



# INDEPENDENT INVESTIGATION PROCEDURES AND OVERSIGHT MECHANISMS

This is resource note 8.2 of the [CTI practical Police Resource Toolkit](#) for professional, human rights-compliant Policing.

## BACKGROUND

At the core of the debate regarding oversight of police powers is the persistent question of how to hold police responsible for crimes against those they are sworn to protect. Accountability for human rights violations, and particularly for allegations of torture, excessive use of force, sexual assault, and corruption, among others, are critically important for upholding the rule of law. Further, effective police accountability facilitates confidence in police services which, in turn, promotes safety and security – if the communities they serve perceive their police are as accountable to the rule of law as they are, they will have an elevated sense that they are being treated fairly, and will thus be more willing to cooperate with them. Both the police and the public benefit from increased respect for policing institutions.

In recent years, use of video and bodycam footage has increased accountability and transparency regarding police incidents involving excessive use of force in effecting [arrests](#), [stop and searches](#), and other interactions that police and law enforcement have with suspects, victims and witnesses, which have shown the importance of establishing oversight bodies that independently and impartially investigate allegations of misconduct by police and law enforcement, including serious crimes. Additionally, international law and related court decisions guarantee the right to effective investigation of alleged serious crimes committed by the police. Among others, Article 12 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), for example, requires States to conduct prompt and impartial investigations when there are reasonable grounds to believe that an act of torture has been committed in any territory under its jurisdiction. Similarly, the Inter-American Commission on Human Rights has ruled that the right to life under Article 4 of the American Convention on Human Rights generates a state duty to investigate when police action causes the death of a citizen. The UN Basic Principles on the Use of Force and Firearms also provide that Governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law.

The vehicle for facilitating accountability for police misconduct is an effective oversight mechanism which is independent of the police agency under investigation, carries out thorough investigations, and is transparent in the eyes of the public. Effective, thorough and transparent investigations express society's adherence to the rule of law, and facilitate trust in policing agencies.

This resource note outlines the key elements needed for Independent Police Oversight Bodies (IPOB) to effectively investigate and ensure accountability for human rights abuses and other crimes committed by police officers. It focuses on recommended practices for conducting *criminal* investigations – as opposed to

civil lawsuits or disciplinary consequences – because of the serious nature of the allegations against those in positions of authority. The UNODC handbook on police accountability, oversight and integrity can be consulted for further guidance on key aspects of effective police accountability, including as it relates to the establishment of independent oversight and complaints bodies.

In many countries, independent oversight bodies take the form of Ombudsperson offices or National Human Rights Institutions that operate under the Principles relating to the Status of National Institutions (the Paris Principles), which guide the status and functioning of NHRIs for the protection and promotion of human rights, or otherwise police-specific bodies, such as police boards or ombudspersons, police service or police complaint commissions, and independent police oversight/complaints bodies.

## RECOMMENDED PRACTICES for independent investigation procedures and oversight mechanisms

### 1. Independence

Independence is the bedrock for an effective Independent Police Oversight Body. This subsection explains what independence entails.

#### (a) Legislation governing an Independent Police Oversight Body

The governing legislation should be set out in statute and regulations. This step helps clarify the IPOB's mandate, and establishes it as distinct from any other law enforcement. The Special Investigations Unit in Ontario Canada, for example, receives its mandate in stand-alone legislation after being part of general police governing law for many years. Having separate legislation to govern an IPOB helps – not only to ensure its independence – but to assist in preventing the IPOB from being saddled with a remit that is either too broad or too narrow. Without statutory or constitutional protection, an IPOB can easily be disbanded.

#### (b) Adequate budget

Even with a well-crafted mandate containing safeguards, inadequate funding will erode its effectiveness. Separate legislation often means that its funding should be set out in the State's budget as a dedicated line item, a clear advantage in ensuring the agency's effectiveness. Any issues with inadequate budgeting should not be addressed by reliance on police support for tasks such as the gathering or storing of evidence. Reliance on police support is one of the two primary indicators of lack of independence on the part of police oversight agencies.

#### (c) Physical premises

Just as an IPOB benefits from having its own legislation and budget, it needs to be physically located apart from the police with access restricted to authorized personnel. Such separation improves the perception of independence in the eyes of the public, and it encourages victims/witnesses who would be reluctant to enter a police building to come forward.

Depending on the size of the jurisdiction, the IPOB's budget should be robust enough to establish regional offices to facilitate access to civilians and to house investigators who could respond quickly to an incident.

The IPOBs in South Africa, Jamaica and Israel all have multiple offices to ensure access for those under their jurisdictions. Minimally, the IPOB should have a website to permit online complaints.

In sum, an IPOB must have independence and that independence should be reflected in its governing legislation, its budget and ideally its physical location.

#### (d) Independence of IPOB director

An IPOB, like any other institution, is only as strong as its leader. Leading an IPOB is a complex position requiring a careful manoeuvring among entrenched interests with a need to fulfil the IPOB's mandate of effective investigations. To successfully lead an IPOB, its director must be assured of the agency's independence from external pressures, particularly from police interest groups.

An IPOB's independence is facilitated by its reporting structure. Its director must be willing to manage all incidents within the agency's mandate with a view to deciding whether there are grounds to initiate or recommend a prosecution. Working within a governmental structure to hold other parts of the same government criminally accountable leaves the director vulnerable to either overt political or subtle interference. It is therefore recommended for the director to report directly to the Parliament or equivalent body instead of to the head of a government department.

The agency's leader needs to be protected from governmental interference. This concept has been elevated to a constitutional protection in South Africa's Independent Police Investigative Directorate. In others – such as Jamaica's Independent Commission of Investigations – the concept is embedded in its governing statute, which states that its Commission “shall not be subject to the direction or control of any other person or authority”.

In order to foster public confidence in an IPOB, the governing legislation should make it clear that current or former police officers are disqualified from selection as director. While there is no doubt that many officers could be effective leaders, the need for the appearance of independence demands that the IPOB not be vulnerable to accusations of institutional bias.

#### (e) Appointment of an IPOB director

The director of an IPOB should be chosen through a rigorous process that guarantees the maximum degree of independence, similar in many jurisdictions to the selection process for an Ombudsperson. The *Principles on the Protection of the Ombudsman Institutions* (“the Venice Principles”), adopted by the Council of Europe's European Commission for Democracy through Law set out internationally recognised standards for strong and independent Ombudsperson institutions and provide useful guidance which could be applied to the IPOB director context. They recommend a public call for applications, and that the entire selection process be public, transparent, merit based, and provided for by law. Creation of a multi-party selection committee with participation of civil society and relevant institutions to select candidates based on clear and rigorous criteria is also an important guarantee. Finally, the process should culminate with approval of the new director by the relevant legislature.

#### (f) Fixed term appointment

The Venice Principles recommend: “The term of the office of Ombudsman should be longer than the mandate of the appointing body with no option for re-election; at any rate, the Ombudsman's mandate shall be renewable only once. The single term should preferably not be stipulated below seven years”. Limiting his

or her tenure ensures that the position does not become a sinecure, prevents burnout, and protects a long-serving director from becoming too aligned with police or other institutional interests.

### (g) Dismissal of an IPOB director

Inextricably connected with the concept of independence is any mechanism used to dismiss an IPOB Director before the end of term. Dismissal before the end of term should only take place upon just cause and occur through a process of sufficient protections, such as a vote of the governing legislature. Reference to the Venice Principles is once again useful: an Ombudsman “shall be removed from office only according to an exhaustive list of clear and reasonable conditions established by law. These shall relate solely to the essential criteria of ‘incapacity’ or ‘inability to perform the functions of the office’, misbehaviour’ or ‘misconduct’” which must be narrowly construed.”

### (h) Responsibility of leadership

A critical question for an IPOB is: “should the director make the decision to charge a police officer or make a recommendation to another body, such as the jurisdiction’s prosecution service?” Although practices vary, it is recommended for the IPOB director to make the decision to charge an officer with a criminal offence. By legislating this authority in the office of the director, a specific individual may be held accountable for the decision. Further, the decision will be made independently of the prosecution service.

In those jurisdictions where the director does not make the ultimate charging decision, and that decision is made by the prosecution service, public confidence demands transparency and accountability. The prosecution service should provide written reasons to the IPOB director in cases where it decides not to prosecute, and the director should then have the discretion to make those reasons public.

## 2. Investigative authority and jurisdiction

Defining what the IPOB investigates and over whom it has jurisdiction is critical to the effective functioning and the fulfilment of its mandate. There will be inevitable resistance by the police to ceding jurisdiction to a new agency over which it has no control. For this reason, it is important that the IPOB’s sphere of jurisdiction be well defined so other police agencies know when their duty to notify the IPOB arises and what their responsibilities are after notification. Once notified, the IPOB may invoke its exclusive powers to conduct an investigation.

### a) IPOB as lead investigative agency

Nearly all incidents falling under an IPOB’s jurisdiction will overlap with other State agency’s jurisdictions. For example, in fatality cases, the medical examiner or coroner may have the jurisdiction to conduct an investigation. As well, complainants may be subject to a parallel investigation by the police service arising from the same incident. Not only can overlapping jurisdictions cause confusion for all involved agencies, this issue can negatively impact upon the IPOB’s ability to carry out a truly independent investigation – only one agency can effectively be the lead one.

Additionally, the IPOB investigation could lead to criminal charges, the most serious societal response to alleged wrongdoing, and the IPOB needs to be the primary evidence gathering tool to ensure the integrity of the evidence if a trial takes place. Accordingly, in order to avoid conflicts of interests, it is recommended that the IPOB have exclusive jurisdiction over any incident over which it asserts its authority and this be reflected in its governing legislation.

### (b) What the IPOB investigates

The typical mandate of an IPOB is to conduct effective investigations into death, serious injury and allegations of torture or sexual assault by police officers. Some countries extend the mandate to cover the disappearances of those detained in police custody, crimes against the administration of justice and in at least one jurisdiction<sup>1</sup>, the director has the ability to invoke jurisdiction when he or she believes there is a significant public interest.

Whatever the specific mandate may be, it must be carefully defined so that the affected policing agencies are on notice to immediately notify its IPOB when a relevant incident arises. Notification is critical to the IPOB's ability to effectively investigate because it prompts a series of important investigative steps, and the IPOB's assuming its role as the lead investigative agency permits it to secure the scene, seize evidence and interview witnesses.

Given the potential demand on an IPOB's limited resources, there may be a need for a screening process to prioritize cases according to their seriousness.

### (c) Who the IPOB investigates

While this question may seem straightforward – and the answer should always include police due to their role in [arrest](#) and detention – some thought should be given to jurisdiction over those typically not considered as fully empowered officers such as bailiffs, auxiliary or probationary officers. Further, police detention cells and centres are sometimes manned by special constables or correctional officers and the governing legislation should consider whether they ought to be included within the IPOB jurisdiction.

Standard modes of criminal liability such as aiding and abetting, counselling and conspiracy are relevant to these investigations and criminal liability can extend to such parties if their acts or omissions trigger such liability. Some jurisdictions attach criminal liability to police who fail to protect those in their custody – medical assistance is one example. Further, criminal liability may attach to officers who wilfully interfere with an ongoing IPOB investigation by, for example, destroying or suppressing evidence. These concepts can expand criminal liability to give an IPOB jurisdiction over those in a with superior/command responsibility over the alleged principal perpetrator.

Offences committed by police officers when off-duty typically do not fit within an IPOB mandate. However, if there is a connection between the officer's role as police officer and the alleged misconduct, it should trigger the IPOB mandate. An example would be an off-duty officer who identifies himself as a police officer in order to exact sexual favours.

## 3. Investigators and Investigations

These investigations can be very challenging – IPOB investigators are often confronted by a code of silence when gathering evidence against a subject officer. In some circumstances, the subject officer is supported, either expressly or tacitly, by those in senior command of his or her service. Further, if the matter goes to a trial, police officers' testimony is often preferred to that of citizen witnesses.

<sup>1</sup> Section 55(6) of the Police (Northern Ireland) Act, 1998 empowers the Police Ombudsman of Northern Ireland to initiate an investigation of his own motion when "it is desirable in the public interest that he should do so."

Criminal investigations of the police are often complex, and subject to opposing pressure from policing interest groups on the one hand and involved citizen groups on the other. Investigations of crimes such as homicide, torture, sexual assault and corruption require specific technical skills. If a charge proceeds to trial, the IPOB investigators will likely be called as witnesses and subject to searching cross-examinations focussing on the competency of their investigation. Thus, the selection of these investigators is critical to the agency's success.

#### **(a) Avoiding perceptions of bias: Hiring of former, seconded police officers, or investigators with no police experience**

The practicalities of staffing an agency mandated to conduct major criminal investigations, particularly in an IPOB's early stages, means the only readily accessible pool of qualified candidates will be police officers. However, perceptions of bias surrounding the use of former or seconded officers will erode public trust.

Notwithstanding this issue, it is recommended that former officers be considered as candidates due to their accumulated knowledge of conducting major criminal investigations. However, former officers should not be involved in any investigation that relates to the police service where they previously worked. As well, former police officers ought not to be the majority of IPOB investigators. IPOBs should make a concerted effort to draw promising candidates from other backgrounds and develop a mentorship and training program within the agency. This recommendation of permitting former officers does not extend to seconded officers. The use of seconded officers is bound to create the appearance of bias and has been shown to subvert the effectiveness of oversight agencies.

#### **(b) Compensation, identification and clothing**

As discussed in the subsection below, IPOB investigators must have the same powers as those of police or other law enforcement officers conducting complex investigations. As such, they deserve a compensation package similar or better than officers performing similar duties. IPOB investigators will need an identification badge and visibly identifiable jackets to wear at an incident scene which differentiate them from the officers they will be investigating. Beyond these identifiers, there ought to be no need for the usual paraphernalia associated with police officers – the typical use of force items such as firearms, batons and handcuffs will not be necessary given the remote likelihood of them ever being used.

#### **(c) Diversity and cultural awareness of IPOB investigators**

Whether investigators are former police officers or not, the IPOB needs to be cognizant of gender, racial, ethnic and cultural diversity within its staffing, particularly those who have significant public contact. Such diversity strengthens the agency because the investigators are likely to interact with a diverse community.

Investigators need to receive ongoing education on anti-racism, diversity, inclusion, gender-based violence and mental health. The training must include victim-centered and trauma-informed approaches to victims/survivors and to families who have lost loved ones, particularly in the area of alleged sexual assaults.

### **4. IPOB powers in practice**

An IPOB is only as effective as the powers it has. This section examines the powers of IPOB investigators, how and when they are brought to bear, and the duty of the police to cooperate.

### (a) Powers of an IPOB investigator

Investigators must have the same power as police officers. This typically includes powers of detention and arrest, the authority to apply to a court for search warrants, communications intercepts and production orders for documents. Of particular importance, the investigators must have the power to enter any police and other law enforcement premises to gather relevant information without prior judicial authorization.

### (b) Mandatory immediate notification and duty to cooperate

Mandatory immediate notification is critical to conducting an effective investigation. Delayed notification can lead to missing witnesses and lost evidence. Thus, police authorities are required to immediately notify the IPOB when an incident comes to their attention which may reasonably fall under its IPOB mandate, with a related duty that any officer must notify one's superiors in similar circumstances<sup>2</sup>.

Along with this mandatory duty to notify, IPOBs need a robust system to receive complaints after the fact. This filing of complaints will be relevant to allegations of torture, delayed disclosure or diagnosis of serious injuries such as concussions or rib fractures, and sexual assault, which are often historical in nature.

Once the IPOB's mandate is invoked, all police employees have an immediate duty to cooperate with the IPOB, and that duty requires them to comply with directions from the IPOB investigators. Any failure to notify or cooperate should have significant disciplinary consequences.

### (c) Securing the scene of the incident

There will usually be a lag time between the time of the incident and response by the IPOB investigators. In those circumstances, the incident scene needs to be secured so that it can be properly documented and evidence collected. Thus, it is recommended that the subject police service have the duty to secure the incident scene to the same standards expected of a police service pending arrival of the IPOB. After the scene is secured, it may be assessed by qualified crime scene analysts who are employed the IPOB.

### (d) Segregation of involved police officers

All involved officers should be segregated from other officers, lawyers and police representatives until they have written up their notes to a standard expected of an officer after a major incident and should only be permitted to leave after being interviewed or excused by an IPOB investigator. Because officers' notes often represent the first memorialization of an incident, they should not be permitted access to others until their notes are completed in order to prevent (allegations of) collusion. As well, the investigators need the authority to seize an officer's use of force instruments, clothing, and any recording devices such as mobile phones or body-worn cameras.

### (e) Post-incident notes and statements

In a post-incident situation, involved officers fall into two categories: witness officers and subject officers.

- **Witness officers** have no criminal exposure arising from the incident. As a result, their duty to cooperate should include production of their post-incident notes as well as a compelled statement with a duty to answer all relevant questions. This obligation is critical to many investigations – in the absence of other

<sup>2</sup> See also BPUFF, principles 22-25.



compelling evidence such as video recordings, the outcome of many investigations turn on the contents of those notes and statements of witness officers.

- In contrast, a **subject officer** has the risk of criminal jeopardy in suspect-focused investigations. A key legal principle of criminal law, in many countries, is that anyone who is a suspect in a criminal investigation has no duty to provide a statement to the authorities for the purpose of that investigation, referred to as the right to silence or rule against self-incrimination. In this sense, subject officers are like anyone else facing criminal liability – they have no duty to provide their post-incident notes nor a statement to investigators. The rights and duties of officers should be outlined in their employment contracts so there is no misunderstanding during an IPOB investigation.

#### (f) Evidence of subject officer: Post-incident physical evidence and preservation of data and records

While there may be issues of self-incrimination with respect to a subject officer's notes and statements created *after* the incident, these concerns should not extend to physical evidence such as a subject officers' clothing, photographs of injuries or collection of gunshot residue because – at the time this evidence was created – there was no potential criminal liability. This means the IPOB officers should consequently be able to access them without requiring a judicial warrant.

Police services generate large amounts of data about their operations – recordings of phone calls, in-car communications, video recordings and arrest reports are some examples. The duty to cooperate should embrace a duty to preserve and provide any requested records to the IPOB. This duty should extend to notes created by the subject officer *before* the triggering of the IPOB mandate because there was no aura of criminality surrounding the creation of those notes at the time of their creation. Additionally, training records and personnel files of subject officers should be provided for the same reason; they often provide an understanding of an officer's presumed state of knowledge at the time of the incident, and at the time of creation, no criminal liability existed.

## 5. Forensic evidence

### (a) Forensic evidence services

Typically, police agencies use a State-run forensic unit for analyses such as toxicology, firearms discharge, blood spatter, de-encryption of computer data and DNA. The IPOB will need access to all such services, and most jurisdictions will not have forensic services that are not either under police authority or working closely with the police. There are ways of reducing potential conflict if independent forensic services are unavailable, for instance by:

- Anonymizing submissions by all investigative agencies to ensure the reviewer is not unconsciously biased in the analysis;
- Developing a protocol with an out-of-jurisdiction forensic service; or
- Permitting the IPOB to have the forensic report in question re-evaluated by an expert of its choosing.

### (b) Post-mortem autopsies

In a fatality incident involving the police, the post-mortem autopsy report is a critical piece of evidence in attempting to resolve the circumstances surrounding death. The report's conclusions are often determinative in addressing the fundamental issues of homicide, suicide or death by misadventure. Accordingly, all reasonable steps should be taken to ensure a thorough and independent autopsy.



Those steps would include:

- Immediate notification to the IPOB for any death involving police interaction or a death in police custody;
- A transfer of the body into IPOB custody with a documented chain of custody;
- An autopsy performed by a trained forensic pathologist with full documentation of the autopsy and only IPOB investigators present during the autopsy;
- A review by an external pathologist of all suspicious deaths; and
- Permitting the family of the deceased an opportunity to have a pathologist of its choice either present at the autopsy or the ability to perform a second autopsy before release of the body.

For further information, the Minnesota Protocol on the Investigation of Potentially Unlawful Death sets out minimum standards for autopsies.

### (c) Suspicion of torture

In cases of allegations of torture, medico-legal evidence is critical and forensic examinations of victims should follow the standards set out in the United Nations Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol), which assist in determining whether the physical and psychological state of victims is consistent with their account of alleged torture. The Istanbul Protocol regulates the key principles for the effective investigation and documentation of torture and other ill-treatment and offers guidance on procedures involved in investigations of torture or other ill-treatment and can be an important tool for IPOBs to use and follow.

## 6. Thorough and timely investigations

Everyone should benefit from an expeditious investigation – both the victims and complainants who want answers and the subjects of the investigation who no doubt would prefer a cloud of suspicion regarding their conduct resolved. And unacceptable delays foster doubts in the public's mind of an under-resourced or poorly run IPOB. Some delays are inevitable. Some investigations require expert reports from outside sources which take time; and investigations involving missing persons by their very nature can remain open for years.

In the competing forces of thoroughness and timeliness of investigations, the former should be the dominant force. In an attempt to reach a balance, it is recommended that the investigations be completed in a timely manner. The SIU in Ontario has adopted the practice of conducting investigations within 120 days. If these take longer than 120 days, the IPOB would publicly report on the delay and, so long as it does not compromise the investigation, reasons for the delay. In most cases, this reporting will provide the public with confidence the investigation remains active. Additionally, it would serve as a reminder to the IPOB director of the status of the outstanding cases.

## COUNTRY EXAMPLES



### **Northern Ireland: Police Ombudsman of Northern Ireland (PONI)**

As well as having jurisdiction over the Police Service of Northern Ireland, [PONI](#) investigates incidents involving the Belfast Harbour Police, Belfast International Airport Police, the Ministry of Defence Police and the National Crime Agency (when operating in Northern Ireland). It operates a 24-hour seven-days-a-week emergency response system and issues guidance to the police for notification. At its inception, PONI recruited investigators from around the world to have their experience without the perception of bias associated with hiring local former police officers. PONI has a Historical Investigations Directorate to investigate allegations related to the Troubles going back as far as 1968.



### **Kenya: Independent Policing Oversight Authority (IPOA)**

In Kenya, [IPOA](#) was established in 2011 following recommendations of the Commission of Inquiry into the country's post-election violence. It is led by a board and managed by a director. The governing legislation requires stringent qualifications for its board members. Its board members jointly decide on recommendations for further steps such as charging or disciplinary action at the end of an investigation. IPOA's governing act makes it clear that a police officer's failure to report to IPOA incidents where used of force has resulted in death, serious injury or other grave consequences is a disciplinary offence.



### **South Africa (Republic of): Independent Police Investigative Directorate (IPID)**

The need for an investigative body which would investigate any police misconduct is enshrined in its Constitution. The only body that can remove the [IPID](#) director is the country's parliament with a two-thirds majority vote in the National Assembly. On the question of whether IPID assumes jurisdiction for off-duty police misconduct, its governing legislation reads there must be "enough of a connection between their employment as police officers and their illegal acts". IPID publishes an annual report with detailed statistics, performance indicators, administrative and budgetary matters, allowing interested readers to track trends in police use of force and the Directorate's responses.



### **Ontario (Canada): Special Investigations Unit (SIU)**

This province of Canada established its [SIU](#) in 1990, making it one of the oldest in the world. In all cases where an on-duty police officer causes death, serious injury or is subject to a sexual assault allegation, the SIU has carriage to conduct a criminal investigation. Unlike many other IPOBs, its director makes the decision to lay criminal charges and not the prosecution service. Involved officers are divided into two categories - witness and subject officers. Witness officers face no criminal jeopardy and have an employment-based obligation to provide their post-incident notes and a statement to the SIU investigators. Subject officers, on the other hand, have no duty to provide their notes nor a statement to the SIU. Its jurisdiction has recently been expanded to include incidents where an officer discharges a firearm at a person but no-one is injured.



## Jamaica: Independent Commission of Investigations (INDECOM)

The implementation of the Inter-American Commission on Human Rights decision in *Michael Gayle v. Jamaica* led to the establishment of [INDECOM](#) in a separate statute in 2010. INDECOM investigates all officer-involved shootings whether on or off duty. The legislative act governing INDECOM states that “it shall not be subject to the direction or control of any other person or authority, and removal of its commissioner requires a resolution of both houses of parliament. However, a 2020 decision by the United Kingdom’s Judicial Committee of the Privy Council ruled that INDECOM does not have the authority to lay criminal charges. The Act authorizes INDECOM to attend incident scenes, take charge and preserve the scene. The Commission has internal guidelines to complete investigations within 30 and 60 days. As well as publishing quarterly reports, INDECOM on occasion issues thematic reports on patterns of abuse it notes in its work. For example, in 2014, it issues a report on patterns of fatalities during planned police operations. Since INDECOM was created, police involved killings have been reduced by at least 25%.

## KEY RESOURCES: STANDARDS & GUIDELINES

### International standards and recommendations:

- [Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders](#), Havana, 27 August-7 September 1990
- [United Nations Standard Minimum Rules for the Treatment of Prisoners \(the Nelson Mandela Rules\)](#), Rules 57 and 71.
- Office of the United Nations High Commissioner for Human Rights, [Minnesota Protocol on the Investigation of Potentially Unlawful Death \(2016\)](#).
- [Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment \(Istanbul Protocol\)](#), (2022 edition), 29 June 2022.
- [Principles on the Protection and Promotion of the Ombudsman Institution](#), adopted by the European Commission for Democracy through Law at its 118th Plenary Session, March 2019 ('the Venice Principles').

### Regional standards and recommendations:

- Jonny Byrne and William Priestly, [Police Oversight Mechanisms in the Council of Europe Member States](#), September 2015, Council of Europe Publishing, updated in February 2017 by William Priestly.
- Council of Europe, [Comments of the Directorate General Human Rights and Rule of Law \(Directorate of Human Rights\) on the Draft Law of Ukraine on the State Bureau of Investigation](#), 8 June 2015.
- Council of Europe, [Report to the Georgian Government on the visit to Georgia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) from 10 to 21 September 2018](#), CPT/Inf (2019) 16.

## KEY RESOURCES: PRACTICAL TOOLS AND MANUALS

- United Nations Office on Drugs and Crime (UNODC), [Handbook on police accountability, oversight and integrity](#), July 2011.
- Open Society Justice Initiative, [Who Polices the Police? The Role of Criminal Investigations of State Agents](#), May 2021.
- African Policing Civilian Oversight Forum (APCOF) Policy Paper, [Strengthening the independence of the Independent Police Investigative Directorate](#), 16 February 2017.
- New South Wales Police Integrity Commission, [Annual Report 2012-2013, Part 4: Investigating serious police misconduct](#).
- Gould, Chandre and Newham, Gareth, Institute for Security Studies, [The South African Constitutional Court extends police accountability](#), 6 February 2012.

Police and other law enforcement actors in all societies play an incredibly important role so that ordinary citizens can go about their daily lives without fear. Professionalism and integrity are fundamental for them to be able to perform their functions safely and effectively. Police and other law enforcement officials contribute to building a fairer administration of justice by maintaining law and order, preventing, and responding to crime and keeping communities safe, while respecting and protecting the rights of suspects, victims and witnesses who come into contact with the criminal justice system. Their work is also central to the fight against torture and other cruel, inhuman, or degrading treatment or punishment (ill-treatment).

Despite a large volume of international, regional and national handbooks, guidelines and other tools on best police practices, awareness, accessibility and training on these standards by policymakers and police practitioners are still a challenge. The resource notes included in this practical resource toolkit for professional, human rights-compliant policing compile existing international law, standards, practices, guides and examples on best ways to improve performance and the protection of human rights. These resource notes can inform police reforms, improve efficiency, fairness and transparency in policing and law enforcement, and reduce risks and incentives to use torture and other forms of coercion.

## ACKNOWLEDGMENTS

This resource note was prepared by **Ian D. Scott**. Ian was the former Director of the Special Investigations Unit in Ontario, Canada (2008-2013) and a Visiting Professor at the Faculty of Law of University of Western Ontario in London, Canada (2017-2018). He is a co-author of the Open Society Justice Initiative publication “Who polices the police? The role of independent agencies in criminal investigations of State agents”.

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