



HANDBOOK FOR EVALUATING THE EFFECTIVENESS / EFFICIENCY OF POLICE OVERSIGHT BODIES

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FOREWORD

European countries oversight systems are the result of different political, social and cultural histories that have influenced the organization of government policies, especially in their sovereign functions.

In Europe, this history has produced two kinds of controls:

- internal controls instituted by public administrations to ensure the achievement of their organization's objectives and compliance with laws, regulations and policies;
- external controls enacted by governmental organizations and/or independent authorities.

Regarding police forces, European countries have implemented a wide array of systems that do – or do not – encompass:

- supervision ensured by specialized and centralized law enforcement departments (General Inspectorates, Professional Standards departments...) in charge of inspections and controls;
- supervision exercised by external administrative or governmental bodies.

During the last years, under external pressures and internal requirements, mixed systems combining both types of controls have been developed.

In 2016, in order to overcome the variations between these different Police oversight approaches, an EPAC/EACN POB Working Group has reflected upon the criteria for evaluating the effectiveness/efficiency of Police oversight bodies and produced the present “**Handbook for evaluating the effectiveness/efficiency of Police oversight bodies**”.

In that respect, it should be underlined that “effectiveness and efficiency” must be seen in regard with an objective, a target. The goal, the higher order objective, is to ensure a comprehensive control in compliance with ethics, values and professional standards and make the institution work better.

This self-audit questionnaire should be a reference for all POB (external and internal organizations). It should be considered as a standard of perfection that no organization has the possibility to reach at 100%.

Each POB could appropriate the handbook to monitor or question itself.

It contains a list of set questions, arranged in different fields of activities, which could only be answered by “yes” or “no” or “not applicable”.

- “Yes” should be considered as positive. A predominant number of “Yes” would indicate that the organization has reached a high level of efficiency;
- “No” should be considered as a negative point. A predominant number of “No” would indicate that the POB is at risk regarding its effectiveness/efficiency.

Some key questions are identified (in **bold** in the handbook). They draw attention to some crucial criteria in regard with effectiveness/efficiency (for example: “From a hierarchical or institutional point of view, is the POB’s position high enough to enable it to fulfil its responsibilities?”).

Series of questions with mutually exclusive answers appear in specific response grids.
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This handbook may also be used as a pedagogical tool.

It is consistent with the Police Oversight Principles adopted by EPAC/EACN in 2011 and in accordance with the jurisprudence of the European Court of Human Rights.

THE FIELDS

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I. The position and powers of the POB and of its agents

The effectiveness of the organization in charge of monitoring police forces depends on the support given by the population. Similarly, executive or legislative political power must empower the oversight body to exercise its functions independently.

The authority and powers of the organization, the protection enjoyed by its members constitute guarantees of impartiality and independence.

A. Legal framework establishing the POB

An organization exercising police forces oversight gets as much legitimacy as it is substantiated on a legal framework, mainly to ensure that its mandate and performance are not subjected to hindrance by political pressure, undue interference by executive authorities or interest groups.

Therefore, the act's architecture frame should cover, at a minimum, the most important aspects that define the authority, the role and the powers of the specific POB.

In short, ideally, a constitutional or legislative text establishing the POB should regulate, or another formal text (at least), the basic attributes and tools that are vital for the particular oversight mechanism to operate effectively.

		YES	NO	N/A
1	Is the POB substantiated in any formal/official text?			
2	Is the POB substantiated in any high level formal text (constitution, law) ?			
3	Are the authority, the role and the powers of the POB clearly outlined by the legal framework?			
4	Is the legal framework that substantiates the POB: • Easily accessible?			
5	• Duly publicised?			
6	Can the authority, the role and the powers of the POB be straightforwardly grasped and understood, particularly by: • Police agents?			
7	• General public?			

B. The position of the POB and its Head's status

		YES	NO	N/A
1	Is the POB separated from the hierarchy of the police force?			
2	From a hierarchical or institutional point of view, is the POB organically located above overseen police force?			
3	Is the Head of the POB appointed for a fixed period (e.g. 5 years)?			
4	Is the recruitment process of the Head of the POB open both for internal (inside Police organization) and external (e.g. judge, prosecutor, high-ranking civil servant, academic, member of Parliament, Ombudsman...) candidates?			

5	Is there a strict procedure for the recruitment process of the Head of the POB?			
		YES	NO	N/A
6	Is the Head of the POB appointed by:			
	• The Parliament?			
	• The Government?			
	• An administrative authority?			
	• A joint committee?			

		YES	NO	N/A
7	Is there a limit to the number of appointment renewals?			
8	Is there a strict procedure for his/her dismissal?			
9	Is the Head of POB required to present a declaration of assets and liabilities?			
10	Is the Head of POB required to present a declaration of interests?			
11	Is there a rule prohibiting the head of the POB to exercise other mandates or functions, at the same time?			
12	Is there ethical rule preventing conflict of interest (revolving door) after the termination of head of the POB's mandate?			

C. POB's agents status

		YES	NO	N/A
1	Are the POB's agents protected by their status against all forms of retaliation, directly or indirectly?			
2	Are there mechanisms to prevent the agent to be in a position in which he/she could be influenced in his/her action (personal, previous conflicts, former professional relationships, conflict of interest...)?			
3	Is there a legal framework for POB's members additional employments?			
4	Are the POB members subjected to a specific tenure time limit?			
5	Are there some time limits or rotation periods in office assignments of POB's agents?			
6	Is there a strict procedure for his/her dismissal?			
7	Is there ethical rule preventing conflict of interest (revolving door) after the termination of the POB's agent mandate?			
8	Are there any measures in place to ensure that after having served in the POB, the agents may have a suitable career in the public sector?			

D. Referrals to POB

		YES	NO	N/A
1	Does the POB have the power to open preliminary criminal investigations on its own initiative?			
2	Does the POB have the power to open administrative investigations on its own initiative?			
3	Do detailed rules require the police agents to report, to the POB, incidents involving serious violations of fundamental rights of citizens?			
4	Can the POB be referred by : • A member of the public?			
5	• A police agent?			
6	• A judicial authority?			
7	• A prosecutor?			
8	• A police Authority?			
9	• An independent Authority (e.g. Ombudsman)?			
10	• A Member of Parliament?			
11	Does the POB provide a legal protection or status to internal whistleblower?			
12	Is there a special system for receiving whistleblower's information?			
13	Is there an easily identifiable contact point to facilitate whistleblowing?			
14	Are there measures encouraging police agents to report to the POB (e.g. protecting anonymity or personal data)?			

II. Human and financial resources

An organization can be effective only if it has sufficient resources to perform its duties. Human and Financial resources allocated to the POB determine its functional independence, allowing to implement effectively its prerogatives, based on its own expertise.

A. Human resources management

		YES	NO	N/A
1	Is there a concordance between the objectives of the POB and the available human resources it disposes of?			
2	Is the background and competence of the POB personnel compliant with the different field assignments of the organization?			
3	Are there any external experts among the agents of the POB?			

4	Does the POB have the possibility to call for some external experts, for specific cases?			
5	Are POB human resources sufficient to accomplish, in a reasonable time and in respecting the rights of employees, all its missions all over its territorial jurisdiction?			
6	As regards to investigative departments/units (administrative or judicial), does the POB have identified/set up a ratio: “staff-number”/”agents likely to be the subject to an investigation”?			
7	As regards investigative departments/units (administrative or judicial), does the POB have identified/set up a ratio: “Staff number”/”population”?			
8	Does the staff of the human resources management “unit” of the POB have specific skills in human resources management?			
9	Does the POB use management tools (statistics, evaluations...) in order to implement the objectives of the organization?			
10	When the POB have territorial units, do these branches have enough staff to fulfil the tasks entrusted with them?			
11	If the POB has several territorial units, does it have the possibility (material resources) to mobilize several units on one case?			
12	Can the POB be audited by a private consulting company?			

B. Financial resources

		YES	NO	N/A
1	Is the budget allowed to the POB sufficient to meet its current operating expenditure (mission expenses, fuel, rental...)?			
2	Is the budget allowed to the POB sufficient to meet its capital expenditures (cars, computers, real estate...)?			
3	Does the POB enjoy independence in the management of its budget?			
4	Is there a subsequent control exercised over expenditures?			
5	Does the POB have implemented a ratio: operating expenditure/employee?			
6	Does the POB have income and expenses regardless of the State Budget?			
7	Can the POB be audited by a private consulting company?			

III. POB's agents professional skills and ethics

POB agents' professional skills and the way they implement it in their activities contribute significantly to the efficiency of the organization. Similarly, sharing common values has an impact on staff commitment.

A. POB agents' professional skills

		YES	NO	N/A
1	In term of salary, does the POB have ability to attract top-quality agents?			
2	In term of career prospects, does the POB have ability to attract top-quality agents?			
3	In term of image, does the POB have ability to attract top-quality agents?			
4	In term of working environment (atmosphere, management competencies, working conditions...), does the POB have ability to attract top-quality agents?			
5	In term of autonomy (e.g. working methods and time planning), does the POB have ability to attract top-quality agents?			
6	Does the POB have implemented a training action plan?			
7	Does the POB leaders have received some specific management training?			
8	Are POB's agents required to have : • a minimum of experience to fill the job?			
9	• a previous formal (diploma, certificate...) qualifications?			
10	Must the POB's agents follow testing period, at the working place, after being pre-selected?			
11	Does the POB have freedom of choice to select/recruit its own agents?			
12	Do the POB staff have the possibility to do an internship in police units?			
13	Are there formal processes for selecting candidates?			
14	Is there a psychologist in the recruiting jury?			
15	Are there formal criteria for selecting candidates?			
16	Are there mentoring or coaching programs for recruits?			
17	Are there specific trainings for newly recruited staff?			
18	Does the POB's agents have regular training to gain knowledge and acquire skills to improve themselves?			

19	Does the workload imposed on agents allow them to follow the training responding to the needs of the organization and to their career development wishes?			
20	Is the POB made up of professionals with diverse and varied personal profiles (age, gender, occupation, career, rank...)?			
21	Can the POB, especially in support of its judicial activities, benefit from technical support services (forensic science, computer support service and technical...)?			
22	Can the POB, especially in support of its judicial activities, be assisted by external technical services?			
23	Does the POB have expertise regarding financial investigations?			
24	Can the POB call for external experts?			

B. POB's agents' professional skills assessment

		YES	NO	N/A
1	Does the POB have set performance objectives to its staff, at all hierarchical levels, through : • Annual performance reviews?			
2	• Road map?			
3	• Action plan?			
4	Is the achievement (or not) of these objectives evaluated?			
5	Does every member go through a periodical evaluation process?			
6	Are there, within the organization, tools or procedures to measure, in statistical terms, agent productivity / work unit?			
7	Are there, within the organization, tools or procedures for measuring the quality of work produced by the agents / by work units?			
8	Is there a process to reward the agents?			

C. POB's agents ethics

		YES	NO	N/A
1	Does the POB have a specific internal code of ethics?			
2	Does POB's agents have passed integrity tests?			
3	Is the ethical dimension integrated into the selection process?			
4	Are the ethical values of POB's agents evaluated on regular basis			

	(interviews, etc.)?			
5	Is the ethical dimension integrated in the annual assessment of the agent?			
6	Are the personal skills of the agents, in terms of impartiality and objectivity, evaluated in the selection process?			
7	In his daily activities, is the attitude of the agent, in terms of impartiality and objectivity, assessed?			

IV Competences, powers and methods of the POB

If the POB promotes a culture of learning and organizes transfers of competences among its teams, the organization will benefit from the variety of its tasks and from the diversity of skills of its staff. On the other side, if the limits and the mode of exchanges are clearly defined, distribution of competencies between several bodies may, by the specialization it induces, lead to more efficiency.

A. Scope of missions and competencies delegated to the POB

		YES	NO	N/A
1	Does the POB have competencies regarding:			
	• Disciplinary inquiries?			
2	• Criminal investigation?			
3	• Misdemeanour inquiries?			
4	• Structural dysfunctions prevention?			
5	• Monitoring on the use of weapons (firearms, intermediate weapons)?			
6	• Legal advice?			
7	• Ethical advice?			
8	• Management consulting or coaching?			
9	• Trainings or lecturing (corruption prevention, ethics, POB competencies...)?			
10	• Awareness, outreach activities?			
11	• Conception of instructions to the police forces in ethical matters (eg: gifts and advantages given to police officers, code of ethics...)?			
12	Are these POB's missions defined by a text with legal or regulatory			

	value?			
13	During the selection process, can the POB, if involved in it, make background checks of police candidates?			
14	Is there a clear distinction between criminal investigation and disciplinary investigation?			
15	In a specific case, is the criminal investigator different of the administrative investigator?			
16	Are there laws or regulations in place defining the investigative powers of POB?			
17	Are there texts or rules specifying the POB's area of authority?			
18	Does the POB have the power/capacity to: • Issue recommendations in case of structural dysfunctions (shortcomings)?			
19	• Follow up its recommendations?			
20	• Propose changes/reforms in police operational practices?			
21	• Propose changes in police training?			
22	• Propose changes in doctrines of use (weapons, intermediate weapons...)?			
23	• Propose changes in the legal or ethical field?			
24	• Implement integrity tests?			
25	Does the POB have integrated databases to collect operational information?			

B. Judicial powers delegated to the POB

		YES	NO	N/A
1	Does the POB have the possibility to undertake a prompt investigation to avoid loss of crucial evidence, which could undermine the process and pose a threat to public confidence?			
2	Does the POB have the authority to open investigations on its own initiative on offences denounced by the press or social networks or to check the truthfulness of the information?			
3	Does the POB have the possibility to undertake physical surveillance activities?			

4	Does the POB have the possibility to undertake technical surveillance activities?			
5	Does the POB have the possibility to undertake cyber-crime investigations?			
6	Does the POB has the power to conduct searches and seizures?			
7	Does the POB have direct or prompt indirect access to the police databases (including log-files of databases) relevant to undertake its functions (control or investigation)?			
8	Does POB's investigators have a national remit?			
9	Does the POB have powers on regional or local police forces?			

C. Administrative powers delegated to the POB

		YES	NO	N/A
1	Does the POB have the possibility to undertake a prompt investigation to avoid loss of crucial evidence, which could undermine the process and pose a threat to public confidence?			
2	Does the POB have the authority to open investigations on its own initiative on misconducts denounced by the press or social networks or to check the truthfulness of the information?			
3	Can the POB implement alternative measures to the disciplinary action?			
4	Does the POB have the power to compel/summon witnesses (including police agents)?			
5	Does the POB have the power to conduct searches and seizures at least in police premises?			
6	Does the POB have the possibility to undertake physical surveillance activities?			
7	Does the POB have the possibility to undertake cyber investigations?			
8	Does the POB have direct access to relevant police databases to undertake its functions in this matter?			
9	Is the POB allowed to collect data from video recordings (surveillance cameras in official buildings, pedestrian cameras, dashboard cameras...) to undertake its functions in this matter?			
10	Is the POB allowed to collect data from radio communications?			
11	Can the POB propose or recommend a disciplinary sanction against an agent?			
12	Does POB's investigators have a national remit?			
13	Does the POB have powers on regional or local police forces?			

D Risk assessment

An effective POB properly identifies, assesses and understands corruption (and other crimes) risks related to police forces, and co-ordinates actions to mitigate these risks. This includes the involvement of competent authorities and other relevant authorities; using a wide range of reliable information sources; using the assessment(s) of risks as a basis for developing and prioritizing anti-corruption policies and activities.

		YES	NO	N/A
1	Does the POB undertake regular risk assessment of police forces for planning its short-and long-term activities and prevention?			
2	Are the outcomes of risk assessment communicated to the management of police forces?			
3	Does the POB take into account the complaints from the public to undertake the risk assessment?			
4	Does the POB take into account incidents related to a specific unit?			
5	Are actions taken to address risks regularly re-evaluated?			

E. Prevention and/or outreach activities carried out by the POB

The role of POB is not just conducting oversight but also to promote the highest level of ethical values among the police agents and to increase their awareness in order to prevent future misbehaviour.

		YES	NO	N/A
1	Does the POB perform briefings and guidance on relevant conclusions from risk assessment(s) and cases?			
2	Does the POB perform training (initial and continuous, higher education, preparatory internship)?			
3	Does the POB perform feedback (case-by-case)?			
4	Does the POB perform feedback (regarding general trends)?			
5	Does the POB perform overview on best practices?			
6	Does the POB perform international co-operation activities (benchmarking)?			
7	Does the POB publish and distribute guidance booklets to police forces, in order to make them easily and quickly available to all agents?			
8	Does the POB have the possibility to regularly remind police agents of misconduct's consequences?			

F. POB's partnerships, co-operation and coordination

		YES	NO	N/A
1	Does the POB have developed coordination mechanisms with other bodies in charge of police control?			
2	Does the POB have partnerships with NGOs?			
3	Does the POB have partnerships with police forces?			
4	Does the POB have partnerships with public service agencies?			
5	Does the POB have developed cooperation mechanisms with police trade unions and /or associations?			

V. Relations with the public

As with all police forces, the effectiveness of the organization in charge of monitoring depends on the support given by the population.

To ensure that people can easily express their grievances and ensure that these will be taken into account and investigated is a key objective for a POB.

		YES	NO	N/A
1	Does the POB have developed easy accessible mechanism (Internet access on dedicated website, hotline, email...) to enable members of the public to report directly their complaints? • One mechanism? • Several mechanisms?			

		YES	NO	N/A
2	Does the POB have a Website or other easily accessible mechanism containing information on its roles and activities?			
3	Does the POB offer the public an access to a dedicated reception desk?			
4	Does the POB have the possibility to advise the members of the public on how to fill a complaint against police agents?			
5	Does the POB have the possibility to assist the public to make (write) their complaints?			
6	Does the POB have the obligation to substantially inform the members of the public about the outcomes of their complaints?			

7	Does the POB have a deadline to inform the complainant about the outcome?			
8	Does the POB have the ability to register complaints in different languages?			
9	Does the POB have the possibility to provide reparations to all the victims and their family?			
10	Does the POB have the capacity to implement or initiate conciliation procedures between police agents and members of the public?			
11	Does the POB have the opportunity to check out if other organizations or authorities are dealing with the same complaints?			
12	Does the POB have the opportunity to make a first selection to rule out inconsistent or abusive complaints?			
13	Does the POB collect feedback from public regarding its activities (e.g. satisfaction with the handling of complaints, etc.)?			
14	Does the POB have established public consultation (public satisfaction and expectation survey) procedures about POB activities?			

VI. Capacities in terms of communication

A. Internal communication

It includes all communication actions implemented within an organization to the POB agents. It promotes information sharing and solidarity among POB members, to the benefit of their performances.

It is an essential tool for developing staff's motivation.

		YES	NO	N/A
1	Does the POB have set up an Intranet website?			
2	Is this Intranet website regularly updated?			
3	Does the POB communicate through social networking websites?			
4	Does the POB have its contacts available to other POB members?			
5	Does the POB have an internal information channel (e.g. mailing list)?			
6	Does the POB have a Website or other easily accessible mechanism containing information on its roles and activities?			
7	Does the POB publish an internal newsletter?			

8	Does the POB distribute an “induction booklet” to all new recruits?			
9	Do the POB agents have an easy access to written notes, working methodology and instructions?			
10	Does the POB direction use notice boards to inform its agents?			
11	Do the POB agents have the possibility to use information boards at their working place?			
12	Does the POB offer its agents the possibility to freely formulate suggestions, remarks or comments on its performance?			
13	Does the POB regularly organize conventions, coordination meetings and seminars to bring together the agents, exchange information and improve team building?			

B. Communication directed towards police forces

It plays an essential role, in order to prevent misunderstandings, promote POB’s image, spread good practices....

		YES	NO	N/A
1	Does the POB organize training to introduce their assignments to police forces (including feedback and presenting examples taken from real cases, to avoid gossip and misunderstandings)?			
2	Does the POB have set up an Intranet website?			
3	Does the POB have the possibility to publish its news and announcement in an internal Police newsletter?			
4	Is this Intranet website regularly updated?			
5	Does the POB communicate through social networking websites?			
6	Does the POB have a spokesman or a communication officer (providing information to police agents, fighting against spreading rumours,)?			
7	Does the POB report on its activities to the controlled force?			

C. Communication directed towards the public

It plays a fundamental role in terms of image and sharing of information. It strengthens the confidence of the public towards both the police forces and the POB.

It is essential that an organization could develop a positive image based on experience, competence and innovation.

		YES	NO	N/A
1	Does the POB have set up a public Internet website?			

2	Is this website regularly updated?			
3	Does the POB communicate through social networking websites?			
4	Does it contain information likely to interest the public?			
5	Does the POB have its own communication Unit?			
6	Is the POB assisted by a police force's communication Unit?			
7	Is the POB assisted by a private communication office?			
8	Does the POB have a public communication plan on a regular basis (accountability)?			
9	Does the POB have a public communication plan for specific issues (clarification)?			
10	Does the POB have a spokesman or communication officer ?			

VII. Supervision exercised over the POB

The POB must be accountable and accept evaluation of its results and validation of its objectives. This supervision should contribute to the improvement of its practices and methods. Accountability strengthens legitimacy and public confidence.

		YES	NO	N/A
1	Is there an authority, independent from the POB, able to control the proper use of taxpayer's money and resources by the POB?			
2	Is there an authority, independent from the POB, able to inform members of the public, regarding the proper use of taxpayer's money and resources by the POB?			
3	Can the POB be audited by an external body (e.g. account court)?			
4	Has the POB been audited during the last five years?			
5	Is the POB answerable for its activities to the executive power?			
6	Is the POB answerable for its activities to the legislative power?			
7	Is the POB answerable for its activities to the public (media, public representation or NGO, for example)?			
8	Does the POB report on its activities by publishing an annual report?			
9	Does the POB have a monitoring committee?			