Report to the Task Force on Governance and Cultural Change in the Royal Canadian Mounted Police: Examination of External Oversight Bodies of Police Forces

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# INTRODUCTION

The Task Force on Governance and Cultural Change in the Royal Canadian Mounted Police requested assistance from the Police Executive Research Forum (PERF) to examine internal and external oversight bodies for police forces. More specifically, PERF researched and analyzed internal management structures of police forces to:

- I. Highlight structures that incorporate appropriate challenge and oversight into executive decision-making.
- II. Describe structural alternatives in place that enhance executive accountability to internal stake holders.
- III. Assess a wide array of police force internal management structures and identify best practices based on accountability, transparency and results.

External oversight bodies were also examined in order to accomplish the following objectives:

- I. Describe the range of police oversight operations and identify those most conducive to policing in democratic societies.
- II. Highlight oversight bodies that focus primarily on misconduct review versus those that are designed to provide general oversight.
- III. Identify international best practices in police oversight based on those that best combine independence for policing operational functions and appropriate accountability, transparency and oversight of executive decision-making.

This report is dedicated to the research and findings of the external oversight body analysis.

#### SUMMARY

In the United States, the Police Assessment Resource Center (PARC) is an organization that was formed to provide assistance to those entities responsible for the oversight of police departments in U.S. cities. According to a report completed by PARC for the Eugene OR Police Commission, there are three main groups of police oversight models. At the conclusion of each section describing the three models are examples of cities and departments that utilize each type. In a number of cases, cities are listed under more than one model. In those instances, the cities are employing more than one type of oversight body for the police department.

The first model described is referred to as Review and Appellate. This model usually deals entirely with citizen complaints after the internal investigation has been completed by the department. They do not have the authority to conduct independent investigations, nor do they have subpoena powers and often have no stand alone budget. Review and appellate bodies normally cannot make policy recommendations based on their completed reviews. Their power is limited to providing recommendations to the chief regarding the outcome of the internal investigation and whether further investigation is needed. A strength of this model is that it opens internal investigations to external scrutiny; however a limitation is that the power these bodies have has explicit restrictions. Examples of American police forces subject to the Review and Appellate oversight model listed in the PARC report include Albany NY, Charlotte-Mecklenburg NC, Dayton OH, Knoxville TN, Los Angeles County CA, New Haven CT, Portland OR, Seattle WA, St. Paul MN and St. Petersburg FL.

The second type of oversight body described by PARC is the Investigative and Quality Assurance model. There are variations within this type of model which sometimes includes oversight powers by a commission, a group of lawyers or investigators or an individual. Although there are different types of investigative and quality assurance models, all seek to displace internal police investigations at some level. Some bodies will remove both investigatory and disciplinary powers from the department, others have shared responsibility and still others will direct and supervise the internal affairs unit as those units conduct their

investigations. Strengths associated with this model include an analytical approach to investigations which should then result in a complete and fair process and, where there is a group involved, different perspectives are represented. Constraints can be that oversight is restricted to specific cases where complaints have been filed and opportunities to address policy issues are sometimes underutilized because of resource limitations. Examples of U.S. cities utilizing this type of model include Berkeley CA, Cambridge MA, Dayton OH, District of Columbia, Flint MI, Hawaii County HI, Kansas City MO, Minneapolis MN, New York NY, Richmond CA, Salt Lake City UT, San Francisco CA and Seattle WA.

Evaluative and Performance-based models are the final type of oversight bodies described in the PARC report. A goal of this model is to examine the department in its entirety and draw conclusions over time about how well the department addresses police misconduct, identifies troublesome patterns of behavior and offers solutions to departmental failures. This model also has the ability to examine individual officers' performance, supervisors' responses and the manner in which the department responds as a whole. In many instances, this position is filled by a special counsel or auditor. Unlike the previous models, these individuals are more concerned with systemic change as opposed to the outcome of specific cases which can be considered a strength. However they can also be seen as police experts and are often times not required to consult with the community which can lead to feelings of disassociation. U.S. jurisdictions employing the Evaluative and Performance-based model are Boise ID, Los Angeles County CA, Omaha NE, Portland OR, San Jose CA, and Seattle WA.

In the Unites States, there are a variety of mechanisms for the oversight of police departments. External commissions and boards, while they exist in American policing, are not the most prevalent guardianship of law enforcement agencies. Authority over the vast majority of policing organizations is linked to the governing body of a jurisdiction.

Under a strong mayor form of government the police chief reports to an elected official that has authority for oversight of the chief and the leadership of the police department. Other American cities are governed by a City Manager form of government. In this configuration, elected officials such as mayor and council members fulfill their responsibilities on a part-time basis

while a "professional civil servant" or City Manager has day to day responsibility for the operation of the city with guidance from the council. Under this structure, the City Manager is responsible for oversight of the chief, with direction from the city council. A third model of police regulatory authority is a sheriff who is elected into county office, most commonly for a four-year term. Oversight of the sheriff most often comes in two forms: budgetary review from the county supervisors/commissioners and directly by the citizens of the county through elections.

While examples of a civilian review process exist in the mayor, city manager and sheriff illustrations, they are rare to the over 17,000 police agencies in the Unites States. This next section examines a variety of oversight bodies where they do exist.

Some examples were included in the PARC report; however, some oversight bodies, like those in the City of Los Angeles and Chicago IL, do not fit entirely into the three models described above. The City of Los Angeles Police Commission and the Chicago Police Board have powers that generally exceed those listed in the PARC models. Appropriate models will vary depending on a number of circumstances unique to the department and the community. For example, what level of community involvement is there, how large is the department, are there specific issues within the department that need to be addressed? Tailoring a model that best fits the specific needs of the policing agency and community provides the best opportunity for success.

One of the challenges in looking at policing oversight bodies within western democracies is creating a common set of working definitions so that important concepts are clear. Terms are often used rather loosely when discussing police service accountability and can become interchanged. The following terms and definitions may be helpful in developing an oversight body.

• Accountability - More formal processes or arrangements, which provide an explanation and report to representatives of the citizenry as to how funding, resources and staffing are used and deployed. This may include reporting performance with regard to service delivery and meeting targets set by the citizen representatives.

- Transparency Processes and opportunities for citizens or their representatives to enter • the police organization and operational context, to watch, check or review operations in progress. This may include the opportunity to comment or report on their findings.
- **Oversight** Formal structures generally provided by a group, agency or organization • outside a police service, may have a formalized remit to conduct long-term observation or investigation of an identified issue. This may be of the entire agency, an area of operation or for a particular issue of interest.
- **Openness** An organizational culture of working practices that, by way of routine • operating practices, includes individual citizens, groups or agencies. These develop into partnership arrangements and commitment to long-term working together. In themselves, these provide informal processes of accountability, transparency and openness.
- Partnership Partnership is the term used to describe formal, long-term working • relationships and arrangements between agencies, usually to reduce crime and disorder or focus on particular related theme, and includes the development management and appointment joint funding and resources on those objectives.

## **EXAMPLES OF OVERSIGHT BODIES**

#### **United States**

- <u>Arkansas State Police Commission</u> The Arkansas State Police Commission is composed of seven members appointed by the Governor with the advice and consent of the Arkansas Senate. The Commission provides oversight for the approximately 900 members of the Arkansas State Police. Appointees serve a seven year term. Officers are elected annually. The Chairman position can only be filled by a member in the last year of his/her seven year term. The Commission has the authority to approve or disapprove each promotion or demotion and review each employment application. Members hear appeals and approve or disapprove of any disciplinary action. They also serve as the administrators for the Arkansas State Police Uniformed Employee Health Plan.
- <u>Boise Office of the Community Ombudsman</u> According to the policies and procedures of the Boise Ombudsman, the purpose of the office is to promote public confidence in the professionalism and accountability of the Boise Police
   Department and the Airport Police who have approximately 400 members, as well as the Boise City Parking Services and Boise City Code Enforcement, through unbiased investigation of citizen complaints, independent review of police actions, policy recommendations and public outreach. The Ombudsman has the authority to receive and investigate complaints, investigate all officer involved shootings and incidents resulting in serious bodily harm without a complaint being filed, make policy, procedure and training recommendations and receive and investigate appeals to findings made by the chief. The Ombudsman is appointed by the Mayor, confirmed by the City Council and reports directly to both. There is no term limit; to be removed from the office requires a vote by the City Council. The office is independent of all other city departments and has an annual budget of \$250,000.

Listed below are examples of cases recently heard by the Boise Office of the Community Ombudsman. They were either listed in the 2006 Annual Report or were available through the website.

- A concerned citizen contacted the principal of a school to report some questionable behavior. As part of the investigation, the school resource officer spoke to the citizen's landlord. The citizen then contacted the Office of the Community Ombudsman. The subsequent review did not find that the officer violated policy but the Ombudsman recommended department-wide training about legitimate police inquiries versus individual privacy.
- Officers were dispatched to a domestic violence call. A neighbor called 911 and told the operator he heard a woman screaming and that children lived in the residence. When they arrived on-scene there was no answer at the door. The officers forced entry. They encountered a man and a woman. Both had signs of physical injuries. During questioning, the man failed to obey orders from the officers to remain seated. As a result the officers forced the man to the ground and placed him in handcuffs. The Office of Community Ombudsman received a complaint for excessive use of force two days after the incident. After a thorough review of the evidence, the Ombudsman determined that the officers were within department policy when, after disregarding a request to remain seated, the man was forced to the ground and handcuffed.
- Other examples are available and include duty performance complaints, vehicle operation complaints, demeanor complaints and critical incident investigations.
- <u>Chicago Police Board</u> The Chicago Police Board is a civilian body that oversees a variety of Chicago Police Department activities performed by the approximately

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15,500 members. They are appointed by the Mayor with the advice and consent of the City Council and serve five year terms which are renewable. Powers and responsibilities include deciding disciplinary cases when the superintendent of police files charges to discharge or suspend an officer for more that one year; reviewing disciplinary suspensions of six to 365 days at the request of an officer; reviewing applicants, conducting interviews and submitting a list of three candidates to the mayor when a vacancy in the superintendent position exists; monitoring the department's and city's compliance with the terms of federal court consent decrees regarding citizens' first amendment rights; and adopting the rules and regulations that govern the department. The Board had a budget of approximately \$400,000 annually.

- Office of Professional Standards, Chicago Police Department The Chicago Police Department's Office of Professional Standards (OPS) was formed in 1974 in response to concerns regarding the integrity of excessive force investigations. As a result of a 2007 city ordinance, OPS was restructured into its own city department, independent of the Chicago Police. OPS is led by a civilian Chief Administrator and has a staff of civilian investigators. OPS investigators are responsible for the intake of all allegations of misconduct against members of the Chicago Police Department, the review of allegations of excessive force, situations where an officer discharges his/her weapon or strikes someone, in-custody deaths, out of the ordinary circumstances in lock-up, issues of domestic violence involving members of the department and allegations of off duty misconduct. The office can also make recommendations to change department training and policy.
- <u>Federal Government</u> The Government of the United States of America is divided into three branches: legislative, executive and judicial. There are 15 divisions that fall under the executive branch of government; one of those is the Department of Justice (DOJ). The head of DOJ is the United States Attorney General who is appointed by the President and confirmed by the Senate. Within DOJ there are several departments that have law enforcement and investigative responsibilities.

These units include the Federal Bureau of Investigation, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms and Explosives and the United States Marshals Service. The directors of those agencies are nominated by the President, confirmed by the Senate and report to the Attorney General. In the 1970's, Congress imposed a ten year term limit on the FBI director position in an effort to prevent a single director from having too much influence on the direction of the bureau.

Located within the Department of Justice is an Office of the Inspector General (OIG) – there is an OIG in all the departments which fall under the Executive Branch of government. The Office exists to investigate, audit, inspect, and review DOJ personnel and programs to detect and deter waste, fraud, abuse, and misconduct, and to promote integrity, economy, efficiency, and effectiveness in Department operations. The OIG is divided into five divisions. The Audit division conducts financial audits of those organizations, programs and functions within the Department of Justice. The Investigations division examines the components of DOJ for instances of fraud and abuse of integrity laws that govern DOJ employees. The division also prepares cases for criminal prosecution or civil action. The Evaluation and Inspections division provides alternatives to traditional investigative techniques used to assess DOJ programs and activities. The Oversight and Review division investigates sensitive allegations involving DOJ employees and the Management and Planning division advises on fiscal policies.

The DOJ OIG has released reports on most sections within the Department of Justice including the Bureau of Alcohol, Tobacco, Firearms and Explosives; the Drug Enforcement Administration; the Executive Office for the United States Attorney; the Federal Bureau of Investigation; the Bureau of Prisons; the Office of Community Oriented Policing Services; the Office of Justice Programs; and the United States Marshals Service.

Los Angeles County – Los Angeles County has three oversight mechanisms for the almost 15,000 members of the Sheriff's Office: Department of the Ombudsman, Office of Independent Review and Special Counsel to the L.A. County Board of Supervisors. The Office of the Ombudsman was created to provide oversight into the department's internal investigation process to ensure complaints were handled in a timely and appropriate manner. The Office now receives complaints involving other county agencies as well. The Office of Independent Review is a civilian oversight body created by the Board of Supervisors to ensure that allegations of officer misconduct within the Los Angeles County Sheriff's Department are investigated in a thorough, fair and effective way. The Special Counsel to the County Board of Supervisors examines the overall fairness and integrity of the disciplinary system and reviews the methods of all internal investigations. The Special Counsel is appointed by the Board of Supervisors and is guaranteed access to all people and documents related to their investigations. Examples of cases heard by each body are listed below:

#### • Department of the Ombudsman

a) An inmate made a claim with the office that he had been physically assaulted by the guards, resulting in a broken leg. After an investigation, it was determined that the inmate did have an altercation with guards but the leg injury resulted from a fall out of his bunk which was recorded by hospital staff after he received treatment.

#### • Office of Independent Review

- a) The Office and Internal Affairs investigated a situation that arose when two off duty deputies got in a bar fight in another jurisdiction. The deputies then filed a false report saying items had been lost or stolen when in fact they had been left behind at the bar. After an internal investigation both deputies were suspended. OIR continued to follow this case through the grievance process.
- Special Counsel to the L.A. County Board of Supervisors

- a) According to the 23<sup>rd</sup> Semi-annual Report, the Special Counsel examined three categories of internal investigations to complete the document: supervisory inquiries, unit-level investigations and Internal Affairs Bureau investigations.
- City of Los Angeles Police Commission Under the City Charter, the L.A. Board of Police Commissioners is the head of the Police Department. The Board sets overall policy for the approximately 14,000 member department while the Chief is responsible for the day-to-day operations and implementation the Board's policies and goals. The Board is comprised of five civilians who are appointed by the Mayor and approved by the City Council. Commissioners are limited to two terms which are five years in length. The Executive Director, who manages the Board's full-time staff, coordinates the Commission's agenda and manages the functions of the Executive Office, oversees budgetary appropriations for the Commission which includes recommending the annual Commission budget. The Office of the Inspector General (OIG) is part of the Board of Police Commissioners and assists the Commission in providing independent civilian oversight of the LAPD. The OIG has the authority to review and monitor all personnel investigations, conduct investigations of allegations against the chief of police and other sensitive matters as directed by the Board, audit the disciplinary system, review all officer involved shootings and law enforcement related injuries or deaths, perform other assignments as directed by the Board, and conduct investigations without direction by the Board.

Examples of reports recently issued by the OIG include: Non-Categorical Use of Force Investigations Audit; Categorical Use of Force Investigations Audit; Review of Ethics Enforcement Section; and, Discipline Reports.

 <u>New Jersey Office of State Police Affairs</u> – Within the State of New Jersey Attorney General's Office is the Office of State Police Affairs (OSPA). OSPA was created to guide the implementation of recommendations made by a special review team and to ensure compliance with a federal consent decree. Their mission is to

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ensure that the state police maintains the highest professional standards and utilizes effective, constitutionally sound practices. Through a partnership involving members of the Attorney General's Office and the New Jersey State Police, the OSPA oversees trooper training in the areas of cultural awareness, law enforcement ethics and leadership and constitutional matters. The Office provides state police decision-makers with technical assistance related to the Consent-Decree, prosecutes non-criminal discipline cases brought against troopers and, in the event of a conflict of interest, conducts internal investigations in place of the state police's internal affairs unit. The OSPA also acts a liaison between the state police and the Independent Monitoring Team whose role is to ensure the state is implementing the terms of the federal consent decree.

- <u>New York City</u> The New York City Police Department Commissioner is appointed by and reports directly to the Mayor; however, the Deputy Mayor for Administration assists the Mayor in managing several departments, including the police department. The New York City Civilian Complaint Review Board (CCRB) is an independent, non-police city agency that serves as an oversight body for the approximately 37,000 members of the NYPD and has an annual budget of over \$10,000,000. The Board has thirteen members; five are nominated by the New York City Council, three by the police commissioner and five by the mayor. All members must be appointed by the mayor and, once appointed, serve three year terms. The CCRB receives, investigates and makes recommendations on complaints against NYPD officers for the use of excessive or unnecessary force, abuse of authority, discourtesy or the use of offensive language. The Board issues semi-annual reports detaining its activities and actions. It also educates the public about their responsibilities and offers a mediation program.
- <u>San Jose Independent Police Auditor</u> The San Jose Independent Police Auditor is appointed by the City Council for a four year term and reports directly to the Mayor and City Council. The duties and responsibilities of the auditor include reviewing internal investigation complaints against any of the almost 1,500 members of the

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San Jose Police Department to determine if the investigation was complete, thorough, objective and fair; reviewing officer involved shootings; taking community complaints; providing updates on the status of internal investigations; and, filing reports with the city clerk detailing the number of complaints by categories, identifying any trends and offering recommendations. The auditor's effectiveness comes from using data analysis to identify the root of the problem, recommending department-wide changes and then assisting with those changes.

- <u>Savannah-Chatham County</u> The Mayor and Alderman appoint the City Manager who serves at their pleasure. The City Manager is has several responsibilities, one of which is to appoint the Savannah-Chatham County Police Chief. The Chief reports to the City Manager. Basic oversight for the department is offered through the Civil Service Board. Members of the Board are appointed by the City Council and serve overlapping, six-year terms. Their basic function is to hear appeals from employees alleging disciplinary action has been taken for political or religious reasons.
- <u>State of Wisconsin</u> According to the League of Wisconsin Municipalities, cities with populations of 4,000 or more can create a fire or police commission but are not required to do so. Villages with populations of 5,500, if they choose to create their own police department, can appoint a police commission or designate a committee to govern the department. The decision to create a commission is made by the town's board of supervisors. All commissions must have five members and their term is five years. Examples of Wisconsin cities with commissions are listed below:
  - <u>Milwaukee Fire and Police Commission</u> The Fire and Police
     Commission is a civilian body which oversees general policy for the
     roughly 3,000 members of the Milwaukee Fire and Police Departments.
     They are appointed by the Mayor, approved by the Common Council, and
     serve overlapping, five-year terms. Functions include oversight of

recruitment and testing standards for positions within the departments, hearing appeals by members who have been disciplined by the chief, hearing citizen complaints and general policy oversight. They have the authority to solicit candidates and select a chief when a vacancy occurs; approve at-will, command-level positions that are not based on a competitive exam; sustain, modify or reverse the chief's disciplinary decision; and, review and approve new or revised department rules.

 Other Wisconsin cities that have commissions include Racine, Stevens Point, Madison, Muskego, Monona and Burlington.

#### **International**

#### Canada

<u>Alberta Police Act</u> – Each province in Canada has their own police act governing the regulation of police services. One example is the Alberta Police Act, a body of legislation that governs general police operations and police oversight in Alberta. Importantly, it establishes regional and municipal police commissions and authorizes them to appoint law enforcement officers, including the chief of police.

The first section of the Act concerns itself with administrative details, and discusses the responsibility of ministers and the responsibility of the government for policing. The Minister is permitted to establish standards for police services, commissions, and committees, and ensure that these standards are being met. It also makes provisions for the appointment of a Director of Law Enforcement. The Director is responsible for monitoring police services to ensure that they are being delivered effectively both municipally and provincially. The Director accomplishes this specifically by monitoring the handling of complaints by the chief of police and commissions of public complaints, developing and promoting crime prevention strategies, developing and promoting programs to enhance police professionalism, and other related tasks.

The second section establishes a Law Enforcement Review Board. This Board is made up of at least three members appointed by the Lieutenant Governor in Council. The Lieutenant Governor in Council will choose a Chair, who must be an active member of the Law Society of Alberta. The Board is permitted to conduct inquiries into complaints on its own and conducts reviews of decisions of police commissions that are referred to the Board. The Board also conducts appeals of cases referred to the Board, conducts inquiries at the behest of the Minister in any matter regarding policing or policing services, and conducts appeals according to the Peace Officer Act. Should the Board determine the actions of an officer violate national or Albertan law, the Board refers the matter to the Minister of Justice and the Attorney General. If the Board believes that such actions also contravene the regulations governing the discipline or performance of duty of

officers, the matter may be acted upon by the Board unless the Minister of Justice and Attorney General direct otherwise. Decisions made by the Board may be appealed to the Court of Appeals on a question of law within 30 days from the date the Board made its decision and with the permission of the Court of Appeals.

When holding an appeal or an inquiry, the Board has the power to summon witnesses and compel them to give evidence and produce documents.

The third section provides for the establishment of provincial police service and municipal law enforcement, as well as the establishment of police commissions and committees to oversee police agencies. Police commissions are mandated for councils that have a municipal police service or have the approval of the Minister to establish a municipal police service. The council is responsible for appointing three to 12 commission members. If four or less members are appointed, one may be a member of the council or municipality employee. If five or more members are appointed, two of them may be council members or municipal employees. The term of office is three years, but a term of less than three years, but not less than two years, may be established by bylaw. In a newly-established commission, a majority of members are appointed for three years, and the remaining members for two years. Members are eligible for reappointment so long as it does not result in more than six consecutive years of service. Chairs and vice-chairs are selected at the first meeting each year with the stipulation that council members and municipal employees may not become chairs or vice-chairs.

This section also mandates that each commission and policing committee will appoint a Public Complaint Director. The Director receives complaints against officers and refers them to the chief of police, acts as a liaison between the commission or policing committee and the chief, and performs duties assigned by the commission or policing committee regarding public complaints. Each commission is required to come up with a budget, pay officers, cover operating costs for the agency, and design a yearly plan detailing the level of police services and programs to be provided for their jurisdiction. This plan is then submitted to the council for approval.

If the Minister believes that a municipality is not complying with the Police Act or is not providing effective police service, he or she may request the council take action to remedy the situation. If they do not comply, the Minister is permitted to appoint officers, set their pay, request that the provincial police service provide interim services, or do whatever else is necessary to create an effective police service. Police commissions are mandated to allocate funds provided by the council, establish policies to promote effective policing, issue instructions to the chief in regard to these policies, and ensure adequate police staffing levels. Areas receiving municipal policing by another police service may form a police committee if they desire, which serves roughly the same purpose as police commissions.

The fourth section discusses police officers and stipulates the qualifications that must be met to become a police officer or chief of police and how they are appointed and dismissed. This section also details the authority, duties and jurisdiction of officers and spells out the duties of chiefs of police.

The fifth section discusses complaints and discipline. All complaints regarding police service or police officers must be referred to the chief, signed and in writing if possible. Complaints against a police chief are referred to the chair of the police commission. The chief has the power to recommend to the police commission that frivolous complaints or those made in bad faith be dismissed. The chief has the power to resolve complaints between the complainant and the officer involved on an informal level. The chair of the police commission may also try to resolve complaints against the chief of police informally if both the complainant and chief agree that is the most appropriate venue.

Should a complaint involve police policies and services, the chief is permitted to handle the matter by him/her self or refer the matter to the commission for further action. Complaints about officers are referred to the chief, and if he or she believes the officer violated national or provincial law, the matter is referred to the Minister of Justice and Attorney General. If the actions of the officer contravened regulations governing the discipline or performance of duty of police officers, the chief will conduct a hearing into the matter. If the chief believes the infraction is of a minor nature, it may be dismissed without a hearing. Complaints about the chief of police are referred by the chair of the police commission to the commission as a whole. If, after reviewing the complaint, it has been determined that the chief's actions violate national or provincial law, or contravene the regulations governing the discipline or performance of duty of police officers, the chair will request or direct that the Minister direct another police service to investigate the complaint. If it is believed that the chief violated federal or provincial law, the matter is referred to the Minister of Justice and the Attorney General. If it is believed the chief violated the regulations governing the discipline or performance of duty of officers, the matter is referred to the commission, which will then hold a hearing into the matter. The commission may dispose of the matter without a hearing if they believe that the violation is not of a serious nature.

The person conducting a hearing has the power to summon and enforce the attendance of witnesses, compel witnesses to give evidence, and to compel witnesses to produce documents and relevant material. Decisions may be appealed to the Board.

The sixth section discusses general police matters such as uniforms and insignia, impersonating a police officer, the police officer collective bargaining act, and the like.

• <u>Edmonton Police Commission</u> – Under the terms of the *Alberta Police Act*, the Edmonton Police Commission has the authority to appoint the chief of police (subject to city council ratification) of the Edmonton Police Service. Furthermore, the Commission has the authority to receive and review complaints made against the chief. If the Commission believes the action of the chief violated national/province law or violated regulations governing the discipline or performance of officers, the Commission chair must request that the Minister instruct another police service investigate the complaints, and the Commission may conduct an inquiry or hearing of the Chief. The Commission also allocates police service funds approved by the city council.

The Edmonton Police Commission has nine members, seven of whom are citizens appointed by the city council, and two members of city council. Members may serve for a maximum of six years, and may be removed for cause by city council. The Edmonton Police Service has a staffing level of 1,320 officers and 360 civilian staff.

• <u>Calgary Police Commission</u> – The Calgary Police Commission is a civilian body (members are appointed by the city council) that is responsible for appointing the chief, evaluating the chief's performance, and handling complaints concerning the chief. The Commission monitors the public complaint process, and determines how to best spend city funds. The Commission provides direction to the police service through the chief of police. The Commission and the Calgary Police Service are accountable to the Alberta Minister of Justice.

The Calgary Police Commission has nine members. Seven members are from the public, and two are municipal appointees (who may be aldermen or other employees). The city council appoints the nine members annually in October. Members serve two-year terms (staggered) and may be reappointed for up to three two-year terms. The Chairman and one or more Vice Chairman are elected annually by the Commission. The Calgary Police Service has more than 1,600 officers and 855 civilians.

<u>Vancouver Police Board</u> – The Vancouver Police Board is responsible for responding to policy and service complaints against the Vancouver Police Department, and the Chair of the Board is the disciplining agent regarding conduct complaints (whether internal discipline or public trust complaints) made against a chief or deputy chief constables. The Chair must get approval from the rest of the Board before ending investigations or implementing disciplinary sanctions. The Police Board has a Service and Policy Complaint Review Committee (made up of all the members of the Board, with one member designated as committee chair) to ensure that the board is meeting its stated responsibilities for service and policy complaints. The Board also has primary financial oversight of the police department.

The Vancouver Police Board has seven members, with the mayor serving as Chair, one member appointed by the municipal council, and up to five members appointed by the Lieutenant Governor in Council. Board members must prove that they can serve in the community's interest, and are appointed for a term of up to four years. While they may be reappointed, they cannot serve for more than six consecutive years. The Vancouver Police Department has a staff of 1,303 officers and 284 civilians.

 Ottawa Police Services Board – The Ottawa Police Services Board is responsible for "excellence in governing," and is "the initiator of policy, not merely a reactor to staff initiatives." The chief of police of the Ottawa Police Service is accountable to the Board as a whole. Monitoring the chief's performance in terms of meeting board policies (both the Chief's Requirements and Ends to be Achieved) is handled in one or more of three methods: internal reports from the chief to the Board; external reporting (discovery of compliance information by an external auditor, inspector or judge, or by the Ministry of the Solicitor General as part of their regular audit); and direct Board inspection. Monitoring is conducted annually, with the exception of Communication and Counsel to the Board and Acceptance of Donations, Loans and Sponsorships, which are monitored semi-annually. The Board's authority is delegated through the chief.

The Board is responsible for recruiting and appointing the chief, deputy chiefs (or their civilian equivalents) and annually determining their pay and working conditions. The Board has the authority to review complaints made about the conduct of a chief or deputy chief, and also has the authority to investigate incidents where the chief discharged a firearm in the course of his or her duty. The chief is also mandated to refer complaints about him/her or a deputy chief to an outside body for classification. While the chief has considerable financial planning and budgeting authority, ultimately he/she must report financial activities annually to the Board.

The Police Services Board is comprised of seven members: three of which are provincial appointees, one citizen appointed by the city council, and three representatives of the city council. The Ottawa Police Service has 1,138 officers and 524 civilians.

• <u>Toronto Police Services Board</u> – The Toronto Police Services Board recruits and appoints the chief and deputy chiefs and annually determines their pay and working conditions, as well as creating guidelines for the civilian complaint process. The Board also approves the Toronto Police Service's operating budget and establishes policies for effective management of the police.

The Board is responsible for collective bargaining arrangements with the Toronto Police Association (the current contract expires December 31, 2007). The Board also concerns itself with various policing strategies. One current issue concerns the use of Closed Circuit Television (CCTV) cameras. The Board has authorized the Chief of Police to establish CCTV procedures that make the case for their use, but at the same time account for privacy measures. The Board's operating budget request for 2008 is \$2,233,900 Canadian, a 0.4% savings over the last year's budget.

The Toronto Police Services Board has seven members, three of which are appointed by the provincial government, one member is the mayor, two members are City of Toronto Councillors and one member is selected by the City of Toronto Council. The Toronto Police Service has 5,371 officers and 2,703 civilians.

#### **United Kingdom**

Independent Police Complaints Commission – The Independent Police Complaints
 Commission, established in 2004 and funded by the Home Office, is an independent body
 that oversees and investigates police complaints in England and Wales. The IPCC
 handles specific complaints against officers but does not handle complaints of a general
 nature such as police policies and procedures. The IPCC can choose to manage or
 supervise police investigations into misconduct cases, but may also handle the
 investigation of serious incidents (involving death or serious injury, as well as issues of
 serious police corruption, complaints against senior officers, and allegations of racism).
 Police authorities are required to provide the IPCC with the information it needs to carry
 out its functions (including inspection) and ensure that the IPCC or their designee has

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access to any police premises and documentation during the course of an investigation. Police authorities must also refer cases to the IPCC where the Chief Police Officer of a given force did not do so.

The IPCC is made up of a Chair, Deputy Chair, and 15 Commissioners. All appointments made are for a five-year period and obtained through open competition. No commissioner may have served previously as a police officer.

- <u>The Association of Police Authorities</u> In the United Kingdom, police authorities are also employed to ensure that citizens have efficient, effective delivery of police services. There are a total of 43 police authorities (one for each police force) in England and Wales, and an additional one for the British Transport Police. All police authorities in the UK are members of the Association of Police Authorities. Typically, a police authority will have 17 members: 9 local councillors appointed by the local council, 5 independent members recruited via local advertising, and 3 local magistrates. The Metropolitan Police Authority has 23 members due to London's size. Police authorities have the following roles (directly quoted from the APA website):
  - "Holds the police budget and decides how much council tax should be raised for policing
  - o Appoints (and dismisses) the chief constable and senior police officers
  - Consults widely with local people to find out what they want from their local police
  - Sets local policing priorities based on what local people say matters to them and targets for achievement
  - Monitors everything the police do and how well they perform against the targets set by the authority
  - Publishes a 3 year plan and an annual plan which tells local people what they can expect from their police service and reports back at the end of the year
  - o Makes sure local people get best value from their local police
  - o Oversees complaints against the police and disciplines senior officers"

A specific example of a police authority in the UK is the Thames Valley Police Authority (TVPA): The TVPA has recently been organized into five Basic Command Unit Committees which mirror the Thames Valley Police Basic Command Units: Oxfordshire, Berkshire West, Berkshire East, Buckinghamshire, and Milton Keynes. The Thames Valley Police Authority has a legal mandate to review complaints made against a chief constable, deputy chief constable or assistant constable. The TVPA has 19 members, 10 of whom are elected and is also responsible for appointing chief constables, deputy chief constables and assistant constables. The TVPA also reviews how the police investigate complaints about police officers and determines the outcome of complaints against senior police officers. The TVPA also approves and monitors the police budget.

<u>Metropolitan Police Authority</u> – The Metropolitan Police Authority is the police authority for the Metropolitan Police Department. The MPA oversees the appointment and discipline of senior police officers, sets policing targets and measures progress made in achieving them, and is accountable for the management of the police budget. For transparency purposes, the Authority makes use of borough Community Engagement Groups to promote police accountability and to report back to the community what the police are doing. The Authority also uses Crime and Disorder Reduction Partnerships made up of police, local authorities, and business and other organizations and businesses to develop strategies for dealing with crime and disorder issues locally. The Authority has other varied responsibilities, including policy input and authorization of equipment. For example, in October 2007 the Authority refused to sanction the rollout of Tasers<sup>TM</sup> to non-firearms police officers in London.

The Metropolitan Police Authority has 23 members. The Metropolitan Police Service currently has a staff of over 31,000 police officers and 14,000 professional and support staff.

• <u>Northern Ireland Policing Board</u> – The 1999 Patten Commission recommended that the then-current police authority should be replaced with a new one. The Police Act

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(Northern Ireland) of 2000 established the Northern Ireland Policing Board and was "entrusted with ensuring for all the people of Northern Ireland the delivery of an effective, efficient, accountable and impartial police service..." Dedicated to the preservation of human rights, the Police Authority has a statutory mandate to monitor police compliance with the Human Rights Act, the only police agency in the United Kingdom required to do so. It is the opinion of some that the PSNI is one of the most scrutinized and monitored police agencies in the world. The Northern Ireland Policing Board is responsible for oversight of the Police Service of Northern Ireland. The Board is permitted to appoint and dismiss the chief constable and senior police officers (assistant chief constables and above). The Board also oversees complaints against senior officers and can discipline them if need be.

The Northern Ireland Policing Board currently consists of 19 members. According to their website, 10 are political members and nine are independent members. Independent members are appointed by the Secretary of State through an open competition while political members are chosen based upon the results of assembly elections and are then also appointed by the Secretary of State. Terms and conditions of appointment for independent members are set by the Northern Ireland Office, and independent appointments are for four years, with the possibility of a second term.

The Police Service of Northern Ireland has 7,500 sworn officers and 2,900 civilian staff.

#### Scotland

 <u>Strathclyde Joint Police Board</u> – The Strathclyde Police is the largest police force in Scotland, and provides police service to 12 local authorities. The Strathclyde Joint Police Board is the police authority for the Strathclyde Police. The main purpose of the Board is to ensure that the chief constable has sufficient resources at his or her disposal to effectively run the police, in part by managing the police budget. The Police Board is also responsible for appointing chief and assistant chief constables and reviewing how complaints about officers are dealt with.

The Strathclyde Joint Police Board is made up of 34 locally elected councillors who must represent one of the 12 Councils within the jurisdiction of the Strathclyde Police. Neither the Chief Constable nor the First Minister can provide input into who is elected to the Board. Members of the general public and lay appointments are not eligible to be board members. Strathclyde Police employs approximately 7,500 officers and 3,000 support staff.

#### **Republic of Ireland**

 <u>Garda Siochana Ombudsman Commission</u> – The Garda Siochana Ombudsman Commission is an independent statutory body whose mandate is to investigate complaints by the public about Garda officers, investigate any matter (even when no complaint has been lodged) where it appears an officer may have committed an offense or acted in a manner that would warrant disciplinary proceedings, and investigate Garda policies, procedures and practices to reduce the number of related complaints. Investigators have the full powers of Garda officers while investigating complaints, which include the power to question, arrest, search, detain, take bodily samples and seize evidence. The Garda Ombudsman also has the power to supervise and manage a Garda investigation if needed. The Ombudsman may also seek to resolve lesser issues via mediation or informal resolution.

The Garda Siochana Ombudsman Commission is made up of three Commissioners. The Garda Siochana is made up of 12,265 officers and 1,645 civilian staff.

 <u>Garda Inspectorate</u> – The Garda Inspectorate, formed in 2006, is a division of Ireland's Department of Justice, Equality and Law Reform. The Inspectorate serves to benchmark overall Garda performance and promote best practices within the agency to ensure that the Garda utilizes its resources as effectively as possible.

#### New Zealand

• <u>New Zealand Police</u> – The New Zealand Police is organized into 12 different districts, each led by a District Commander who holds the rank of Superintendent. Each district has a number of substations. New Zealand does not have any local forces. The

organization is headed by a Commissioner who is appointed by the Governor General. The Commissioner reports to the Minister of Police, one of several minister appointments under the Prime Minister. The review did not indicate any type of oversight body between the Commissioner and the Minister of Police.

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In New Zealand, the Police Complaints Authority is a civilian oversight body with the authority to receive complaints against the police, oversee complaint investigations, review investigation reports, initiate its own investigations, resolve complaints and suggest disciplinary action. The Authority is a single person and operates independently of the police.

#### Australia

New South Wales Ombudsman and Police Integrity Commission – There are two
main mechanisms for police oversight in New South Wales: The Office of the
Ombudsman, and the Police Integrity Commission (PIC). The Office of the
Ombudsman assesses how NSW Police categorize complaints, specifically to ensure
that complaints that should be referred to the PIC are done so. The Ombudsman may
direct investigations regarding police conduct and police investigations, and may
make a police complaint and investigate a complaint when he or she believes that it is
in the public interest to do so. The Ombudsman may also prepare reports about police
complaints (or the NSW Police investigation of complaints) for the complainant,
Commissioner of Police and the Minister of Police, which contain recommendations
to improve poor investigations, improve NSW Police policies and procedures, and
remedy improper management action.

A key limit of the Ombudsman's power is that he or she can only make recommendations, and cannot make binding decisions affecting police officers. The Ombudsman also does not have the discretionary and coercive powers the PIC has.

The Police Integrity Commission (PIC) was established in 1996 and is responsible for the responding to serious police misconduct issues. The PIC is able to issue search

warrants and seize documents and other forms of evidence in their investigations, and may also obtain warrants for electronic monitoring (bugging) devices. The PIC also has considerable "discretionary and coercive powers," and can conduct investigations even when there is no evidence of wrongdoing. Furthermore, the PIC may hold hearings (those called before the PIC as witnesses may be arrested if they do not show up at the hearing). Current and former NSW police officers are prohibited from working for the PIC.

<u>Victoria Office of Police Integrity</u> – The Victoria Office of Police Integrity (OPI) was established in 2004 in order to ensure the Victoria Police are held to the highest ethical and professional standards. The OPI is required to investigate complaints regarding the conduct of the Chief Commissioner of Police, Deputy Commissioners and Assistant Commissioners. The OPI has considerable powers including: being able to conduct hearings; summoning people to give evidence or to produce documents; conduct searches with a warrant at public locations (or without a warrant, if at the premises of public authorities, including the Victoria Police) in order to obtain relevant documents or other evidence relevant to an investigation; and obtain warrants for the use of phone taps and surveillance devices.

# CITATION OF ORGANIZATIONS EXAMINED

## UNITED STATES

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Boise Office of the Community Ombudsman: http://www.boiseombudsman.org/ http://www.boiseombudsman.org/AnnualReports/2006AnnualReport.pdf http://www.boiseombudsman.org/InvestigativeReports2007.aspx

#### Chicago Police Board:

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Office of Professional Standards, Chicago Police Department: http://www.opschicago.org/

<u>Federal Government:</u> <u>http://www.usdoj.gov/</u> <u>http://www.usdoj.gov/oig/</u> <u>http://www.usdoj.gov/oig/offices/organization.htm</u> <u>http://www.usdoj.gov/oig/reports/index.htm</u>

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New York City:

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<u>Milwaukee Fire and Police Commission</u>: <u>http://www.city.milwaukee.gov/AbouttheFireandPolic1113.htm</u>

**INTERNATIONAL** 

Canada <u>Alberta Police Act:</u> <u>http://www.canlii.org/ab/laws/sta/p-17/20070910/whole.html</u>

## Edmonton Police Commission:

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#### **United Kingdom**

Independent Police Complaints Commission: http://www.ipcc.gov.uk/index.htm http://www.ipcc.gov.uk/index/complainants/who\_complaint.htm http://www.ipcc.gov.uk/stat\_guidelines.pdf http://www.ipcc.gov.uk/index/about\_ipcc/investigations.htm http://www.ipcc.gov.uk/index/about\_ipcc/what\_do.htm http://www.ipcc.gov.uk/index/police/police\_authorities.htm http://www.ipcc.gov.uk/index/about\_ipcc/who\_runs/chair\_commission.htm http://www.ipcc.gov.uk/index/about\_ipcc.htm

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## Metropolitan Police Authority

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## Scotland

<u>Strathclyde Joint Police Board</u>: <u>http://www.strathclyde.police.uk/index.asp?locID=15&docID=-1</u> <u>http://www.strathclyde.police.uk/index.asp?locID=532&docID=-1</u> <u>http://www.glasgow.gov.uk/en/YourCouncil/Council Committees/JointBoards/policeboard.htm</u>

# Ireland

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# New Zealand

<u>New Zealand Police:</u> <u>http://www.beehive.govt.nz/Minister.aspx?MinisterID=5</u> <u>http://www.gg.govt.nz/role/index.htm</u> <u>http://www.legislation.govt.nz/libraries/contents/om\_isapi.dll?clientID=16068025&infobase=pal</u> <u>\_statutes.nfo&jump=a1958-109&softpage=DOC</u> <u>http://www.pca.govt.nz/</u> <u>http://www.primeminister.govt.nz/frame-pmwork.html</u> Some reference information came from a contact in the department.

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