with the watchdog about potentially lodging a complaint. While the possibility of doing this is not provided for in the workings of Standing Committee P or its component entities, in day-to-day practice the Complaints Section and Investigation Department P regularly also perform such a role through the on-call services. However, we do not actively communicate about this possibility. Those who are considering lodging a complaint via Committee P's website will also receive easily information about the possibility of lodging a complaint.

- **Direct forwarding of complaints**

47. In England, the vast majority of complaints against the police are handled in the first instance by the police themselves. There are rules laying down which complaints must be reported by the police to the watchdog, the IOPC. Besides, complaints that are reported via the IOPC website are automatically forwarded to the police force involved. In this way, the complaint is immediately received by the relevant force but the watchdog still keeps an overview (including the ability to conduct analyses). Moreover, there are clear rules laying down what complaints a police force cannot investigate when this force is the subject of the complaint. Such an approach could also be applied to the majority of complaints in Belgium.

- **Possibility of mediation/an informal procedure**

48. In some of the countries visited, informal complaint handling is possible in certain circumstances. Mediation between the complainant and the relevant police force plays a key role here.
49. In Belgium, the General Inspectorate of the federal and the local police can initiate a conciliation procedure for complaints regarding non-criminal offenses.

- **Public reporting on complaint handling**

50. In all the countries, police watchdogs issue statistical data on complaint handling. Many institutions, including ours, publish annual and other reports from which appropriate lessons should/can be learnt, but some countries go even further. In these countries, the watchdogs report extensively, and also

often publicly, about complaint handling and specific anonymous cases. This is not only transparent for the general public but also useful for police officers, for whom such reporting provides practical and concrete information. An example of this is the updated 'Learning the Lessons' publications which are published by the IOPC in England in conjunction with, for instance, the College of Policing and other institutions.

51. Another example of such information covering bad and also best practices is the communication by the Dutch National Ombudsman (*Nationale Ombudsman*). The Ombudsman not only disseminates the full report of any such (complaint) inquiry but also summarises it in understandable form in a news item on the organisation's website, promoting clarity and transparency.

4.2 Inspection inquiries

- **Review entrenched in the methodology of investigations**

52. Before the start of an investigation, in some countries there is a (formalised) practice to subject the investigation plan, including the envisaged methodology, to the assessment of colleagues who are not involved in the investigation. There is also often a review when submitting a draft final report.
53. One of the entities where this practice is applied is the Inspectorate of Justice and Security in the Netherlands, where an external review is sometimes used for particularly sensitive or extensive cases.
54. The idea of integrating such an internal or external review into the process description for inspection inquiries by Standing Committee P was already mooted previously and will be further developed.
55. Putting in place such an internal review (by way of an *advisory committee*) - at least for Investigation Department P - would definitely improve the professionalism and quality of the thematic inquiries. Such a committee could - in one form or another - also be useful at all stages of an investigation. But even the limited introduction of a type of guidance or testing - for example in the investigation plan compilation phase - by itself could mean an injection of quality.

- **'Right of reply' procedure (adversarial or contradictory procedure) in thematic inquiries**

56. In a number of countries, for example in the Netherlands, it is customary to submit the findings of a thematic (oversight) inquiry to the police force which is the subject of that investigation. This happens before they are officially announced or published, to ensure the accuracy of the findings. In

this context, sometimes time frames are set within which a discussion with the responsible police chief must be held or within which he or she should communicate his or her findings and comments. This is a best practice. If a report includes this type of responses or comments as such, this obviously means that it must clearly indicate that these are from the entity or individual under investigation.

57. For some time now, such ‘right of reply’ has been applied more systematically in Committee P’s investigations compared to the past.

• **Setting time frames for thematic inquiries**

58. As in the case of complaint handling, a number of watchdogs must also adhere to time frames for thematic inquiries. For example, in certain countries time frames are not only set within which a thematic inquiry must be completed, but certain time constraints will also apply in other areas. In the Netherlands, for instance, it is laid down that an inspection report from the Inspectorate of Justice and Security must be submitted to the relevant public authority (or minister). This then has six weeks to make the report public by submitting it to the country’s House of Representatives (*Tweede Kamer*), accompanied by a substantive response as the case may be. If the minister does not do this within the specified period, the Inspectorate can make the report public by publishing it on its website.

59. There are no general mandatory or binding time frames within which the Standing Committee P’s inquiries must be completed. However, each inquiry plan sets a time frame within which the inquiry should be completed. In certain cases this time frame can be set in consultation with the initiator (e.g. the parliament). Regarding the reporting of Committee P to the parliament, the Act¹² does set a number of time frames.

• **Mystery shopping**

60. Following a tradition that has been established for some time now within private enterprises, the public authorities are also paying more attention to mystery shopping in our country¹³. In France (IGPN) and England (HMICFRS), this technique has been used for some time in the context of police

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¹² The Act of 18 July 1991 on monitoring police forces and intelligence services and the Coordination Unit for Threat Assessment.

¹³ The Act of 15 January 2018 containing various provisions on employment (published in the Belgian Official Gazette of 5 February 2018) enshrines in the country’s Social Criminal Code special powers for social inspectors with a view to detecting and reporting infringements of anti-discrimination legislation (Article 42/1 of the Social Criminal Code). Also the Financial Services and Markets Authority (FSMA), an autonomous public institution exercising oversight over the Belgian financial sector, can engage in mystery shopping (on the basis of Article 87 *quinquies* of the Act of 2 August 2002 on the supervision of the financial sector and on financial services).

oversight, usually in addition to other methods such as public opinion surveys. The application of this method could also be examined by Standing Committee P as a potential investigative tool and subsequently introduced.

- **Liaison officers**

61. In England and Wales too, there is a watchdog, the IOPC, that has liaison officers who stay in regular contact (once a month) with the police forces to discuss internal oversight, including complaint handling. Lessons to learn are also discussed in these forums.

- **Direct cooperation with the Court of Audit**

62. In most countries, the finances of the police forces are also overseen by an institution such as the Court of Audit in Belgium. This institution may also conduct efficiency studies in various countries. In Italy, the Central Inspections Office regularly and directly works with the Italian Court of Audit (*Corte dei conti*) for its oversight activities. The Court of Audit is meant to quickly detect failings and poor management through the ongoing collection of data. The Central Inspections Office then uses this information to analyse the entities where an audit will be carried out.

63. The Investigation Department of Standing Committee P maintains contacts with the Court of Audit in the context of the inspection inquiries and, if necessary, makes working agreements with regard to investigation topics.

- **Keeping a risk management dashboard**

64. The watchdogs in Germany incorporate into a risk assessment the information gathered regarding complaints and police failings. These data are logged in a dashboard, which always provides an up-to-date status report on the police in terms of respect for rights and freedoms as well as efficiency.

4.3 Criminal investigations

- **A point of contact for the watchdog at the public prosecutor**

65. At the public prosecutor, various police watchdogs have a designated point of contact for criminal cases (e.g. the public prosecutor's office or a special public prosecutor). In many other countries this is still very widespread and depends on various factors (regional or subject-specific, etc.). There are several reasons for introducing such a designated point of contact, for example consolidating expertise, improving information management for crimes committed by members of the police, creating more distance between suspects working as police officers or as magistrates, and increasing even-handedness in tackling various offences committed by

police officers and so on. This could be a task for the Belgian federal prosecutor's office¹⁴.

- **Broader powers for fighting corruption**

66. In some countries, police watchdogs have broader powers for fighting corruption (through criminal investigations) than just the members of the police. For example, the Dutch National Police Internal Investigations Department (*Rijksrecherche*) also performs investigations into government action that may point to corruption or other criminal conduct and may also carry out investigations into cases, for example involving magistrates. This makes it possible to keep in the same investigation entity those corruption cases involving not only police officers but also other parties (as in e.g. Sweden and the Netherlands).

- **Integrity testing**

67. A lot of the criminal complaints against members of the police do not lead to prosecution, including on disciplinary grounds. This is not only because it appears that the police officer involved did not commit a criminal offence, but also because criminal complaints are often dismissed for lack of evidence. Therefore, police watchdogs in various countries have the option of conducting integrity testing. This may range from systematic or targeted alcohol and drug testing of members of the police to setting up a suitably planned simulation resembling an actual situation in which while police officers can carry out their designated official duties, there is also an integrity risk.

68. A well-known example of such a test was performed not by a watchdog, but by a journalist. In the 1970s, an American journalist from ABC News asked 31 role players to hand over a wallet that had supposedly been discovered containing cash and identity details to 31 police officers in Miami. Nine police officers kept the money for themselves and were fired and/or prosecuted¹⁵. Thirty years later, the same channel replicated this test in Los Angeles and New York. This time all the wallets ended up with their rightful owner.

69. In many (especially English-speaking) countries, integrity testing is used by internal police oversight entities or by other watchdogs. Most authors consider random testing (as described above) to be ineffective and instead

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¹⁴ By analogy with the powers assigned for the military to this public prosecutor.

¹⁵ See, for example, ANECHIARICO, F. & SMITH, D. (2012), Twinning effectiveness and integrity: lessons from management reforms in the fight against police corruption in New York City, in: DE SCHRIJVER, A., KOLTHOFF, E., LASTHUIZEN, K., VAN PARYS, P. & DEVROE, E. (eds) (2012), *Integriteit en deontologie* (Cahiers Politiestudies (CPS) 24:3), Antwerp/Apeldoorn: Maklu, 240 pages.

counterproductive, whereas targeted integrity testing is regarded as very valuable.

70. A targeted test is used when there is serious cause to suggest that a police officer will commit a criminal offence or has committed such an offence in the past.
71. A common example is establishing an order for a house search. In addition, a scenario is put together in which a police officer, against whom there are serious allegations that he or she stole money in the past (e.g. a few unproven complaints), is given an order to search an apartment. A sum of money is hidden in the apartment that is kept under CCTV surveillance. Although it is known to the police that such tests can be conducted, targeted tests still regularly catch police officers committing a crime.
72. Despite legal, ethical and practical objections which this controversial method will no doubt always yield with us, it remains a potentially interesting tool as the final piece in the jigsaw of an integrity policy. Moreover, such integrity testing, as part of a control system familiar to the personnel, has a preventive effect.

- **Lessons to learn from criminal investigations**

73. In Germany, failings identified as a result of a criminal investigation are always reported informally (prefect) or formally (Ministry of the Interior) with a view, if appropriate, to making the relevant adjustments to regulations and/or procedures. In Sweden, any investigations carried out are handed over to the police for quality assurance and improvement after the case is closed and regardless of the outcome.
74. When Standing Committee P receives complaints about facts that are considered a criminal offense, these are transferred to the competent judicial authority. Standing Committee P requests the judicial authority to be informed if, after investigation, it appears that there is no criminal offense, but a dysfunction.

- **Family detective**

75. When someone dies as a result of a police intervention or is seriously injured, the relatives (or the victims themselves) often have questions for which they want answers. In such cases, various police watchdogs themselves arrange for contact to be made with these family members. For example, the Dutch National Police Internal Investigations Department, by analogy with the ordinary police, has a family detective. This police officer, who is not involved in investigating the incident, is the point of contact for relatives, family members and victims. The family detective acts as a go-between between these individuals and the investigation team. This

detective can provide information on the method and procedures, report on the status of an investigation and assist individuals or refer them to the parties able to answer their questions.

76. Although a similar initiative appears difficult in the short term within Investigation Department P due to various practical limitations (capacity, expertise, etc.), this method may serve as a source of inspiration for that department. In any case, this aspect of investigating shooting incidents definitely requires due attention.

4.4 HRM

• Independence of investigators

77. As mentioned earlier in this report, during the discussions, an assessment was made of the independence of the investigators' status vis-à-vis the watchdogs. Where oversight is still part of the police organisation, obviously investigators retain their police status and can also return to the regular police. In the case of the inspectorate of the French National Guard (*Garde nationale*), investigators are even required to take up another position within the police after five years' service.
78. Meanwhile, in the case of watchdogs who are not affiliated to the police (e.g. the IPCA in Denmark and the National Police Internal Investigations Department in the Netherlands) and where complaint and criminal investigations are conducted, there is a preference for hiring investigators (or at least a substantial proportion of them) from police ranks. Only experienced and preferably highly qualified profiles are selected, who are then adopted by the watchdog. In Denmark, for example, while in theory investigators can always return to the police, in practice this only happens very rarely. For watchdogs where thematic inquiries are also carried out, more personnel are hired who do not have a police background, yet a (large) number of investigators with the visited watchdogs have at least some police background.
79. In any case, our respondents believe that investigators with extensive police experience are highly suited to conducting investigations concerning the police and that the investigation method, the ethical (investigative) principles and the special status are the main key features of an independent investigation.
80. The Committee P's Investigation Department includes investigators seconded from a police service as well as investigators with different academic background and training who are permanently employed by the institution.

- **Ongoing training for investigators**

81. At all the watchdogs, there is a focus on ongoing training for personnel. In Denmark, the investigators take an annual training course with the police to ensure they have an up-to-date knowledge of guidelines and procedures being used by the police. The Dutch National Police Internal Investigations Department is considering seconding every detective who has accumulated five years of service to another entity (for example the police) for a prolonged period (one year) to pick up new ideas and knowledge.
82. In the context of knowledge management, the Committee P's Investigation Department annually develops a training program for its employees. The possibility of an internship is (currently) not explicitly provided for.

5. Conclusion

83. In Belgium, Standing Committee P has been overseeing the operation of the police on behalf of the Belgian Federal Parliament for more than 25 years now. Of course, the procedures and methods have evolved over the years, and given that police oversight has been further expanded and professionalised in other European countries too, the 25th anniversary of our establishment seemed a good time to look at how neighbouring countries organise and approach such oversight.
84. With a view to improving and optimising how it works, in this benchmark Standing Committee P sought for instance new insights and best practices regarding police oversight in a selection of countries. It therefore adopted a practical approach here. The idea was not to produce a study comparing legal systems or an analytical model of police watchdogs, but rather, taking practical considerations as a basis, to obtain an overview of the watchdogs and their methods.
85. Based on our own operation, particular attention was paid to complaint handling in a broad sense, to conducting criminal investigations involving members of the police (including shooting incidents) and to what we call "thematic inquiries".
86. According to the United Nations, police oversight must involve various stakeholders. The first of these, of course, are the police themselves, but also various associations, institutions and authorities have a role to play in monitoring the democratic, transparent and ethical functioning of the police.
87. This was also apparent from the visits to watchdogs in Denmark, England, France, Germany, Italy, Luxembourg, the Netherlands and Sweden, which yielded many useful insights.
88. It was found that while there were many similarities in how all these institutions worked, there was also a wide variety of police oversight systems across Europe. This report, taking into account Standing Committee P's own context and investigation procedures, has in particular highlighted a number of interesting practices from other countries that could serve as a basis for the learning organisation Standing Committee P would like to become.
89. Another goal of the benchmark was to forge stronger ties between the various watchdogs with a view to cooperating more closely in the future. Initially, we envisage a more systematic form of information exchange or cooperation in the context of our thematic inquiries. In this connection, for certain themes it may be useful to exchange substantive or methodological

knowledge. Indeed this has already been happening. Specifically, for a thematic inquiry that was about to be launched, organisations abroad were asked whether they had conducted certain investigations in a similar domain and whether they could provide us with any useful information about this. The aim is to replicate this approach and to apply it more systematically.

90. In addition, in the future it may be useful and indeed will probably prove necessary to work more specifically with foreign watchdogs. This is because while international police cooperation is steadily continuing to evolve and expand, it is clear that international, European police oversight - at least when it comes to practical operational police cooperation between countries - is regulated to only a limited extent, if at all. In these times of JITs¹⁶, of other forms of (investigative) cooperation and of the ever greater use of cross-border police techniques (controlled deliveries, international manhunts, etc.) or of international cooperation relating to the enforcement of public order, ties with foreign watchdogs can and will hopefully prove useful in the future.
91. Therefore, this benchmark cannot and should not be an end point and instead will hopefully fire the starting gun for more cooperation between the various watchdogs with a view to improving their own operation and cooperation, and especially to further enhancing policing.

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¹⁶ Joint Investigations Teams.

6. List of abbreviations associated with this report

BLKA	Bayerisches Landeskriminalamt (Bavarian State Criminal Police Office)
BPP	Bereitschaftspolizeipräsidium (Police Support Group HQ)
CEO	Chief Executive Officer
CHAI	Comité d'harmonisation de l'audit interne (Internal Audit Harmonisation Committee)
CJIB	Centraal Justitieel Incassobureau (Central Judicial Collection Agency)
CPS	Crown Prosecution Service
CTA	Commissie Toezicht Arrestantenzorg (Commission of Oversight for Police Custody)
DIE	Dezernat Interne Ermittlungen (Internal Affairs Department)
DPS	Directorate of Professional Standards
DV&O	Dienst Vervoer en Ondersteuning (Transport and Support Service [for detainees])
EU	European Union
FTE	Full-time equivalent
HMICFRS	Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services
iCOV	Infobox Crimineel en Onverklaarbaar Vermogen (Criminal and Unaccountable Assets Infobox)
ICT	Information and Communication Technology
ICVA	Independent Custody Visiting Association
IFACI	Institut Français de l'Audit et du Contrôle Interne (French Institute of Audit and Internal Control)
IGA	Inspection Générale de l'Administration (General Inspectorate of Administration) (France)
IGGN	Inspection générale de la gendarmerie nationale (General Inspectorate of the National Gendarmerie)
IGP	Inspection Générale de la Police (General Police Inspectorate) (Luxembourg)
IGPN	Inspection générale de la police nationale (General Inspectorate of the National Police)
IOPC	Independent Office for Police Conduct
IPCA	Independent Police Complaints Authority
IPCC	Independent Police Complaints Commission
IR	Innenrevisie (Internal Affairs Department)
IS	Inspection des services (French Customs' Services Inspectorate)
LC	Landelijk Centrum (National Centre)
LKA	Landeskriminalamt (State Criminal Police Office)

NOA	Nationella operativa avdelningen (National Operations Department)
P&O	Personnel et Organisation/Personeel en Organisatie (Personnel and Organisation)
PEEL	Police Effectiveness, Efficiency and Legitimacy
PP	Polizeipräsidium (Police Headquarters)
PSD	Professional Standards Department
PVA	Polizeiverwaltungsamt (Police Administration Office)
RIS	Recherche, Informatie en Specialismen (Investigation, Intelligence and Specialisms)
Rtap	Regeling toezicht arrestantenzorg politie (Regulation on Police Custody Oversight)
SDSE	Service Déontologique et de Soutien aux Effectifs (Ethics and Staff Support Department)
SU	Avdelningen för särskilda utredningar (Special Investigations Department)
TCI	Team Criminele Inlichtingen (Criminal Intelligence Team)
TSUA	Traitement relatif au Suivi de l'Usage des Armes (Document on Monitoring the Use of Weapons)
UNODC	United Nations Office on Drugs and Crime
VIK	Veiligheid, Integriteit en Klachten (Security, Integrity and Complaints)