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POLICING

The Integrity and Accountability of the Police

Criminal justice
assessment
toolkit

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1.   INTRODUCTION TO THE ISSUE

The great majority of individuals involved in policing are committed to honourable and competent public service and consistently demonstrate high standards of personal and procedural integrity in performing their duties and still more would do so given the right institutional support and training, but in every policing agency there exists an element contaminated to some degree by failure to maintain those levels of honesty and professionalism which characterise policing in general.

The way that policing is delivered will depend on a host of variables including the prevailing political and cultural doctrines as well as the social infrastructure and local tradition. Approaches to policing vary between those based on a high level of control, sometimes characterised by confrontation, through to those emphasising the merits of 'policing by consent'. The former is usually highly centralised, predominantly reactive, and militaristic in its style. The latter may still be centralised but will interpret policing as being responsive to local communities in the identification and resolution of policing issues.

The complexity of policing and its relationship with the context in which it operates should never be underestimated. In some countries the police will be direct instruments of government policy and extensions of ministerial authority. In others they will be more independent. However, police everywhere are given extensive powers with which to enforce the law, even though the nature, quality and underlying doctrine of that law may vary enormously. In most countries, police powers are designed to protect the fundamental liberties and rights of society, but, of course, the delegation of those same powers simultaneously provides a potential for their severe abuse.

Police officers may be held accountable in a number of different ways. They may be accountable in management or business terms for their performance and productivity, perhaps against government or community-set targets and objectives, but, more importantly, they must be accountable for the way in which they exercise the powers entrusted to them. The degree and mechanisms with which police conduct is monitored, along with the ways in which a lack of integrity, dishonesty and corruption may manifest themselves, are the subject matter of this assessment tool.

In this tool, a number of terms are used that can have different meanings and application depending on their context. Here are the most common terms, together with a definition of their use for the purposes of this tool:

Accountability
This refers to situations in which someone is, "required or expected to justify actions or decisions" (www.askoxford.com), but it also refers where an office holder bears "responsibility to someone or for some activity". (www.websters-online-dictionary.org)

Oversight
Oversight, in the context of supervision of an activity may be defined as (inter alia) "management by overseeing the performance or operation of a person or group". (Webster's Revised Unabridged Dictionary, 1913)

Integrity
The **Compact Oxford English Dictionary** defines integrity as "the quality of being honest and morally upright". (www.askoxford.com)

Corruption
Corruption is a difficult concept to define accurately. Indeed, the **United Nations Convention on Corruption** finds it more appropriate to offer a list of examples of corrupt practices rather than seek a universally applicable definition.

The **Britannica Concise Encyclopaedia** offers this definition:

> Improper and usually unlawful conduct intended to secure a benefit for oneself or another. Its forms include bribery, extortion, and the misuse of inside information. It exists where there is community indifference or a lack of enforcement policies. In societies with a culture of ritualized gift giving, the line between acceptable and unacceptable gifts is often hard to draw.
>
> (www.concise.britannica.com/ebc/article-9361666/corruption)

Transparency International (TI) defines corruption as:

> …the misuse of entrusted power for private gain. TI further differentiates between "according to rule" corruption and "against the rule" corruption. Facilitation payments, where a bribe is paid to receive preferential treatment for something that the bribe receiver is required to do by law, constitute the former. The latter, on the other hand, is a bribe paid to obtain services the bribe receiver is prohibited from providing. (www.transparency.org)

Thus, corruption implicates not only the official, but also the person bribing the official to undertake his or her corrupt act.

In policing terms, corruption would commonly involve doing something one should not, or not doing what one should, for profit, gain or other advantage for oneself, or for another, or to the detriment of another.

Some of the most common examples of police corruption involve:
- failing to enforce the law (turning "a blind eye") in return for favour or gain;
- demanding fines or bribes for a non-existent traffic violation or other offence;
- stealing or misusing property lawfully held in police custody;
- "losing" or tampering with evidence to sabotage a conviction;
- selling confidential information; or,
- directly participating in criminal activity such as smuggling or trafficking.

Coercion
Coercion is, "the persuasion of an unwilling person to do something by using force or threats" (www.askoxford.com). It not necessarily illegal. In policing terms, coercive powers include controlling or preventing someone's free movement, subjecting persons and property to search, removing and retaining personal property, and the lawful application of force that may result in injury or even death. Integrity issues arise, however, where the use of these powers has been excessive or they have been misapplied. i.e. the unlawful application of force.

Torture
Article 1 of the **United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment** defines torture as:

> ...any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

Practices that impugn the integrity of the police range from obtaining or maintaining evidence without following proper procedure to direct violations of the rights of suspects - including the coercion of confessions (sometimes through torture), planting and fabricating evidence, or giving false testimony in court (perjury). This latter situation can often arise where an otherwise

conscientious officer loses faith or trust in the criminal justice system and acts through a misplaced sense of duty or zeal in seeking to secure a conviction against someone of whose guilt he or she is convinced. It is, nonetheless, still illegal.

The key to challenging these shortcomings lies in developing and maintaining robust mechanisms for accountability and oversight. Ensuring police integrity is fundamental to good governance and is essential in gaining public trust and achieving public safety. Moreover, because the police are often the most visible and most encountered part of government, the level of confidence and trust held by a nation in its police reflects the trust and confidence held in its government. Accountability has been called, "the mother of caution" and as such it has a prophylactic and deterrent effect. Standards are less likely to be compromised if they are being monitored. Thus, public confidence and trust in the police can be enhanced and maintained by clear accountability, effective oversight, and transparent integrity.

In setting international standards for policing, as early as 1979, the United Nations General Assembly adopted the **Code of Conduct for Law Enforcement Officials**. This Code expects and requires that law enforcement officials:

- shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts;
- shall respect and protect human dignity and maintain and uphold the human rights of all persons;
- use force only when strictly necessary and to the extent required for the performance of their duty;
- keep matters of a confidential nature confidential;
- not inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment;
- ensure the full protection and health of persons in their custody;
- not commit any act of corruption; and
- to the best of their capability, prevent and rigorously oppose any violations of the Code.

This **Code** is supported by the **Guidelines for Effective Implementation** that call for the Code to be introduced into national legislation and practice. The UN **Guidelines** also emphasise the importance of key drivers in the institutionalisation of police integrity including the selection, education and training of law enforcement officials, their salaries, working conditions, discipline and supervision, and the need for mechanisms for the receipt and processing of complaints by members of the public.

The **Code** and **Guidelines** are invaluable in benchmarking the oversight capacity and integrity of a police system. However, it should not be forgotten that, particularly in post-conflict situations, policing roles and functions may well be conducted in part or in whole by parallel military structures. Peacekeeping forces may be operating in a highly volatile and hostile environment where notions of control and public safety have to be adjusted accordingly. Military personnel will have normally been trained to exert maximum (often deadly) force rather than the minimum levels expected of police officials. They will operate under general terms of engagement rather than a code of conduct and martial law can have a different scope and dimension to a civilian criminal justice system. Traditionally, military personnel have far less latitude for the exercise of individual discretion when following orders. However, military personnel are also subject to a high degree of control, command supervision and oversight where, in the final analysis, the consequences of their actions may be scrutinised by a courts martial. The effectiveness of troops in any policing role will, as with the police, depend on their training and the quality of their leadership.

In addition to developing an understanding of the strengths and weaknesses of a state's approach to the ensuring the integrity and accountability of the police services, the assessor should be able to identify opportunities for reform and development. Technical assistance in the area of police integrity and accountability in the context of a broader strategic framework may include work that will enhance the following:

- Drafting (or amendment), implementation and monitoring of legislation (including relevant Codes of Conduct and a Police Integrity Strategy);
- Development of a Statement of Values, Vision and Mission;
- Monitoring, supervision and oversight mechanisms for police conduct and performance;
- Development of manuals of guidance and operating procedures;
- Development of management processes in terms of monitoring and testing integrity;
- Independent and community mechanisms for monitoring police conduct (including, where lacking, an Anti-Corruption Agency or Commission);
- Training standards and materials (especially in key areas such as ethics, diversity and respect for human rights);
- Guidance on fair and objective selection and recruitment;
- Enhancement of the treatment of police station visitors, victims and witnesses
- Equipment and processes for proper handling of evidence and exhibits;
- Robust financial management and audit mechanisms.

2. OVERVIEW

2.1 STATISTICAL DATA

Please refer to **Cross-Cutting Issues: Criminal Justice Information** for guidance on gathering the key criminal justice statistical data that will help provide an overview of policing functions and performance as well as the overall capacity of the criminal justice system of the country being assessed.

The availability of statistics related to policing will vary greatly. Statistics will also be variable in their reliability and integrity. Where possible, statistics provided by a government agency should be validated against statistics from other sources, such as non-governmental organisations or international bodies.

A. Are there statistics on the number and types of criminal offences committed? Do these relate just to reported crime or is there an estimate of crime level in general? What proportion of these crimes do police claim to have solved (i.e. what is the 'clear-up' rate)? What proportion result in conviction? Are there statistics on convictions that were overturned on appeal? What proportion of these is due to failures in police procedure or allegations of police dishonesty?

B. Are statistics held on complaints made against police? If yes, do they distinguish the type of complaint? What percentage is normally substantiated and what kind of penalties are imposed? How many complaints allege physical abuse or torture by police officers? Are allegations of police corruption recorded? What is the nature of these allegations and how many are substantiated? Is there a history of the police being sued for damages in the civil court? What for? What were the outcomes?

C. Are there statistics gathered on public confidence and trust in the police? Are public approval ratings published? If yes, what do they suggest? What does Transparency International report about the country concerned? What does Amnesty International report about the country concerned? Are any official figures provided complementary to these reports?

D. Are there statistics on the ethnicity of persons arrested? Are there statistics on the ethnicity of persons stopped and searched? Are there statistics on how many searched persons are arrested for an offence?

2.2 RISK FACTORS DRIVING INTEGRITY FAILURES

Whilst dishonesty and corruption appear in all institutions and in all societies, there are certain common attributes and indicators that are often present where there are high rates of failure in police integrity. These include:
- negative societal expectations of police honesty in general;
- a culture of police impunity;
- an institutionalised tolerance (and even expectation) of income from bribery;
- the lack of clear procedures and/or the lack of their supervision;
- organisational inertia in promulgating or enforcing the rules;
- inadequate remuneration

Each of these attributes are facilitated by opportunity and encouraged by the lack of consequences. A sound strategy against police dishonesty and corruption would, therefore, reduce opportunity and increase the likelihood of consequences for such behaviour.

Otherwise honest people can be tempted by or driven to dishonesty by deeply adverse personal circumstances, by unfavourable treatment in the workplace, by frustrated ambition, or because they believe a desired result can only be achieved by breaking the rules. Others can be motivated by a strong desire to 'get ahead', to 'get even' and revenge themselves or to succeed in spite of the niceties of morality and the law.

Once someone has been implicated in dishonest behaviour, however, others may use that one incident to leverage him or her into further and deeper corrupt practice. This is a typical method employed by members of organised crime groups to gain influence in policing circles.

3.   LEGAL AND REGULATORY FRAMEWORK

As discussed above, any lack of police integrity is facilitated by opportunity and the lack of consequences. Strong legislation and other regulation can have a positive countervailing effect in this regard.

The relevant laws need to :
▪ establish clear boundaries on what is and is not acceptable;
▪ define precisely the extent of police powers (including the way in which they should be applied);
▪ detail codes of conduct in all areas of police action;
▪ create a presumption and commitment to enforcement of contraventions of these codes;
▪ require institutional structures for the propagation, dissemination and enforcement of professional standards;
▪ make clear the consequences for failure to meet those standards.

The extent to which the national body of law subscribes to precepts of human rights and corruption generally will also be important. The **United Nations' Code of Conduct for Law Enforcement Officials** (1979) and the **supplementary 'Guidelines'** (1989) provide a valuable benchmark for these issues. Further guidance can also be found in Interpol's Code of Conduct for Law Enforcement Officers, Code of Ethics for Law Enforcement Officers and the Protocol on Global Standards to Combat Corruption in Police Forces/Services, (www.interpol.org) and in the **Council of Europe's European Code of Police Ethics,** (www.coe.int/t/e/legal_affairs/legal_co-operation/police_and_internal_security/documents/Rec(2001)10_ENG4831-7).

3.1   GENERAL

A.   Are there laws protecting the rights of individuals and their liberty? Are they able in practical terms to enforce those rights, e.g. is there affordable access to the court system? Do laws exist that criminalise the free expression of political opinion? Do laws exist that criminalise free assembly?

B.   Are there laws prohibiting discrimination, especially on the grounds of gender, nationality, or ethnicity? Is there a commissioner or ombudsman to whom members of the public may refer grievances in terms of discrimination?

C.   Is there a commissioner or ombudsman to whom members of the public may refer grievances concerning inappropriate use of personal data or of intrusive surveillance or contravention of a right to privacy?

D.   Are police organisations permitted to receive direct funding or sponsorship from private industry or individuals? If yes, are there controls safeguarding the independence of the police? How strict are they? Is the exercise of their operational priorities affected or altered in any way by this sponsorship? Is such a relationship subject to independent audit and monitoring? If yes, by whom?

3.2   POLICE POWERS

Indiscriminate and careless use of powers delegated to police officers is a major factor in alienating the public. In most cases the law will establish some kind of abstract threshold that needs to be attained before police action is legal. For instance, an officer may need "reasonable grounds" or "probable cause" to suspect a crime before he or she may act. Consequently an officer has to be prepared to justify his or her actions against that standard at any time.

A.   Is there a law or set of regulations that describes the nature and extent of police powers, such as a Police Law or Code of Criminal Procedure? Does the law define the grounds and threshold for the application of coercive powers, i.e. is there a concept of "reasonable grounds", "reasonable belief" or "probable cause"? Is the application of police powers limited to the use of minimum reasonable force, or similar, i.e. officers should only apply that minimum level of force that is necessary to achieve their lawful purpose? Do police have to identify themselves before using coercive powers?

Are officers required to inform the subject of the reason why the powers have been used, e.g., the reason for arrest or search, etc.? What grounds are needed in order to effect an arrest? Must an arrested person be told his or her rights at the time of arrest?

B.   In post-conflict situations, do the rules of engagement of peace-keepers include details on law enforcement roles and responsibilities of peacekeeping troops? Is there a formal agreement, such as a Memorandum of Understanding of Status of Force on the division of responsibility between peacekeepers and police agencies? Is there a strategy for the phased transfer of policing duties to a local police force?

C.   Is there a curfew in place? Who polices that curfew? What are the consequences for breaching that curfew?

D.   Are police under the supervision of prosecutors or any judicial authority? Are there police powers that can only be exercised under their control? What grounds or level of evidence do police have to show in order to obtain an arrest warrant? What grounds do police have to show in order to obtain a search warrant? How often are applications for warrants refused? On what grounds?

3.3   POLICE CODE OF CONDUCT

A.   Is there a code of conduct for the performance of police activity? In particular, do codes exist on:

- Obtaining, use and dissemination of information or intelligence?
- Interception of mail and telecommunications?
- Using intrusive techniques and technical surveillance?
- Use of police equipment and property?
- Treatment and detention of prisoners?
- The interviewing of suspects?

B.   Are these codes binding in terms of organisational discipline? Do they include references to acceptable and unacceptable behaviour and the use of force?

C.   Are there regulation or codes in place relating to disciplinary procedures? Are they regularly reviewed and updated? Are they publicly available? Are various stages of the disciplinary process defined together with time limits for the resolution and disposal of disciplinary matters? Do the regulations allow transparency in terms of results of the case? Do they allow public oversight of the procedures to ensure fairness? Is a staff member charged with a disciplinary office entitled to representation or counsel?

D.   Where the work force of a police agency includes non-sworn ("civilian") staff, do they have similar arrangements in place?

E.   If there is a staff association or trade union for police staff, does it support the code of conduct? Has it adopted an alternative code of conduct?

F.   Have the police adopted a formal Statement of Values, Vision or Mission Statement? What does it say? Do individual police staff have to affirm or formally accept these in some way, such as by signing a declaration or swearing an oath? Is integrity included as one of the core values?

In many cultures, the giving of gifts is a sign of friendship, respect and gratitude. However, where gifts are received by public servants in their official capacity, there is a clear risk that the gift-giver will expect or require partial and favourable treatment. Alternatively, once the custom has been established, it is also possible for a public official to hint at or even solicit the giving of a gift in return for a service or activity that the official is already paid by the state to provide. As a result many police agencies prohibit the receiving of gifts unless they are of nominal value and their receipt has been authorised by a senior manager. This obviates the risk and the allegation that services and preferable treatment are being 'bought'.

E. Are police staff permitted to accept personal gifts, benefits or rewards? If yes, on what basis is this allowed? Who authorises the receipt of gifts? Is there a register for gifts received? What happens to gifts the receipt of which is not authorised? Are the families of police staff permitted to accept gifts, benefits or rewards related to the work of that staff member? If not, how is this prevented?

F. Is there a statutory right to make complaints against the police ? Does the law or other regulation prescribe a mechanism for making complaints? Does the law or other regulation provide for independent oversight and monitoring of the complaints system? Is there an appeals procedure?

G. Are officers expected and entitled to report colleagues for failures to maintain integrity and professional standards? Are officers who make such a report protected from victimisation or harassment by the law and with practical support?

3.4 MONITORING AND SUPERVISION

There are many ways in which supervisory mechanisms for complaints may be structured. They may be managed by a branch of the central command structure or by a regional department. They may be entirely separate from the command hierarchy, or they may report directly to it. There may also be independent NGOs or interest groups that monitor police activity and measure it against international standards of behaviour. Often there will be a different set of procedures for minor procedural or administrative misconduct on the one hand and serious malfeasance or criminal behaviour on the other. The former may remain at an internal local level whilst the latter will be dealt with by formal tribunals and prosecution.

In essence, the main attribute for successful oversight needs to be one of independence so that the process is isolated from political influence and free from undue pressure. To enable this to happen, the staff and, in particular, investigators in the field of anti-corruption need to be secure in their jobs and safe from outside influence.

A. What does the legislation say about supervision and accountability of the police? Is it an internal or external function or both?

B. Is there a written national policing plan or policing strategy? What does it say about the accountability, oversight and integrity of the police?

C. Is there a national strategy or plan to combat anti-corruption? What is in it? When was it written? Is there a comprehensive, integrity or anti-corruption action plan for the police? What is in it? Who is responsible for it? What evidence is there of it being implemented, both nationally and locally?

D. Are police leaders familiar with the Interpol 'Global Standards to Combat Corruption in Police Forces'? To what extent have the standards been implemented?

In those countries where there is a close integration of private and public policing services, the accountability picture will be significantly different. Employees of private companies will not normally have the same degree of formal regulation, but will be controlled according to contractual terms or, in the case of more serious abuses, the general criminal law. Enforcement of standards and performance will be based on the company's need to satisfy its clients and service the terms of the contract. Sanctions will normally be financial with the forfeit of the contract as the ultimate sanction. Internal discipline of company staff will be based on staff regulations, but governed by employment law.

An additional concern in private policing is the standard of training. Training is a costly undertaking and, where profit is the main motive and business is poor, it is an easy overhead to cut.

4. MAINTAINING INSTITUTIONAL INTEGRITY

4.1 GENERAL

In **Section 2.2** above, it was stated that a sound strategy against police dishonesty and corruption reduces opportunity and increases the likelihood of consequences for such behaviour. The level of control and independent supervision in place can indicate the degree of opportunity and the chances of corruption being detected.

4.1.1 Monitoring Management and Administration

A.   Who inspects the police? How often? Are their reports publicly available? Do they make recommendations? Who acts upon the recommendations? Have any recommendations been made relating to police corruption, or complaints? What are they? What action has been taken to implement those recommendations?

B.   Is there parliamentary oversight? What form does it take? What have the results been in the past? What recommendations have been made for the future?

C.   Who is accountable for administering the police budget? Who authorises major and minor expenditures? How is this accounted for? Do senior officers have sole control over cash deposits or over bank accounts? How is this audited and how regularly?

4.1.2.1 Procurement

A.   What system exists for buying equipment? What are the rules concerning obtaining authority for such expenditure? Are there tender thresholds or does preferred supplier status apply? How are suppliers approved? Are suppliers regularly reviewed to ensure they are providing a quality service and value for money? How? Is expenditure monitored and audited by an independent office?

B.   Who ensures that the value of goods received matches the monies paid? How? Have there been any cases of alleged embezzlement or fraud? What was the outcome?

4.2 HUMAN RESOURCES

As discussed above, one of the risk factors for misconduct can be resentment amongst staff for a perceived unfairness in their employment status. The following questions consider in more detail the fairness of the staff structure.

A.   Does the police organisation have a policy on equality?

B.   Is there a system for the independent resolution of police staff grievances? Are there penalties and consequences for misconduct or mismanagement? Are staff who lodge grievances protected from victimisation?

4.2.1 Recruitment

There have been cases where, in order to be appointed to or promoted within the police service, a candidate has had to pay bribes or to pledge a percentage of his or her subsequent salary. There are other cases where appointment or promotion is based on patronage or nepotism. A failure to appoint someone on the basis of merit undermines the efficiency and quality of the police as well as creating legitimate grounds for grievance.

Further questions concerning staff and recruitment issues can be found **in Section 4.2.2, POLICING: PUBLIC SAFETY AND POLICE SERVICE DELIVERY**.

A.   What are the selection procedures for employment with the police? Who undertakes the selection? Are vacancies with the police widely advertised and open to all? Is recruitment based on objective assessment and interview? What are the educational or other standards required for becoming a police officer? What physical requirements are prescribed? Are such standards attainable by all minority and ethnic groups?

B.   Is there single level entry at the lowest rank, or can officers join at higher ranks and seniority? What qualifications or experience allow someone to join at a higher level?

C.   What procedures are in place to encourage and support applicants from underrepresented groups?

D.   Are ex-members of the armed forces automatically offered employment as police officers? Are applicants 'vetted' before being employed, how and by whom? Is a background check done on applicants, including their criminal history?

E.   Is there any suggestion that candidates have been asked to pay any kind of premium or commission in order to be employed with the police? Is there any suggestion that police staff are employed because of personal or family connections rather than ability?

F.   What is the salary structure for police officers and other staff? What is the average salary, including overtime for each level? How does this compare with the national average wage? Do police staff receive their pay on time? Do they receive it at all? What is the number of contracted working hours? How well are non-sworn personnel paid in comparison with police officers? Is there a suggestion that some people get paid less money for doing the same job? How are salary increases awarded? Does the system appear to be based on merit? Are there signs of resentment amongst staff because of unfair or unequal treatment?

G.   Are police officers and support / un-sworn staff permitted to work in second jobs? On what conditions?

4.2.2 Career development

A.   How is promotion awarded? Is it based on an independent and objective assessment? Does it appear free from bias and favouritism? Does it appear based on merit? What do the staff think? Are minority groups represented at higher levels of management?

B.   What is the process for selection to work in a specialist unit, such as the crime investigation, anti-organised crime, or surveillance units? Are there objective criteria? Is there an independent and objective selection procedure? Does it appear free from bias? What do the staff think?

> Some police managers believe that officers who spend too long in a particular post or role cease to apply themselves fully to the task or become vulnerable to corruption. To counter this tendency, some policing agencies apply a policy of rotation or 'tenure' whereby officers are routinely reassigned after a given period of time.

  C. Are officers routinely rotated among duty stations or functions? On what basis?

4.2.3 Training

  A. What training do new recruits receive on accountability, ethics, integrity, corruption, human rights, diversity and the core values of policing? How often is refresher training undertaken? Is it compulsory? Are officers required to pass any kind of accreditation? Are these topics given special emphasis in terms of supervisory, management or leadership training?

  B. Are experienced officers able to describe the training they have received on integrity, accountability, ethics and diversity issues?

  C. How do peacekeepers address these issues in their training?

5. MAINTAINING PERSONAL INTEGRITY

> A study by the OECD on government found the most frequently stated core values to be:
>
> - impartiality, neutrality, objectivity – political neutrality;
> - legality – respect for the rule of law;
> - integrity, honesty;
> - transparency, openness – proper disclosure of information;
> - efficiency;
> - responsibility, accountability – maintaining reputation; and
> - justice, fairness
>   (Trust in Government – Ethics Measures in OECD countries; OECD 2000)
>
> Where organisations subscribe to such values there will be, at least in terms of public image, a commitment to ethical policing. However, any assessment needs to clarify the extent to which such a commitment has been properly integrated into institutional culture and where it is merely superficial.
>
> Where corruption is a problem, any direct questions are unlikely to be met with honest answers (and could well be met with hostility). However, by comparing good practice and what the law says, with actual practice, will allow an assessor to draw his or her own conclusions.
>
> Any assessment would benefit from visits to at least two different police stations to enable comparison to be made between theory and practice. At least one of the visits should be arranged at the last minute or to be unannounced. Local orders and instructions should be examined as to their content and conformity to the systems and procedures identified in previous sections, discussions should be held with groups of staff, and visits made to cell/detention areas and secure property rooms.

5.1 LEADERSHIP

> To a great extent, the integrity of the police will be influenced by the role played by police leaders, nationally and locally. Assessors may wish to consider whether the leaders and supervisors they meet play an active role in promoting integrity, whether they acquiesce to corruption, or whether they are themselves are a corrupting influence.
>
> The level of political affiliation between a police service and the government is worth consideration. Where the affiliation is strong, allegations may be levelled that police leadership is based on the governing party's doctrine. This can particularly be the case where police leaders (and prosecutors) are elected to their post.

A. Is the chief of police a political appointee and/or does he or she hold ministerial rank? Are the posts of senior members of the policing structure reassigned when the government and the chief of police changes?

B. Is the Chief of Police or Chief Prosecutor popularly elected? Do either of them depend on someone else for their position? Are there allegations that policy or decisions are taken in order to please the voters or other influential people rather than in the interests of justice?

C. What do senior officers say about the need to develop standards of integrity in their command? Do they take a public stand against corruption? What have they done personally to promote integrity within their departments? Do they have a personal track record of robust action when faced with cases of corruption? Have they been trained on accountability, ethics, integrity, corruption, human rights, diversity and the core values of policing? Do they think such training is important?

5.2   MONITORING COMPLAINTS AND POLICE MISCONDUCT

The existence of a legislative structure for complaints is an important step, but that system must be more than a legislative expression of intent. Any system must be readily accessible to members of the public and user friendly. It must protect complainants against negative consequences and offer a responsible, professional and timely resolution. Without such qualities, the public will soon label the complaints system as a waste of time and will not support it.

A. Is there a national anti-corruption commission? What is its remit in dealing with police corruption? How long has it been established? To whom does it report? What are its most recent findings? What recommendations has it made (if any) in respect of national policing?

B. Are there any allegations that police officers or other staff take or solicit bribes?

C. Being able to identify an officer is the first step in making that officer accountable for his or her actions.

D. Where officers are uniformed, does the uniform display the unit to which they are attached and/or give other identifying features? Are plain-clothes officers required to give their police identification number to a member of the public on demand?

A random or 'dip' sample of files detailing complaints against the police will enable an assessor to appreciate the general nature of those complaints received and how they are subsequently investigated and resolved. If access to such files is refused, the reason for that refusal will also be informative.

E. Is there an internal police complaints system that allows members of the public to complain about the delivery of police services or the behaviour of officers? How does it operate? Is it independent? Is it locally based? How do members of the public learn how to make a complaint? Is there literature or advertising in a police station that explains the right to complain and how to make a complaint? Is it possible to make a complaint anonymously? Can complaints be made without having to pay a fee?

F. Are complaints received and recorded by someone in a position of responsibility in the police force? Is that person of sufficient seniority and influence within the police force to ensure appropriate action on the complaint? In what form are they recorded? Is the complaint dealt with through an independent process involving structured escalation to senior management where appropriate? Is the outcome of a complaint communicated to the complainant within a reasonable period of time? Are the results of complaints

generally available to the public? Is there any suggestion that persons who complain to the police are subsequently victimised, harassed or abused by police officers? Are there mechanisms in place to monitor and prevent this?

G. Are there methods by which members of the public may submit information about police misconduct without identifying themselves, such as anonymous police hot lines? How does this work? Who controls and manages the calls? How many calls are received? How often do calls result in the prosecution of a member of police staff?

H. Is there an independent authority with responsibility for investigating serious complaints against the police? What powers do they have? Are these powers sufficient? Are they adequately staffed, funded and equipped? Do they publish their findings? Is there a right of appeal against the findings of this authority? Is such an appeal feasible for an ordinary member of the public?

I. Does the person in charge of such investigations have sufficient seniority to ensure they are investigated without undue influence? Is the department properly and independently funded and staffed?

J. Does such a body, or any other unit, have a programme of 'integrity testing' whereby proactive operations are organised to detect and identify instances of misconduct or corrupt practice? What operations have taken place? What were the results?

K. Is there a panel or commission consisting of persons unconnected with the police that is able to review and comment on the handling of complaints against police?

L. Are there other bodies, organisations or interest groups that monitor police misconduct and corruption, e.g. Amnesty International or Transparency International? What do their reports say?

M. How often are police officers prosecuted, either through the criminal justice system or through disciplinary procedures, and for what types of offence?

5.3 PHYSICAL ABUSE

When and where police apply their powers is usually a matter of individual discretion, except in the military context where soldiers are required to follow orders. Because officers are often required to make people do something, or refrain from doing something, police action may be met with resistance, conflict, or confrontation. Under these circumstances, members of the public may wish to complain. The validity of such complaints will depend on the context and will be judged against standards of police conduct enshrined in law or regulation.

A. How many allegations of assault by the police are made annually? How are they investigated and by whom? What are the results of those investigations? To whom are the results reported?

B. Are officers provided with a selection of weaponry and restraint equipment for use in different circumstances depending on the level or threat of violence confronted? Do officers receive training in the use of this equipment? Are officers required to reach minimum standards in use of that equipment? Are officers licensed to use such equipment? How often do the officers need to re-qualify? Does this training emphasise the use of minimum necessary force? How often does refresher training take place? Do officers carry unauthorised weaponry and equipment, including unauthorised ammunition? Are firearms issued to officers personally and individually? Are their side arms regularly inspected? Is the issue and use of ammunition subject to regular audit?

C. How often do police officers fire their weapons in the course of duty? How often are persons shot and wounded by police officers? How many persons have been injured in other ways, e.g. through use of a baton or handcuffs? How many bystanders, rather than suspects, have been injured by police action? How often are police officers sued or prosecuted for negligent use of their weapons? Are there allegations in the media and from public or community groups that the police regularly resort to the use of unreasonable or excessive force?

D. Are there allegations of police involvement in the disappearance and/or torture of individuals? Have police officers been convicted of torture?

E. Are there suggestions that police are involved in extra-judicial killings?

5.4 PRISONER TREATMENT

There should be minimum standards in place for the treatment of persons held in police custody. Such minimum standards must, however, have been put into practice. Where minimum standards are not in place, mistreatment and abuse of prisoners will be much easier to hide.

Prisoners arriving at a police station with signs of injury should be immediately medically assessed and their injuries noted. Prisoners who later show signs of injury or illness should also be seen and treated promptly by a doctor.

Good practice in some jurisdictions involves a system of unannounced visits to cell/detention areas by oversight authorities, by selected members of the public and/or by supervisors.

For further information see **Section 3.2.2, CUSTODIAL AND NON-CUSTODIAL MEASURES, DETENTION PRIOR TO ADJUDICATION.**

A. Do prisoners have rights? What are they? Are these rights openly displayed and drawn to their attention? Do officers know what they are? Is there a written record of all movements of the prisoner? Is there a written record kept of all incidents in a custody area? Is a log kept of all persons who visit the cell area? Is the custody area covered by CCTV or video recording? If yes, are the recordings stored safely? How long are videotapes kept? Are there allegations that prisoners' rights are not respected?

B. Do prisoners in custody appear in good health? If not, have they been seen by a doctor? If not, why not? Are there any unexplained injuries? Are their injuries documented? Are independent medical staff used to record and catalogue physical injury? Who investigates allegations of assault on prisoners? Where the allegations are serious, are independent investigators appointed from outside the area?

C. How is a "death in custody" defined? How many persons die in police custody each year? What percentage is this in comparison with all persons taken into custody over the same period? How are such incidents investigated? How many investigations into a death in custody result in a criminal prosecution?

D. Has any property seized from a detainee been properly listed and has a copy of the list been provided to the detainee? Is the property securely stored? Are there allegations of the property being stolen?

E. Are female officers available to deal with female prisoners where necessary? If not, what happens? Do male officers conduct body searches of female prisoners? Are male officers permitted to be alone in a cell with a female prisoner? Does this happen?

F. Are there special provisions to protect vulnerable persons, i.e. people with physical or cognitive difficulties or juveniles? Is there evidence that such provisions are not respected by the police?

G. Are prisoners advised of the offence(s) with which they have been charged? Is it in a language they understand?

H. How long may prisoners be detained before appearing before a court? How long may prisoners be detained without charge? How long are they detained in practice? Are prisoners ever labelled as witnesses in police records to avoid judicial review of detention?

I. How many prisoners escape from police custody? How do they escape from police custody? Are there any allegations or indications of official involvement in these escapes? How are escapes investigated?

> Experience has shown that the conditions under which suspects make confessions or admissions can be related to their treatment in custody before the confession or admission has been made[1] This may be because of the threat or direct use of violence (i.e. torture), because of other indirect intimidation or menacing behaviour on the part of the interviewers or because the experience is otherwise physically and mentally distressing.
>
> People in police interviews are normally anxious and find themselves in an unequal dynamic in favour of the interviewer(s). There is ample evidence to show that certain people are predisposed to answering police questions in any way that will help to shorten the interview and, as a result, they will wrongly confess to offences they did not commit. In some countries, the risk of a "false" confession is perceived as so great that confessions of guilt made solely to a police officer are not admissible in court.

J. When prisoners are interviewed, are they entitled to legal advice? Is a simultaneous note made of what is said in interview? Is the interview taped or video recorded? If so, are the tapes sealed and stored securely? How many are convicted on the basis of confessions? How many have been alleged to have made confession to officers, but then to have retracted them in court?

5.5 EVIDENCE

> There can be two motives driving the falsification or destruction of evidence. Firstly, an officer may wish to make the case against a suspect stronger than it already is. For instance, perhaps the officer has forgotten to do something or has failed to find sufficient evidence to prove an important element of the case, or may be hiding something that appears to show the suspect is not guilty. Secondly, an officer may have been paid by a suspect to ensure that the evidence is lost or tampered with in order to sabotage the prosecution case.

A. Is an officer required to produce written notes of an incident whilst it is still fresh in his or her mind? Are these notes signed and dated? Are they read and supervised? Does the supervisor have to certify that they have been checked? Are these notes included in the case file and provided to the prosecutor?

B. Are manuals and guidelines supplied to all police staff that detail the necessary procedures when dealing with evidence?

C. Are a high level of prosecutions abandoned or do they collapse due to failures in procedure or on points of law? How many officers have been charged with perverting the course of justice? How many officers have been specifically charged with lying under oath?

D. Are there situations in which prosecutors have lost such confidence in the integrity of certain officers that they refuse to proceed with any case in which those officers are involved?

5.6 PROPERTY

All property seized or handed into the police should be handled so that it is safe and identifiable. Evidence, in particular, should be clearly marked indicating the case to which it relates, the name of the officer responsible and the reason for which it is being retained. All items should be kept in a secure cabinet or room and should be filed and processed in such a way that any access to or use of it can be audited. These precautions are sometimes called the "chain of custody".

Good practice is to cross reference the property against the name of the officer responsible for seizing it.

A. Do police officers receive training on proper search and seizure techniques under their laws? Are searches conducted according to that law? Is a search log completed when premises are searched? What information do they contain? Where they exist, are search logs properly filled in? Are search logs missing? Can all evidence seized during a search of premises be linked to a search log? Where search logs are not completed, how is evidence formally linked to the location in which it was found?

B. Is there a formal system for storing exhibits, property and evidence held in police custody? Is there an individual (or individuals) identified who has personal responsibility for administering and maintaining that system? Does the system allow for speedy identification and retrieval of items stored? Are items allocated a unique reference number? Are they cross-referenced on lists identifying the officer responsible for their storage? Are there regular inventories and stocktaking inspections of the secure property room? Do items get 'lost' or stolen? Do exhibits or evidence go missing? What action is taken to relocate them? Is the property room secure? Are valuable or sensitive items stored separately and under additional security? Is access to the property room restricted? Do visitors to the property room have to sign in and out?

C. How are contraband and evidence held by the police disposed of? Who, if anyone, audits these disposals? In terms of items scheduled for destruction, are there procedures in place to prevent their replacement, misappropriation and diversion? Are there allegations that items stored and scheduled for destruction, particularly firearms and drugs, have been stolen from police custody and resold? How often is this alleged to happen?

D. Are there procedures in place for the labelling, packaging and bagging of exhibits? Are tamper-proof clear plastic bags used? Where exhibits are accessed, is the person who accessed them and the reason for their access recorded? Does the procedure provide for a clear and auditable chain of custody showing who had access to the exhibit throughout? Are officers trained on the principles and techniques of maintaining the integrity of evidence? Can officers (in particular patrol officers) explain why the integrity of evidence needs to be maintained? See **Section 5.3**, **POLICING**: **CRIME INVESTIGATION**

E. Do the police receive 'lost and found' items, i.e. things found by members of the public? Do the police store and try to return property to its rightful owner? How does this system work? What are the arrangements for supervision of this system? How do people claim their lost property? What happens where the property remains unclaimed? Is there any evidence of abuse of this system, i.e. are items stolen?

F. Is police equipment issued against personal signature? Is there an inventory of police equipment at each police office? Is there any indication that police property may be used for purposes other than that for which it was intended? For instance, are police vehicles taken for unauthorised private use? Are mileage logs kept? Is police

photographic, audio or video equipment used for private purposes? How often is there are inventories conducted? Does equipment such as computers, televisions, air conditioning units or similar go missing? Is it reported as a theft?

5.7 INFORMANTS

Working with informants is a critical area of activity for the police. On the one hand, the information they provide can be vital – and sometimes the only way – to prevent or solve a crime, but many informants are themselves criminals seeking to exploit the criminal justice system and to subvert police officers. It is, therefore, important to examine the systems employed for using, managing and supervising informants and any payments made to them. Are the staff recruiting and meeting with informants properly trained? Are detailed records kept? And is there evidence of a risk assessment being made before they are deployed? Examples of abuse would include informants using police action to remove criminal competition, police using violence to intimidate informants, police using informants to fabricate a case against a suspect and police sharing any reward or payment made to an informant. (Police have also been known to invent a "phantom" informant and to sell on information gleaned from the media.) For this reason, separating the handler from the payment process is desirable. In any case, close personal relationships between handlers and informants need to be discouraged.

A. Are the identities of informants registered in some way? Is the registration confidential? What is the system for recruiting and managing informants? Is an informant handled exclusively by the officer who recruited him or her? Is there a manual of procedure? Is there a senior officer (sometimes called a "controller") with responsibility for monitoring this system and ensuring it is properly followed? What training is provided to informant handlers and controllers? How is the use of informants supervised? Who authorises and makes payments to informants? Are payments made direct to the informant? Are informants protected from prosecution if they participate in a criminal offence? SEE **SECTION 5.7, POLICING: CRIME INVESTIGATION AND SECTION 5.1.3, POLICING: POLICE INFORMATION AND INTELLIGENCE SYSTEMS**.

5.8 CRIMINAL BEHAVIOUR

Personal gain is a primary motivation for all criminal behaviour. Because of the special trust and responsibilities placed in police officers, the opportunities for them to abuse that trust to obtain money or advantage are considerable. At the same time, because police officers have inside information, understanding and influence over the criminal justice system, they are also often in a position to shield themselves from detection.

A. Is there any suggestion or evidence that police are receiving bribes in order to ignore criminal offences? Is there any suggestion that officers are receiving direct payments or benefits from members of the public in return for special attention or additional protection?

B. Are police staff required to file financial disclosure statements? Is this a requirement at all ranks or does it apply only to the more senior ranks? Who verifies these statements, if anyone? Do officers appear to be living beyond their means? Are they driving large expensive private vehicles? Are there officers with lifestyles apparently incompatible with their remuneration? Are they ever investigated? With what outcome?

C. Are officers periodically tested using a polygraph? Are they asked questions about dishonesty or corruption? Are there other forms of 'integrity testing' employed? If yes, what are they? What percentage of persons fails the tests? What percentage of those who fail are required to resign from the service?

D. Are officers tested for substance abuse? If so, what percentage of the tests is positive? What percentage relates to cocaine or opiates or other 'hard' drugs? What happens to

officers who fail such tests? Does the police agency have a welfare support service for officers who are dependent on alcohol or other substances?

5.9   UNAUTHORISED DISCLOSURE OF INFORMATION

Police organisations collect, hold, or have access to a significant amount of information, some of it of a private nature about victims, witnesses, crimes, and suspects, and much of it confidential. That same information will have a market value for criminals, journalists or private investigators that can be realised by unscrupulous police staff with access to it.

To counter this risk, strong and effective information security measures need to be implemented. Good practice in many countries requires access to any information to be logged, timed and dated with the name of the officer and the reason for access. Regular spot checks can then be made on officers (and their supervisors) as to why they accessed that particular data and what they did with it.

Information about operations or investigations can also be sold. Where police activities or investigations are targeting a particular person or location, that information can be invaluable not only to any criminal involved, but also to journalists who may be looking for an interesting scoop.

Further difficulties arise where information has been incorrectly logged or inaccurately filed. A simple typing error can lead to people with similar names being detained unnecessarily, wrong addresses being raided or suspects escaping arrest because of inaccurate or incomplete records. These issues may well be due to a lack of diligence or laziness rather than malice, but the resulting impact can still be significant. Such risks can be reduced, though perhaps not eliminated, through proper training, clear procedural safeguards and supervision.

A.   What precautions are taken to protect confidential police information? Are paper files kept under lock and key? Is access limited to authorised personnel? Are there notice boards that display confidential information? Can they be seen from public areas or by ancillary staff (such as cleaners)? Are there facilities for the disposal of confidential information such as confidential waste sacks or shredding machines? What procedures are in place for the disposal of confidential waste? SEE ALSO **SECTION 4.4**, **POLICING**: **POLICE INFORMATION AND INTELLIGENCE SYSTEMS**.

B.   How is information on police databases protected? Are only authorised personnel allowed to access them? What training do they get? Are individual passwords provided? Are periodic spot checks made to see why officers searched information from a database? Are there guidelines on to whom information may be disseminated? Are there time limits for the storage of information? What happens to a crime file when time limits under any statute of limitations run out? Is someone responsible for weeding obsolete files?

C.   Are there allegations that police information can be bought? How many police staff have been prosecuted for this offence?

5.10   EXTORTION

A common abuse of integrity in some countries relates to the enforcement of road traffic regulations (or other minor infractions) where informal on-the-spot fines (or bribes) are negotiated with the alleged offender, rather than pursuing a formal prosecution or other legal process. In extreme circumstances this can be regarded by some as the normal way of doing business. Assessors may experience this first hand.

A.   Are on-the-spot fines or fixed penalty tickets issued by police officers to the public? Are officers expected to receive and handle cash payments for fines or tickets? What are the arrangements for supervision of this system? Is there any evidence of abuse of this system?

B.   Do officers receive free items from shopkeepers or free food and beverages from bars or restaurants? Is this permitted by police regulations?

C. Are there allegations that police officers receive unofficial payments or gratuities from business people in the community? What reasons are given for this? What are the implied consequences if payments are not made?

5.11 SEXUAL MISCONDUCT

Sexual misconduct of law enforcement personnel with witnesses, suspects or informants has also been known to lead to corruption or other integrity failure. For example, an officer may ignore a sexual partner's criminal activity, alter evidence that implicates him or her, or even provide that partner with confidential information. Such misconduct also leaves the officer open to extortion.

A. Are there any rules or provisions that prevent police staff having intimate relationships with witnesses, suspects or informants? Are they enforced?

6. PARTNERSHIPS AND COORDINATION

6.1 PARTNERSHIPS

Oversight and accountability of the police becomes credible and valid only by reference to the society it serves. Partnership with other agencies or organisations helps to ensure that the monitoring of police action has both depth and breadth. However, it is also conceivable that some partnerships may be based on the expectation of preferential treatment or more favourable levels of service.

Whilst there may be national arrangements for oversight and inspection of the activities of the police, those at a local level may be crucial to the practical delivery of police services.

A. Do the police keep their performance on integrity under constant review? Do they engage and work with human rights groups or other interest groups in order to identify and remedy any shortcomings? How? Are the police asked to provide evaluations and assessments on the integrity of other public bodies or organisations? Are there joint initiatives against corruption? If yes, what do they seek to achieve?

B. What role does the prosecutor have in the oversight and integrity of the police? How does this work?

C. What relationship do the police have with local defence lawyers? What do these lawyers say about police integrity? Do they have specific examples of police misconduct? Can such examples be verified?

D. To what extent is the local community involved in measuring integrity? Is there an oversight or community policing consultative group where police commanders meet with community representatives to discuss issues on integrity or corruption being discussed and addressed?

E. What is the relationship between the police and the media? Do the police work with the media and other groups on campaigns against corruption?

F. Are there concerns that the police are getting too close to certain political, community or religious leaders? Is there any suggestion that such partnerships create an unequal service delivery, i.e. are there fears of favouritism? SEE **POLICING: PUBLIC SAFETY AND POLICE SERVICE DELIVERY.**

6.2 DONOR COORDINATION

Being aware of the activities of donors in the areas of police oversight and integrity will prevent unnecessary duplication and allow coordination of initiatives.

A. Are there (or have there been) internationally funded initiatives aimed at developing aspects of accountability, oversight and integrity of the police? What are the objectives of these projects? Are they being achieved? Is there evidence of duplication? Is there any coordination of the implementation of these initiatives? Are there mechanisms in place that will ensure sustainability of any sponsored activity? Which countries or organisations are involved? What mentoring mechanisms are there in place? Are any stakeholders and/or donors obvious by their absence?

B. Do (or did) these initiatives offer training? If so, are they training trainers to deliver cascade training programmes or are they training individuals? Is a system of computer-based training being offered?

C. Do (or did) these initiatives provide equipment? If so, was the need for this equipment identified through an independent evaluation or was it the result of a government list? Are other donors providing the same or similar equipment? Are there plans for how the equipment will be maintained and replaced? Are there examples of the same or similar equipment being provided and it then not being used or being misappropriated for something else?

D. In terms of these initiatives were there any post-implementation reviews that have helped to identify good practice that could be replicated elsewhere? Are the results of such initiatives collated and coordinated to inform future planning?

ANNEX A. KEY DOCUMENTS

UNITED NATIONS
- Convention against Transnational Organised Crime (UNTOC), (2000) and its related protocols on Trafficking in Persons, Smuggling in Persons and the Illicit Manufacture of Firearms and Ammunition (outlining important investigatory measures when tackling serious and organised crime);
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention against Corruption
- Single Convention on Narcotic Drugs
- Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances
- Convention on Psychotropic Drugs
- The <u>Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice</u>, 2006, which contains source documents on crime prevention and criminal justice, and Human Rights texts including:
  - Declaration on the Protection of All Persons from Being Subjected to Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, 1975.
  - Minimum Rules for Non-Custodial Measures (Tokyo Rules).
  - Basic Principles on the Role of Lawyers
  - Guidelines on the Role of Prosecutors
  - United Nations Standards Minimum Rules for the Administration of Juvenile Justice (Beijing Rules).
  - Code of Conduct for Law Enforcement Officials
  - Rules for the Protection of Juveniles Deprived of Their Liberty.
  - Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power
  - Guidelines for Child Victims and Witnesses
  - Declaration on the Elimination of Violence against Women
  - Declaration on the Protection of All Persons from Enforced Disappearance
  - Declaration on the Rights of the Child
  - Standard Minimum Rules for the Administration of Juvenile Justice
- Criminal Justice Standards for Peace-keeping Police Handbook (the 'blue book', particularly useful in post-conflict settings), 1994
- Handbook on Practical Anti-Corruption Measures for Prosecutors and Investigators
- Anti-Corruption Toolkit
- Compendium of International Legal Instruments on Corruption (2nd ed, 2005) – (particularly valuable for regional initiatives)
- UN Country Reports

DRAFT
- Model Police Act
- Model Code of Criminal Procedure
- Model Criminal Code

PLEASE NOTE: The Model Police Act (MPA), the Model Code of Criminal Procedure (MCCP), and the Model Criminal Code (MCC) are being cited as models of codes that fully integrate international standards and norms. At the time of publication, the MPA, the MCCP, and the MCC were still in DRAFT form and were being finalised. Assessors wishing to cite the MPA, the MCCP, and the MCC with accuracy should check the following websites to determine whether the finalised Codes have been issued and to obtain the finalised text, as referenced Articles or their numbers may have been added, deleted, moved, or changed:

http://www.usip.org/ruleoflaw/index.html
or http://www.nuigalway.ie/human_rights/Projects/model_codes.html.

The electronic version of the Criminal Justice Assessment Toolkit will be updated upon the issuance of the finalized codes.

REGIONAL

- European Code of Police Ethics (Council of Europe) www.coe.int/t/e/legal_affairs/legal_co-operation/police_and_internal_security/documents/Rec(2001)10_ENG4831-7
- Transparency International (www.transparency.org)
- Trust in Government – Ethics Measures in OECD countries; OECD 2000
- The Interpol Global Standards to Combat Corruption in Police Forces/Services (undated);
- Transparency International Annual Surveys – the Corruption Perception Index;
- Human Rights Watch (www.hrw.org)
- Council of Europe (www.coe.int)

See also
- Council of Europe Criminal Law Convention on Corruption
- InterAmerican Convention on Corruption
- OECD Convention on Corruption of Public Officials

POST CONFLICT

- www.stimson.org/fopo/pdf/UNPOL_Readings_Aug_10_workshop.pdf (Background Reading on Post-Conflict Policing)

OTHER USEFUL SOURCES

- Policy and regulations promulgated by the policing agency, internal training manuals.
- Peter Villiers (1997) "Better Police Ethics", Kogan Page
- Rob Adlam and Peter Villiers (2004) "Police a Just, Safe and Tolerant Society: An International Model of Policing" Waterside Press
- Neyroud, P and Beckley, A (2001) "Policing, Ethics and Human Rights" Willan Publishing

NATIONAL

- Constitution, including bills of rights;
- Police Law or Act;
- Code of Criminal Procedure
- Criminal Code
- National Police Strategy
- Annual Police Reports
- Police Inspectorate or Oversight Body Reports
- Non-Governmental Organisation Report
- Donor Country Reports

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[1] 1 Before the Police and Criminal Evidence Act (1984) introduced strict rules on the treatment and interviewing of suspects in England and Wales, convictions based on confessions and admissions exceeded 60% of all convictions. Afterwards it dropped to between 40% and 50% G Gudjonsson, G (1992) "The Psychology of Interrogations, Confessions and Testimony", John Wiley & Sons,p81

ANNEX B. ASSESSOR'S GUIDE / CHECKLIST

The following are designed to assist the assessor in keeping track of what topics have been covered, with what sources, and with whom.

	TOPIC	SOURCES	CONTACTS	COMPLETED
2.1	STATISTICAL DATA	• Ministry of Interior Reports • Ministry of Justice Reports • Ministerial Website • National and local crime statistics • NGO Reports • UN Regional & Country Analyses	• Any National Office for Statistics	
2.2	RISK FACTORS	• Employment terms and conditions of police staff • Employment tribunals involving police cases • Hearings on staff grievances • www.transparency.org • Amnesty International	• Chief of police • Representative police staff association	
3.1	LEGAL AND REGULATORY FRAMEWORK/ GENERAL	• Constitution (Bill of Rights); • Police & law enforcement statutes; • Draft Model Police Act; • Draft Model Code of Criminal Procedure; • Draft Model Criminal Code; • Ministerial instructions; • Other Police legislation for comparison • Ministry websites	• Government Minister responsible for Justice and/or Internal Affairs; • Senior civil servant from a judicial/legislative drafting government department; • Local Representative of Independent Human Rights/Civil Liberty/Anti Corruption groups; • Chair of Police supervisory body; • Chief of police • Senior police officers & staff; • State prosecutors • Representative from Anti-Corruption office or Commission • Local defence lawyers	
3.2	POLICE POWERS	• Codes of conduct • Codes on criminal procedures • Peacekeepers Terms of engagement • Cases where police have been sued for use of excessive force • www.interpol.org	• Police Chief and officers generally, • Office commanding peacekeeping contingent	
3.3	POLICE CODE OF CONDUCT	• Codes of Conduct; • Register of gifts	• Police Officers • Prosecutors • Independent monitoring committees	

	TOPIC	SOURCES	CONTACTS	COMPLETED
3.4	MONITORING AND SUPERVISION	• National policing plan or strategy • Anti-corruption strategy • Anti-corruption commission • Interpol's Global Standards to combat corruption in police forces • UN Convention on Corruption	• Member of any anti-corruption commission	
4.1	MAINTAINING INSTITUTIONAL INTEGRITY GENERAL	• Ministries of Interior & Justice; • Any strategy on police integrity and corruption • Police policy manual • Internal police inspection reports; • Police annual performance reports. • Inspection reports by external organisation(s); • Any reports from Police Complaints body;	• Government Minister responsible for the police; • Senior civil servants; • Police Chief; • Senior police staff; • Local police commander • Rank and file police staff; • Independent human rights/civil liberty/anti-corruption groups;	
4.1.1	MONITORING MANAGEMENT AND ADMINISTRATION	• Reports or minutes from any parliamentary oversight committee • Inspection reports by police inspectorate or oversight body;	• Members of any police inspectorate • Members of parliament • Representatives of Police board or oversight committee;	
4.1.2	PROCUREMENT	• Financial reports or statements • Financial guidelines • Tendering and procurement standards	• Police Chief • Local police commanders • Head of administration for procurement issues or financial controller;	
4.2	HUMAN RESOURCES	• Staff Regulations • Minutes of staff association meetings	• Chief of Police • Head of Human Resources • Representative of police staff association;	
4.2.1	RECRUITMENT	• Job descriptions • Selection procedure materials • Any selection panel score-sheets	• Head of Human Resources • Police staff generally	
4.2.2	CAREER DEVELOPMENT	• Policy documents • Any Personal development plans	• Head of Human Resource	
4.2.3	TRAINING	• Training manuals & material • Visit to police academy	• Head of Human Resources • Head of police training department • Head of police academy • Trainers • Police students & recruits	
5.1	LEADERSHIP	• Policies, messages or articles written by senior officers	• Chief of police • Senior officers • Supervisors	

	TOPIC	SOURCES	CONTACTS	COMPLETED
5.2	MONITORING COMPLAINTS AND POLICE MISCONDUCT	• Files of complaints made • Inspection or evaluation reports on integrity	• Supervisor of independent anti-corruption agency; • Head of police complaints and discipline/professional standards; • Investigator for police complaints • Defence lawyers • Community leaders & monitoring groups • Head of police complaints and discipline; • Investigator for police complaints • Defence lawyers • Community leaders & monitoring groups	
5.3	PHYSICAL ABUSE	• Custody records • Prisoners' medical reports • Complaints files • Claims against the police • Media reports	• Local police commander • Any medical doctor attending police stations • Head of complaints • Local officer who receives and record complaints • Local monitoring group or community leaders • Journalists	
5.4	PRISONER TREATMENT	• Visit to custody area • Manuals of Guidance on prisoner detention; • Custody records • Reports of any independent cell visitor committee	• Supervisor/gaoler of the cell/detention area; • Prisoners • Local defence lawyers	
5.5	EVIDENCE	• Codes on criminal procedure • Training manuals and guidelines on how to deal with evidence • Records of 'failed' court cases • Notes made by police about incidents or their notebooks	• Supervisor of police notebooks • Prosecutors	
5.6	PROPERTY	• Visit to secure property room • Policy and Procedures on handling property • Search & Seizure logs • Logs of entry and access to secure property room • Procedures on contraband destruction • Lost and found property records • Stocks of evidence bags or similar • Property lists and filing system	• Local staff in charge of secure property room;	
5.7	INFORMANTS	• Informant handling manual, policy or guidelines; • Reports of information supplied; • Informant payment procedures.	• Officer in charge of informant coordination; • Investigators; • Prosecutors; • Person who audits informant payments	

	TOPIC	SOURCES	CONTACTS	COMPLETED
5.8	CRIMINAL BEHAVIOUR	• Cases where police have been prosecuted • Complaints files • Copies of financial disclosure statements • Polygraph records • Media reports	• Police Chief • Local Police Commander • Prosecutor • Police complaints investigators • Representative of Police Staff Association • Polygraphs operators	
5.9	UNAUTHORISED DISCLOSURE OF INFORMATION	• Information security guidelines • Logs of access to confidential data • Security on computer terminals	• Police chief information officer • Information security officers • Police staff	
5.10	EXTORTION	• Policy on receiving benefits from the community • Media reports	• Local community business people	
6.1	PARTNERSHIPS	• Written protocols or instructions concerning interagency working; • Local policing plan; • Notes (or minutes) of meetings between the police and local consultative committees, or other members of the public; • International and Regional organisations; • Notes (or minutes) of meetings with other 'public' agencies such as health, welfare and fire service • Consultative or informal meetings with the local community; • Public brochures and literature; • Local media/press reports • Site Visits • Anonymous police hotline information; • Media reports	• Local police commander; • Supervisory officers at police stations; • Patrol officers, including 'community' officers (where they exist); • Representatives of consultative groups; • Representatives of the local Council or municipal authorities (the Mayor, for example); • Local community representatives; (e.g. Chamber of Commerce) • Members of the public; • Local representatives of other international initiatives (particularly foreign law enforcement liaison officers). • Local newspaper editor, journalists or media representative;	
6.2	DONOR COORDINATION	• Internet Websites • Programme and project documents; • Project terms of reference; • Public brochures and literature; • Memoranda of Understanding with international community, organisations or donor countries (e.g. UN, EU, ASEAN, Interpol etc)	• Representatives of relevant international or regional organisations working in the country; • Embassies/Ministries for donor activity. • Programme and project managers for international initiatives • Local UN representative • Local representatives of other international/regional organisations • Embassies (especially foreign law enforcement liaison officers).	