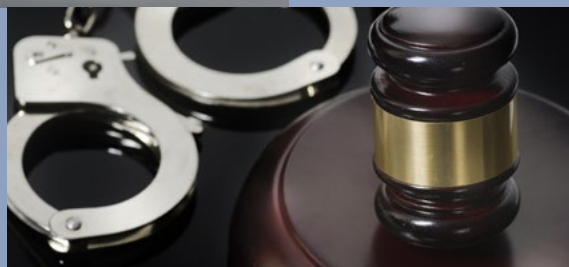


POLICE OVERSIGHT MECHANISMS IN THE COUNCIL OF EUROPE MEMBER STATES



Jonny Byrne
William Priestley
(September 2015)

Updated February 2017 by William Priestley

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

R e p o r t
**On Police Oversight in the Council of
Europe Countries**

**Jonny Byrne
William Priestley**

(September 2015)

Updated February 2017 by William Priestley

Council of Europe Publishing

The opinions expressed in this work are the responsibility of the authors and do not necessarily reflect the official policy of the Council of Europe.

All requests concerning the reproduction or translation of all or part of this document should be addressed to the Directorate of Communication (F-67075 Strasbourg Cedex or publishing@coe.int). All other correspondence concerning this document should be addressed to Directorate General of Human Rights and Rule of Law.

Cover: Documents and Publications Production Department (SPDP), Council of Europe
Photos: Shutterstock

This publication has not been copy-edited by the SPDP Editorial Unit to correct typographical and grammatical errors.

Initial report financed by the Kingdom of the Netherlands, September 2015

© Council of Europe, Updated May 2017
Printed at the Council of Europe

1. Introduction

The following document sets out to provide an update to the main findings from a comprehensive review of policing oversight across the forty-seven Council of Europe States first set out in September 2015. The update reflects the position of police oversight mechanisms across the forty-seven States as of 20 February 2017. In addition to the update this introductory chapter explores the recent history of police oversight in the Council of Europe, its origins in legislative and other supporting instruments, and its development in case law. The remainder of this chapter sets out the aims and objectives and the methodology employed to conduct the original research and that undertaken to inform the update.

The remaining two chapters incorporate a revised country-by-country review of police oversight mechanisms, along with a critique of these approaches and an assessment of progress with a series of recommendations made in the original document.

1.1 Recent history of police oversight in the Council of Europe

The development of Council of Europe standards on police oversight is mainly rooted in the absolute prohibition of torture or inhuman or degrading treatment or punishment given effect in Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). However, without an accompanying positive obligation on the State to investigate such treatment it is unlikely that principles or standards would have been developed and implemented.

Whilst Article 3 has driven the development of police oversight, the influence of the Right to Life (Article 2 ECHR) on investigative mechanisms should not be underestimated. The resulting overarching principles of police oversight have enabled the implementation of oversight models in countries across the 47 member States, that to varying degrees deliver on their positive obligations.

The State has a duty to take measures to prevent or punish infringements committed by its own agents or representatives. A series of obligations on

States to take action were laid down by the European Court of Human Rights (The Court), based on the principle that the Convention does not just oblige the higher authorities of the Contracting States themselves to respect the rights and freedoms it embodies. A consequence of that principle is that the State, in order to secure those rights and freedoms, must prevent or remedy any breach at subordinate levels. The Court emphasised that¹:

"... the Convention does not merely oblige the higher authorities of the Contracting States themselves to respect the rights and freedoms it embodies; it also has the consequence that, in order to secure the enjoyment of those rights and freedoms, those authorities must prevent or remedy any breach at subordinate levels. The higher authorities of the State are under a duty to require their subordinates to comply with the Convention and cannot shelter behind their inability to ensure that it is respected."

Obligations of the State with regard to Articles 2 and 3, and police oversight, can be seen as either substantive or procedural. Substantive obligations include, but are not limited to, preventative measures, such as requiring States to set out rules or standards governing police actions, or properly equipping places of detention. On the other hand, procedural obligations include remedial action, such as the right of complainants to an effective investigation of their allegations. It is these procedural obligations that, in the main, have driven the development of police oversight mechanisms to effectively investigate complaints or, in some cases, to proactively carry out monitoring of police actions. In many oversight models the procedural obligations are measured against standards which have been drawn from the substantive obligations embodied in Articles 2 and 3.

The requirements for States to carry out effective investigations have been clearly set out in several judgements of the Court² over a number of years. Additionally, obligations to investigate instances of torture are detailed in Articles 12 and 13 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT).

Article 12

Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

¹ *Assanidzé v Georgia* (71503/01) - judgment of 8 April 2004

² *Assenov and others v Bulgaria* (90/1997/874/1086) – judgement of 28 October 1998
Labita v Italy (26772/95) – judgement of 6 April 2000

Article 13

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

The development of an underlying set of principles which informed approaches to police oversight derived from the requirements and obligations set out in;

- UNCAT;
- ECHR;
- judgements of the Court over a period of several years; and,
- statements and interpretations laid out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT);

The Court developed five key principles for the effective investigation of complaints against the police that engage Article 2 or 3 ECHR:

- Independence; no institutional or hierarchical connections between the investigators and the officer subject of the complaint, amounting to a real, practical independence³;
- adequacy; the investigation should be capable of gathering evidence to determine whether police behaviour complained of was unlawful and to identify and punish those responsible⁴;
- promptness; the investigation should be conducted promptly and expeditiously in order to maintain confidence in the rule of law⁵;
- public scrutiny; procedures and decision-making should be open and transparent in order to ensure accountability; and,
- victim involvement; the complainant should be involved in the complaints process in order to safeguard his or her legitimate interests.

Giving effect to the obligations set out in the ECHR and UNCAT required the Court to further define the obligations placed on States to carry out effective investigations in pursuit of the 'adequacy' principle. For example, separating compensation and damages for violations of Article 3 from effective criminal

³ *Halat v. Turkey*, (23607/08) – judgement of 8 November 2011 and *Mocanu and others v Romania* (10865/09, 45886/07 and 32431/08) – judgement of 17 September 2014

⁴ *Aksoy v Turkey* (Application no. 21987/93) – judgement of 18 December 1996; *Alder v United Kingdom* (42078/02) - judgement of 22 November 2011

⁵ *Aydin v. Turkey* (57/1996/676/866) – judgement of 25 September 1997

investigations⁶. Recently, the Court found that the State had a continuing obligation to investigate Article 3 complaints even following a decision striking out the complaint following a unilateral declaration⁷.

In the case of *Strogan v Ukraine*⁸, the Court reiterated that for the investigation to be regarded as “effective”, it should in principle be capable of leading to the establishment of the facts of the case and to the identification and punishment of those responsible: an obligation, not of result, but one of means.

“Any deficiency in the investigation which undermines its ability to establish the cause of injuries or the identity of the persons responsible will risk falling foul of this standard, and a requirement of promptness and reasonable expedition is implicit in this context”.

What constitutes effective investigations has been further defined, developed and refined by the Court. For example, for an investigation to be thorough, including where criminal culpability may be an issue, officers should be interviewed as suspects⁹. Additionally, failure to conduct a prompt and expeditious investigation may impact on its adequacy due to the increased risk of losing evidence because of delay⁵. During investigations the Court has found that there is an obligation to obtain full and accurate statements from officers²; and that there should be critical analysis of such testimonies¹⁰, avoiding the practice of accepting accounts provided to any investigation without question.

Other refinements as to what actions may amount to effective investigations have been set out, for example, in the case of *Alder v UK*¹¹. In this case, which was the first occasion that the UK government admitted to violating Articles 2 and 3, the UK government provided a unilateral declaration which affirmed that:

“The Government accept that the lack of an effective and independent investigation in this case constitutes a violation of the procedural obligations in Articles 2 and 3 of the Convention. Further, the Government accept that the treatment that the Applicant’s brother received in police custody amounted to a substantive violation of Article 3 with 14 of the Convention.

⁶ *Buldan v Turkey* (28298/95) – judgement of 20 April 2004

⁷ *Jeronovičs v. Latvia* (44898/10) - judgment of 5 July 2016

⁸ *Strogan v Ukraine* (30198/11) – judgement of 6 October 2016

⁹ *Ramsahai v The Netherlands* (52391/99) – judgement of 15 May 2007

¹⁰ *Kaya v Turkey* (158/1996/777/978) – judgement of 19 February 1998

¹¹ *Alder v United Kingdom* (42078/02) - judgement of 22 November 2011

Failures of the investigation conducted by the UK authorities in this case are illustrative as to what actions may be required to enable State authorities to discharge their obligations with regard to the effective and independent investigation of complaints against the police. There were failures in the investigation into the death of Mr Alder in police custody in that;

- It was carried out by a neighbouring police force rather than an independent body;
- blood samples, officers' clothing and Mr Alder's clothing were all destroyed without being tested;
- subsequent investigations were compromised by insufficient initial protection of potential evidence;
- the cause of Mr Alder's death was never definitively established;
- whether Mr Alder had been assaulted by any of the officers was not established; and,
- the (later established) Independent Police Complaints Commission concluded that despite flaws in the original investigation and findings of "quite obvious neglect of duty" and "unwitting racism" – no further action could be taken against the police.

The UK government later contended that developments after the death of Mr Alder would assist in leading to the prevention of the sorts of circumstances that surrounded the death. It is these developments that illustrate some further elements of what actions may provide for effective and impartial investigations and which link directly to principles of police oversight. They included;

- Legislative reform – creating a new police complaints system which compelled the police to refer all deaths or serious injuries following contact with the police to an Independent Police Complaints Commission (IPCC);
- powers for the IPCC to independently conduct its own investigations;
- all the powers of a police officer to be conferred on IPCC investigators in conducting an investigation;
- powers for the IPCC to openly publish the findings of their investigations;
- revised police conduct regulations to cover the management of discipline cases against police officers; and,
- provision of guidance to police officers working in custody environments, including requirements to make risk assessments¹².

¹² The Association of Chief Police Officers and the Home Office "Guidance on the Safer Detention & Handling of Persons in Police Custody" 2006

The underlying principles of police oversight which embodied a series of Court judgements, legal requirements and other guidance were further developed in several later publications. These useful interpretative and guiding publications included;

- United Nations Office on Drugs and Crime Handbook (UNODC)¹³;
- Council of Europe Commissioner for Human Rights Opinion¹⁴;
- Ombudsman Institutions in Southeast Europe International Workshop¹⁵;
- European Code of Police Ethics¹⁶; and,
- European Partners Against Corruption (EPAC) Setting Standards for Europe Handbook¹⁷;

The European Code of Police Ethics (the Code), derived from the sources outlined above, enshrines the basic principles that should apply to police services in democratic societies governed by the rule of law. The Code was established under the authority of the European Committee on Crime Problems and was submitted for approval and transmission to the Committee of Ministers in June 2001. In September 2001, the recommendations were adopted and publication was authorised. The work to develop the Code was based upon legal instruments (conventions and recommendations of the Council of Europe and other international organisations) as well as principles established by the European Court of Human Rights and other bodies of the Council of Europe.

The Code provides a general organisational framework for the police, their place in the criminal justice system, their objectives, performance and, with regard to oversight mechanisms, their accountability. The Code specifically sets out principles of external accountability of the police as well as those exercised internally, within police services. The Code affirms that;

"The police shall be accountable to the state, the citizens and their representatives. They shall be subject to efficient external control."

State control of the police is envisioned as being complemented by the means for the police to be made answerable to the public (citizens and their representatives). The Code proclaims that public authorities shall ensure effective and impartial procedures for complaints against the police.

¹³ Handbook on police accountability, oversight and integrity

¹⁴ Concerning Independent and Effective determination of Complaints Against the Police (Comm DH 2009(4))

¹⁵ EU Accession and the Universal Periodic Review; International Workshop Zagreb, Croatia November 2013

¹⁶ Recommendation Rec(2001)10 adopted by the Committee of Ministers of the Council of Europe on 19 September 2001 and explanatory memorandum

¹⁷ Anti-Corruption Authority Standards EPAC/EACN and Police Oversight Principles

Impartiality is explicitly mentioned within the Code as an issue which is required to be dealt with. For example, any doubts raised by mechanisms which permit 'police to investigate police' must be addressed. To obtain public confidence the Code asserts that systems must not just be impartial, they must be seen to be impartial through the operation of such mechanisms as;

- accountability based on communication and mutual understanding between the public and the police;
- mediation or complaints structures that provide contact, negotiation and informal dispute resolution;
- transparency and public monitoring of police cells;
- adoption of national codes of ethics based on the principles set out in the Code;
- ethical codes overseen by bodies independent from the police, such as ombudsmen; and,
- possibility of referral of complaints to a court of law.

Ten years after the adoption of the Code the principles set out in 2011 by the EPAC handbook¹⁷ clarified what constituted effective police oversight. The handbook recognised the origin of the principles identified within it as being built upon existing good practice from police oversight bodies already established in some European states; judgments from the European Court of Human Rights; and, thinking from the Council of Europe Commissioner on Human Rights.

The handbook defines the overriding aim of police oversight as promoting;

- the highest standards in policing;
- respect for the rule of law and human rights in all policing activities;
- greater public confidence in policing;
- proper systems of accountability for police officers and other law enforcement officials;
- effective redress for those who are victims of police misconduct;
- greater openness and understanding of policing by citizens;
- systems to ensure that lessons are learnt from incidents and errors; and,
- greater respect for the law, policing and as a consequence reductions in criminality and disorder.

A set of key principles is identified, in support of other underpinning propositions, as to the operation of a police complaints/oversight body; the complaints system itself; and effective investigation.

Key principles: Operation of a police oversight body

1. The body should be sufficiently separated from the hierarchy of the police that are subject to its remit;
2. it should be governed and controlled by persons who are not current serving police officers;
3. it should in general have the power and competence to, at its own discretion, address the general public and the media about aspects of its work;
4. to perform its functions effectively it should be provided with adequate finance and resources, and should be funded by the state;
5. its mandate shall be clearly set out in a constitutional, legislative or other formal text, specifying its composition, its powers and its sphere of competence;
6. its investigators must be provided with the full range of police powers to enable them to conduct fair, independent and effective investigations, in particular the power to obtain all the information necessary to conduct an effective investigation;
7. police oversight bodies and the police should proactively ensure that members of the general public are made aware of the role and functioning of the oversight body, and their right to make a complaint; and,
8. the police oversight body shall have adequate powers to carry out its functions and where necessary should have the powers to investigate, to require an investigation or to supervise or monitor the investigation of:
 - i. serious incidents resulting from the actions of police officers;
 - ii. the use of lethal force by police officers or law enforcement officials and deaths in custody;
 - iii. allegations that police officers or law enforcement officials have used torture or cruel, inhuman or degrading treatment or punishment; or
 - iv. allegations or complaints about the misconduct of police officers or law enforcement officials;

Key principles: The Complaints System

1. Complainants should be given a clear explanation of the criteria for accepting complaints and a step-by-step guide detailing how they will be addressed, and the standard of service and outcomes they might receive;
2. the complainant should be informed of the resolution of his or her complaint; and,
3. a complainant should have the right to challenge the way in which his or her complaint was handled or resolved through a right of appeal to the police oversight body;

Key principles: Effective Investigation

1. For the investigation into death or possible ill-treatment to be effective, it is considered important that the persons responsible for carrying it out would be independent from those implicated in the events. It is important to ensure that the officials concerned are not from the same service as those who are the subject of the investigation. Ideally, those entrusted with the operational conduct of the investigation should be completely independent from the agency implicated;
2. the police oversight body must ensure that a complainant, member of the public adversely affected or the relative of someone who has died following contact with police officers or law enforcement officials is involved in the process to the extent necessary to safeguard his or her legitimate interests¹⁸;
3. where appropriate the police oversight body should have the power to refer or to recommend referral of allegations of misconduct by police officers or law enforcement officials to the body or bodies with the competence to take disciplinary action or to take those steps itself;
4. the police oversight body should have the power to submit to the government, parliament and/or other competent body, opinions, recommendations, proposals and reports on matters within its competence and to make recommendations designed to improve policing or other law enforcement activities and to try to ensure that any wider lessons are learnt from investigations of alleged misconduct by police officers and law enforcement officials;

¹⁸ Paragraph 36 of Chapter IX, Combating Impunity, of "The CPT Standards" CPT/Inf/E (2002) Rev. 2006. See also the ECHR case of Jordon v UK, paragraph 109 and Edwards v UK (2002) 35 EHRR 487 at paragraph 84.

5. the police oversight body should have the power to make recommendations designed to improve the processes, procedures and laws for the investigation of alleged misconduct by police officers and law enforcement officials;
6. where the police oversight body makes recommendations, a mechanism should be in place to ensure that these recommendations are implemented effectively;
7. a final letter or report should provide a summary of the facts taken into account, describe the result of the investigation or review undertaken, and where appropriate the reasons for the decisions that have been reached. This material should be sent to the complainant at the completion of the investigation and should also detail what the complainant can do if they are unsatisfied with the outcome. This may also assist them in the private prosecution of their case, thus providing them with an alternative avenue for redress¹⁹; and,
8. the police oversight body should have the power to publicise the results of any inquiry or investigation undertaken, where appropriate to do so, together with details of any recommendations made and progress on implementing them. Where this material is published it should be easily accessible to the public.

This set of key principles, their underpinning propositions and the assertions of the European Code of Police Ethics provide the blueprint for police oversight mechanisms which are capable of properly delivering State obligations set out in legislation and in Court judgements. The models of police oversight encountered in the 47 States of the Council of Europe should be assessed against their conformance with this blueprint.

1.2 Project aim:

The aim of this research project is to update the September 2015 critical review of current policing oversight bodies across the forty-seven Council of Europe states and to provide an outline of the inception and development of oversight mechanisms. Finally, an assessment of progress or otherwise of recommendations made in 2015 will be presented in the context of; *'The prevention of human rights violations and monitoring of professionalism.'*

¹⁹ UN Committee Against Torture case of Dzemajl v Yugoslavia CAT 161/00.

1.3 Project methodology:

The research employed secondary research methodologies; desk based analysis of academic articles, policy briefs, strategic documents and state papers of existing oversight mechanisms. More specifically, the researcher undertook the following:

1. Updating of a database of all relevant oversight mechanisms in the CoE and EU member states; 47 member states in total.

'The oversight mechanisms refer specifically to bodies, institutions and organisations that are associated with the policing agencies within the named states'

2. Each oversight mechanism presented in the database was critiqued through the following framework:

- Legal basis for the establishment and functioning of the oversight body;
- purpose, jurisdiction and scope of work of the body;
- model applied by the body;
- level/type of powers of investigation held by body;
- structure of the body; and
- resources attributed to the body

3. Thematic analysis of the database was based around the following themes:

- Successful interventions;
- challenges; and
- models of good practice

1.4 Project outputs:

This paper draws together all of the relevant policing oversight mechanisms in the CoE states and provides a critique of good practice. The paper concludes with an assessment of progress with the recommendations made in 2015 with regard to the implementation of any future policing oversight mechanisms.

1.5 Structure and usage of table:

The table presents updated (as of 20 February 2017) information about the oversight mechanisms in all forty-seven countries of the Council of Europe. As

stated in the original research it is important to acknowledge that mapping approaches across Europe can be problematic due to language barriers, which can affect literature searches and reviews. Furthermore, in some jurisdictions there are multiple police services/forces. Information therefore focuses on those mechanisms deemed to represent external, independent oversight, but also includes attendant support mechanisms in operation across a range of models and levels of independence. The information presented provides answers as to the legal basis for the establishment and functioning of the oversight body; the purpose, jurisdiction and scope of work of the body; the model applied by the body; the level/type of powers of investigation held by body; the structure of the body; and the resources attributed to the body. Furthermore, where there has been no change in oversight since 2015, when information has been unobtainable, or where oversight bodies do not represent an external element nor independence this is made clear. In some cases more than one method of oversight operates in a single member country. In these cases mechanisms, which demonstrate external oversight and independence are presented alongside additional bodies, which may exhibit lesser traits of external oversight and independence.

2. Oversight mechanisms of the forty-seven member countries of the Council of Europe

Police Oversight in the Council of Europe			
Countries	Structures	Function	Competence
Albania	<p><u>The People's Advocate Ombudsman (PAO) of the Republic of Albania</u> deals with complaints against police officers</p> <p>The PAO is elected by three-fifths of all members of the Assembly for a five-year period, with the right of re-election.</p>	<p>The PAO defends the rights, freedom and lawful interests of individuals from unlawful or improper actions or failures to act of the organs of public administration. The role is to prevent abuses of, protect and promote human rights.</p> <p>The PAO advocates for the rule of law, reform of judiciary, and good governance</p>	<p>The PAO is competent to investigate cases of complaint against police officers. It received 4,203 complaints during 2015. Of the 1,409 complaints closed during 2015:</p> <ul style="list-style-type: none"> 94 were outside competence 473 were ungrounded 51 had recommendations rejected 160 had recommendations accepted 510 were resolved in favour of citizens without further recommendation 51 were withdrawn <p>Under the Government of Albania - UN Programme of Cooperation 2012-2016, the people's Advocate office was supported by the UNDP in training, promoting partnerships and collaborations, for example with the</p>
			<p>Legal basis/scope</p> <p>The Institution of the People's Advocates was established in 1998.</p> <p>The Albanian Parliament passed the Law on the People's Advocate in February 1999.</p> <p>In cases when the PAO's jurisdiction is limited, recommendations are made to the appropriate responsible bodies.</p>

			<p>International Coordinating Committee for National Human Rights Institutions (ICC); Punishment (“SPT”); assessing the PAO to identify further areas of support and outreach to vulnerable groups.</p>	
Andorra	<p><u>The National Ombudsman</u> is competent to receive and address complaints against the police. The ombudsman is independent of government. The ombudsman is elected by consensus of all political parties.</p>	<p>The Ombudsman’s main function is to defend and oversee the fulfillment and application of constitutional rights and liberties and to ensure the public sector adheres to constitutional principles. An annual report is laid before parliament with recommendations based on the ombudsman’s operations throughout the year.</p>	<p>Any administration of justice issue outside of the ombudsman’s competence is passed to the Higher Council of Justice for investigation. Criminal cases against police officers are undertaken by the Public Prosecutor’s office.</p>	<p>The Office of the Ombudsman is established under the law, independent of political control, reporting annually to parliament.</p>
Armenia	<p><u>The National Ombudsman (Human Rights Defender (HRD))</u> is competent to deal with complaints against the police. During investigations of complaints against the police the HRD is entitled to apply to the respective state</p>	<p>The HRD is an independent official who protects human rights and fundamental freedoms violated by state and local self-government bodies and their officials.</p>	<p>The Defender cannot interfere in judicial processes. The office of the Defender may bring cases before a court in its own right. Additionally, recommendations may be made to authorities (e.g. public prosecutor) to bring criminal or disciplinary cases against police officers that</p>	<p>The HRD is constituted under the law and is independent of political control. The HRD may instruct relevant state agencies to carry out expert examination of, and prepare findings on issues subject to</p>

Austria	<p>agencies or their officials for assistance. The agency or official whose actions/decisions are disputed cannot undertake this.</p> <p>The <u>Special Investigation Service (SIS)</u> is a separate internal agency specialising in preliminary investigation of cases involving suspected criminal abuses by public officials.</p>	<p>The Special Investigation Service is described as an independent state body which exercises its powers independently.</p> <p>In 2016 The European Commission against Racism and Intolerance (ECRI) recommended that an independent mechanism be set up to deal with all types of complaints against the police.</p>	<p>commit violations. Such recommendations are not legally binding upon the authorities.</p> <p>During the examination of a complaint, the HRD has access to all state institutions and organizations and may require from them any information or documentation related to the complaint.</p> <p>Only deals with cases that amount to breaches of the criminal code with regard to the preliminary investigation phase. Cases under investigation by other bodies may be transferred to SIS by the Prosecutor General.</p> <p>The SIS has a section dedicated to the investigation of torture and crimes against the person.</p>	<p>clarification during the investigation of complaints.</p>
	<p><u>The Austrian National Ombudsman Board (AOB)</u> is competent to deal with complaints against the police. It has three members who are elected for a term of six years by the Austrian</p>	<p>AOB monitors all authorities, administrative bodies and departments of the state, the provinces and local government</p>	<p>It examines the exercise by the administration of direct authority and the use of force, particularly during deportations and demonstrations.</p>	<p>AOB is legally mandated as regards its internal structure and functioning. AOB monitors all institutions in which liberty is being or may be deprived or</p>

<p>Parliament (National Council) and can be re-elected once. At the beginning of their elected term the three board members agree on an <u>Allocation of Duties</u>. The <u>Rules of Procedure of the Austrian Ombudsman Board</u> governs the organisation in detail.</p> <p>AOB has 90 employees; with around half designated as legal experts handling investigations. Complaints may be made in person (designated appointments), by telephone, letter, fax, e-mail or using an electronic complaint form.</p>	<p>authorities. It is responsible for protecting and promoting compliance with human rights as part of the UN mandate.</p> <p>AOB has responsibility under Austrian constitutional law for monitoring and controlling public and private institutions and facilities where freedom is or can be restricted.</p>	<p>AOB does not operate in two federal areas where locally based ombudsmen exercise responsibility.</p> <p>Where an administrative or a legal procedure is pending investigation of a complaint may not proceed.</p>	<p>restricted.</p>
<p>The Federal Bureau of Anti-Corruption (BAK) is an independent agency of the Ministry of the Interior addressing police misconduct. It has around 53 full time employees engaged in investigative matters and is funded by central government.</p>	<p>BAK reports to the Federal Ministry of the Interior. Its core tasks are verification of concrete complaints, probable causes of their penal relevance, and anti-corruption. BIA has full investigative powers including powers of entry and seizure and may make recommendations.</p>	<p>BAK has competence for cases relating to criminal law matters, drafting proposals for structural improvements, preventions and educational matters. It is not competent to investigate allegations of foreign bribery.</p>	<p>BAK is legally mandated to follow a 4-pillar approach: Prevention Education; Law enforcement and Cooperation.</p> <p>BAK's scope of operations is limited to:</p> <ol style="list-style-type: none"> (1) officials with police or administrative competence; (2) officials and employees of other Ministries; (3) local authorities; and (4) the general public concerning anti-corruption investigations.

Azerbaijan	<p>Oversight is undertaken by the Internal Investigations Department (IID), which is a separate unit within the Ministry of Internal Affairs (MIA). IID is directly subordinate to the Minister. It conducts internal supervision over compliance with the law in internal affairs bodies.</p> <p>At present no other oversight mechanisms exist although crimes committed by the police may be reported to the Office of Public Prosecutor of the Republic of Azerbaijan.</p>	<p>MIA officers supervise compliance with the law, human rights and civil liberties in executing their duties and conducting inquiries into complaints, completing applications and reports regarding involvement of MIA officers in activities inconsistent with their office, violations of the law and illegal actions.</p>	<p>No external oversight mechanisms constituted in law.</p>	<p>In 2013, supported by the Council of Europe, delegates from Azerbaijan were present at a presentation in Tbilisi, Georgia, aimed at promoting the development of independent, external oversight of the police.</p> <p>There are no reports of any further progress with efforts to promote external oversight.</p>
Belgium	<p>The Belgian Federal Ombudsman transfers relevant complaints against the police to the 'Comité P' (Standing Police Monitoring Committee)</p> <p>Complaints may be made using an online complaint form or by submitting a completed hard copy form to Comité P. Complaints about the police made directly to the federal ombudsman are transferred to the competent authority (Comité P).</p>	<p>Comité P monitors: the local and federal police; the coordinating body for threat analysis (OCAM); services whose members carry the rank of judicial police agent or officer; and persons with individual responsibility for detecting and reporting offences.</p>	<p>Comité P does not monitor judicial or administrative authorities except to examine the way in which the political decisions taken by these authorities are implemented by police forces or services with police powers. Comité P is not, in principle, an ombudsman and was not set up to resolve individual problems encountered by complainants. Individual complaints in the categories of traffic violations, criminal activity involving the police, police conduct or breach</p>	<p>Comité P is constituted in law as the method of external monitoring of police forces and intelligence services.</p>

Bosnia and Herzegovina	<p><u>General Inspectorate of the Federal and Local Police</u></p>	<p>The Inspectorate has internal supervisory and monitoring powers; investigative powers and inspection powers.</p>	<p>of ethics and civil matters are made to other bodies.</p> <p>Each local police corps has an internal monitoring service, whose responsibilities include handling complaints made against police officers from that corps.</p>	<p>At federal police level, the General Inspectorate is the internal monitoring service for federal police officers. Committee 'P' performs an oversight role, examining the work of these departments.</p>
Bosnia and Herzegovina	<p><u>The Institution of the Ombudsman for Human Rights of Bosnia and Herzegovina (BiHO)</u> is competent to deal with complaints against the police.</p> <p>Complaints may be made in writing, by mail, fax, e-mail or through personal contact. The complaint must be signed by the complainant or an authorized proxy.</p>	<p>The BiHO handles complaints related to poor functioning or to human rights violations committed by any state organ</p> <p>Individual complaints may be brought by natural persons or legal entities, or ex officio.</p> <p>Any complaint filed with the Institution shall not cause any criminal, disciplinary or any other</p>	<p>The BiHO may refuse to review anonymous complaints which it considers malicious, ill-founded, those in which there is no actual complaint, those that would cause damage to third parties or those that are filed more than 12 months following the incident giving rise to the complaint.</p>	<p>The work of the BiHO is enshrined in the General Framework Agreement on Peace for Bosnia and Herzegovina.</p> <p>Currently, the BiHO functions on the basis of the Constitution and the Law on the Ombudsman, which provides independence and the infrastructural framework for protection and promotion of human rights and fundamental freedoms.</p>

Bulgaria	<p>The National Ombudsman is competent to deal with complaints against the police. A Cooperation Agreement exists with the Minister of Interior on cooperation, information sharing and joint actions related to the investigations carried out by the ombudsman and follow-up inquiries.</p> <p>The Ombudsman is a supreme independent constitutional body elected by the National Assembly for a period of five years. Corruption in the police can be reported through the website of the National Police (Ministry of the Interior)</p>	sanctions in disfavor of the complainant. The Ombudsman advocates for the rights of people and is the guardian of the public interest.	The Ombudsman intercedes when an action or inaction affects or violates the rights and freedoms of the citizens of the state and municipal authorities and their administrations.	The Ombudsman is constituted in law as being independent in their work and subject only to the Constitution, laws and international treaties ratified and entered into force for the Republic of Bulgaria.
Croatia	<p>The National Ombudswoman is competent to deal with complaints of maladministration against the police as well as complaints where there has been alleged discrimination.</p> <p>Other complaints against the police are handled by the Ministry of Interior (MoI).</p> <p>A civilian oversight council variously</p>	The Ombudsman initiates investigations based upon complaint. Public bodies are obliged to provide information about the case in question.	<p>The Office of the Ombudsman was established in 1993.</p> <p>The Ombudsman may issue opinions, recommendations or warnings to the relevant body and if necessary can report on the issue to the Croatian Parliament.</p> <p>Complaints opened concerning the conduct of police officers between 2012 and 2015 were as follows:</p>	<p>In 1990 the first Constitution of the Republic of Croatia introduced the institution of the Ombudsman to the Croatian political and legal system. It defined the Ombudsman as a Commissioner of the Croatian Parliament for the protection of Human Rights in cases of maladministration.</p> <p>During a debate on the civilian control of police powers in April</p>

	<p>named, 'Committee for dealing with complaints against the police' or 'Council for Oversight of Police Conduct of Citizens' or 'Police Complaints Commission' had been operating but its present status is not known. However, the body when it did operate was severely hampered by lack of investigative powers and reliance on information provided by the police. Neither were the decisions of the body binding. The three public representatives on the body are required to be appointed by the parliamentary Committee on Human and Minority Rights.</p>		<p>2012: 53 2013: 186 2014: 179 2015: 204</p>	<p>2014, the Chair of the parliamentary human rights committee reportedly said that 'the Police Act should be amended to strengthen the work of the commission dealing with complaints about police conduct because of the many complaints filed by citizens' (Croatian News Agency HINA 1 Apr. 2014)</p>
Cyprus	<p>Citizens have the right to make allegations or submit complaints to the Independent Authority for the Investigation of Allegations and Complaints against the Police (IAIACP).</p> <p>The IAIACP is made up of five members appointed by the Council of Ministers for a five-year term.</p> <p>The Ombudsman, (Commissioner</p>	<p>The IAIACP may investigate cases regarding allegations of corruption, bribery, illicit profits, financial or other interests, human rights violations, favoritism or behavior that may bring the Police into disrepute, or serve to weaken or destroy public faith in the Police.</p>	<p>The Independent Authority does not investigate anonymous complaints and allegations.</p>	<p>The IAIACP is constituted in Police Law 9(I)2006. It undertakes the investigation of complaints and allegations that are submitted in writing or come to its attention by other means. It also investigates any complaints that are assigned to it by the Attorney General of the Republic, or by the Minister of Justice and Public Order.</p>

Czech Republic	<p>for Administration) is competent to deal with complaints against the police in cases of maladministration.</p> <p><u>The Public Defender of Rights (Czech Ombudsman)</u> can deal with complaints against the police, except in situations where the police are conducting investigations in criminal proceedings.</p> <p>The specialized body for complaints about crimes of police officers is the <u>Inspection of the Minister of Interior</u></p> <p>Citizens are advised to report complaints directly to the <u>police unit involved</u> as the protocol involves exhausting internal mechanisms before reporting to external oversight through other competent bodies such as the ombudsman.</p> <p>In situations where the police conduct investigations in criminal proceedings, the police are subject to supervision by <u>state prosecutors</u>:</p>	<p>The Public Defender of Rights defends persons against the conduct of authorities and other institutions exercising state administration if the conduct is against the law; does not violate the law, but is otherwise defective or incorrect; if these authorities are inactive.</p>	<p>The Defender may conduct independent inquiries but cannot substitute for the activities of state administrative authorities and cannot cancel or alter their decisions.</p> <p>The Defender may open an inquiry on his/her own initiative (for example on the basis of information in the media).</p> <p>The Defender is authorised to deal with complaints against the activities of the Police of the Czech Republic, with the exception of investigations where the Police act in criminal proceedings.</p>	<p>The Defender of Rights is constituted in law and has the power to enter facilities where persons are or may be confined on the basis of a decision or an order of a public authority (e.g. a court) including police cells, prisons and asylum facilities to perform systematic preventive visits.</p>
Denmark	<p><u>The Independent Police Complaints Authority (IPCA)</u> deals</p>	<p>The Police Complaints Authority is mandated to</p>	<p>Complaints must be made within 6 months of the incident unless the</p>	<p>The IPCA was established in law by an Act of parliament (No. 404)</p>

Estonia	<p>with police misconduct and investigates criminal cases against police officers. IPCA is independent of both police and prosecutors. It is headed by the Police Complaints Council and the Chief Executive. The Council is the governing body of the Authority. Council members are appointed by the Minister of Justice for four years at a time and are eligible for re-appointment once. Day to day operations are managed in accordance with the directions and guidelines issued by the Council. IPCA employs several investigators as well as legal and administrative staff. Complaints may be made directly to the IPCA, by telephone, in person, by letter or email.</p>	<p>investigate criminal offences committed by police officers on duty and incidents where persons have died or been seriously injured as a consequence of police intervention or while in police custody.</p> <p>The Police Complaints Authority also considers and decides upon complaints of police misconduct.</p>	<p>matter is a criminal offence, in which case no limit applies.</p> <p>Investigations into non-criminal complaints are undertaken by the IPCA but may be referred to the police for informal resolution with the complainant's agreement. Decisions of the IPCA in non-criminal cases are final and cannot be appealed. Complaints about misconduct reported directly to the police may be dealt with by a senior police officer using informal resolution but only with the consent of the complainant.</p> <p>When investigations are complete, criminal cases are forwarded to the relevant regional prosecutor for a prosecution decision. In the event of a 'no prosecution' decision the complainant or the IPCA may appeal to the Director of Public Prosecutions.</p>	<p>on 21 April 2010. The law entered into force on 1 January 2012.</p>	<p>The Chancellor of Justice is established by the Constitution. It is not part of the legislative, executive or judicial powers, nor is it a political or a law enforcement</p>
	<p>The Chancellor of Justice is competent to deal with complaints against the police. The Chancellor is appointed by Parliament (Riigikogu) on the proposal of the President of</p>	<p>The Chancellor's role is a general one that includes oversight of police as public officials.</p>	<p>The Chancellor combines the function of the general body of petition and the guardian of constitutionality. The Chancellor may reject a petition if it is made</p>		

	<p>the Republic for a term of seven years. The Chancellor submits to Parliament an annual report on their activities.</p> <p>Complaints may be made in person, on-line, via e-mail or otherwise written. The office advises complainants to attend in person to better clarify the reasons for complaint.</p>	<p>Of relevance to police oversight the duty of the Chancellor is to ensure that authorities and officials performing public duties do not violate people's constitutional rights and freedoms, laws and other legislation; and, persons held in places of detention are not treated in a degrading, cruel or inhumane way.</p>	<p>more than a year after the person became aware of the incident.</p>	<p>body.</p>
<p>Finland</p>	<p>The Parliamentary Ombudsman of Finland is competent to deal with complaints against the police.</p> <p>The Ombudsman and Deputies are elected for four-year terms, which may be renewed, by the <i>Eduskunta</i>, the parliament of Finland.</p> <p>The Ombudsman provides the <i>Eduskunta</i> with an annual report on activities and observations in the preceding year.</p> <p>The Chancellor of Justice is also competent but less specialized than the Ombudsman</p>	<p>The Ombudsman ensures that public authorities and officials observe the law and fulfil their duties in the discharge of their functions and the observance of constitutional and human rights.</p> <p>Two Deputy-Ombudsmen act independently and with the same authority as the Ombudsman.</p> <p>The Chancellor of Justice,</p>	<p>In principle, a complaint can be made either to the Chancellor of Justice or the Ombudsman. However, The Chancellor of Justice is exempted from examining issues concerning institutions where people are confined against their will or where people have been deprived of their liberty. The Chancellor of Justice refers complaints concerning these issues to the Ombudsman.</p>	<p>The Ombudsman and the Chancellor of Justice do not investigate a matter at the same time. If a complaint has been sent to both, it is generally investigated by whichever of them has received it first</p>

France	<p>The Defender of Rights (DR) is competent to deal with complaints against the police.</p> <p>Any natural or legal person may refer a case to the DR directly and free of charge.</p> <p>The Defender of Rights is a single authority that joined together several pre-existing oversight bodies in an effort to simplify access to complaint mechanisms.</p> <p>Complaints may be referred directly to the DR either on-line or by mail.</p>	<p>reports to the Government and to Parliament.</p> <p>The DR oversees the protection of rights and freedoms, promotes equality and ensures greater access to rights.</p> <p>Previous oversight mechanisms had attracted much criticism from organisations such as Amnesty International.</p>	<p>The autonomy and independence of the DR are guaranteed by law which states:</p> <ul style="list-style-type: none"> - <i>DR shall not accept instructions from any authority, person or pressure group;</i> - <i>duties of the DR cannot be terminated prematurely, except in case of an unexpected obstacle ascertained by the highest courts of France;</i> - <i>legal proceedings cannot be instituted against the DR and (s)he cannot be arrested or tried on the basis of opinions or acts connected with the performance of duties;</i> - <i>duties of the DR cannot be combined with an electoral mandate or any other public office or professional activity.</i> 	<p>The DR is an independent administrative authority enshrined in the Constitution (2008) and established by the Organic and Ordinary Laws of 29th March 2011.</p>
Georgia	<p>No external independent mechanism exists for investigating complaints against the police.</p> <p>Citizens have the right to appeal</p>	<p>General Inspection Department investigates and responds to allegations concerning violations of:</p>	<p>General Inspection Department can reprimand, demote, or dismiss an officer who is found to be in breach of the law</p>	

	<p>against police officers' actions to a superior official, procurator or the court.</p> <p>The Prosecutor General is competent to deal with complaints against the police involving criminality and it is possible for citizens to make a complaint to this office.</p> <p>There is internal oversight by the General Inspection department of the activities of officers of the Ministry of the Interior (MIA) including police officers. General Inspection is directly accountable to the MIA and is responsible for investigating offences committed by the police and carrying out disciplinary action.</p> <p>The Public Defender (Ombudsman) conducts external oversight of the MIA.</p>	<p>ethics, discipline, failure in service duties, and some criminal acts.</p> <p>The Public Defender (Ombudsman) is mandated to monitor human rights and investigate allegations of abuse and can make non-binding recommendations to law enforcement agencies to investigate human rights cases.</p>	<p>The Prosecutor General is required by law to open an investigation when it receives information about a possible violation, even if from an anonymous source. If prosecutors conclude after investigation that charges are not warranted, their decision can be appealed to a higher level but only within the office.</p> <p>The Public Defender can recommend to the General Inspection Department that it investigate a case where the police do not react to a human rights violation or abuse their power, but this is not binding.</p>	<p>Section 57(1) of the 2013 Police Law of Georgia states that the activities of a police officer are controlled by the General Inspection Department.</p>
--	--	---	---	--

Germany	<p>The federal structures mean that each 'Länder' maintains its own police force and structures. There is no external, independent oversight mechanism to deal with complaints against the police.</p> <p>Regional Committees on Petitions are competent to deal with complaints against the police but these are not external oversight bodies.</p> <p>The Committee on Petitions of the Bundestag (Federal Parliament) deals with complaints against the Federal Police but again this does not amount to external, independent oversight.</p>	<p>The Petitions Committee aims to establish the impact of legislation and make suggestions for amendment to the Bundestag to take action to address a particular concern.</p>	<p>To enable the Petitions Committee to prepare decisions on complaints the Federal Government and authorities are obligated to submit files, provide information and grant access to premises.</p> <p>The courts and administrative authorities are bound to render administrative assistance to the Petitions Committee and members commissioned by it.</p>	<p>Under the Federal law every person has the right individually or jointly with others to address written requests or complaints to competent authorities and to the legislature.</p>
Greece	<p>National Ombudsman is competent to deal with complaints against the police.</p> <p>Complaints may be made in person, in writing or on-line using a standard form. Telephone complaints may also be accepted.</p>	<p>The ombudsman aims to receive and investigate complaints made by individuals against abuses or capricious acts of public officials; report upon any findings; and help achieve equitable settlements through a non-judicial process.</p>	<p>The Ombudsman investigates complaints of inefficiency, dishonesty and maladministration; suspected human rights violations against non-EU citizens; discrimination according to gender or age; abuses by police including refusing to take a police report, physical harm, violations of personal freedom etc.</p>	<p>The Ombudsman is constituted in law (Greek constitution 2001)</p> <p>As a mediator, the Greek Ombudsman makes recommendations and proposals to the public administration. The Ombudsman does not impose sanctions or annul illegal actions by the public administration.</p>

	<p>Police Department of Internal Affairs is the specialist body charged with ensuring the integrity and professionalism of the Greek Police by conducting internal investigations. However this is not an independent, external oversight body.</p>	<p>The Greek Ombudsman mediates between public administration and citizens to help citizens in exercising their rights effectively. The Greek Ombudsman's mission is:</p> <ul style="list-style-type: none"> - to safeguard and promote children's rights - to promote equal treatment and fight discrimination in the public sector based on race, ethnicity, religious or other conviction, disability, age or sexual orientation - to monitor and promote the application of equal opportunities and equal treatment of men and women: <p>N/A</p>	<p>N/A</p>	<p>N/A</p>
--	--	---	------------	------------

Hungary	<p>Since 2008 a new Police Complaints Body, <u>The Independent Police Complaints Board</u>, (IPCB) has competence to deal with complaints against the police.</p> <p>Complaints may be submitted in person, by email, fax, in writing or on-line.</p>	<p>The aims of the IPCB are:</p> <p>To improve the well being of persons and society and to regain their confidence; and</p> <p>to regulate and monitor police actions towards a more complete enforcement of the rule of law.</p> <p><u>The Commissioner for Fundamental Rights</u> may proceed upon complaints as well as ex officio, and may propose remedies to the relevant authority.</p>	<p>The IPCB can investigate complaints against the police which involve unlawful coercion, inaction or other police actions. Complaints must be submitted within 20 days from the infringement or from when the complainant became aware of it. Third party complaints may be made so long as they are authorised</p> <p>Complainants can access the decision in the case by contacting the National Police Headquarters following the examination and the legal conclusions defined by the Board.</p> <p>The Commissioner does not have the power to bring legally binding decisions, nor can he initiate the proceedings of courts in individual cases.</p>	<p>The IPCB is constituted in Hungarian Law under the Fundamental Law of Hungary; by orders on the service regulation of Police; and by the Parliamentary Resolution of 2014 on the election of the members of the Independent Police Complaints Board</p> <p>The IPCB has developed a Board Charter of the Independent Police Complaints Board</p> <p>The Board investigates police measures and omissions from the protection of fundamental rights perspective. For example,</p> <ul style="list-style-type: none"> - police tasks and instructions; - their violation or omission - the obligation of police officers to be identifiable - police measures or omissions, and their lawfulness - the application and lawfulness of coercive means <p>The IPCB has the power to make</p>
---------	--	--	---	---

				<p>proposals for the Head of the National Police Headquarters to issue orders, amend or repeal them in order to guarantee a more effective enforcement of fundamental rights.</p>
Iceland	<p>The Althing Ombudsman is competent to deal with complaints against the police.</p>	<p>The role of the Althing Ombudsman is to monitor the administration of the State and local authorities and safeguard the rights of the citizens. The Ombudsman aims to ensure that the principle of equality is observed and that administration is in other respects conducted in conformity with the law and good administrative practice.</p>	<p>The Althing Ombudsman monitors the administration of the State and local authorities, as well as the activities of private bodies insofar as they have been by law vested with authority to decide as to individuals' rights and obligations. Complaints may be lodged with the Ombudsman about decisions, procedures and conduct exercised by officials of ministries and government agencies and other bodies engaged in State administration. This may also apply to private bodies insofar as they are vested in law with deciding upon individual's rights and freedoms.</p>	<p>The Althing Ombudsman is constituted in law, and elected by Althing for periods of four years. The Ombudsman is an independent office.</p>
Ireland	<p>Garda Síochána Ombudsman Commission (GSOC) deals with complaints against the police (Garda Síochána) in Ireland.</p>	<p>The GSOC was set up in 2007 to provide efficient, fair and independent oversight of policing in Ireland.</p>	<p>Persons directly affected by what they believe is misconduct by a member of the Garda Síochána can complain to the GSOC.</p>	<p>The GSOC is constituted in Law (Garda Síochána Act 2005 and Garda Síochána (Amendment) Act 2015)</p>

		<p>Its vision is to be a driver of ever-improving police accountability.</p> <p>Its principal role is to deal with complaints about the conduct of members of the Garda Síochána.</p>	<p>Direct witnesses to such behaviour may also make a complaint to the GSOC. Third party complaints made on behalf of others are accepted providing these are done with permission of the aggrieved party.</p> <p>Complaints should be made within 12 months of the incident in question but the Ombudsman may extend this time limit if it considers that there are good reasons for doing so</p>	<p>In criminal investigations, GSOC officers have all the powers, immunities and privileges conferred on, and all the duties imposed on, any member of the Garda Síochána.</p> <p>GSOC does not have the power that the Garda Síochána has to bring cases to court on behalf of the Director of Public Prosecutions (DPP). However, after a criminal investigation, a file may be sent to the DPP with a recommendation; the DPP takes a decision based on the investigation file whether to prosecute or not.</p> <p>In disciplinary investigations GSOC's responsibility is to investigate and send an investigation file with a recommendation to the Garda Commissioner; the Garda Commissioner takes a decision regarding any breach of discipline and the application of any sanctions.</p>
--	--	---	---	--

Italy	There is no national ombudsman. A series of regional ombudsmen deal with complaints against local police.	N/A	N/A	N/A
Latvia	<p>The National Ombudsman can deal with cases against the police, when the complaint concerns maladministration.</p> <p>The Ombudsman is elected for five years and assumes his or her duties after taking an oath. The Ombudsman is independent in its actions and is governed only by law.</p> <p>An independent office Valsts Policija within the police deals with complaints against individual police officers However, this is not an external, independent oversight body.</p>	<p>The Ombudsman of the Republic of Latvia is an official elected by Parliament, whose main tasks are encouragement of the protection of human rights and promotion of a legal and expedient State authority, which observes the principle of good administration.</p> <p>The Ombudsman works to enhance public awareness of human rights, the mechanisms of protection of these rights and the work of the Ombudsman.</p>	<p>The activities of an Ombudsman are regulated by the Ombudsman Law, which was adopted in 2006 and came into force in 2007. Functions are defined thus:</p> <ul style="list-style-type: none"> - To protect the rights and legal interests of a person in situations when State and municipal authorities have breached the human rights defined by the Constitution and international human rights' documents; - to ensure equal treatment and prevention of discrimination; - to evaluate and promote adherence to the principle of good administration in government. <p>Persons may apply to the Ombudsman with a complaint or request in regard to all matters under its competence.</p>	<p>The Ombudsman's Office is institutionally and functionally independent and autonomous.</p> <p>The Office is a legal entity derived from public law which sets out its competence in all matters.</p> <p>No persons or State or municipal institutions have the right to influence the performance of the Ombudsman's functions and tasks.</p> <p>The Ombudsman may represent the rights and interests of a private individual in an administrative court.</p>
Liechtenstein	No independent oversight or complaints mechanism exists.	N/A	N/A	N/A

Lithuania	<p>Complaints regarding maladministration can be lodged with the police service which, on appeal may be heard by the Government and the Administrative Court.</p> <p>The Office of Advice and Complaints within the Chancellery of the Government may refer issues back to an authority concerned without a formal mandate.</p> <p>The Liechtenstein National Prevention Mechanism (NPM) has power to carry out visits and inspections of police detention.</p>	<p>Policing is one of several issues dealt with by the office. It investigates complaints about the abuse of office by officials of state institutions, agencies and municipal agencies or other violations of human rights and freedoms in the sphere of the public administration.</p>	<p>The office investigates complaints regarding police officer's actions in violations of human rights and freedoms. It conducts inspections of any place where person(s) are/or may be deprived of their liberty. It regularly visits and inspects places of detention seeking to identify any indications of torture or other cruel, inhumane or degrading treatment. Finally, it investigates issues regarding appropriate access to</p>	<p>Established under the 1998 Republic of Lithuania Law on the Seimas Ombudsmen. The purpose of activities of the Seimas Ombudsmen is to protect a person's right to good public administration securing human rights and freedoms, and to supervise fulfillment by state authorities of their duty to properly serve the people. The office produces an annual report</p>
-----------	---	--	---	--

	Seimas Ombudsman for the investigation of activities of officials of municipal institutions and agencies.	It's mission statement reads 'Attention and support to each and every person, the protection of human rights and freedoms by developing respect for them, by promoting personal and public dialogue in order so that the state authorities would properly serve the people'. This is a formally independent structure of the police	information for those being detained by the police.	detailing the complaints, investigations and key statistics.
Luxembourg	<u>The General Police Inspectorate</u> (IGP) is the external oversight body of all police officials within the Grand Duchy of Luxembourg. It was created in 2000 following the creation of a single body of Police. The General Police Inspectorate staff consists of civilian and seconded police officers and the body is under the authority of the state minister.		The overall mission is to monitor the operation of the police – this includes assessments around the quality of service, and the criminal investigations involving a member of the police. Furthermore, the organisation consults with the police and others about policing issues and provides training.	The responsibilities of the General Inspectorate of Police are defined by the amended Law on the Police and the General Inspectorate of Police from 1999.
Malta	<u>Inspector of Complaints in the Commissioners Office</u>	Members of the public can lodge a complaint at any police station, headquarters or local council office	Malta police have a standard form/template for all issues around complaints. People have the right to remain anonymous, and the police must notify the person within three days of the complaint being made. It is investigated by a senior officer.	The inspector operates under Article 101 of the Criminal Code which states that whosoever, with intent to harm any person, shall accuse such person before a competent authority with any offence of which he knows such person to be innocent shall be liable to criminal proceedings.

	<p>A Performance Agreement for senior police officers. Established in 2014.</p>	<p>This is legislation that enables the government to monitor and assess the performance of senior officers by having them reviewed by members of the government on a three-year basis.</p>	<p>This applies to the ranks of commissioner, deputy commissioner and assistant commissioner within the Police</p>	<p>Established through the Home Affairs Ministry –located within the Addendum to the document regulating the conditions of service for the police force (2014)</p>
<p>Republic of Moldova</p>	<p><u>The People's Advocate (Ombudsman).</u> This consists of four parliamentary advocates with equal status and a team of support staff. In 2006 a consultative board was created to provide assistance to support the advocates in their work in developing a national torture preventative mechanism</p>	<p>Parliamentary Advocates examine requests concerning decisions or actions (inaction) of central and local public authorities, institutions, organizations and enterprises; whatever the type of ownership, public associations and officials of all levels which in the opinion of the petitioner, violated their rights and constitutional freedoms. The Ombudsmen deal with numerous issues, which include policing and criminal justice.</p>	<p>The functions fulfilled by the institution of the Ombudsmen, based on its mission, are: firstly, to supervise the observance of fundamental human rights and freedoms and of the legality, which implies functions of research and control of public administration. Secondly, to mediate or suggest new legal measures when and were appropriate. Thirdly, to sanction or penalize the authorities that cause damage in the institution's activity.</p> <p>The Ombudsman is an institution with special characteristics, because unlike the other three classic public authorities: legislative, executive and judicial, it does not have a decision-making power and its role is to serve as a complementary</p>	<p>The institution of Parliamentary Advocates – Center for Human Rights of Moldova (CHRM) is an institution similar to the European Ombudsman that has operated since April 1998 under the Law on Parliamentary Advocates no.1349-XIII of 17 October 1997.</p> <p>Underpinning this legislation is the fact that the ombudsman is a non-judicial mechanism for protecting human rights in the Republic of Moldova.</p>

			element to the three classic public authorities. The main function being to check the accuracy of the administration's actions. It also has responsibility to perform preventative visits in places where people deprived of freedom are or can be located.		
Monaco	General Inspectorate of Police	The General Inspectorate of Police is responsible, <i>inter alia</i> , for conducting internal investigations aimed at ensuring that police ethics are observed	Internal organisation responsible for dealing with complaints from the public about police behaviours and actions.	Under Order No. 765 of 13 November 2006 on the organisation and operation of the Public Security Directorate, the General Inspectorate of Police reports directly to the Government Counsellor for the Interior and acts on the instructions of the latter or of the Minister of State, as well as on the instructions of the Office of the Chief Prosecutor in the context of judicial inquiries.	
Montenegro	Council for civil control of police. This was legally mandated and founded in 2005. From 2010-2015 the council consisted of four individuals and support staff.	The function of civil control of the police is to assess the application of police powers, the protection of the rights and freedoms of the citizens of Montenegro, effective implementation of the Law on Internal Affairs	The council can only make recommendations for action to the Office of Internal Police Control or the state prosecutor.	In Montenegro the citizens' right "to know" is guaranteed by the Constitution and the Law on Free Access to Information (FAI), as well as the ratified international treaties. The first Law on FAI was adopted in 2005. This process was completed in July 2012, by	

	<p>Free Access to Information (FAI). Currently two civil servants deal with enquires from the public about specific information issues – policing is a theme of their work.</p> <p>NGOs such as MANS (network for affirmation of NGO sector) and SEMI</p> <p>Criminal Police Sector, Department for the Internal Control of the</p>	<p>and other related domestic legislation and contribute to the further development of the police service in Montenegro and improve public confidence in it.</p> <p>This is a mechanism to increase transparency of state institutions such as the Police.</p> <p>Non-governmental organizations are characterized by a high level of interest in participation in a variety of normative and reform monitoring activities, with the particular interest in partaking in the various segments of anti-corruption reforms.</p>	<p>The objective of the new Law on FAI is to incorporate the standards and principles of the Council of Europe Convention on Access to Official Documents. These include the obligation of the proactive publication of a wide range of information relevant to the public, and to ensure that misdemeanor liability is clearly defined and expanded.</p> <p>NGOs have opportunities to influence government policy through research and public events.</p>	<p>adoption of the new Law on Free Access to Information.</p> <p>NGOs have their representatives in the National Commission for the Implementation of Strategy for the fight against corruption and organised crime.</p> <p>The DICP produces monthly</p>
--	---	---	---	--

<p>Police (DICP) and the Ethics Committee</p>	<p>The DICP has the powers both for repressive and preventive action. A key focus is fighting perceived corruption within the police</p>	<p>DICP implemented measures of a preventive nature, carrying out regular checks of the work of the organizational units of the Police; exercising control over the legality of the use of police authorities; monitoring and analysing the problems of frequency of complaints against police officers and, in this regard, acting instructive and pointing to issues that monitor the performance and conduct of police officers.</p> <p>Also, DICP analyses and assesses the condition of some organizational structures of the Police Administration, and gives instructions in order to eliminate defects and improve functioning of the system in which the police should provide service to the citizens, but also to maintain a preventive repressive role within the manner prescribed by the Law</p> <p>The work of the DACI includes – promotional preventive activities, such as raising public awareness on corruption and conducting research on the scope, forms, causes and</p>	<p>reports and publishes them on the home page of the Ministry of Internal Affairs. Furthermore, the DICP is governed by the law on internal affairs which states that 'internal control is performed by the police officer authorised to conduct internal affairs'</p>
<p>Directorate for Anti-Corruption Initiative (DACI)</p>	<p>This is a specialized, preventive administration body for the fight against corruption, which is now functioning as a body in composition of the Ministry</p>	<p>Directorate for Anti-Corruption Initiative (DACI) was established by a Decree of the Government of Montenegro, in 2001. In accordance with the amendments of the <i>Decree on Public Administration Organisation</i></p>	

		<p>of Justice, in accordance with the Decree on Organization and Manner of Operation of the Public Administration.</p> <p>DACI through its competences formulates the qualitative recommendations for public bodies through the process of drawing up of semi-annual reports for the National Commission on implementation of the Action Plan for the fight against corruption and organized crime and through drawing up of semi-annual Reports on corruption complaints.</p>	<p>mechanisms of corruption occurrence; cooperation with competent bodies on preparation and implementation of regulations and programme documents that are important for preventing and combating corruption; preparation of Guidance for Integrity Plans; initiation of concluding of international contracts and application of European and other international anticorruption standards and instruments; monitoring of the implementation of GRECO recommendations; coordination of implementation of the United Nations Convention against Corruption; collecting data on corruption complaints from bodies which receive complaints and processing of collected data for analytical purposes</p>	<p>and <i>Manner of Work</i> in Montenegro from 2007 (Official Gazette of Montenegro 16/07) it was entrusted with the following:</p> <ul style="list-style-type: none"> - Advertising-preventive action, such as raising the level of public awareness about the problem of corruption and conducting researches on the extent, manifestations, causes and mechanism of corruption occurrence; - Cooperation with competent authorities for the purpose of developing and implementing legislative and program documents of importance for the prevention and suppression of corruption; - Cooperation with non-governmental and private sector for the purpose of suppressing corruption; - Cooperation with government bodies in proceedings under charges of corruption that the Directorate receives from citizens and other entities; - Proposing to the Government to conclude and apply European and other anti-corruption and
--	--	---	---	--

Netherlands	<p>National Ombudsman – there is one Ombudsman and two deputies with a support staff of approximately 170. The Ombudsman is appointed by the Dutch House of representatives</p>	<p>The Ombudsman is an independent public authority that receives complaints from citizens regarding actions of the public administration. On the basis of such complaints, or on its own, the Ombudsman can start investigations in which the administration is obliged to co-operate. The</p>	<p>The complaint will only be admissible when the complainant has first filed the complaint with the administrative body that caused the apparent problem. A complaint to the National Ombudsman will only be useful after the administrative body has been given the opportunity to deal with the complaint itself. The National Ombudsman are competent in the case of national public bodies, and</p>	<p>international standards and instruments;</p> <ul style="list-style-type: none"> - Monitoring the implementation of the recommendations of the Council of Europe Group of States for the Fight against Corruption (GRECO); - Coordination of activities resulting from application of the United Nations Convention against Corruption, - Performance of other affairs arising from membership in the Stability Pact for South Eastern Europe, in other international organizations and institutions, and other affairs delegated to its competence.
				<p>The Ombudsman system in the Netherlands has been established by the <i>Wet Nationale Ombudsman</i> (National Ombudsman Act) of 4 February 1981. It was derived from the Nordic Ombudsman system. The existence of an Ombudsman is, as of 1999, constitutionally guaranteed (art. 78 a <i>Grondwet</i> (Dutch Constitution))</p>

		<p>investigation may result in reports containing non-enforceable decisions and recommendations relating to conduct of the public administration in its relation with the public. Issues surrounding policing and the criminal justice system fall under the remit of the Ombudsman's office.</p>	<p>decentralized public bodies, as far as they have indicated the National Ombudsman as their local Ombudsman.</p> <p>The legal definition of a complaint refers to a written document. However, oral complaints may be delivered at the office and will be written down by Ombudsman staff. The Ombudsman may not conduct an inquiry into complaints that are suitable for legal action against decisions of administrative authorities, or for civil law suits against the public body concerned. Furthermore, the result of an inquiry by the Ombudsman is of a restricted nature. More specifically, the Ombudsman delivers a report in which the judgment 'proper' or 'improper' is given. Normally, a report will contain a detailed description of the events that led to the complaints, a description of the internal complaints procedure, an extensive description of the applicable law, and an elaborate check on the lawfulness or unlawfulness of the behaviour subject to the complaint. He/she may also deliver some</p>
--	--	---	---

<p><u>The Dutch Review Committee for the Intelligence and Security Services (CTIVD)</u></p>	<p>The Review Committee is independent and has been given far-reaching statutory powers to perform its task. For example, the Committee has access to all relevant information of the services and may hear from all of the staff of the services. Furthermore the Committee has the right to hear witnesses (under oath) or experts. The Review Committee draws up a report of each investigation it has conducted, this includes a public part and a classified part. The public part is published and submitted to the two Houses of the States General. The classified part goes to parliamentary Committee for the Intelligence and Security Services (CIVD). In addition to the review reports the Review Committee issues an annual public report of its activities.</p>	<p>recommendations for the public authority concerned.</p> <p>Oversees whether the intelligence and security services are acting legitimately when they infringe on human rights in order to fulfill their duties.</p>	<p>Dutch Intelligence and Security Act 2002</p>
---	---	--	---

	<p>Police through the (1) Police Complaints Officer or (2) Police Complaints Committee</p>	<p>Cases handled by officers will be responded to within ten weeks. Those handled by the committee can take up to fourteen weeks</p>	<p>The police complaints officer is the independent contact within the police organization, and will discuss the complaint with the individual. The complaints officer will also discuss possible further action</p> <p>The complaints committee, which is made up of independent members, looks into the complaint and advises the competent authority. In addition to the committee, the mayor and/or the chief public prosecutor may also advise on how to proceed. The competent authority will base its decision on these recommendations.</p>	<p>Police Complaints Committee was established in 1994.</p> <p>If the individual is unhappy with the decision they may take their complaint to the office of the Ombudsman</p>
<p>Norway</p>	<p><u>Norwegian Bureau for the Investigation of Police Affairs</u> Established January 2005</p>	<p>The central mission is to investigate cases where there is a question as to whether members of the police or the prosecutor's office have committed a criminal offence. The unit is not part of the police, but an independent</p>	<p>The Bureau receives complaints from private citizens, lawyers or from the police themselves. In some cases the Bureau establishes a case on its own initiative, for example against the background of articles in the media.</p> <p>Pursuant to the Criminal Procedures</p>	<p>The Norwegian Bureau for the Investigation of Police Affairs is an investigative and prosecuting unit. The Criminal Procedures Act governs the Bureau's activities, Case handling and processing is carried out at two levels. The Bureau's director does not participate in or issue instructions</p>

		<p>organization administrated under the Ministry of Justice</p>	<p>Act an investigation is mandatory in cases where a person has died or been seriously injured as a result of a police action or while in the custody of the police or the prosecuting authorities.</p> <p>The Bureau is authorised to implement all legal means of investigation. The gathering of evidence in cases dealt with by the Bureau is accomplished first and foremost through interviewing the complainant, witnesses and the suspect. In some cases there are grounds for search, possibly seizure, arrest and detention in police custody.</p> <p>In the majority of cases documentation will be gathered as a step in the preliminary enquiries. In addition to the above it may be necessary to investigate the scene of the incident, obtain medical opinions, seize telephones or computers and gain access to logs for perusal of police registers.</p>	<p>or guidelines for the work of the investigative units.</p>
--	--	---	---	---

	<p>Norwegian Police – individual files a complaint with Chief of police in the area where it happened</p>	<p>The onus is on the member of the public if they feel that the police have made mistakes or deserve criticism for something they have done.</p>	<p>The chief of police will consider the complaint. After the investigations have been completed the police chief will make a decision in the case and send the individual an answer with the grounds for the decision. The time it takes to process a case should not exceed one month. The response will state whether the police chief agrees or disagrees with the complainant.</p>	<p>The complaint will be handled in accordance with the instructions for handling inquiries concerning reprehensible conduct on duty in the Norwegian Police Service, laid down by the Ministry of Justice in December 2005.</p>
<p>Poland</p>	<p><u>Commissioner for Civil Rights Protection (CCRP)</u></p>	<p>CCRP is a constitutionally, legally protected authority, independent from other institutions and sovereign in their actions. The basic task of the Commissioner for Civil Rights Protection is to safeguard the liberties and rights of citizens as set forth in the Constitution and in other legal acts. Everyone has the right to apply to the Commissioner for Civil Rights Protection for assistance in protection</p>	<p>The Commissioner may provide legal advice pointing to possible legal means of remedy, yet they cannot act on behalf of the plaintiff.</p> <p>The Commissioner may, among other things: demand that proceedings be instituted in civil cases and participate in any ongoing proceedings; demand that administration proceedings be instituted, lodge complaints against decisions to administrative court and participate in such proceedings; apply for a penalty for an offence,</p>	<p>Constitutional body established in 1987 and reaffirmed in the 1997 constitution.</p>

	<p>Human Rights Committee (HRC)</p>	<p>of their freedoms or rights infringed by public authorities – including the police.</p> <p>With relevance to police oversight HRC deals with the issues related to law observance and rule of law, courts, prosecutors, notarial services, the Bar and legal services, the prison system, functioning of the Bar and counsel societies, and issues related to human rights observance.</p>	<p>as well as for reversal of a legally valid decision concerning an offence case; lodge cassation or an extraordinary appeal against a legally valid decision.</p> <p>The individual complaint to the HRC may be brought by any individual who claims that his/her rights under the International Covenant on Civil and Political Rights have been violated</p>	<p>The complaint must be related to the infringement on the rights that has taken place after 7th February, 1992, i.e. the date of the ratification of the Protocol by Poland (unless the infringement was initiated by other events before this date, or the consequences of these events constitute the infringement)</p>
Portugal	<p>General Inspection of the Interior (IGAI). The IGAI is headed by an inspector-general, and assisted by a sub-inspector general and support staff.</p>	<p>The IGAI is an independent service for external control of police activity. It is under the Ministry of Internal Affairs (MA) and its action covers all services and security forces that depend on it ensuring the observance of citizens' rights, with attention to the protection of human rights</p>	<p>The IGAI role is to enforce the laws with a view to the proper functioning of the government, the legitimate interests of citizens, the protection of the public interest and the reinstatement of those have been treated negatively.</p> <p>In exercising this activity IGAI conducts regular inspections but also conducts enforcement actions</p>	<p>IGAI implementation corresponded to the imperatives of the XIII Constitutional Government program, in point II - Internal Affairs 2 - Security of citizens, point K): "Implementation of institutional solutions and procedures to ensure the area of Home Affairs, a more effective enforcement of legality, protection of rights and</p>

	<p><u>Ombudsman of Portugal</u> – established in 1976. The incumbent is appointed by Parliament, by a majority of two thirds of the</p>	<p>and the maintenance of public order.</p> <p>The IGAI performs inspections to assess the fulfillment of the legal and regulatory standards and government instructions imposed on the activity of the services and entities. It investigates all serious violation of fundamental rights of citizens within remit and other complaints for possible violations of law and, in general, suspicions of irregularities or deficiencies in the functioning of services;</p> <p>It makes inquiries, investigations and expert opinions, as well as processes of inquiry and disciplinary activity; conduct audits and studies geared to efficiency and effectiveness of services;</p> <p>The main function of the Ombudsman is to defend</p>	<p>without notice in police stations to ensure compliance with legal requirements and procedures and, in particular, the conditions of temporary detention centers and the treatment of detainees.</p> <p>In more severe cases such as police mistreatment, torture, injury or death of citizens – the IGAI proceeds directly to disciplinary inquiries and processes and proposes to the Minister to apply individual sanctions.</p>	<p>legitimate interests of citizens and violated integrity of reintegration" (DAR, Series II - A - number 2, p. 26 (7) of 8 November 1995).</p> <p>The Ombudsman is exempt from civil and criminal liability for the recommendations, repairs or opinions that emits or by acts that</p>
--	--	--	---	--

Romania	<p>members present, provided that exceeds an absolute majority of members in effectiveness functions.</p> <p>The term of office is four years, renewable only once.</p>	<p>and promote the rights, freedom and legitimate interests of citizens by ensuring, through informal means, justice and legality of the exercise of public authority – this includes policing and the wider criminal justice system.</p>	<p>relevant bodies with a view to correcting illegal or unfair acts of public authorities and improving its services (administrative recommendations). If the administration does not act in accordance with its recommendations, or if it refuses to provide the requested cooperation, the Ombudsman may address the Parliament, giving the reasons for its statement or in the case of municipalities premises, respective deliberative assemblies;</p> <p>It may carry out all investigations and inquiries it deems necessary or appropriate; may search, in collaboration with the competent organs and services, the most appropriate solutions to the protection of the legitimate interests of citizens and the improvement of administrative action.</p>	<p>practice in the performance of their duties</p>
	<p>Romanian Ombudsman (People's advocate) – aside from the ombudsman there is a staff of approximately 99 officers</p>	<p>The People's Advocate Institution is an autonomous public authority, independent of any public authority and</p>	<p>The main duties of the People's Advocate include, the settlement of petitions/complaints; working on issues that may be constitutionally contentious; notify the</p>	<p>Founded by the Constitution of 1991, reviewed in 2003, the People's Advocate Institution has as main role the defence of the individuals' rights and liberties</p>

Russian Federation	<p>High Commissioner for Human Rights (Russian Ombudsman) – first elected in 1998 under federal constitutional law. There are now regional ombudsmen under the central office in all regions of the federation.</p> <p>There are approximately 200 staff in the central office</p>	<p>has as its purpose the defence of individuals' rights and freedoms in their relationship with the public authorities (including the police and wider criminal justice system)</p>	<p>Constitutional Court on the unconstitutionality of laws, before their promulgation; present reports to the two Chambers of the Parliament, annually or upon request – these reports may contain recommendations for amending the legislation or other measures to protect the rights and freedoms of the citizens; present reports to the presidents of the two Chambers of the Parliament, or as the case may be, to the Prime Minister if during his/her inquiries they finds gaps in legislation or serious cases of corruption or violations of the country's laws.</p>	<p>in their relationships with the public administrative authorities.</p> <p>Since 2004, individuals' complaints regarding a possible violation of fundamental rights and freedoms by the Police bodies are examined and solved within a specialised department 'Army, Justice, Police, Penitentiaries', coordinated by a deputy Ombudsman.</p>	<p>Ombudsman does not have the right to make legal initiatives or ask opinions or interpretations on existing laws from the constitutional court</p>
--------------------	---	--	--	---	--

	<p>Russian Police internal review</p> <p>Office of the Investigative Committee – established in 2011</p>	<p>protection in Russia.</p> <p>Internal review mechanisms within the police to determine if accusations have merit</p> <p>Main federal investigative authority</p>	<p>Chain of command with independent officer reviewing case back to senior command officer</p> <p>Within the committee is the central Investigation Department Office – responsible for the investigation of particularly important cases involving crimes against persons and public safety along with cases involving crimes against the state and the economy</p>	<p>Criminal Procedural Code of the Russian Federation (2001)</p> <p>The Committee is subordinate to the President of Russia</p>
San Marino	Police Department – under the Secretary of State for Foreign Affairs and the Secretary of State for Internal Affairs	Created for the purposes of strengthening coordination among San Marino law enforcement agencies and implementing the policy guidelines issued by the Congress of State (Government) in respect of law and order and public security - to increase the efficiency of all Police Forces in the territory and	The Police Department Coordinator is entrusted with the task of finding out mistakes, inefficiencies and inadequacies and enforcing the decisions made within the Police Department by acting directly and informing the reporting Secretaries of State of the measures personally adopted and regarded as essential, urgent and necessary for the purposes of law and order, public security and of preventing and	The Coordinator may rely on the staff of Police Forces, who are chosen in cooperation with Corps Commanders. The Police Department Coordinator is required to submit to the Congress of State, through the reporting Secretaries of State, proposals to reorganize and regulate the Police Department and each Police Force, as well as useful proposals to prevent and

Serbia	<p><u>Ministry of Interior – Bureau for Complaints and Grievances</u></p>	<p>to encourage effective action to combat crime through a proper organisation of available professional resources,</p>	<p>combating crime.</p>	<p>tackle crime and ensure law and order and public security.</p>
		<p>Fundamental activity of the Bureau for complaints and grievances is enforcement of the rules regulating a procedure of resolving complaints filed against police officers by citizens and legal persons who assume that their rights and freedoms have been violated by any unlawful or improper action of a police officer</p>	<p>The Bureau receives and processes complaints submitted to the Cabinet of the Minister, provides professional and administrative support to the work of a Commission for resolving complaints based within the Ministry HQ, provides professional assistance to the authorized personnel and commissions resolving complaints within the organizational units of the Ministry, keeps prescribed records and provides the Cabinet of the Minister with reports pertaining to submitted complaints, establishes direct contacts with complainants and carries out other activities related to a complaint procedure.</p> <p>The Bureau maintains regular contacts with citizens and takes actions upon complaints, pleas, proposals and other written documents addressed to the</p>	<p>(Article 180, Law on Police and Rulebook on resolving complaints).</p>

Slovak Republic	<p><u>Ombudsman</u> – exist at the local, provincial and republic levels. At the provincial level (2002), the Ombudsman is elected by a two-thirds majority vote of all deputies of the assembly – elected for a term of six years and they may be re-elected at most twice in succession. The Ombudsman has five deputies.</p> <p>At the Republic level (2005), the Ombudsman is elected by the National Assembly. The Protector of citizens is appointed for five years and the same person may be elected at most twice in succession. The office has four deputies that are also elected by the National Assembly</p>	<p>The Serbian Ombudsman at the Republic level has the power to control the respect of the rights of citizens, establish violations resulting from acts, actions or failure to act by administrative bodies, to launch initiatives for amending laws or other regulations, to initiate proceedings before the constitutional court and to publicly recommend the dismissal of an official who is responsible for violation of citizen's rights</p>	<p>Cabinet of the Minister referring them to appropriate verification process and upon received report, the Bureau responds to the appealers. After a request is approved, the Bureau schedules an interview with a requesting party</p> <p>From 2011, the Ombudsman became the National Preventative Mechanism for preventing torture in accordance with the Optional Protocol to the convention for Inhumane and Degrading Treatment</p>	<p>The Ombudsman is enshrined in the Constitution.</p> <p>The office of the Ombudsman has no power to control the work of the National Assembly, President of the Republic, Government of Serbia, Constitutional Court, courts and public prosecutions office.</p>	<p>The Section of Control and Inspection Services is a "separate</p> <p>Complaints against police officers can be initiated by various parties,</p> <p>The Section of Control and Inspection Services</p> <p><u>The Ministry of Interior through the Section of Control and</u></p>
-----------------	--	--	--	--	--

Slovenia	<p><u>Inspection Services.</u></p> <p>This was established on 1 September 2007 by merging two units: the Ministry of Interior's Internal Inspection Office, and the police force's Inspection Service Office</p>	<p>investigates the "unlawful activities" of members of the police force - citizens have the right to lodge complaints regarding police mistreatment; excessive physical violence, and the unlawful conduct of police officers</p>	<p>including the Section of Control and Inspection Services, the police corps, the police department's organized crime unit, and citizens</p> <p>Complaints are registered in a central complaints registry, the registry does not indicate whether the complaints are made against a police officer or an employee of the Ministry of Interior</p>	<p>unit" of the ministry, which is "independent from the management and structures of the police" and "subordinated to the Ministry of Interior</p>
	<p><u>Ministry of Interior</u> through the Police Internal Investigations Division</p> <p><u>Human Rights Ombudsman</u> May investigate complaints against the police but only as a last resort after all other avenues have been pursued.</p>	<p>The ministry oversees the drafting of basic guidelines, security policy, and regulations governing the work of the police. It monitors police performance, with an emphasis on protecting human rights and fundamental freedoms.</p> <p>The Ombudsman has responsibility for the protection of human rights and fundamental freedoms in relation to state</p>	<p>The law provides for a three-person government committee that includes two representatives of civil society organizations to review allegations of police abuse. The committee does not have authority to conduct independent investigations, and it relies on information that the Ministry of Interior or police investigators provide. The committee usually forwards its findings to the State Prosecutor's Office.</p> <p>The Ombudsman reports annually to the National Assembly.</p>	<p>Civilian oversight in the resolution of complaints of ill-treatment by the police was introduced by the Police Act of 1998 and reinforced by legislation in 2013, with the new Organisation and Work of the Police Act where the process of dealing with complaints against the work of police officers is prominent</p> <p>The law allows the Ombudsman or anyone else to initiate proceedings against violations of human rights.</p>

	<p>The Ombudsman is proposed by the President of the Republic and elected by the National Assembly by a two-thirds majority vote for a period of six years, and the possibility of another term</p>	<p>authorities, local authorities, and persons in public office.</p>	<p>It is the high commissioner of the parliament responsible for defending the fundamental rights and civil liberties of citizens by monitoring the activity of the administration and public authorities.</p> <p>The Defensor del Pueblo, in his or her capacity as the NPM, performs preventive visits to all detention centers to detect problems that might favor the impunity of torture or ill treatment. The conclusions of these visits are reflected in an annual report presented to the Spanish Parliament and the United Nations Subcommittee on Prevention of Torture in Geneva</p>	<p>The Organic Act 3/1981, is the founding legislation for the Defensor del Pueblo. This Act was published in the Official State Gazette on May 7 (1981)</p> <p>The Defensor del Pueblo has its own staff, freely selected by it in accordance with the principles of merit and capacity, seeking to give priority to public officials (Article 31.3 of the Rules of Organization and Operation of the Ombudsman, approved by the Committees of Congress of Deputies and Senate).</p>
Spain	<p>The Defensor del Pueblo is competent to deal with complaints against the police and is an ombudsman type body.</p> <p>The term of office is five years and the Defensor del Pueblo does not take orders or receive instructions from any authority. The Defensor del Pueblo must perform his or her functions independently and impartially, autonomously and in his or her own good judgment and enjoys inviolability and immunity in the exercise of his or her office.</p> <p>Full staffing the The Defensor del Pueblo composed of 168 people on December 1, 2014.</p>	<p>Any citizen may request the intervention of the Defensor del Pueblo, which is free of charge, to investigate any alleged misconduct by public authorities and/or the agents thereof. The office of the Defensor del Pueblo can also intervene ex officio in cases that come to their attention without any complaint having been filed.</p>		
Sweden	<p>The Parliamentary Ombudsman Competent to deal with complaints against the police. The number of</p>	<p>The four Parliamentary Ombudsmen (JO) are appointed directly by the</p>	<p>The main task of the Parliamentary Ombudsmen (JO) is to ensure compliance with the law. The</p>	<p>The Parliamentary Ombudsmen have the authority to issue statements if the measures taken</p>

<p>complaints directed towards the Police during the fiscal year 2015-16 amounted to 1,003</p>	<p>Riksdag. The Ombudsmen are completely independent in their decisions and answer directly to Riksdag. Each autumn they submit an annual report to the Riksdag, which contains an account of the work, carried out during the previous working year with statistics and a selection of decisions.</p>	<p>Ombudsmen are specifically tasked with ensuring that public authorities and courts abide by the provisions of the Instrument of Government concerning impartiality and objectivity and that the public sector does not infringe on the basic freedoms and rights of the citizens. The ombudsmen's supervision includes ensuring that public authorities deal with their cases and in general carry out their tasks in accordance with existing legislation.</p> <p>The ombudsmen's enquiries are prompted both by complaints filed by the public or initiated by the ombudsmen themselves. Regularly inspections are made of various public authorities and courts in the country.</p>	<p>by a public authority or a public official are in conflict with an existing law or other statute or are incorrect or inappropriate in some other way.</p> <p>The ombudsmen have the right to issue advisory opinions intended to promote uniform and appropriate application of the law. In the role of extra-ordinary prosecutor, the ombudsmen may initiate legal proceedings against an official who, disregarding the obligations of his office or his mandate, has committed a criminal offence other than an offence against the Freedom of the Press Act and the right to freedom of expression.</p> <p>The ombudsmen may report a civil servant for dereliction of duty. The ombudsmen may recommend changes to statutes to either the Riksdag or the Government. The ombudsmen may refer cases to a regular supervisory authority for action</p> <p>In the cases that special</p>
<p>Swedish Police – Special investigations Department (SU) The department is an independent</p>	<p>SU investigates, following a directive by the Special</p>	<p>The remit of SU is wider than police</p>	<p>In the cases that special</p>

	<p>organisation of the Swedish Police Authority.</p>	<p>Prosecution Office, complaints filed against police officials, police students</p>	<p>officers and includes complaints against prosecutors and jail guards</p>	<p>investigations work with, it's always a prosecutor who decides whether an investigation should be started or not. The prosecutor then leads the investigations where a criminal investigation has begun.</p>
<p>Switzerland</p>	<p>There is no National Ombudsman. Local Ombudsmen such as in the city of Zurich or in the Cantons are competent to deal with complaints against the police in that area.</p> <p>It is elected role held for a period of four years. In Zurich the electing body is the City Parliament of Zurich (Gemeinderat). In the Cantons the electing body is the Cantonal Council.</p>	<p>City or Canton Ombudsman Offices act as mediator between citizens and civil authorities. When a complaint is lodged, it assesses whether the authorities in question have acted in accordance with their duties and the law, states its opinion on the matter and – where appropriate – strives to find a satisfactory solution for both sides.</p>	<p>City or Canton Ombudsman Offices are responsible for all matters concerning the government bodies or administration offices of the cities or cantons.</p> <p>The Ombudsman Office can be consulted at any stage of a procedure.</p> <p>The Ombudsman Office does not, however, have the right to intervene in ongoing legal proceedings.</p>	<p>City or Canton Ombudsman Offices assess whether the authorities in question have acted in accordance with their duties and the law, and strives to find a fair solution.</p> <p>To fulfill this role, the Ombudsman Offices have far-reaching investigative rights:</p> <ul style="list-style-type: none"> – unrestricted access to official documents; – the right to demand that the authorities at all levels provide information on request; – the right to carry out on-site inspections; <p>For its part, the Ombudsman Offices are obliged to maintain confidentiality. The Ombudsman Offices are not empowered to take decisions or issue directives. Instead, they provides</p>

The FYROM	<p>Sector for Internal Control and Professional Standards Ministry of Internal Affairs</p>	<p>The organization has the following powers and tasks. The Prevention, identification and investigation of corrupt acts of the Ministry of Interior's officials; investigating unlawful activities by police officers as well as the misuse and breach of police duties and authorizations; and determining various forms of breach of the Police Code of Ethics and the service regulations</p>	<p>The organization has competence for: cases relating to disciplinary matters; cases relating to criminal matters; and Surveillance activities.</p>	<p>recommendations. Taking matters to the Ombudsman Office – either in writing or orally – does not have the effect of extending any legally prescribed deadlines.</p> <p>Founded in 2003 and is located within the Ministry of Internal Affairs</p>
<p>Ombudsman Republic of Macedonia – The Ombudsman is elected to the post for eight years and has the opportunity to be re-elected once more. Deputies, elected by the Parliament of the Republic of Macedonia, assist the Ombudsman. The Parliament of the Republic of</p>	<p>The Ombudsman is a special, specific, professional and independent organisation with special status for protection of citizen's rights. It is not a legislative</p>	<p>The Ombudsman has competence to undertake actions and measures for protection of principle of non-discrimination and adequate and equitable representation of community members in the state administration bodies, the local</p>	<p>In relation to policing the office deals specifically with violations in the procedures for the acquisition and termination of the citizenship of the Republic of Macedonia; abuse and overstepping of official authorities by the police and</p>	

	<p>Macedonia elects and revokes the Ombudsman and his deputies with a majority vote of the total number of MPs, whereby there has to be a majority of votes from the total number of MPs who belong to the non-majority communities in the Republic of Macedonia.</p>	<p>body, executive nor judicial authority and neither is it a state prosecutor nor inspection organization.</p>	<p>self-government units and the public institutions and agencies</p>	<p>withholding of the right to defence in police proceedings; violations in the procedures for temporary seizures; violations in the procedures for issuing of personal documents, travel documents; mishandling of criminal charges filed by citizens; violation and delay of procedures for the registration of motor vehicles; violations of the rights of the convicted and detained persons in the correctional and penitentiary institutions and other institutions with the restricted freedom of movement.</p>
<p>Turkey</p>	<p><u>Public Monitoring Institution (KDK)</u> – established in 2013. Currently have approximately 60 staff officers. Otherwise known as the Ombudsman and is appointed on 4 year cycles.</p> <p>The office is competent to investigate complaints against the Turkish Gendarmerie as well as the Turkish Armed Forces (TSK).</p>	<p>The Ombudsman's Office is a public institution that analyzes the conduct of administrative practice or operation (such as operations conducted by local administrations, state economic enterprises, etc.) upon receipt of a complaint</p>	<p>The Ombudsman's Office will review individual complaints based on the European Convention on Human Rights (ECHR) and the constitutional articles. The case law of the European Court of Human Rights (ECtHR) is an important guideline in their reviews because Turkey is a party to the ECHR.</p> <p>The KDK can audit the Turkish Armed Forces (TSK) in many areas except in cases of war, military exercises and counter-terrorism.</p>	<p>Law number 6328</p> <p>The law does not allow the KDK to launch an investigation on their own initiative. They cannot act automatically to investigate the violation of interest between the administration and the individual. Individuals must submit a petition to them in which they complain about the violation between the administration and themselves.</p>

Ukraine	<p>State Bureau of Investigation (Not yet operational). The Director of the State Bureau of Investigation will be appointed by the Cabinet of Ministers of Ukraine upon the motion of the Prime Minister of Ukraine</p>	Independent Police Complaints mechanism	The only restriction the legislation imposes on them in auditing the TSK is about 'pure military affairs'.	Located within the criminal procedure code (2012)
United Kingdom	<p><u>England and Wales</u></p> <p><u>Independent Police Complaints Commission</u> (2004). A Chair, ten operational commissioners and four non-executive commissioners oversee the IPCC. The Chair is a Crown appointment and commissioners are public appointments.</p> <p>The Chair and commissioners must not have worked for the police in any capacity prior to their appointment.</p> <p>A chief executive who leads a staff of around 400 people supports the commission.</p> <p>IPCC is an executive non-departmental public body, sponsored</p>	<p>The role of the IPCC is to make sure that complaints against the police in England and Wales are dealt with effectively. It is an independent authority, making its decisions entirely independently of the police, government and complainants.</p> <p>The IPCC also investigates the most serious complaints and allegations of misconduct against the police in England and Wales, as well as handling appeals from people who are not satisfied with the</p>	<p>Focus on complaints made against police officers and cases of ill-treatment and torture</p> <p>The IPCC oversees the police complaints system in England and Wales and sets the standards by which the police should handle complaints. It is not part of the police.</p> <p>Police forces deal with most complaints against police officers and police staff.</p> <p>The IPCC considers appeals from people who are dissatisfied with the way a police force has dealt with their complaint.</p> <p>Since November 2012 the responsibility for determining appeals is shared with local police</p>	<p>In May 2000, the government carried out a consultation on a new complaints system. It produced a briefing note called, 'Feasibility of an independent system for investigating complaints against the police'. These consultations culminated in the Police Reform Act 2002, which established the IPCC. The IPCC became operational in April 2004</p>

	<p>by the Home Office.</p>	<p>way police have dealt with their complaint.</p> <p>It sets standards for the way the police handle complaints and, when something has gone wrong, it helps the police learn lessons and improve the way it works.</p>	<p>forces. In addition, police forces must refer the most serious cases whether or not someone has made a complaint – to the IPCC. The IPCC may decide to investigate such cases independently, manage or supervise the police force's investigation, or return it for local investigation.</p> <p>As part of its role in securing and maintaining public confidence in the complaints system, the IPCC uses learning from its work to influence changes in policing, ensure accountability and spread best practice and high standards of customer service.</p> <p>The IPCC is also responsible for dealing with serious complaints and conduct matters relating to staff at the National Crime Agency (NCA), Her Majesty's Revenue and Customs (HMRC) and Home Office immigration and enforcement staff.</p> <p>PCCs' responsibilities include: Appointing chief constables and dismissing them when necessary; Holding the chief constable to</p>
	<p><u>Police and Crime Commissioners</u> - 2012</p>	<p>PCCs are elected representatives who work to ensure that police forces</p>	

	<p>Scotland <u>Police Investigations and Review Commissioner</u> - It is a condition of the Commissioner's appointment that they must not be, or have been, a member of specific police bodies.</p>	<p>in England and Wales (not including London) are running effectively. They replaced police authorities and are intended to bring a public voice to policing.</p> <p>The role of the PIRC is to undertake independent investigations into the most serious incidents involving the police and to provide independent scrutiny of the way police bodies operating in Scotland respond to complaints from the public. The Commissioner employs around 50 staff</p>	<p>account for the performance of a force's officers and staff; Providing a link between the police and communities, which includes consulting local people, the council and other organisations; Overseeing community safety and the reduction of crime, and ensuring value for money in policing; Setting out a force's strategy and policing priorities through the Police and Crime Plan; Setting out the force budget and community safety grants - taken together, the commissioners are responsible for £8bn of spending on police in England and Wales. They Report annually on progress</p> <p>Undertakes independent investigations into the most serious incidents involving the police. Undertakes complaints handling (reviews of the way the police have handled complaints from the public) and provides independent scrutiny of the arrangements that police bodies operating in Scotland have in place to respond to complaints from the public.</p>	<p>The coalition agreement (2010 - 15) contained a pledge to make the police "more accountable through oversight by a directly elected individual". The proposal was fleshed out in the white paper 'Policing in the 21st Century' and enacted in the Police Reform and Social Responsibility Act, which became law in 2011. The post of the Commissioner was first established in 2007 under the Police, Public Order and Criminal Justice (Scotland) Act 2006 ('the Act') and was amended by the</p>
--	--	---	--	---

	<p><u>Northern Ireland</u> Police Ombudsman Northern Ireland (2000). Has approximately 150 staff</p> <p><u>Northern Ireland Policing Board</u> (2001) The Policing Board is made up of 19 members, 10 political and 9 Independent.</p>	<p>The Police Ombudsman's Office provides independent, impartial investigation of complaints about the police in Northern Ireland</p> <p>The Policing Board is an independent public body made up of 19 Political and Independent Members established to ensure for all</p>	<p>Primarily they deal with complaints about:</p> <ul style="list-style-type: none"> - The Police Service of Northern Ireland - Belfast Harbour Police - Larne Harbour Police - Belfast International Airport Police - Ministry of Defence police in Northern Ireland <p>They look at evidence to decide whether police officers have acted properly or not. They also investigate complaints about some, but not all, civilian employees of the police. This includes those performing custody and escort duties.</p> <p>The decisions are made entirely independently of the police, government and complainants.</p> <p>The main statutory duties and responsibilities of the Policing Board are to:</p>	<p>Police and Fire Reform (Scotland) Act 2012.</p> <p>The following key legislation governs the work of the Police Ombudsman's Office.</p> <ul style="list-style-type: none"> Police (Northern Ireland) Act 1998 Police (Northern Ireland) Act 2000 Police (Northern Ireland) Act 2003 <p>In November 2000 Parliament passed the Police (Northern Ireland) Act 2000, which was based on the Independent Commission's recommendations (the Government's second revised implementation plan, amending legislation – Police (Northern</p>
--	--	---	--	---

	<p><u>Police and Community Safety Partnerships</u></p>	<p>the people of Northern Ireland an effective, efficient, impartial, representative and accountable police service which will secure the confidence of the whole community, by reducing crime and the fear of crime</p> <p>PCSPs (Policing and Community Safety Partnerships) are local bodies made up of Councillors and independent people from each council area (municipality). They focus on the policing and community safety issues that matter most in local</p>	<p>secure an effective and efficient local police service; appoint (and dismiss, if necessary) the Chief Constable, Deputy Chief Constable, Assistant Chief Constables and senior civilian staff; consult widely with local people on how their area is policed; set priorities and targets for police performance; monitor the work of the police and how well they perform against the targets set by the Policing Board; publish a rolling three year policing plan each year which informs people what they can expect from their police service and reports on police performance every year; ensure local people get best value from the police; oversee complaints against senior officers; discipline senior officers.</p> <p>PCSPs have a range of duties which are set in legislation. These include – consult and engage with the local community on the issues of concern in relation to policing and community safety. Each PCSP has a Policing Committee with a distinct responsibility to provide views to the relevant district commander</p>	<p>Ireland) Act 2003 - was passed in April of 2003).</p> <p>PCSPs are statutory bodies established under the Justice Act (Northern Ireland) 2011. A joint committee comprising representatives from the NI Board and the Department of Justice oversees the work of PCSPs. They are funded by the Department of Justice and the NIPB.</p>
--	--	---	---	---

		<p>area.</p>	<p>and the Policing Board on policing matters;</p> <ul style="list-style-type: none"> - identify and prioritise the particular issues of concern and prepare plans for how these can be tackled; - monitor the performance of the police and work to gain the co-operation of the public with the police in preventing crime; <p>and deliver a reduction in crime and enhance community safety in each district, directly through interventions, through the work of delivery groups or through support for the work of others.</p> <p>PCSPs work with the community to identify issues of concern in the local area and potential solutions, and prepare plans to address these concerns. The focus of the plan is on delivering practical solutions. They also work in partnership with organisations, which contribute to the enhancement of community safety in each local area.</p>
--	--	--------------	--

3. Analysis and recommendations

For a police oversight system to be effective there should be at least six interdependent pillars of oversight and control:

1. internal oversight;
2. executive control (policy control, financial control and horizontal oversight by government agencies);
3. parliamentary oversight (members of parliament, parliamentary commissions of enquiry);
4. judicial review;
5. independent bodies such as national human rights institutions; and,
6. civil society oversight²⁰.

Within the context of this revised assessment of police oversight an exhaustive review of the literature tells us that democracies deal with complaints against the police in many different ways, which often reflects the contexts of each jurisdiction. It is evident, that across several states, challenging a culture of police impropriety and developing legitimate oversight mechanisms are both closely aligned and clear policy objectives. The review suggests that a set of basic principles are clearly necessary when designing a system which provides assurance to citizens that police oversight mechanisms are sound and their complaints are handled appropriately and effectively. These basic principles of effective police complaints investigations have been developed in the jurisprudence of the European Court of Human Rights on Articles 2 and 3 of the European Convention on Human Rights as: Independence; Adequacy; Promptness; Public scrutiny; and Victim involvement²¹.

Within the context of the basic principles, the systems, which provide the highest degree of assurance in terms of fairness and effectiveness, are those that demonstrate the most independence from the police along with high levels of public scrutiny and victim involvement. The key to restoring or enhancing public confidence in the police is openness to external review and oversight. The practical outworkings of such independence is that investigations can legitimately encompass those which engage Articles 2 and 3 of the ECHR or other serious human rights violations which demand a high level of independence from existing police and governmental structures²².

²⁰ OSCE TNTD/SPMU Publication on "Police Reform within the Framework of Criminal Justice System Reform", July 2013 (hereinafter "2013 OSCE Publication on Police Reform"), available at <http://www.osce.org/secretariat/10991?download=true>

²¹ Erik Svanidze (2014) Effective Investigation of Ill-Treatment; Guidelines on European Standards Second Edition. Council of Europe, Strasbourg.

²² The ECtHR has developed specific requirements as to the role of the prosecuting authorities. Thus, in its judgment in the case of *Najafli v. Azerbaijan*, 3 October 2012, the ECtHR suggested: 'The Court has repeatedly stressed that the procedural obligation under Articles 2 and 3 requires an investigation to be independent and impartial, both in law and in practice. The Court notes that the Sabail District Prosecutor's Office, which was formally an independent

Public confidence in overall policing arrangements in countries with strongly independent scrutiny of the police is generally high²³.

3.1 External review with a degree of civilian oversight

In terms of the review of the forty-seven states, it was evident that there were five main types of policing oversight mechanisms in place. These included internal police, public prosecutor, ombudsman, citizen oversight, and ministry for justice. Of the systems set out in the table, those, which include external review with some civilian elements, may be viewed in three main categories as follows²⁴:

1. Civilian review model: investigation, adjudication and recommendation of punishment;
2. Civilian input: the recording and investigation of complaints; and
3. Civilian monitor: oversight of police complaints administration.

According to Prenzler and Ronken (2001) the idea of citizen oversight bodies with a range of functions, that includes inspections of police services to an investigation of complaints has been a reality in English speaking states since the late 1950s.

Civilian monitor

The least intrusive model (from the police perspective) is that which involves civilian monitoring only (type 3). Typically, these systems involve civilian oversight of police-led recording, investigation and adjudication of complaints, mostly of a minor nature. For example, the IPCC in England and Wales oversees and sets the investigative standards for the overwhelming majority of complaints made against the police. Although IPCC staff investigate more serious complaints, in most cases police officers conduct the investigations, monitored by the IPCC. A degree of independence in these cases may be achieved by appointing police investigators drawn from outside the force area in which the complaint arose. There are 43 geographical police forces in England and Wales that are autonomous as regards their administration and operations. Therefore, it has been argued that using investigators from different police forces provides robust and independent

investigating authority and which conducted the investigation in the present case, requested the . . . Police Department to carry out an inquiry with the aim of identifying those who had allegedly ill-treated the applicant. As such, the investigating authority delegated a major and essential part of the investigation – identification of the perpetrators of the alleged ill-treatment – to the same authority whose agents had allegedly committed the offence.'

²³ UNODC Handbook on police accountability, oversight and integrity. United Nations, New York 2011

²⁴ Smith, Graham (2004), Rethinking Police Complaints; British Journal of Criminology, 44, pp. 15-

investigations. However, counter arguments include those citing the flawed investigation by Kent Police into complaints arising from the investigation of the murder of black teenager Stephen Lawrence in the London Metropolitan Police area, a neighbouring force. The Kent police investigation was criticized in a later, independent report²⁵ into the circumstances of the murder and its investigation by police. Additionally, Prenzler (2000) argues that there was evidence that audits of complaints investigated by police officers contributed to a marked attrition of complaints, demonstrating what Prenzler referred to as 'capture', and a decrease in the independence of the investigations.

Civilian input

In respect of its overall operations the IPCC is regarded as a 'intermediate' model of police oversight (Porter and Prenzler, 2012), and can be said to demonstrate the hallmarks of type 2, civilian input, when operating to its fullest extent, running independent investigations of serious complaints using its own staff. The models of oversight in Andorra and Slovenia are further examples of the civilian input category of policing oversight models in operation within the countries of the Council of Europe. In the case of Slovenia, civilian input is achieved by the appointment of two representatives of civil society onto a three-person government committee. The committee operates under the auspices of the Ministry of the Interior and does not have the power to conduct independent investigations. It is totally reliant on information that the Ministry of Interior or police investigators provide. In addition, the committee does not have any powers of sanction regarding its findings and is limited to forwarding its findings, in criminal cases, to the State Prosecutor's Office. For purely disciplinary matters concerning the police the committee presents its findings to the Ministry of the Interior under which the police also operate. Decisions as to the sanctions to be applied in disciplinary cases are entirely a matter for officials of the Ministry. Andorra operates a general ombudsman model of oversight. Whilst exhibiting independence in its operation the Ombudsman does not have the power to recommend prosecution of police officers when its findings indicate that the criminal law has been breached. In cases involving criminal matters the Ombudsman is duty bound to pass the investigations to the Public Prosecutor's Office. However, these models do go a step further than merely monitoring investigations of complaints by police investigators.

Civilian review

Finally, in terms of the civilian review model (type 1), only the most robust, highly intrusive models of police oversight meet the criteria. The oversight mechanisms operated by Norway, Ireland and Northern Ireland may be

²⁵ The Stephen Lawrence Inquiry (1999). Report of an inquiry by Sir William MacPherson of Cluny.

viewed as such. The Norwegian Bureau for the Investigation of Police Affairs (NBIPA) has powers to establish cases on its own initiative and is both an investigative and prosecuting unit.

The Garda Síochána Ombudsman Commission in Ireland has all the powers, immunities and privileges conferred on, and all the duties imposed on, any member of the police. The Commission investigates independently and makes recommendations as regards punishments and sanctions. In criminal cases it makes recommendations to the Director of Public Prosecutions but does not bring criminal cases in its own right.

The Police Ombudsman of Northern Ireland (PONI) supported by the Policing Board and Policing and Community Safety Partnerships, is regarded as the 'gold standard' of police oversight which, '*exemplifies a model of regulatory independence*'²⁶. It has responsibility for the investigation of all complaints against the police, minor or serious, although it has recently piloted a scheme whereby minor matters are referred back to the police for investigation under PONI supervision.

3.2 Good practice

The comprehensive review of existing approaches to oversight across the forty-seven states has revealed the challenges that exist in developing a generic and consistent approach to the topic. However, it has become clear that where good practice exists (PONI, GSOC, NBIPA), it is underpinned by an adherence to the promotion of an effective and accountable police complaints investigation. Smith (2010) maintains that these investigations that are conducted in public forums are characterised by the following principles (also referred to as the five ECHR principles)²⁷: Independence, where the subject of a complaint is not investigated by a colleague or the respective organisation; Adequacy, which relates to the importance of conducting a thorough and comprehensive investigation of a complaint; Promptness, in the commencement of an investigation; Public scrutiny, through, where appropriate, transparent and open investigations, and Victim involvement, which equates to the idea that the complainant should be involved in the

²⁶ Porter, L.E., and Prenzler, T. (2012) Police oversight in the United Kingdom: The balance of independence and collaboration. *International Journal of Law, Crime and Justice* 40(3)152-171

²⁷ Smith, Graham (2010) Every Complaint matters: Human Rights Commissioner's opinion concerning independence and effective determination of complaints against the police, *International Journal of Law, Crime and Justice* 38 (2010) 59-74. Smith also references the five ECHR principles from the Commissioner's Expert Workshop in Strasbourg in May 2008.

investigation of a complaint in order to safeguard his/her legitimate interests. Collectively and suitably enforced, these principles should ensure public confidence in the policing and wider criminal justice systems.

3.3 Recommendations

According to the UN Code of conduct for Law Enforcement Officials 'every law enforcement agency should be representative of and responsive and accountable to the community as a whole'²⁸. Regardless of the state, police behaviours and subsequent complaint procedures, serve as illustrations of police-community relationships, accountability and the overall legitimacy of the state. The police must be accountable to the law in the same as the public, and therefore citizen oversight of the criminal justice system is a crucial component in this pursuit.

Although this literature review did not critically evaluate each of the oversight mechanisms, it did become apparent that those states, which had more robust mechanisms, were those, which exercised strong public oversight, through their adherence to ECHR principles and guidelines. Therefore, it may be beneficial for states that are considering a regulatory framework for police oversight to consider the following:

1. An opportunity for a public consultation along with a series of consultative events with NGOs, academics and international practitioners
2. The development of any police accountability system must ensure a comprehensive review that includes specific legislation that focuses on police powers and complaints procedures
3. It is apparent that any form of civilian oversight should have a senior structure (board) that is broadly representative of the entire community and should be balanced geographically and demographically, and with respect to the stakeholders of the police oversight process. The Board should also have a broad range of skills, backgrounds and experience
4. The process should also include the development of police training programmes manuals and standards for current and trainee officers;

²⁸ UN, 1979. Resolution 169 of the 34th session of the general assembly, 34/169, Code of Conduct for Law Enforcement Officials

5. Any body/board undertaking civilian oversight should consider developing and implement a program of community outreach to educate the public on the rationale and purpose of the new mechanism

3.4 Progress with Recommendations (as of 20 February 2017)

Less than two years since the recommendations were made there had been little progress in the establishment of external oversight of police in the countries where independence of oversight mechanisms remained an issue. Continuance of oversight in countries which had previously established robust mechanisms had experienced little change. These systems had been operating, for the most part, effectively, and good practice continued to be evident in PONI, GSOC, and NBIPA.

Although there had been few outcomes regarding the establishment of oversight bodies a few projects were under way to consult on and develop models to reflect individual country contexts.

A project to establish better independence of police oversight in Ukraine appeared to have stalled. The formation of a National Bureau of Investigation had been ratified by the government in November 2015. In July 2016, a competition was held to appoint the director, the first deputy and deputy director, directors of territorial bodies and heads of departments of the central apparatus of the State Bureau of Investigation, the staff of the internal control departments of the State Bureau of Investigation. However, at the time of writing the bureau was not in operation.

There appeared to be some progress in FYROM where a project to establish an external oversight mechanism, supported by the Council of Europe and the Ministry of Foreign Affairs of the Kingdom of the Netherlands, reached agreement that an oversight mechanism should be established. Consultation at a round table event included representatives of the Ministry of Internal Affairs, Ministry of Justice, the Ombudsman office, judges, prosecutors, university professors, lawyers, and representatives from the NGO sector and international community. This approach reflects the assertions of recommendation 1 above.

The preferred approach to be adopted in FYROM was the 'two tier' prosecutor plus model with a specialised unit within the Public prosecution and the creation of a new civilian review body with appellate functions.

Article 59 of the European Code of Police Ethics, Recommendation Rec (2001)10, affirms that:

“The police shall be accountable to the state, the citizens and their representatives. They shall be subject to efficient external control.”

In an open democratic society, the control of the State over the police must be complemented with a way for the police to be answerable to the public that is the citizens and their representatives, through an External Oversight Mechanism.

This handbook, produced by the Criminal law Co-operation Unit of the Directorate General of Human Rights and Rule of Law, gives a snapshot of police oversight mechanisms across the forty-seven member States as of February 2017.

www.coe.int

The Council of Europe is the continent’s leading human rights organisation. It comprises 47 member states, 28 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE