

Oversight and Monitoring of Police

Overview

Recent civil unrest in the United States and around the world has exposed high levels of public distrust toward police. This [distrust is particularly strong among marginalized communities](#), who often face discrimination and disproportionate use of force at the hands of police around the world.¹

There are a variety of means by which civil society groups and communities can hold police accountable for their actions. These mechanisms include the following:

- **Independent and citizen oversight bodies** give citizens a voice in how they are policed and in designing new ways to hold police accountable. They may operate at the local or higher levels. Oversight bodies may have a broad mandate, focus on controversial practices, or review police-citizen interactions and complaints.
- **Partnerships** are flexible tools that can be adapted to fit their unique context. The goal of public-police partnerships is to bring police and community organizations and individuals together in order to build trust and improve public safety. They may often be part of community-oriented policing. The partnership approach has several goals that are consonant with principles of open government — collaboration, participation, and engagement. It is the most popular type of OGP policing commitment.
- **Additional accountability mechanisms**, such as complaints tools, ombudsman's offices, and improving liability regimes can improve how individuals or groups seek corrective action for mistreatment by police, for example disproportionate use of force, illegal arrest, or prolonged detention.
- **Participatory budgeting** is a process through which the public determines the priorities and functions of public offices. As public attention has shifted to the militarization of the police, budgeting processes have come to be seen as increasingly important in addressing crime, policing, and housing or mental health discrimination.

Across their various forms, oversight mechanisms need to be transparent in how members of the public can use them, who is a part of the decision-making, and the results of citizen input. They must have a clearly defined mandate to direct police strategies and practices. When granted such authority, oversight bodies provide a vital form of police accountability and can help ensure policing strategies reflect citizens' needs and priorities.

Recommendations and Sample Reforms

Basic transparency

- **Operating procedures:** At a minimum, governments should make police operating procedures public, especially around practices such as use of force, search and seizure, and control of protests.
 - Several [non-governmental organizations in Eastern Europe](#) are using Freedom of Information requests to gain access to police operating procedures.²
- **Incident data:** See the “Open Police Data” section for detailed data on incidents.
- **Incident disposition data:** In addition, internal investigations should make final determinations public and transparent. All presumptions should be toward disclosure, with narrow and rare cases for privacy protection. Policies that determine which data is cleared for publication should be publicly available and searchable.

Independent oversight bodies are local or higher-level bodies that give citizens a voice in how they are policed and in how police officers are held accountable.

Practice and policy-level review

- **Capacity building:** Community panels may require advanced skills, such as data analysis and legal understanding, to best interpret appropriateness of policies. In other cases, training might be needed for facilitation, rule-setting, and documentation of decisions and notes. Community oversight bodies may have authority to review standard police operating procedures as well as practices that require additional scrutiny (e.g., use of force, search and seizure, and control of protests).
- **Membership:** Membership should be competitive, based on transparent criteria. Those criteria should aim for social representation, especially from groups who have historic or ongoing issues with policing and other traditionally underrepresented groups as well as those with the capacity to oversee police (such as lawyers or community organizations).
- **Example:** An example of a public commission to oversee a particular practice was the [Stop and Search Scrutiny Panel](#) in the West Midlands, UK. Commissions operate across each of the 10 local policing units of the region. These bodies meet independently and collectively.³

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- **Complaints and officer-citizen interaction**

- o **Mandate:** Oversight bodies at the local level may oversee issues including excessive force, harassment, discrimination, theft, and failure to provide adequate or timely police protection.
- o **Public complaints:** Citizens can file a complaint to a citizen review board (or to internal investigative affairs) to review incidents. Barriers to do so should be low, including for individuals with few resources or low literacy. Tracking and disposition of complaints should be available to the individual.
- o **Review powers and authorities:** Citizen oversight bodies may hold a mix of powers, including the ability to solicit, receive, consider, investigate, and publish determinations on public complaints. Such bodies need power to compel testimony and subpoena evidence to be fully effective. They should also be able to recommend various remedies, including mediation, arbitration, restoration, disciplinary action, or civil or criminal prosecution.
- o **Membership:** Membership of such panels should be open and competitive, based on transparent criteria, which aims for social representation, especially from groups who have historic or ongoing issues with policing as well as those with the capacity to oversee police (such as lawyers or community organizations).
- o **Ombudsmen and citizen advocates.** A special office can be created to advocate on behalf of the public. Representatives from this office may be members of an oversight body or may be independently or commission-appointed.
- o **Example:** Newark, New Jersey’s (US) [Civilian Complaint Review Board](#) collects and investigates concerns from the public regarding the police department.⁴ It also has the power to review disciplinary decisions and the department’s policies and practices.

Public-police partnerships and councils bring together police with community organizations and individuals in order to build trust and improve public safety. This may be one aspect of community policing.

- **Communication and interaction:** One element of community policing is having the police be present within the community and operating from a decentralized location.
- **Engagement and collaboration:** Police should engage with local agencies, organizations, and institutions to ensure that policing reflects community safety goals. Engagement may focus on the safety of communities that have historically experienced discrimination at the hands of police, such as migrants, racial and ethnic minorities, members of the LGBTQI+ community, people with disabilities, victims of sexual assault, youth, or people experiencing homelessness.
- **Example:** In South Africa, [Community Policing Forums](#) (CPFs), composed of community members, organizations, and government authorities, monitor the effectiveness of the police and promote local police accountability.⁵

Police accountability mechanisms – these can include complaints tools, ombudsman’s offices, and other liability regimes.

- **Standards and justiciability:** Clear standards for policing can be laid out as part of the legal regime governing police-citizen interaction. This may cover use of force, harassment, discrimination, theft, and failure to provide adequate or timely police protection. Clear rules and procedures on standing, materiality, forums, and the cost for bringing these complaints need to be detailed, publicly available, and easily discovered.
- **Civil liability:** Civil liability mechanisms establish processes for remedy and redress between plaintiffs and police agencies. Actions in this area would create and enhance standards and processes and allocate resources to ensure that there is accountability for agencies that cause harm.

- **Criminal liability:** Jurisdictions can establish processes to make individual officers criminally liable for serious violations of the law, especially in cases of violent crime. It is also important to establish command and control responsibility for managers and senior officers for illegal orders. Finally, governments may create special offices independent of prosecutors’ offices, as prosecutors can be conflicted by their regular reliance on the police.
- **Independent forums:** OGP members can take steps to strengthen or establish independent forums to hear legal challenges to police operations. These will be more effective if they are independent of internal police review bodies, regular prosecutorial officers (who depend on police for investigations and prosecutions), and the executive branch. All decisions to decline or pursue charges against officers should be disclosed to the public, along with their reasoning.

Open and participatory budgeting is a process through which the public determines the priorities and functions of public offices.

- **Determining allocation of services:** At the time of publication, there is increasing discussion on resource allocation in the United States, specifically moving resources to conflict resolution, mental health, social work, and homelessness services. Some of this is being done through open city council meetings, as has happened with the [People’s Budget](#)⁶ in [Nashville, \(US\)](#).⁷ In other cases, [participatory budgeting mechanisms](#) have been used to discuss shifting resources, as in Los Angeles, New York, and Boston.⁸
- **Including affected communities:** Participatory budgeting without intentional outreach might overlook those most affected. Positive examples include communities working on responding to crime in [Merseyside, UK](#), and working with [citizens reentering the community](#) from incarceration in Canada.⁹ These can empower people at the center of police-citizen interaction.

- **Ample time for public voices:** An important element of participatory budgeting is that grassroots community members can speak for the majority of budget conversations. Studies show that this significantly affects the quality and outcomes. A key part of this has been the development of people’s budgets, which are budget proposals by various grassroots organizations.

There are a number of OGP commitments exclusively focused on partnerships and community-oriented policing. At this time, there are no commitments on oversight bodies (at any level), nor are there specific justice mechanisms to encourage public oversight of police actions. Examples of these mechanisms from outside of OGP are included in the previous section of this chapter (“Recommendations and Sample Reforms”).

OGP Commitments

Afghanistan: Expand Public-Police Partnership Councils to all remaining provinces after initial success in 23 provinces ([2017–2019](#)).

Georgia: Establish local councils composed of representatives from law enforcement, municipalities, legal organizations, and nongovernmental organizations to coordinate crime prevention measures ([2016–2018](#)).

Panama: Create advisory councils made up of the National Police, citizen security organizations, and representatives of civil society to create and strengthen new citizen security programs ([2015–2017](#)).

Ukraine: Train law enforcement officers in community policing practices, launch a complementary public awareness campaign, establish citizen advisory groups, create online resources for police-community coordination, and implement a “schools and police” project ([2016–2018](#)).

Jalisco, Mexico: Create spaces for dialogue and coordination between neighborhood councils and local police in the Lomas De Polanco neighborhood in Guadalajara, Mexico, to improve citizen trust in police ([2017–2019](#)).



GUIDANCE AND STANDARDS

United Nations Office on Drugs and Crime (UNODC) – Handbook on Police Accountability, Oversight, and Integrity

This 2011 [handbook](#) covers a variety of internal and external mechanisms to strengthen police accountability, oversight, and integrity.¹⁰ Specifically, the report offers recommendations regarding complaints against the police, independent oversight and complaint bodies, internal accountability, accountability to the state, and engaging the public. It is based on international standards and practices.

UNODC and the Office of the High Commissioner for Human Rights (OHCHR) – Resource Book on the Use of Force and Firearms in Law Enforcement

The 2017 UNODC and OHCHR [Resource Book on Use of Force and Firearms in Law Enforcement](#)¹¹, which builds on international human rights law and the *UN Basic Principles on the Use of Force and Firearms*, covers the international legal framework, a human-rights approach to policing, the responsibility of law enforcement (command and control and human resources management), instruments of force, policing situations, and accountability for use of force and firearms.

The Leadership Conference on Civil and Human Rights – New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing

This 2019 US [report](#) includes recommendations on community policing, responding to crises, the US First Amendment and free speech, accountability, and police data.¹²

Organization for Security and Cooperation in Europe

OSCE offers [guidebooks](#) on *Good Practices in Building Police-Public Partnerships* (2008),¹³

Democratic Policing (2007),¹⁴ and *Human Rights Education for Law Enforcement Officials* (2012).¹⁵ In particular, the *Guidebook on Democratic Policing* highlights the role of various types of oversight institutions in police accountability, including the functions of internal and public oversight mechanisms (sections 84–94).

The National Association for Civilian Oversight of Law Enforcement – “What are the features of an effective police oversight body?”

NACOLE (US) [recommends](#) several key features for effective public oversight, including sufficient independence, funding, authority, access to information and decision-makers, transparency, and community outreach.¹⁶

US Department of Justice, Office of Community Oriented Policing Services

The 2019 [Law Enforcement Best Practices: Lessons Learned from the Field](#) report provides guidance for implementing a community policing approach.¹⁷ The 2009 [Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice](#) focuses on internal complaint review and resolution processes.¹⁸

Human Rights Watch – Shielded from Justice: Police Brutality and Accountability in the United States

This 1999 [report](#) investigates patterns of police abuse and accountability across 14 American cities.¹⁹ It highlights obstacles to successful civil and criminal lawsuits regarding police misconduct.

Endnotes

- ¹ Vera Institute of Justice, “The Model Police Officer: Recruitments, Training, and Community Engagement,” (2018), <https://www.vera.org/publications/the-model-police-officer>.
- ² Open Government Partnership, “Seven OGP Countries Addressing Assembly,” May 29, 2019, <https://www.open-government-partnership.org/stories/lessons-from-reformers-seven-ogp-countries-addressing-assembly/>.
- ³ “Stop and Search Scrutiny,” West Midlands Police, accessed October 30, 2020, <https://west-midlands.police.uk/your-options/stop-and-search>.
- ⁴ “Civilian Complaint Review Board,” City of Newark, accessed September 1, 2020, <https://www.newarknj.gov/departments/ccrb>.
- ⁵ Community Police Forum, “The effectiveness of Community Policing Forums (CPFs) in addressing crime at local level: Practical perspectives,” accessed September 1, 2020, https://www.saps.gov.za/resource_centre/publications/mr_tj_masilela_presentation_effective_policing_practical_perspective.pdf.
- ⁶ “Nashville People’s Budget Coalition,” Nashville People’s Budget Coalition, accessed September 1, 2020, <https://nashvillepeoplesbudget.org/>.
- ⁷ Dionne Searcey, John Eligon and Farah Stockman, “After Protests, Politicians Reconsider Police Budgets and Discipline,” *The New York Times*, June 8, 2020, <https://www.nytimes.com/2020/06/08/us/unrest-defund-police.html>.
- ⁸ Laura Bliss, “The Movement Behind LA’s Decision to Cut Its Police Budget,” *Bloomberg CityLab*, June 4, 2020, <https://www.citylab.com/equity/2020/06/defund-police-reform-peoples-budget-racism-city-funding/612517>.
- ⁹ Jez Hall, “Pushing at the limits: Participatory Budgeting and prisoner rehabilitation in Canada,” *Participatory Budgeting Network*, March 8, 2019, <https://pbnetwork.org.uk/pushing-at-the-limits-participatory-budgeting-and-prisoner-rehabilitation-in-canada/>.
- ¹⁰ United Nations Office on Drugs and Crime (UNODC), *Handbook on Police Accountability, Oversight, and Integrity* (New York: United Nations, 2011), https://www.unodc.org/pdf/criminal_justice/Handbook_on_Police_Accountability_Oversight_and_Integrity.pdf.
- ¹¹ United Nations Office on Drugs and Crime (UNODC) and the Office of the High Commissioner for Human Rights (OHCHR), *Resource Book on the Use of Force and Firearms in Law Enforcement* (New York: United Nations, 2017), https://www.unodc.org/documents/justice-and-prison-reform/17-03483_ebook.pdf.

- ¹² *New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing*, The Leadership Conference on Civil and Human Rights, accessed June 1, 2020, https://policing.civilrights.org/report/Policing_Full_Report.pdf.
- ¹³ *Good Practices in Building Police-Public Partnerships* (Organization for Security and Cooperation in Europe, 2008), <https://www.osce.org/spmu/32547>.
- ¹⁴ *Democratic Policing* (Organization for Security and Cooperation in Europe, 2007), <https://www.osce.org/spmu/23804>.
- ¹⁵ *Human Rights Education for Law Enforcement Officials* (Organization for Security and Cooperation in Europe, 2007), <https://www.osce.org/odihr/93968>.
- ¹⁶ National Association for Civilian Oversight of Law Enforcement, “What Are the Features of an Effective Police Oversight Body?” accessed November 9, 2020, https://www.nacole.org/police_oversight.
- ¹⁷ US Department of Justice, *Law Enforcement Best Practices: Lessons Learned from the Field*, (Washington, DC: Office of Community Oriented Policing Services, 2019), <https://cops.usdoj.gov/RIC/Publications/cops-w0875-pub.pdf>.
- ¹⁸ US Department of Justice, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice*, (Washington, DC: Office of Community Oriented Policing Services), accessed June 1, 2020, <https://cops.usdoj.gov/RIC/ric.php?page=detail&id=COPS-P164>.
- ¹⁹ Human Rights Watch, “Shielded from Justice: Police Brutality and Accountability in the United States,” 1998, <https://www.hrw.org/legacy/reports98/police/index.htm>.

Resources and Partners

Resources

Global

- The Centre for Human Rights and the Institute for International and Comparative Law in Africa at the University of Pretoria publishes [The Law on Police Use of Force Worldwide](#), an index of national and international policing laws.
- The Institute for Security and Democracy (Instituto para la Seguridad y la Democracia) report, *Transparency: Pathway to Effective and Legitimate Public Policing* ([Transparencia: Ruta para la Eficacia y Legitimidad en la Función Policial](#)), offers recommendations for police transparency.

Europe

- The Open Society Justice Initiative’s [Reducing Ethnic Profiling in the European Union: A Handbook of Good Practices](#) provides recommendations to address racial profiling by police in the EU.

United States

- The Leadership Conference on Civil and Human Rights’ [New Era of Public Safety: A Guide to Fair, Safe, and Effective Community Policing](#) provides recommendations on handling data and video footage among other topics.
- US General Services Administration, Office of Evaluation Sciences’ 2016 [Community Action Deck: A discussion support tool for empowering communities to take action on the recommendations of the President’s Task Force on 21st Century Policing](#) outlines actions community reformers can take to further implementation of recommendations from the President’s Task Force on 21st Century Policing.
- Campaign Zero lists [policy recommendations](#) for community oversight of police and provides several databases aggregating and visualizing relevant police data:
- [Use of Force Project](#) aggregates data on use of force policies across the United States, including comprehensive reporting requirements.

- o [California Police Scorecard Project](#) grades police agencies based on several indicators, including police accountability and civilian complaint outcomes.
- o [Mapping Police Violence](#) aggregates data on police-involved killings along with whether the officer was charged with a crime.

- Olugbenga Ajilore offers concrete recommendations in the article “[How Civilian Review Boards Can Further Police Accountability and Improve Community Relations](#).”
- The Opportunity Agenda provides [recommendations](#) regarding various mechanisms for police accountability.
- The American Civil Liberties Union’s [Fighting Police Abuse: Community Action Model](#) provides action-oriented guidance for community reformers.

Organizations

- [African Police Civilian Oversight Forum](#) (APCOF)
- [Center for Policing Equity](#) (United States)
- [Commonwealth Human Rights Initiative](#) (CHRI)
- [Igarapé Institute](#) (Latin America)
- [Instituto para la Seguridad y la Democracia](#) (insyde) (Mexico)
- [Instituto Sou da Paz](#) and [Fórum Brasileiro de Segurança Pública](#) (Brazil)
- [Campaign Zero](#) (United States)
- [National Association for Civilian Oversight of Law Enforcement](#) (United States)
- [National Initiative for Building Community Trust & Justice](#) (United States)
- [The Office of the UN High Commissioner for Human Rights](#) (OHCHR)
- [Open Society Foundations](#)
- [Vera Institute of Justice](#) (United States)
- [United Nations Office on Drugs and Crime](#) (UNODC)

This module is part of the Justice Policy Series Part II, Open Justice paper which can be found [here](#).

