

Monitoring the performance of police oversight agencies

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Introduction

Since the early nineties there have been two important shifts in police oversight across and beyond Africa. The first is the introduction of independent, often investigation-driven bodies to oversee complaints against police agencies. The second has been the introduction of performance driven management strategies across the public service arena, including within police and oversight agencies. These have led to the regular collection and analysis of selected data in attempts to assess the performance of agencies against a set of predefined targets.¹

The United Nations Office on Drugs and Crime recommends that all complaints against police are reported to an independent oversight agency whether that agency investigates the complaint or not. This allows for the agency to monitor complaints over time in order to identify patterns or underlying causes of misconduct. Subsequent analysis enables agencies to make informed recommendations to the police agencies they oversee and help them learn from their mistakes. Attention to data trends also helps an oversight agency to learn from and improve its own work.

It is considered good practice for monitoring and evaluation (M&E) units within police oversight agencies to monitor key indicators and track progress based on these between less frequent large evaluations such as annual audits.² By monitoring and analysing trends over time, oversight agencies position themselves to develop understanding of systemic challenges within police agencies.³ Data generated can help identify particular aspects of police work, particular stations or units, or geographical locations within police precincts that generate high numbers of complaints. Similarly, it can help oversight agencies better understand the experiences and challenges faced by their staff, and try to ameliorate these.

Despite the widespread emergence of new oversight architecture and management strategies, literature on the intersection of the two remains sparse. This policy brief reviews academic, public policy and institutional literature on the measurement of performance in police oversight agencies. Because of the relative scarcity of academic literature on the subject, the report also draws on literature relating to performance evaluation in anti-corruption and police agencies. Additionally, it examines annual and research reports from seven police oversight agencies abroad, and cites personal communication with four of these agencies. It highlights examples of creative qualitative indicators used for performance monitoring. While some of these might be considered 'research'-type projects, they are included because they represent ways in which oversight agencies might develop textured understandings of the data they might collect. It is hoped that this brief will provide oversight agencies and related role-players with a knowledge foundation from which to compile or revise performance management indicators.

Evaluating police oversight agencies – a review of the literature

Research on performance evaluation of police oversight agencies remains scarce.⁴ Seeking to evaluate whether external oversight mechanisms are more or less effective than those within police agencies, David Brereton suggests an experiment in which complaints are randomly assigned to a police service's internal complaints mechanism and to an independent body. Outcomes achieved could then be directly compared.

This proposal is important. Where time and funding allows, it would be valuable for police and oversight agencies to engage in such experiments. Findings would be invaluable in ensuring that the most effective complaints and investigation architecture is retained and bolstered. But experimental comparison such as this can be expensive and time consuming, and political favour might taint results.

More realistic than is another of Brereton's recommendations, that oversight agencies should explore ways of making themselves *more effective* rather than compare themselves to police structures. He proposes a framework for the evaluation of police oversight agencies that seeks to answer four broad questions, paraphrased below:⁵

- How successful has the agency been in improving the way in which complaints against the police are investigated?
- Is complainant satisfaction higher when a complaint is dealt with by the oversight agency rather than by the police?
- Has the trend towards external oversight of specific complaints damaged police morale or police operational effectiveness?
- To what extent has the oversight agency been instrumental in bringing about improvements in police practices and behaviour?

This final point is an ideal outcome of police oversight but is difficult to measure or prove. Some suggestions in this regard are made in the 'A note on surveys' section on page 18.

Concluding his own review using these questions, Brereton suggests the following points as focuses for oversight agencies:⁶

- Oversight bodies which devote resources to monitoring and reviewing complaint investigation *processes* are likely to have a greater effect on the standard of police complaint investigations than those bodies which rely solely on case-by-case review;
- Greater use of non-adversarial processes for resolving complaints will enhance complaint satisfaction, without reducing the effectiveness of the disciplinary process;
- Oversight bodies which combine a policy and investigative role are likely to be more effective in promoting organisational and behavioural change than those which rely mainly on case-by-case investigation and review; and

- Oversight bodies which utilise proactive investigative strategies are likely to be more effective in deterring improper police behaviour than bodies which are purely complaint driven.

A survey exploring performance indicators used in Australian police oversight agencies in the early 2000s is perhaps the only prior research that has attempted to compare indicators across agencies. The authors, Prenzler and Lewis, concluded that the evaluation of such agencies is difficult because of the number of variables involved, the conflicting ways of interpreting data and the problem of hidden misconduct in police agencies.⁷ They noted that an increase in complaints reported to an oversight agency may indicate public confidence in that agency rather than a simple rise in police deviance. However, many complainants are unable to offer evidence that supports their claims against police. This means that many complaints remain unsubstantiated and oversight agencies are unable to investigate. Nevertheless, even where investigation is not possible, the fact that civilians seek to lay complaints is likely indicative of a belief that they have been wronged. Furthermore, it suggests some degree of faith in, or expectation from, the agency to which they report. Both are indicators of perception which oversight agencies can use to fulfill their mandate.

Prenzler and Lewis's research suggested that most agencies in Australia used fairly basic quantitative measures supported by case study research. The baseline data which was collected by all the agencies they surveyed was:⁸

- The number of complaints received and finalised annually;
- The time taken to finalise complaints;
- The outcomes of complaints (e.g. decisions on substantiation, referral to mediation, penalties).

They suggested that agencies were aware that it was important to evaluate performance but that they found the development of indicators problematic. Because many of the Australian agencies reviewed oversaw police investigations of complaints rather than conducted investigations themselves, they measured their performance on the extent to which *police* achieved targets in the processing of complaints and prevention of misconduct.⁹ Agencies then evaluated the police indicators by providing narratives of investigations, commenting on procedures which could be improved, or on the outcomes of complaints. Whether an oversight agency conducts its own investigations or monitors those of the police, the premise remains that a detailed summary and analysis of investigations is important. This will be discussed in more detail under 'A note on case studies and research' (p.19) and the section on M&E lessons from oversight agencies abroad (pp.18–19).

Additionally, where the mandate to investigate complaints against police might lie fully, or in part, with the oversight agency, it remains beneficial for oversight agencies to remain abreast of their police agency's internal investigations and the outcomes thereof, even when these do not fall within the ambit of an oversight agency's mandate. Such monitoring would allow the oversight agency to overlay police data with its own, providing a more nuanced understanding of potential systemic challenges in a particular area, and enabling it to supply better early warning advice to police managers. This approach would be particularly important with regards to precincts from which the oversight agency receives disproportionate numbers or complaints.

Prenzler and Lewis concluded their study by suggesting that more sophisticated measures were needed to assess whether police oversight agencies in Australia were succeeding. They suggested this could in part be achieved by conducting regular surveys with stakeholders in order to generate benchmarks on deterrence, rigour, impact, fairness, timeliness and appropriateness of outcomes.¹⁰ Surveys are an important measurement tool and are discussed in more detail under 'A note on surveys' on p.18 and in the section on M&E lessons from oversight agencies abroad on pp.18–19.

Below is a summary of indicators used across the Australian police agencies surveyed by Prenzler and Lewis. It should be noted that no agency used all of these indicators, and that it is likely that some will fall outside the mandate of many oversight agencies. Nevertheless, the following table should be of interest to anyone developing indicators for oversight agencies.

Table 1: Indicators used to measure performance of Australian oversight agencies, 2002/03¹¹

1. Review 75% of (police) investigations in a three month period
 2. Uptake of advice to government departments on how to improve systems
 3. Identification of deficiencies and delays in (police) investigations and complaints
 4. Outcomes of recommendations made to police
 5. Percentage of cases assessed in a given timeframe
 6. Number of investigations conducted
 7. Case studies outlining successfully resolved cases
 8. Recommendations for changes in laws, policies or procedures
 9. Deterrence of police misconduct
 10. Analysis of police implementation of recommendations
 11. Analysis of complaint outcomes
 12. Public opinion surveys
 13. Surveys with police
 14. Police reporting of police misconduct or crime
 15. Time taken to finalise a file after investigation is complete
 16. File completion rate
 17. Number of complaints
 18. Outcomes of complaints
 19. Timelines of complaints handling
 20. Outcomes of police internal processing
 21. Number of appeals
 22. Time taken to finalise complaints
 23. Cases on hand when reporting
 24. Accessibility to office by complainants
 25. Identification of ethical misconduct
 26. Complainant satisfaction
 27. Public confidence in the police
 28. Outcome of cases
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Similarly, Table 2 draws on select indicators used in three anti-corruption agencies.¹²

Table 2: Select indicators used in three anti-corruption agencies

Serious Fraud Office, United Kingdom

1. Amount of budgetary allocation
 2. Total number of staff
 3. Number of active cases
 4. Price per UK inhabitant (used as a value-for-money measure)
 5. Number of criminal trials
 6. Number of convictions
 7. Amount of money paid back to victims (financial compensation)
 8. Number of answered requests for information from other countries
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Corruption Prevention and Combatting Bureau, Latvia

1. Number of initiated investigations
 2. Number of people convicted as a result of investigations
 3. Number of criminal proceedings forwarded to the prosecutor's office
 4. Number of public servants trained in issues of ethics, conflict of interest, etc.
 5. Number of international requests to provide expertise abroad
 6. Number of delegations hosted from abroad
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Independent Commission Against Corruption, Hong Kong

1. Number of corruption reports answered within 48 hours
 2. Number of non-corruption reports answered within two working days
 3. Number of advice requests answered within two working days
 4. Number of service requests answered within two working days
 5. Conviction rate
 6. Number of visitors on Open Day
 7. Number of corruption reports received (disaggregated)
 8. Number of pursuable reports
 9. Number of investigations ongoing
 10. Number of investigations commenced, carried forward and completed
 11. Total caseload
 12. Number of prosecutions (disaggregated by type of corruption)
 13. Percent of population with confidence in the agency
 14. Number of overseas visitors
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For many of the above, 'corruption' could be replaced with any of the categories that might fall within the mandate of a specific oversight agency. For example, 'Number of complaints meeting agency mandate answered within 48 hours', or more specifically, 'Number of assault complaints answered within 48 hours'.

One of the most recent independent explorations of performance evaluation of police oversight agencies was conducted by Filstad and Gottschalk in 2011. Largely drawing on the work of Prenzler and Lewis, their research provides some useful clarity and streamlining of the formers' indicators. They suggest that a diverse set of indicators can be used in order to obtain a variety of perspectives on performance. They offer the following consolidation of Prenzler and Lewis's work with suggestions for improved analysis.¹³

Table 3: Indicators for measuring the performance of police oversight agencies

1. Number of complaints and change in the number of complaints over time, where a high number and an increase in the number might indicate improved performance if this indicates increased trust in the agency.
2. The average completion rate of complaints reviews. For example, the completion rate with a completion target of 75% of reviews in relation to complaints in three months.
3. The average completion time to review complaints (investigated by police, against police), measured with a file completion rate.
4. Number of convictions of police and change in the number of convictions over time, where a low number and a reduction in the number might indicate improved performance.
5. The substantiation rate, the fraction of complaints proven by evidence, where a growing rate might indicate improved performance of the oversight body where an investigation was initiated.
6. Use of surveys of police perceptions on the rigour and deterrent impact of agency processes.
7. Monitoring outcomes of action taken in tribunals or courts as a measure of agency professionalism.
8. Complainant and stakeholder satisfaction surveys or interviews. While complaint satisfaction focuses on those complaining, stakeholder satisfaction focuses on those police officers who are the subject of complaints. Police officers need to feel confident that they will be given a fair and timely hearing should citizens or colleagues report them.
9. Opinion surveys can provide information about the public's impressions of agency work as well as levels of general confidence in police integrity.
10. Uptake rate of advice to government departments on how to improve systems was found in some agency performance indicators, reported through case studies.

Filstad and Gottschalk then reduce these ten indicators down to five broad thematic areas.¹⁴

Table 4: A consolidation of indicators for measuring performance of police oversight agencies

Quantity and quality of complaints received	Receives all potential complaints that are relevant. A lower level of assumed non-reporting and higher level of relevant complaints indicates improved process performance.
Complaints completion process and time	Complaints are handled in a professional process and are completed in a reasonable time. A higher level of knowledge of the case and a shorter time spent to complete the case indicates improved process performance. Deficiencies and delays in investigations of complaints indicate poor performance. A potential complaints completion measure is the percentage of audited misconduct investigations that meet quality standards and standards of conduct in policing the police. Included in such standards is being fair to complainants and to the police and staff. Complaints completion time measures throughput of work and timeliness. A sub-target is the time taken to finalise a file on completion of the investigation. Times and costs of processing should be minimised to ensure effective handling with limited resources.
Conviction rate from complaints charges	More convictions relative to prosecutions indicate improved performance. This is noted as a particularly important outcome.
Learning and advice for police agencies	By analysing all cases and identifying patterns, insights are communicated back to police. More learning by police based on feedback indicates improved results performance. The extent to which police implement recommendations is a relevant indicator since they may deter future misconduct.
Confidence in the police oversight agency from public and police	A higher level of confidence among the public and police officers indicates improved process and results performance. Confidence is a positive perception and impression of the oversight body.

Measuring performance requires clarity about what agencies can be expected to achieve. As far as possible, indicators should speak to the results and impact of the agency's work. It is this data which provides a foundation from which recommendations can be made and lessons gleaned.¹⁵ Filstad and Gottschalk note that some of the indicators listed in Table 4 above are measures of *activity* rather than *achievement*. Nevertheless, they believe these are still useful in helping to create a picture of the work the agency does. CMI disagrees with this. Noting (in relation to anti-corruption agencies) that outputs are often used as proxies for outcomes, they call them 'poor substitutes'.¹⁶

With specific reference to the number of cases investigated, for example, they write that these can in no way be considered indicative of an outcome because the measure reflects activity rather than accomplishment or change. But CMI does not go as far as to suggest such indicators should not be tracked. Rather, they suggest these should be fleshed out through qualitative assessments of whether agency activities are well targeted, and their outcomes beneficial.¹⁷

Many of the indicators and strategies listed thus far can be found in literature on police oversight stretching back to the turn of the century and mid-nineties. For example, Miller's very useful breakdown of 'Criteria for success' and 'Evaluation strategies' by which to measure these:¹⁸

Criteria for success	Evaluation strategies
<p>INTEGRITY</p> <p>Is the complaints process fair, thorough and objective to both complainants and police officers?</p> <p>Is decision-making objective in evaluations of facts and statements?</p>	<ul style="list-style-type: none"> • Audits of complaints/investigation files • Audits of training and recruitment of investigators • Review of management and supervision of investigators • Assessment of staffing levels for investigations • Surveys of public awareness of the complaints process
<p>LEGITIMACY</p> <p>How is the complaints process perceived by the public, complainants and the police?</p>	<ul style="list-style-type: none"> • Satisfaction surveys of complainants and police officers • Surveys of public confidence • Interviews with complainants, police officers and the public
<p>LEARNING</p> <p>How much meaningful feedback is generated through the complaints process?</p> <p>How many lessons are learned, recorded and disseminated for the benefit of the oversight agency and the police agencies?</p>	<ul style="list-style-type: none"> • Policy reviews • Interviews with police officials • Analysis of data on police activity (e.g. arrests, stops, searches, complaints) • Observations of police practice • Examining uptake of recommendations for police reform

While a little dated, Table 5 remains a valid reference point for oversight agencies wanting to explore new indicators. As in Tables 1 to 4, perceptions of both the public and police remain important, as does a focus on feedback and lessons generated from the process.

Similarly, while Table 6 applies primarily to evaluating the legislative foundations of oversight bodies, it provides a range of important questions which can be applied to evaluations more broadly. Its author, Phillip Stenning, was motivated to produce the suggestions out of frustration with what he saw in the police oversight literature to be a failure to state clearly what complaints processes should accomplish. See Table 6 for what he suggests are key to any police oversight agency.¹⁹

At this point it is worth noting some issues relating to the discussion thus far. The shadow side of performance measurement and performance focused organisational cultures is that employees work to meet numerical or performance targets rather than simply produce high quality work. Furthermore, organisational cultures emphasising performance targets risk producing lots of data without engaging with it in any meaningful way.

The risk of perverse incentives is particularly problematic regarding case closures. Oversight agency investigators who are incentivised to close cases or forward them on to prosecution may do so without justified cause in order to meet targets. In such cases prosecutors (who are likely to have their own targets to meet) might blame failed prosecutions on poor investigations by the oversight agency while the oversight agency might blame these on the prosecutors. Neither agency need accept responsibility. In these situations the state fails its citizens.

One way to shed light on the oversight agency–prosecution relationship and so highlight where the reasons for failed prosecutions might lie would be recording, monitoring and evaluating the oversight agency's cases that are forwarded on for prosecution. Some example indicators might be:²¹

- Number of cases referred to the prosecuting authority;
- Number of prosecutions instituted;
- Number of cases finalised: convictions, acquittals and other disposals.

Table 6: A framework for evaluating police complaints legislation

Accessibility	<ul style="list-style-type: none"> • Is the complaints process straightforward? • What resources are available to complainants? (The nature of police work means many complainants may have limited access to financial and technical resources, and this may inhibit them.) • What protections against abuse of complaints are there? (An easily accessible complaints system may lead to numerous vexatious complaints. Are there appeals processes in place for police?)
Fairness and respect for rights	<ul style="list-style-type: none"> • Is the process fair to both complainants and police officers, as well as to any others who may become involved in the process? • Do parties receive adequate information and notice of upcoming stages, developments and requirements? Do they have sufficient opportunity to have their voice heard by decision makers? Do they have access to legal representation? Is the system procedurally fair for all parties?
Openness and accountability	<ul style="list-style-type: none"> • Is the process open and accountable to complainants, respondents, police services and the public while protecting the privacy of those involved, the integrity of police operations, and the viability of the complaints process itself? • Is information released timeously? Are hearings open to the media and public? Are reasons given to support decisions made and can these be scrutinized and/or appealed?
Timeliness	<ul style="list-style-type: none"> • Does the process allow for the timely handling and disposition of complaints while allowing sufficient time for adequate and effective investigation and resolution?
Thoroughness	<ul style="list-style-type: none"> • Does the process provide for thorough investigation and adjudication of complaints?
Impartiality	<ul style="list-style-type: none"> • Are those involved on the agency side impartial?
Independence	<ul style="list-style-type: none"> • Those involved on the agency side are free from undue influence of the police.
A balance between public and private interest	<ul style="list-style-type: none"> • Where relevant, is the public interest taken into account, even where the private interest of a complainant might prefer alternative means of resolution? • Is there a mechanism in place to distinguish between the two?
A balance between formal and less formal complaints	<ul style="list-style-type: none"> • Is the complaints process suitable for managing many different kinds of complaints?²⁰
A balance between remedial and punitive dispositions	<ul style="list-style-type: none"> • Where relevant, does the process support corrective/remedial/restorative rather than punitive recommendations?
Provisions of appropriate systemic information to police management and oversight bodies	<ul style="list-style-type: none"> • Does the complaints process generate information for police managers and oversight authorities about systemic problems or weaknesses with respect to the operations, policies, procedures and management of police services? • Is the information intelligently analysed and used by police managers and policy-makers? • Are police managers held accountable for their use/non-use of this information?
Effective integration and compatibility with the police's internal processes	<ul style="list-style-type: none"> • Is there any unnecessary duplication or overlap between the complaints process and other police complaints processes?

An alternative or addition to ‘acquittals’ might be ‘exonerated’. Discussed on page 9 of this paper, the category would reflect the acknowledgement of professional action by police. This would help build police confidence in the oversight agency and prosecution with regards to investigations against police. Being able to ascertain how many cases forwarded are prosecuted would provide important insight into the quality of investigations. This data is almost certainly collected by those oversight agencies that have an investigative mandate. What distinguishes them is whether they interrogate and report on this data.

Within ‘convictions’ data it is also useful to know what kind of cases lead to convictions. This sheds light on the types of challenges agencies face in realising their mandates regarding criminal investigations, where relevant. Where agency mandates do not include criminal investigations or where recommendations are only made to police agencies, it remains important to note and analyse trends in the type of cases in which agency recommendations are adhered to.

Another important way to ensure quality of investigations despite performance pressure is to conduct audits of random samples of cases at regular intervals. Ensuring effective quality control is critical to the success of an oversight agency. These audits cannot emphasise performance targets over quality. Examples of such audits are found in a range of oversight agencies, as discussed in the next section.

Monitoring and evaluation among police oversight agencies, 2011/12

Thus far this brief has summarised the academic and applied policy literature on the monitoring and evaluation (M&E) of police oversight agencies. This section provides brief overviews of performance indicators and statistical variables used by select oversight agencies in the past financial year. Information was gathered by reviewing public documents available through agency websites, as well as through personal communication with four of the agencies. Agencies discussed in this section are the:

1. Civilian Complaint Review Board (New York City, USA)
2. Special Investigations Unit (Ontario, Canada)
3. Serious Incident Response Team (Nova Scotia, Canada)
4. Crime and Misconduct Commission (Queensland, Australia)
5. Commonwealth Ombudsman (Australia)
6. Independent Police Complaints Commission (England and Wales)
7. Police Ombudsman for Northern Ireland (Northern Ireland)
8. Independent Police Investigative Directorate (South Africa)

Civilian Complaint Review Board (New York City, USA)

The New York City Civilian Complaint Review Board (CCRB) is an independent agency empowered to receive, investigate, mediate, hear, make findings and recommend action on complaints against New York City police officers alleging the use of excessive or unnecessary force, abuse of authority, discourtesy, or the use of offensive language. The board's investigative staff, which is composed of civilians, strives to conduct investigations in an impartial fashion. The board forwards its findings to the commissioner.²²

Not all complaints lodged with the CCRB are investigated. Some are handled by the agency's mediation unit rather than undergoing a full investigation. This approach appears favourable, efficient and cost effective, but is not possible where police criminality is alleged or where an agency's mandate does not allow mediation.

Data generated by the CCRB and made public in its reports is the most detailed of any of the agency's reviewed for this brief. As such it should be an important point of reference for oversight agencies that are considering the development of new indicators or new ways of collecting, analysing and disseminating the information they collect.

Despite the detail to which collected information is disaggregated in report appendices, the CCRB reports focus on only three key indicators in measuring its productivity. These are listed in Table 7.

Table 7: The CCRB's key 'Agency Productivity' indicators

Docket size and age: The number of cases being processed at a given time.

Completion time: The average number of days taken to complete investigations.

Investigator's case closures: The average number of case closures per investigator as a total figure and as a percentage of the total caseload.

While the CCRB reports these as being the most important indicators, it collects and analyses far more data than this. Other key areas which are reported on are listed in Table 8.

The CCRB appears to track other indicators, apart from those listed in its reports. In a presentation on performance management dated 2009 the CCRB disaggregates its data according to categories listed in Table 9.

Table 8: Other data highlighted in the CCRB's bi-annual reports

Complaints received: Total complaints received with a separate focus on 'stop and frisk' related complaints; Method of complaint receipt (eg. In person, by phone, by mail, e-mail); Characteristics of encounters (eg. Included or involved use of force, offensive language, discourtesy; an arrest or summons).

Location of Stop, Question and Frisk incidents resulting in complaints: Geographic coding of this category of complaints by police precinct, including the highlighting of those precincts that incurred the greatest numbers of related complaints.

Complainant Demographics: Breakdown of complainants by race and borough.

Dispositions: The number of full investigations versus truncated investigations (the latter referring to those that would be considered unsubstantiated or not provable).

Mediation unit closures: Number of cases closed through mediated meetings between complainants and police officers instead of commencing full investigations.

Outreach: Number of public presentations made to increase awareness about the agency.

Police department dispositions: Police department responses to disciplinary recommendations made by the CCRB.

Table 9: Other CCRB indicators²³

Productivity of investigations division: measured by the number of investigations closed per investigator (on average)

Productivity of investigations division: measured by case closures per 100 hours worked

Actual/estimated headcount levels on completion time and investigator caseloads: tracking and forecasting of productivity based on fluctuations in staff and complaint levels. This indicator aims to illustrate how productivity diminishes as staff levels decrease.

Learning from the CCRB

The most important lessons to be gleaned from the CCRB are in the manner in which it records, analyses and provides the public with detailed information on its work. This comes in the form of appendices which accompany bi-annual reports. The appendices are not complicated or flashy, they do not include commentary or explanation. Rather, they provide raw table-based data with which CCRB staff, but also the public, may engage. Oversight agencies might consider including comparably rich data in their own reports, or making them available on their websites.

Another notable aspect of the CCRB's work is the inclusion of the category 'exonerated' as one of its investigation outcomes. This is used to indicate that the accused officer was found to have acted in a way that was lawful and proper. The category is important because it provides police officers with the knowledge that the complaints system can work in their favour when malicious complaints are lodged against them. Used appropriately, this category can build officer confidence in the oversight system and ultimately improve cooperation between police and oversight investigators.

Special Investigations Unit (Ontario, Canada)

The Special Investigations Unit (SIU) investigates complaints in Ontario province when someone has been seriously injured, dies or alleges sexual assault involving a police officer. The SIU has a statutory mandate to conduct independent investigations to determine whether police officers have committed a criminal offence. It has the power to both investigate and charge police.²⁴

The agency has seen a steady increase in complaints over the past decade but still only recorded 304 complaints in 2011/12. It employs 56 investigators and 12 forensic investigators, though some of these are part-time and work only when needed. As such, the unit's workload is significantly lower than agencies operating nationally, or in large metropolitan environments. Because of the SIU's relatively low workload it is able to assign multiple investigators to each investigation, a luxury seldom afforded to many other oversight agencies.

The SIU's annual reports categorises data as shown in Table 10.

Table 10: Special Investigating Unit indicators and data classification

Type of occurrence by year: Occurrences/complaints are classified as: firearm deaths, firearm injuries, custody deaths, custody injuries, other injuries/deaths, vehicle deaths, vehicle injuries, sexual assault complaints. The differentiation of firearm related deaths from others here is notable.

Ratio of male to female complainants: Number and percentage of male to female complainants as a total of all complaints, and as a ratio per category of complaint.

Complainant average age: Average age of complainant by case type

Average number of investigators by case type: The SIU is fortunate enough to be able to assign multiple investigators to each case, ranging from averages of nine per case in firearm related cases to three per case in sexual assault cases.

Average number of investigators, complaints and outcomes by region: The SIU's area of operation is Ontario province in Canada. The SIU divides the province into five administrative areas and reports on the average number of investigators, complaints and outcomes of complaints per region. It juxtaposes this information with the population count for each area.

Average response time: The average amount of time taken for investigators to respond to complaints, disaggregated by type of complaint, e.g. Custody Deaths 3h36; Firearm Deaths 0h52.

Total number of cases: Including cases from the previous year

Average number of days to close: Interestingly, the SIU makes use of a 'stop-restart dates' system in measuring this indicator. When cases are put on hold for reasons out of the control of the SIU, for instance when waiting for expert input, the SIU 'stops' counting the days and 'restarts' only once they have regained control over its progress.

Number and percentage of cases closed within 30 business days

In addition to the above key data, the SIU reports in relative detail on select cases. Reports tend to be about two pages long, including photographs. They are intended to help the public understand the manner in which the SIU conducts investigations, the evidence it reviewed and how decisions were subsequently made. This approach will be discussed further under 'A note on case studies and research' on p.19.

The SIU began reporting on gender statistics in order to debunk what it saw as preconceived notions that men and women were disproportionately involved in particular incidents, for example, that only women can fall victim to sexual assault. However, the information has not been used for any organisational learning. Rather it is simply 'helpful to know'.²⁵ Where possible, disaggregating data by gender may be helpful, as it would by age, income and other variables which might shed light on groups that disproportionately fall victim to police abuse.

In 2013 the SIU began implementing a new Investigative Support System (ISS) intended to capture investigative information. Although the system is not primarily meant as a performance measuring instrument, it is currently being used to capture:

- The length of time between an incident taking place, the SIU being informed and the police being contacted;
- SIU investigator dispatch and response times;
- The assigning and monitoring of investigative tasks;
- Length of time to final decision.

These can be considered as elements of its performance monitoring. Although the unit is aware that it could do a lot more with its data, it hasn't developed an M&E system more complicated than that which has been outlined here.

Learning from the SIU

Oversight agencies that don't already do so might consider the following:

- Capturing and disaggregating complaints by, for example, type, age and sex;
- Capturing and disaggregating complaints by response time measured as the time between a complaint being lodged and an investigator visiting the scene of the allegation and/or interviewing the complainant;
- Producing in-depth case studies of select investigations.

Serious Incident Response Team (Nova Scotia, Canada)

The Serious Incident Response Team (SiRT) independently investigates all serious incidents which arise from the actions of police in Nova Scotia province, Canada. These are matters that involve death, serious injury, sexual assault and domestic violence. Any incident meeting SiRT's mandate is investigated by the team, regardless of whether a complaint is filed or not. The team's responsibility is to ascertain whether charges should be levelled against officers. SiRT is a small unit comprised of only four investigators. Roughly 2 000 police officers are employed in their jurisdiction making the SiRT investigator to police officer ratio rather favourable, despite its small size.

The team is entering its second year. In its first year it undertook only 23 full investigations. Less serious matters are handled internally by police forces.

SiRT does not track any specific indicators in order to monitor or improve its performance. Management suggests this is because each case is different making it difficult to develop indicators.²⁶ Some of what is tracked for other reasons includes the indicators listed in Table 11.²⁷

Table 11: Serious Incident Response Team indicators

The number of hours spent on each file

The length of time over which the file is open

The number of witnesses interviewed

SiRT management sees the unit as accountable to the public. As such it seeks to 'tell the public as much as we can about our decisions, so they may have confidence in our outcomes not just because an independent agency is responsible for the matter, but also because they can see for themselves the reasons behind the decision'.²⁸ As a result, SiRT provides detailed public reports for every investigation it undertakes. These tend to average four to ten pages. Because SiRT investigators know their actions and decisions will be reported on in such detail, the agency sees these reports as a form of public accountability. While this is not measurable, management believes these reports positively impact on the quality of SiRT's work.²⁹

While most oversight agencies would not have the capacity to publish detailed reports on each of their investigations, they could try to compile a selection each year. Such reports would give the public and police important insight into how investigations and investigatory decisions are carried out. Knowing that such reports might be compiled at random might also motivate performance in staff.

Crime and Misconduct Commission (Queensland, Australia)

The Queensland Police Service is mandated to handle complaints against its own officers. The Crime and Misconduct Commission (CMC) oversees investigations carried out by the police in order to judge how well they are carried out. It monitors the police service's complaints handling processes and can investigate cases itself when it is considered to be in the public interest.³⁰ It investigates allegations of serious misconduct and provides analysis and direction on policy issues relating to police and other government agencies.

The CMC can choose to monitor internal investigations carried out by the police while they are happening, or can review them after completion. The CMC may also choose to conduct detailed reviews of a sample of cases. These are intended to consider:

- The adequacy, impartiality and transparency of the process;
- The appropriateness of the conclusions and recommendations made;
- The appropriateness of any decision whether or not to lay disciplinary charges, or of any other action taken;

- Where charges are proposed, the appropriateness of the charges and of the choice of tribunal;
- The appropriateness of any procedural or preventive recommendations.

These exercises result in the CMC making a range of recommendations for policy and procedural changes, and then monitoring how police implement these. When reviewing the police's own internal investigations, the CMC measures investigation timelines and compliance with indicators of investigative integrity such as:³¹

- Whether or not interviews with complainants, police officers and witnesses were recorded;
- Where interviews were not conducted in a timely manner, whether reasons for delays had been recorded.

The CMC seeks to provide the Queensland Police Service with research-based recommendations on issues such as the use of pepper spray, police pursuits, the handling and use of police dogs and other areas in which lessons are learned in its work.³² The CMC's results targets for the 2012–2016 timeframe include:³³

- Recommendations for action and reform are accepted;
- Public confidence in the CMC is strengthened.

Learning from the CMC

The CMC model of oversight and investigation is quite different to those discussed thus far. As such, lessons might be most applicable to comparable agency's that monitor police investigations of their own. More broadly applicable lessons gleaned from the CMC include:

- Conducting random reviews or audits of investigations to evaluate patterns that might not be easy to track statistically. This would include exploring evidence used to motivate particular recommendations and the appropriateness thereof;
- Conducting research to ascertain levels of public confidence in both the police agency and the oversight agency;
- Conducting reviews of the disciplinary or prosecutorial outcomes of investigations, whether by police or the oversight agency, and the appropriateness of these.

Commonwealth Ombudsman (Australia)

Amongst other things, the Office of the Commonwealth Ombudsman exists to safeguard the community in its dealing with Australian government agencies, including the Australian Federal Police. The Ombudsman has four major statutory roles: complaint investigations; investigations initiated on its own initiative; compliance audits; and immigration detection oversight. Complaints investigations occupy the bulk of the Ombudsman's work. The office can make recommendations for corrective action as well as for legislative, administrative, policy or procedural changes.³⁴ One of six specialist roles conferred upon the Ombudsman is to investigate conduct and practices of the Australian Federal Police (AFP) and its members. (In Australia each state has its own police agency. The AFP operates nationally and is tasked with protecting Commonwealth and national interests from crime. It consists of 6 500 staff and works closely with state and territory-specific police forces in Australia. It provides community policing to the Australian Capital Territory, the Jervis Bay Territory, Norfolk Island, Christmas Island and the Cocos (Keeling) Islands. It also provides security for the Australian government and maintains 33 international postings.) Like other oversight agencies, the Ombudsman tracks the indicators listed in Table 12.³⁵

Table 12: Select indicators tracked by the Commonwealth Ombudsman

The number of complaints reported

The length of time it takes for a complaint to be finalised

The medium through which the complaint was lodged (eg. telephone, fax, email)

Some key performance indicators relevant to police oversight include those listed in Table 13.³⁶

Table 13: Select performance indicators of the Commonwealth Ombudsman
While complaint numbers are unlikely to decline, administration of the areas of government exposed to this office will be improved.
Internal complaint handling within agencies will resolve an increasing proportion of complaints.
There will be improved compliance with legal requirements by enforcement agencies in the use of covert powers. Inspection reports will be timely and identify areas of improvement.

The Law Enforcement division of the office received 334 complaints about police in 2011/2012 of which 54 per cent were referred back to the police for investigation and 86 were found to be unsubstantiated. Only 48 investigations against police were completed.³⁷

Importantly, the Ombudsman provided reports to the AFP with regards to the use of force, and worked with its Professional Standards unit to improve the speed with which detectives finalised investigations.

The Ombudsman also produces complaints-related guides for use across government. One such guide, the *Better Practice Guide to Complaint Handling*, encourages agencies to focus on:³⁸

- The number of complaints related to particular matters;
- Spikes in complaints;
- The geographical spread of complaints;
- The characteristics of the complainants (e.g. demographic data);
- Whether complaints expose a weakness in the (police) agency's processes or that raise questions about integrity or reputation;
- Produce regular reports on complaints for presentation to senior management (of the agency investigated);
- Regularly review, both quantitatively and qualitatively, customer satisfaction;
- Complaints systems should be able to generate regular reports as well as respond to ad hoc or urgent reporting requests;
- Regular review of the complaints system in order to review its effectiveness.

While some of these are obvious, others like demographic and geographic information are not always tracked or analysed by oversight agencies.

Learning from the Commonwealth Ombudsman

While the Office of the Commonwealth Ombudsman deals with a broad range of complaints, those relating to police are minimal and relatively minor. Approaches to monitoring which other agencies might aim to learn from include:

- Tracking complaints by category, time and geographic location;
- Cross-tabulating this with the demographic data of complainants;
- Conducting case study reviews of both the oversight agency's own investigations and the systemic breakdowns in the systems of the police departments as they become apparent;
- Reviewing the satisfaction of complainants with the service provided by the oversight agency.

Independent Police Complaints Commission (England and Wales)

The Independent Police Complaints Commission (IPCC) began operating in April 2004. Its primary statutory purpose is to secure and maintain public confidence in the police complaints system in England and Wales. The 43 police forces in England and Wales deal with the vast majority of complaints against police officers and police staff themselves. The IPCC is there to investigate the most serious complaints and allegations of misconduct against the police. It also considers appeals from complainants who are unhappy with the way a police force has dealt with their complaint. The

commission is also compelled to investigate death or serious injury at the hands of police or other bodies that possess police-like powers.³⁹

The IPCC is larger than many other oversight bodies, especially if one considers that it does not investigate the bulk of police complaints itself. It employed 371 staff in 2011/12.⁴⁰ Perhaps one result of this extra staff base is that the IPCC is able to generate and publish a comparatively large number of detailed reports.

Primary data tracked relating to investigations includes the indicators listed in Table 14.

Table 14: The Independent Police Complaints Commission's primary reporting indicators
Independent investigations started and completed: serious complaints investigated by IPCC investigators rather than the police
Managed investigations started and completed
Ongoing investigations: those that have not yet been completed
Appeals from the public: numbering over 6000, these are directed back to police agencies, usually within 24 hours
Appeals caseloads and average time to complete: cross tabulating the two variables
Number of direct complaints received: over 12 447, of which 10 515 were forwarded on to police forces with the consent of the complainant. Complaints are dealt with by priority so that the most serious complaints are dealt with first.

The IPCC does the following in order to monitor and evaluate its own investigators as they work:⁴¹

- Within three weeks of the completion of an investigation the investigator leading that investigation will complete a Self Inspection Document. This involves the investigator reviewing (being forced to review) his/her own investigation. The investigator documents a summary of the incident and comments on all aspects of the investigation. This includes the appropriateness of the decision to investigate in the first place, the terms of reference (the investigative parameters) of the investigation and where appropriate, provide all relevant information on: parallel investigations, main lines of enquiry, family liaison strategy, police witness strategy, witness strategy, subject strategy, exhibits strategy, scene management, forensic strategy, audio visual strategy, intelligence strategy, media issues and public interest, legal advice and liaison with the Crown Prosecution Service (CPS). This review is completed within three weeks of the start of the investigation.
- Within four weeks of the start of the investigation the Self Inspection Document will be reviewed by a senior investigator who is not connected to the investigation. This review will look at: terms of reference, policy log, special requirements, severity assessment, police witness strategy, main lines of enquiry and investigative strategies, contact with family or complainant, roles and resources, conflicts of interest, record management, action management and a review of the evidence. The reviewing investigator will make recommendations to the case investigator that will be incorporated into the investigation (unless there is a very good reason not to). This review can also highlight good practice that can be disseminated to the rest of the directorate to improve best practice and quality.
- Every investigation is debriefed upon its completion. All individuals involved will discuss and document what went well, and what didn't go so well, in order to improve the practice and expertise of individuals and to disseminate best practice throughout the organisation.

All of these functions are carried out within the investigative directorate. The IPCC does not have a monitoring and evaluation division but reviews of investigations are conducted by its Standards and Quality directorate. These are usually in-depth reviews of high profile or complex cases and are initiated when requested by senior management.

Following the completion of investigations, recommendations are made in order to improve policing in the hope of preventing a similar incident from occurring in future. These recommendations can be in the form of a change in policy, guidance or standard operating procedure. They can be local or national recommendations.

Importantly, these recommendations are recorded on a 'Learning the Lessons' database which is overseen by the Standards and Quality directorate. The IPCC's Policy and Engagement Unit then collaborates with what in the UK is a rich network of police-related research bodies to produce a 'Learning the Lessons' bulletin every four months. This is based on what are considered to be the most important lessons emerging from investigations. Bulletins are often theme based, for example, 'Use of Force' or 'Custody', but can also contain only 'General' lessons.⁴²

Importantly, the IPCC regularly carries out surveys across a range of stakeholders including police officers, complainants, police forces, community groups and bereaved families. The data gathered is fed back into the IPCC with the aim of improving its work. The IPCC annually commissions a nationally representative survey exploring public knowledge of how to complain, willingness to complain and awareness of the IPCC.⁴³

Learning from the IPCC

Regardless of the structure or mandate of a police oversight agency, the IPCC provides a number of examples of innovative information management which other agencies might learn from. These include:

- The use of learning feedback mechanisms such as those used mid-investigation by the IPCC (these should be as unobtrusive to investigators as possible);
- Using 'self-inspection' tools for investigators if they are not already in use;
- Incentivising or encouraging managers to record instances in which lessons have been learned or mistakes are regularly made, and entering these into a 'learning the lessons' type database;
- Either alone, or together with other government and civil society stakeholders, developing capacity to produce regular outputs for dissemination of learning for the police and public;
- Producing targeted reports for particular problem police stations or units;
- Commissioning annual public surveys asking key questions about the oversight agency but also about police (in that the part of an oversight agency's purpose is to restore confidence in police);
- Compiling relatively detailed public reports based on case studies of oversight agency investigations (the data used for these could in part be drawn from that used to compile the other outputs suggested above).

Police Ombudsman for Northern Ireland

The Police Ombudsman's Office is required by law to strive to deliver a police complaints system in which the public and police officers can have confidence. The Ombudsman releases bi-annual statistical analysis of indicators tracked, including those listed in Table 15.

Table 15: Statistical indicators reported bi-annually
Total complaints by year
Total allegations by year: One complaint might allege multiple levels of misconduct, for example abuse of force and sexual assault, which is akin to one docket with two charges/counts
The organisation against which the complaint is made*
Complaints by administrative area
Allegations received: disaggregation by type of allegation, e.g. failure on duty, incivility
Recommendations arising from allegations closed
Recommendations made to police and prosecutors: each counted separately

* The Ombudsman divides complaints into the following organisational categories: Police Service of Northern Ireland (PSNI), Designated Civilians, Airport Police, Harbour Police, Serious and Organised Crime Agency, Other/Unknown.

These indicators are fairly straightforward. One notable aspect is that the Ombudsman has a drop-down menu on its website with which visitors can instantly access a collation of complaints in their local police precinct.⁴⁴ Such an initiative is commendable though it may not be relevant where internet penetration is low.

Importantly, the Ombudsman conducts various other forms of monitoring and research, resulting in some helpful outputs. These include the publication of:

- An annual complainant satisfaction survey measuring: overall satisfaction; fairness of treatment; complainants who would use the system again; perceptions of ombudsman staff (e.g. polite, patient, impartial, rude, etc.). Data is presented statistically but supported by excerpts from interviews.⁴⁵
- A report summarising the characteristics of police officers who attract the most complaints. This covers officer role, age, gender, rank and years of service, and aims to empower police managers.
- Separate reports exploring complaints involving the use of pepper spray, firearms, batons and Tasers by police. Some of these run for ten or more pages while others are brief, one-page reports covering single incidents.
- The Ombudsman released one brochure-like five-page publication, *niPOD*, in 2007/08 which attempts to highlight the wide range of complaints received by the office and to describe some of the challenges the office faced. Unfortunately it seems the idea was abandoned after only one publication.

Learning from the Police Ombudsman for Northern Ireland

The Police Ombudsman for Northern Ireland appears to approach its task in much the same way as the IPCC in terms of the breadth and depth of its reports. Oversight agencies might consider:

- Compiling an annual complainant satisfaction survey;
- Developing systems that can capture, collate, disaggregate and compare a broad range of demographic, geographic and complaints data with regards to police, IPID investigators and complainants;
- Focusing on qualitative monitoring and research that enables the publication of reports addressing important issues like the use of force and making these findings widely known.

Independent Police Investigative Directorate (South Africa)

The Independent Police Investigative Directorate (IPID) is South Africa's primary agency responsible for investigating select allegations of criminality and deaths relating to the country's various police agencies. Formally established in April 2012, the Directorate was preceded by the Independent Complaints Directorate (ICD), established in 1997. The ICD was mandated to investigate deaths in police custody or resulting from police action. It was also at liberty to investigate other criminal or service-related complaints where it thought fit. As a result it presented data on complaints under the following headings with 2011/2012 data presented in brackets: Criminal (2 320); Misconduct (1 795); Domestic violence related (88); and Deaths (720).⁴⁶ While New York's Civilian Complaint Review Board manages a greater numbers of complaints, the number of criminal complaints handled by the ICD is far in excess of any other agency discussed in this report.

The ICD's supporting legislation was the South African Police Service Act, the same legislation on which the country's police agencies are based. Police were not obliged to act on ICD recommendations. Over its 15-year existence the ICD reported on its performance in a range of ways using a range of indicators.

In response to the perceived inability of the ICD to have any significant impact on police criminality and abuse of power, the Directorate underwent a change process out of which emerged the IPID. As its name suggests, the IPID is primarily an investigation-focused agency. Supported by independent legislation, the IPID is empowered to investigate, and police are required to report knowledge of, the following:⁴⁷

- Any deaths in police custody;
- Deaths as a result of police actions;
- Any complaint relating to the discharge of an official firearm by any police officer;
- Rape by a police officer, whether the police officer is on or off duty;
- Rape of any person while that person is in police custody;
- Any complaint of torture or assault against a police officer in the execution of his or her duties;
- Corruption matters within the police initiated by the Executive Director on his or her own, or after the receipt of a complaint from a member of the public, or referred to the Directorate by the Minister, an MEC or the Secretary, as the case may be;
- Any other matter referred to it as a result of a decision by the Executive Director, or if so requested by the Minister, an MEC or the Secretary, as the case may be.

Additionally, the Directorate may investigate matters relating to systemic corruption involving the police. At the time of writing the IPID had yet to publish its first annual report. However, according to the Directorate's Annual Performance Plan for 2013/14 it aims to measure an impressive range of indicators. While these are too numerous to list in this brief, the following is a summary of indicators relevant to investigations. Readers are encouraged to access the IPID's Annual Performance Plan for more detail:⁴⁸

Percentage of investigations related to each mandate area completed within 90 days (separate indicators)
Number of cases of systemic corruption identified for possible investigation approval, within a financial year
Percentage of approved systemic corruption investigations completed within 12 months
Percentage of reduction of annual brought-forward investigations (excluding systemic corruption)
Percentage by which backlog investigations are reduced annually (excluding systemic corruption)
Disciplinary recommendation reports referred to police within 30 days of completion of investigation
Criminal recommendation reports referred to the prosecuting authority within 30 days of completion
Feedback reports regarding the outcome of investigations provided within 30 days of completion
Feedback reports regarding the outcome of investigations provided within 30 days of closure

These indicators overlap in many ways with some of those used by agencies already discussed. The IPID's use of logical frameworks to clearly present indicators, baselines and targets and how they relate to the IPID's strategic objectives is impressive. Whether or not the IPID will be able to collect, collate and track all of its proposed indicators is yet to be seen, but it has set itself ambitious targets.

Learning from the IPID

Because the IPID has yet to produce its first annual report, it is difficult to point to lessons other agencies might learn from it. However, the following is notable:

- The writing of this document was in part motivated by an IPID request for research in this area. This demonstrates a willingness on the part of the Directorate to engage with external bodies, including civil society, to help it develop robust monitoring and evaluation systems. This is important because the IPID's predecessor, the ICD, was criticised for the inconsistent manner in which it reported the data it gathered. This in itself is an important lesson for oversight agencies to bear in mind. While fine-tuning of indicators over time may be inevitable, inconsistency can be detrimental.
- It has also emerged out of a desire by the IPID to record and make public information regarding its work so that both civil society and government are empowered to contribute to the challenge of police criminality and deaths in police custody in the country.

Summary of M&E lessons drawn from eight oversight agencies

This overview of select oversight bodies is intended to provide insight into the manner in which they employ monitoring, evaluation and research in their work. The review highlights the diversity of structures, mandates and performance measurements that exists across agencies. The following is a summary of some of the more interesting and unique approaches adopted:

- Producing detailed case studies illustrating both the manner in which their agency investigated the complaint, but also the lessons learned during the investigation and how these are relevant to the public, the police and oversight agency. Case studies can also be used to illustrate systemic problems facing police agencies, and to illustrate examples of complaints lodged against police who acted lawfully and properly.
- Capturing and making available as much data as possible with regards to all investigations, including detail of offences, detail on implicated officers and detail on complainants/victims. This may require setting up new systems so that they can capture, collate, disaggregate and compare a broad range of demographic, geographic and technical data.
- Conducting sample reviews of investigations to evaluate patterns that might not be easy to track statistically. This can contribute to a general 'lessons learnt' type database into which other lessons learned are also deposited. These would be different to audits, which would aim to ensure high quality investigations and dockets.
- Conducting or drawing on regular research into the levels of public confidence in both the police and oversight agencies. This can take the form of annual surveys and should involve a random sample of the population rather than complainants.
- Conducting research/surveys to test complainant satisfaction.
- Conducting research/surveys exploring police views, experience and confidence in the oversight agency.
- Adopting the category 'exonerated' as an investigation outcome while highlighting that it does not apply to 'unsubstantiated' cases in which a conclusive finding was not reached.
- Developing learning feedback mechanisms and products such as those used by the IPCC, including internal reviews and external publications.
- Developing 'self inspection' templates for investigators if these do not already exist.
- Developing a tool through which website visitors can easily access a record of complaints/ investigation outcomes by precinct.
- Proactively engaging civil society in order to strengthen an agency's capacity and effectiveness (in part to promote consistency in monitoring and evaluation).

It is also important, particularly for oversight agencies with a heavy work load, that priority be given to the most serious cases. As suggested in the APCOF training manual on developing investigation skills for police oversight investigators, making decisions regarding the pursuit of some cases over others might involve asking questions such as:⁴⁹

- Is there evidence that an offence has been committed?
- Where there are no identified suspects – is there a reasonable prospect of identifying the perpetrator?
- Does the case have features in common with other cases which have been identified as a priority?
- Is this a particularly high profile case in the public interest?

Additionally, oversight agencies should strive to limit the reporting responsibilities of staff as much as possible without diminishing quality or efficiency. Striking the right balance may involve trial and error.

A note on surveys

Stakeholder confidence and satisfaction represent important indicators of oversight performance. One way to measure this is through surveys. These can take a number forms and aim to measure a variety of variables. It is important that such surveys seek to measure and assess the manner in which complainants, but also the general public and police officers, experience the oversight

agency. In that it can be very difficult to substantiate allegations against police officers, and because the motivation behind a complaint might be malicious, it is important that oversight agencies are seen to treat both public and police with respect and fairness. Police officials need to be able to trust in the legitimacy of the oversight agency in whose jurisdiction they operate if they are to cooperate with it willingly. However, it would also be useful to gauge police officers' views on the efficacy of the oversight agency, i.e. whether police consider it an effective investigating body which provides a deterrent to misconduct and criminality among police.

Surveys (or interviews/case studies) can also be used to gauge the experiences of investigators within the oversight agency. It is likely that in jurisdictions characterised by widespread police misconduct or criminality investigators struggle with confidence in the police. If this is true, it may impact on the manner in which they approach the work. Knowledge of this would be valuable for managers hoping to improve work conditions and productivity within the oversight agency. It might also be useful to conduct interviews (or surveys) with investigators following the completion of cases in order to explore their experiences, challenges and learning during the process. Of particular interest to the latter might be investigator experiences of police cooperation or lack thereof.

Surveys can be easily and economically conducted via cell phone SMS/text messaging. This means the adoption of surveys as a regular tool need not mean huge outlays in resources for oversight agencies.

It should be remembered that surveys do not measure absolute truth and that in some instances police will have acted legitimately and properly despite negative perceptions from the public.

Example questions informing a survey among complainants after an investigation

1. Where did you hear about the <name of agency>?
2. Was it easy or difficult for you to lay a complaint with the <name of agency>?
If it was difficult, what made it difficult?
3. Did <name of agency> staff provide you with alternatives to filing a complaint with the <name of agency>?
4. Did <name of agency> staff try to dissuade you from filing a complaint with the <name of agency>?
5. Did <name of agency> staff treat you with sympathy in your first meetings with them?
6. If your complaint related to a sexual offence, did the <name of agency> provide a person of your sex to take your statement from you?
7. Did the <name of agency> offer you explanations for major decisions made during the investigation, for example, a decision not to pursue the complaint further?

A note on case studies and research

Complaints against police provide an important indication of police–community relations. As such, lessons can be learned from every single complaint, whether substantiated or not. Ideally oversight agencies, through their work, will be able to provide the public with informed advice on how to improve police effectiveness and police–community relations.⁵⁰ Indeed, it is recommended that police oversight agencies not only publish information that reflects their key targets but also information on lessons learned.⁵¹ This can in part be accomplished by: compiling regular and diverse case study and research reports outlining case processes and results; recommendations for changes in procedures; and advice to both police and civilians on how to respond to aggression from the other. Topics might include lessons on the use of force, the experiences of police in the complaints system, an illustration of systemic challenges, characteristics of complaints-prone officials and/or victims of police abuse, or lessons learned from police found guilty of misconduct (their experience of the road that lead to their infringement, views on organisational culture, etc.).

Wherever possible, complaints data located at police stations/units, or sourced from a police agency's head office, should be incorporated into case study reviews targeting those stations. This will help provide a clearer picture of possible systemic challenges facing those stations/units.

Good practice in the monitoring and evaluation of criminal investigations by police

For oversight agencies with an investigatory function there may not be a great difference between them and police in terms of the practical management of investigations. One area in which the oversight agency might differ is the ease or difficulty with which it is able to identify perpetrators of police criminality. One might think that because accused individuals are associated with an organisation (rather than the 'general public'), they might be more easily identified than other criminal offenders. However, this might not always be the case. Oversight agencies should explore any challenges to detection which they might have in order to remedy these. This can be achieved, in part, by systematically and rigorously recording and tracking reasons for lack of detection. Such a system would prove far more helpful than simple labels such as 'unsubstantiated' or 'undetected', information which is difficult to work with to bring about improvements.

Considering the possible similarities between investigation-driven oversight bodies and police detective investigations, the following brief detour provides some insight into guidance provided to evaluators of police detectives by the United Nations Office on Drugs and Crime (UNODC), and insight into the monitoring of detectives in the United Kingdom and South Africa.

The UNODC suggests evaluators ask the questions listed in Table 17 when engaging with questions of a police agency's investigative capacity. As such, the monitoring and evaluation units within oversight agencies might keep these in mind when engaging with their own agency's capacity. In Table 17 the questions have been re-phrased to apply to oversight rather than police agencies.⁵²

Table 17: Questions to ask when evaluating police investigative capacity

How many investigators are allocated to this unit? Are they sufficient to deal with the workload? Is there cover from investigating officers 24 hours per day, 7 days a week? If not, how do investigators respond outside normal working hours? Do investigators report to the local unit commander? If not, what are the lines of responsibility?
Who leads an investigation? A senior investigator? Is that person located nearby? On average, how many investigations does an investigator work on at one time? What is the performance record of this office in terms of solving criminal complaints against police?
Who allocates new work? On what basis? Do investigators ever have coordination meetings to discuss ongoing cases? Who supervises case files?
How do investigators log, label and package evidence and exhibits? Do they have access to sealable bags? Do they have access to latex gloves? How do they prevent tampering and contamination of the evidence?
Do investigators have access to unmarked vehicles? Is there sufficient fuel available? Are they equipped with sufficient communication technology?
Are there any victim support services available or additional support for vulnerable victims, such as victims of sexual assault, elderly victims and children? Do investigators update victims on progress in their case on a regular basis?
What facilities exist for the forensic examination of a crime scene? Is there someone employed by the oversight unit to deal with this? Does that person have transport? Does he or she have equipment for taking the necessary samples (in particular fingerprints and DNA)?

It is the emergence of a performance culture in management science that has brought about manuals such as the one from which these questions are drawn. In modern police organisations new methods of measuring performance and effectiveness in criminal investigations are being developed and updated regularly.⁵³ Police and oversight agencies principally monitor performance at two levels: (a) the individual level; and (b) the divisional or organisational level. Thus far this report has dealt with the organisational level but will now touch on the individual.

Best practice around supervision of investigations in the UK focuses mainly upon time limits. For example, the use of a crime management system and programmed review dates. Such systems prompt the relevant supervisor to review that investigation. The thoroughness with which such reviews are conducted varies by supervisor, and there is little guidance in the way supervisors should manage their detectives.⁵⁴

The same is true in the South African Police Service (SAPS), where 'brought forward' dates require detectives to deliver dockets to their supervisors for review at regular intervals. The first docket review is supposed to take place 24 hours after the investigating officer signs for the docket and thereafter monthly, six-monthly and pre-court. Unfortunately in the SAPS detectives and supervisors are often so overburdened that dozens of reviews can be required each day, diluting the attention to detail and guidance which investigators receive. The same challenge might befall oversight agencies in particularly busy jurisdictions.

Similarly, once a crime scene has been assessed and all evidence has been gathered, SAPS detectives and other forensic and police members involved are supposed to conduct an 'evaluation' to assess the process followed and suggest recommendations for future improvement.⁵⁵ It is unlikely that this happens very often.

For SAPS detectives the main performance indicators are 'detection rate', and 'court ready dockets'.⁵⁶ Similar emphasis is placed on detectives in the UK, where supervision of investigations focuses on outcomes like detection rates and timeliness of reviews. A basic overview of the interplay between a detective and their supervisor there is as follows:⁵⁷

- The supervisor or the investigator should set the investigation strategy early and agree on a set of fast-time actions. They should be recorded and time limits should be set for completion.
- There should be an early follow-up review by supervisor to ensure that those actions set have been completed. Further action can then be set.

In terms of productivity, the measure is always performance as measured by outcome, detection rates, etc. In simple terms these are things like the number of investigations started by an investigator converted into detections. This can be considered problematic because the quality of an investigation is not always reflected in its outcome, for example when there is no detection.

Like the SAPS, English police use an internal appraisal system. This is called the Personal Development Review (PDR) and is computerised. It allows managers to set a series of central core responsibilities for officers and supervisors that are designed to meet the demands of the relevant role. As with any appraisal system, supervisors can review goals throughout the year, set targets and use the PDR as a tool for developmental issues.

At the individual level each employee has his or her own review file, a record in which they note evidence of good performance, set objectives for themselves and identify any need for further training.⁵⁸ Files are reviewed at set intervals, together with supervisors, to assess whether the employee is meeting their commitments. In the SAPS this system is known as the Performance Enhancement Process (PEP).

A second method of individual level evaluation attempts to measure how an employee's work relates to the resources and function of the police or oversight agency. This can be achieved by asking employees, including investigators, to keep detailed logs of all activities performed over a 48-hour period. This type of evaluation helps managers understand how time and resources are used on a day-to-day basis, and to consider ways to make systems more effective.⁵⁹

It is also good practice for investigators to use templates to guide their investigations. This helps prevent them from making professional mistakes and/or abusing their power.⁶⁰ They are also very useful for front-line supervision of investigators, and for collecting and collating data through which to monitor, evaluate and compare investigations over time.

Conclusion

This brief has sought to provide a condensed summary of available literature on the monitoring and evaluation of police oversight agencies, with a focus on investigation. It has shown that most oversight agencies consider their key performance indicators to be those relating to:

- The number of complaints received and finalised annually;
- The time taken to finalise complaints;
- The outcomes of complaints.

No literature was found on the direct supervision or monitoring of investigators working in oversight agencies. However, it is assumed that investigations carried out by mandated oversight agencies are in many ways comparable to those carried out by police detectives. As such, literature on detective monitoring was explored, suggesting that the most important indicators are detection rates and outcomes (court-ready or not).

As discussed, in that detection rates might carry less weight in oversight agency investigations, these indicators may not be all that comparable. On the other hand, methods of investigatory supervision such as the 'self inspection documents', pre-defined supervisory feedback dates and individual performance reviews could all be applied to investigation-lead oversight agencies if they aren't already in place. Templates to guide and record investigatory action are also considered good practice and should be considered for oversight investigators.

Importantly, none of the literature reviewed made direct reference to clear, qualitative indicators that are consistently tracked in every investigation. Rather, where qualitative engagement was suggested, this related predominantly to survey and case study research, the latter involving select samples of investigations. In some instances this included an annual survey measuring public attitudes and trust in the police. Such a tool is comparable over time. But others such as case studies may be more difficult to draw direct comparisons from. That said, it is certainly possible to set up a case study/learning mechanism through which comparable samples of dockets are evaluated using checklists (quantitative) and investigator and complainant interviews or surveys (qualitative). This would allow for a form of triangulation in measuring performance and would generate rich data that could be disseminated in any number of forms within the oversight agency, to police and to the public.

Many of the guiding questions which oversight agencies might want to ask when formulating new indicators are included in Table 5 (p.6) and Table 6 (p.7). An important element of these questions is the reminder that oversight agencies must be procedurally fair to both the police and public, and that they must be learning organisations that disseminate lessons.

The summary of M&E lessons drawn from oversight agencies abroad (p.18) lists a number of suggestions for consideration by oversight agencies, both qualitative and quantitative. Among these it appears the following would be the simplest to carry out in a qualitative manner for agencies wanting to build on a foundation of quantitative data:

- Regular (monthly, six-monthly, or annual in every province) research into the levels of public confidence in both the police and oversight agency.
- Interviews/surveys exploring complainant experience and satisfaction with the oversight agency.
- Interviews/surveys exploring police views and experience of the oversight agency.
- Detailed case studies drawing on all of the above, as well as other quantitative and qualitative data captured and stored as part of an agency's work. These can be thematic, but can also be conducted in a review-like manner so that they represent a full sample of the work of agency investigators across all of its offices.

It is in this final suggestion and those related to it (p.19) that true qualitative monitoring of oversight agency investigations will take place. This raises questions about practicality, time and resources. Oversight agencies must consider what is practically feasible in relation to their resources and M&E and research capacity.

The UNODC recommends that oversight agencies disclose not only that information which reflects their key workings, but also information on perceived failures or mistakes, and lessons learned over a reporting period.⁶¹ It is this stance which should inform oversight agencies approach to performance measurement so that they are continually learning and improving in their work as transparently and efficiently as possible.

Appendix

Example questions for inclusion in investigation management pro forma checklists

The use of pro forma checklists is common in the monitoring of investigations. They can be employed by investigators to help prompt, record and track their investigatory responsibilities. They can also be used by supervisors to monitor the progress and quality of work of their investigators, and by senior managers to promote quality control and generate data by which to evaluate the agency. To avoid the manipulation of data captured in pro formas they should be structured to minimise any undue burden on investigators. They should therefore be structured such that they strike a balance between promoting effective investigations and minimising investigator stress.

While pro forma checklists will need to be tailored to each agency's mandate and procedures, the following

In what form was the complaint received?			
In writing	By fax	By electronic mail	Other:
Does the complaint fall within the ambit of the oversight agency?			Yes No
If no, to which authority or institution has the complaint been referred?			
(e.g. Police Service)	(e.g. Ombudsman)	Other:	
Within how many days after receipt of the complaint was it referred?			

Note: If these questions are used, it might be worth including a list of possible justifications for referral so that these can be tracked, reported on, or followed up.

Was the complainant informed about the referral of their complaint?	Yes	No
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Oversight agencies might want to include questions or information regarding the manner in which the complainant was informed, for example 'in writing' or 'telephonically'. Oversight agencies may also want to record the date on which the complainant was informed.

Was the complainant informed of the name and contact details of the investigator assigned to their complaint?	Yes	No
What is the name and/or identification number of the relevant investigator?		

Where oversight agency investigators or other staff are required to take action in a particular time period, questions can be amended to reflect this, for example, 'Was the complainant informed about the referral of their complaint within seven days?'

For questions relating to deaths (though 'deaths' can be replaced with any alleged criminality):

Is the death reported to have occurred in police custody?	Yes	No
Where is the death reported to have occurred?		
Based on preliminary information and crime scene investigation, does this report appear accurate and honest?	Yes	No
If no, why does the investigator doubt the initial report?		

Note: the reasoning behind the third and fourth questions is that police officials might try to construct a false narrative about a death in which they are implicated. Such attempts might in some cases be easily recognisable by oversight agency investigators.

Is the death reported to have occurred as a result of police:	a) Action	b) Omission	c) Both
If relevant, provide a brief motivation for your answer:			

The following are questions relating to crime scenes, including deaths, the sites of alleged torture or assault at the hands of police:

Did the Investigator visit the scene?	Yes	No
Was the scene secured?	Yes	No
Was a preliminary investigation completed?	Yes	No
Were the deceased's full name, age and sex recorded (if known)?	Yes	No
Were potential witnesses identified and their particulars recorded?	Yes	No
Was evidence collected by police, or collected by forensic experts?	Yes	No
Were exhibits registered and transported to a Forensic Science Laboratory?	Yes	No
Was the deceased's next-of-kin visited to inform them of death and obtain statements?	Yes	No
Were all identified witnesses visited for purposes of obtaining statements that may assist in the investigation?	Yes	No
Was the post mortem attended and the person conducting the post mortem consulted regarding their opinions on cause of death?	Yes	No
Was a report on the investigation submitted to (management or supervisor), including recommendations for possible disciplinary measures to be taken?	Yes	No
Was the victim examined by a medical practitioner?	Yes	No

Note: This is quite a comprehensive list of actions. If they are used, oversight agencies should consider timeframes in which they can realistically be achieved and measure performance accordingly. Priority should be given to the most important time-affected elements of the investigation such as those relating to the crime scene.

An alternative approach to the above is to introduce the list of questions with the title 'Record the date and time when each of the following actions were completed'. In this form it is assumed that all items are compulsory. By recording the times and dates when tasks were completed, managers may gain valuable insights into the timeframes by which investigators manage their crime scenes and investigations. However, this approach may also be considered burdensome to investigators resulting in times being made up for the sake of completing the pro forma.

The 'witness' indicator could be expanded to allow for the listing and time stamp of multiple witnesses; the 'next-of-kin' indicator could be expanded to list which next-of-kin was informed, and from whom statements were taken; the 'exhibits' indicator could be expanded to list exhibits, though neither of these would be particularly helpful for monitoring and evaluation purposes; the 'visited witnesses' indicator could be expanded so that investigators tick boxes or write brief statements indicating what efforts were made to identify witnesses; certain other indicators could be broken into two or more separate indicators.

Must police officers be arrested with regards to this event?	Yes	No
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Note: A follow up question might ask for a list of the names and identification/employment numbers of those members who are to be arrested.

Was the investigation concluded within (a designated timeframe)?	Yes	No
If not, explain why this was the case:		
List the date, time and means of communication each time the complainant and/or next-of-kin is informed of the progress of the investigation.		
Does this date fall within (a prescribed timeframe) of the last update provided to the complainant and/or next-of-kin?	Yes	No

Note: Regarding the second indicator above, investigators could be asked to give a reason should they fail to update the complainant/next-of-kin within a timeframe designated by the oversight agency.

Further Reading

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CMI, *How to monitor and evaluate anti-corruption agencies: Guidelines for agencies, donors, and evaluators*, September 2011

Better practice guide to complaint handling – Australian Ombudsman

Learning the lessons, www.learningthelessons.org.uk

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Endnotes

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- 19 Philip Stenning, 'Evaluating police complaints legislation: A suggested framework', in Andrew Goldsmith and Colleen Lewis, *Civilian oversight of policing: Governance, democracy and human rights*, 2000, Oxford and Portland: Hart Publishing, pp.148–163
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- 21 Thanks to David Bruce for these suggestions.
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ABOUT APCOF

The African Policing and Civilian Oversight Forum (APCOF) is a network of African policing practitioners from state and non-state institutions. It is active in promoting police reform through strengthening civilian oversight over the police in Africa. APCOF believes that strong and effective civilian oversight assists in restoring public confidence in the police; promotes a culture of human rights, integrity and transparency within the police; and strengthens working relationships between the police and the community.

APCOF achieves its goals through undertaking research and providing technical support and capacity building to state and non-state actors including civil society organisations, the police and new and emerging oversight bodies in Africa.

APCOF was established in 2004, and its Secretariat is based in Cape Town, South Africa.

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