
BALANCING POLICE INDEPENDENCE AND PUBLIC ACCOUNTABILITY: A COMPARATIVE STUDY OF GOVERNANCE MODELS

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1. ABSTRACT

Ensuring police accountability while granting them autonomy is a fundamental challenge in democratic government. While policing units are protected from political interference and are able to enforce the law impartially, too much autonomy can hinder accountability, transparency, and citizen oversight of police. In turn, too much administrative control poses a risk to professional impartiality and public trust in the criminal justice system. The current research does not adequately examine the approach of these conflicting constitutional issues in the different democratic jurisdictions under different governance structures. The purpose of this article is to compare the police governance system in the United Kingdom, the United States and India with a particular focus on the role of the constitution, judicial oversight and systems of civilian accountability. This paper adopts a comparative doctrinal and analytical method to argue that for an effective democratic policing to be achieved, there is a need for a governance framework that would maintain operational independence while also providing for transparent oversight institutions that would increase institutional legitimacy, accountability and public trust.

2. Introduction

The tension that lies at the core of a democratic government is between the independence of the police and their accountability. In a democratic society, state coercive authority is legitimate not because it is based on a single, mutually exclusive principle, but because of a balancing process in the constitution. Policing institutions should be operationally independent from the political interference, partisan enforcement and the discretion of the executive branch to prevent a biased application of criminal justice¹. Institutional independence on the other hand can defuse the capacity of democratic control and insure against investigation of wrongdoing. However, too much political or executive control is likely to transform law enforcement organisation into weapons of the state. This is a challenge for modern democracies to create governance structures that ensure the autonomy of professionals while also ensuring their accountability, openness and public trust.

Three different institutional approaches emerge from the history of democratic policing in the United Kingdom, the United States and India in their efforts to balance such a tug of war. In the United Kingdom the first modern civilian police force was established by the Metropolitan Police Act of 1829, which was based on Sir Robert Peel's principle of 'policing by consent. The British system evolved from one which was primarily based on internal discipline to one that provides for external supervision systems like the Independent Office for Police Conduct and elected Police and Crime Commissioners. Historical distrust of central government power led to the U.S. developing a widely decentralised policing system. The twentieth century saw the professionalisation of police administration that protected police administration from being directly exposed to political patronage, but on the other hand it posed problems of institutional isolation and the lack of community accountability. Later civil rights movements exposed long-term incidents of the use of excessive police discretion, and brought about improved court, federal, and citizen review systems.²

India has a unique institutional structure, arising from the colonial police act of 1861, which was developed mainly to serve the interests of imperialism and not democratic service oriented policing. Despite constitutional changes after independence, the basic framework of colonial

¹ James Sheptycki, *Accountability Across the Policing Field: Towards a General Cartography of Accountability for Post-Modern Policing*, 12 *Policing & Soc'y* 323 (2002) ([DOI](<https://doi.org/10.1080/10439460220000055>)).

² Trevor Jones & Ronald van Steden, *Democratic Police Governance in Comparative Perspective*, 36 *Policing: Int'l J. Police Strategies & Mgmt.* 561 (2013) ([DOI](<https://doi.org/10.1108/pijpsm-07-2012-0059>)).

policing primarily survived and allowed for a significant amount of administrative oversight of the police. Different reform processes, such as the National Police Commission, Ribeiro Committee and the Padmanabhaiah Committee had been urging the need for policing to be kept free from politics and strengthened accountability mechanisms. A significant constitutional step for introducing reforms was taken by the Supreme Court in *Prakash Singh v. Union of India* (2006) when it passed a judgment to establish reforms through State Security Commissions, Police Establishment Boards and independent complaint authorities. But a lack of uniformity of implementation in states still creates a blockage to large-scale structural progress.

Basically, independence and accountability of the police are not mutually exclusive; they are rather complementary aspects of a democratic system constitutionally required. The rule of law dictates that policing is carried out within the law and that it is subject to the constitution. Likewise, separation of powers gives power to operate to the executive and enables legislatures and courts to check potential abuse of power. Democratic legitimacy, however, is not only dependent on effective criminal enforcement, but on the presence of institutional mechanisms which can help avoid arbitrary use of force, misuse of force and the infringement of civil liberties. Thus accountability does not seem to be an impediment to effective policing, but rather its foundation for maintaining public trust and institutional legitimacy.

In this backdrop, the present article tries to make a doctrinal and analytical comparison between the systems of governance that regulate the independence and accountability of the police in the United Kingdom, the United States and India. The article addresses the concepts of the constitution, arrangements for institutionalization, monitoring mechanisms and proposals for constitutional reform that balance operational autonomy with democratic oversight. It argues that police autonomy and high levels of police control by the executive are not sustainable for democratic policing. Rather, an institutional governance model that ensures operational independence and oversight institutions that are transparent, engage citizens and that are constitutionally responsible is vital to enhance institutional legitimacy and public trust in modern policing institutions..

3. Constitutional and Institutional Foundations of Police Governance

3.1. Rule of Law and State Policing Powers

Under the rule of law, all state power – including the power to police – must be used within the framework of law and subject to independent oversight. The special nature of policing powers is that they enable the state to limit personal freedoms, use coercive force, monitor individuals' activities and trespass on individuals' private space to maintain the public order. The problem of the constitution is therefore one of establishing a legal framework for the exercise of these powers while also allowing the State to maintain security and social stability.³ In liberal democracies, the phrase “police power” has been interpreted as the natural right of the state to regulate activities that impact the health, safety, morals and general welfare of the public. But this power is not without limits; it must be exercised within the limits of the law, proportionality and procedural fairness.

In the United States, the police power of government is constitutionally dispersed mainly to states by the Tenth Amendment, and is expanded over broad areas of criminal law enforcement and other regulatory powers by judicial interpretation. However, constitutional rights in the Bill of Rights limit its exercise. With policing powers given by statute and common law rather than a written constitution in the United Kingdom, courts have developed the concept of legality, necessity, and proportionality to restrict the use of police powers. A further limitation on the principles of the European Convention on Human Rights is that the Human Rights Act 1998 also applies to policing practices.

The power of police vests primarily with the State and is included in Seventh Schedule of the Constitution of India belonging to the State List which is regulated by the fundamental rights enshrined in Part III. The rule of law thus serves at the same time to give the police their authority, and to limit its abuse. State police powers are only legitimate when used in accordance with constitutional safeguards and not the whims and caprices of the executive. This tension between order and personal liberty is always part of any method of police rule.

3.2. Separation of Powers and Executive Influence

The concept of separation of powers was originally expressed by Montesquieu, which is that the liberty is compromised when legislative, executive and judicial powers are united within the same person or in the same body. The concept becomes especially relevant in the context of the regulation of policing, which is based on the nexus between the state and the liberty of

³ Rachel Harmon, *The Problem of Policing*, 110 Mich. L. Rev. 761 (2012) ([DOI](<https://doi.org/10.36644/mlr.110.5.problem>))

the individual. It is the executive who holds the primary responsibility of maintaining public order and of implementing the law, and who therefore is put in a situation that automatically gives him wide powers in police administration. But constitutional governance requires a legal circumscription of such control and its institutional accountability. The legislatures set the rules for police activity and the courts monitor the legality and the constitutionality of executive activity.

In the United States, the responsibility for policing rests largely with the State government but is limited by the provisions of the Bill of Rights, as interpreted by the Courts, especially the Fourth Amendment which guarantees everyone the right to be free from unreasonable searches and seizures. Federal and state legislatures also limit the extent of police power. The institutional design is intentionally conflictual, designed to prevent too great a centralisation of coercive power.⁴

The division of powers is also entrenched in practice, if not in a formal written constitution, in the United Kingdom. Under the Constitutional Reform Act 2005, judges have been given greater independence and the Human Rights Act 1998 has placed the executive policing authorities under rights-based scrutiny by the courts. At the same time, the operational independence concept protects the police decision making process from direct political interference in case-to-case decisions and investigations.

In India, the Constitution devolved police powers to both the Union and the States, as per the Seventh Schedule, but Part III offers fundamental rights that are enforceable against unreasonable government overreach. Judicial decisions have repeatedly emphasized that law enforcement, which is a part of the administrative system, must play within the boundaries of the constitution and be protected from arbitrary political manipulation. However, relationships with the political executive remain structured and are continuing to diminish institutional neutrality. The division of powers is thus a significant constitutional check on executive power but its effectiveness is dependent on the autonomy of the institutions of oversight and the democratic safeguards.

⁴ Arvind Verma, *Police Accountability-Lessons from Other Countries*, 44 *Indian J. Pub. Admin.* 788 (1998) ([DOI](https://doi.org/10.1177/0019556119980403))

3.3. Civilian Control and Democratic Legitimacy

Civilian control is one of the core elements of democratic policing and is an institutional safeguard against the centralisation of coercive power in un-elected institutions. In constitutional democracies, the police are legitimate not only because of the legal right to do so or its dependence on the state, but because of popular consent, as it is secured by representative governance and by constitutional responsibility. This concept thus requires that civilian oversight be applied to policing institutions, but that they also must be given the operational power to ensure fair and impartial application of the law. Democratic policing is therefore based on a proper balance between freedom of the professional and accountability of the institution.⁵

The concept of civilian authority does not imply direct political involvement in operational affairs. It does not mean, however, that there are constitutional and institutional mechanisms that enable elected representatives, legislatures, oversight bodies and the judiciary to control the use of police powers. This is particularly significant because police institutions have unprecedented powers of force, restriction of freedom and encroachment on personal private. These powers can easily be used for arbitrary action and state control without real civilian control. Meanwhile, excessive political influence could have adverse consequences on the impartiality of the police and could make the police an instrument of partisan goal.

The fundamental building blocks of democratic policing are not only its fairness and impartiality, but also the public's confidence in the fairness, impartiality, and constitutionality of the police. Policing is more trustworthy when the activities of police are transparent, are properly regulated and meet community expectations. Apart from this, any charges of misuse of the authority, unequal application of the law, corruption, or political manipulation of the institutions can have a significant impact on the confidence and trust people have in the local police.

4. Comparative Governance Models of Policing

4.1. The British Model of Operational Independence

⁵ Kempe Ronald Hope, *Civilian Oversight for Democratic Policing and Its Challenges: Overcoming Obstacles for Improved Police Accountability*, 16 J. Applied Sec. Res. 423 (2021) ([DOI](<https://doi.org/10.1080/19361610.2020.1777807>))

A fundamental principle of the British system is that of the independence of the police whereby each constable is an independent office holder and not an agent of the administration, and police powers are based on common law rather than statutory law.⁶ In the twentieth century, the courts ruled that the Home Secretary and local police service have no right to direct the constables in operational issues like investigations, arrests or enforcement.⁷ For these reasons, operational independence is a constitutional safeguard in place to prevent the influence of politics on police work, and to ensure professional neutrality and public trust in police organisations.⁸

In the United Kingdom, contemporary governance of policing is tripartite with a structure provided for under the Police Act 1996. The Home Secretary has responsibility for the national policing priorities and overall efficiency while locally elected Police and Crime Commissioners (introduced under the Police Reform and Social Responsibility Act 2011) have democratic responsibility for setting local policing objectives and holding chief constables to account.⁹ Meanwhile, the chief constables have operational responsibility and discretion in their day-to-day choices of policing. In this system, operational policing is not subject to political power, but the need for professional autonomy is met alongside democratic responsibility.

The legitimacy of the British approach is also enhanced by the principle of policing by consent, which stresses the use of police power on a popular rather than state basis. Independent bodies, including the Independent Office for Police Conduct, His Majesty's Inspectorate of Constabulary and Fire & Rescue Services, and the College of Policing all oversee misconduct investigations, institutions performance and standards.¹⁰ However, conflicts still arise over external oversight perceived as threatening operational independence, a never-ending constitutional debate about police autonomy and democratic accountability.

⁶ Stuart Lister, *The New Politics of the Police: Police and Crime Commissioners and the "Operational Independence" of the Police*, 7 *Policing* 239 (2013) ([DOI](https://doi.org/10.1093/police/pat011))

⁷ Barry Loveday, *Police Scotland: Challenging the Current Democratic Deficit in Police Governance and Public Accountability*, 20 *Crime Prevention & Cmty. Safety* 154 (2018) ([DOI](https://doi.org/10.1057/s41300-018-0044-9))

⁸ Barry Loveday, *Police and Crime Commissioners: The Changing Landscape of Police Governance in England and Wales: Their Potential Impact on Local Accountability, Police Service Delivery and Community Safety*, 15 *Int'l J. Police Sci. & Mgmt.* 22 (2013) ([DOI](https://doi.org/10.1350/ijps.2013.15.1.298))

⁹ Ali Malik, *Police Governance and Accountability in Scotland Following Reform: Revisiting the Policy Rationale for the Creation of the Scottish Police Authority*, 27 *Scottish Affs.* 438 (2018) ([DOI](https://doi.org/10.3366/scot.2018.0257))

¹⁰ Peter Murphy, Peter Eckersley & Laurence Ferry, *Accountability and Transparency: Police Forces in England and Wales*, 32 *Pub. Pol'y & Admin.* 197 (2017) ([DOI](https://doi.org/10.1177/0952076716671033))

4.2. The American Model of Decentralized Accountability

The American approach of police governance is characterized by substantial decentralization. The United States has about 18,000 separate law enforcement agencies throughout the country at both local, county, state, and federal levels of government, as opposed to a centralized approach. This division is similar to the constitutional division of federalism and the 10th amendment that leaves general police powers with the states. In the United States, therefore, accountability for police performance, operating standards and disciplinary rules are essentially local, with each jurisdiction having a different approach.

The mayors, city councils, county sheriffs and police commissions have a significant influence on the police departments at the municipal level. This is a localized structure that promotes democratic engagement by allowing communities to prioritize policing through elections, public hearings and civilian advisory processes. The accountability standards are also far from uniform, as is the case with decentralization¹¹. Some jurisdictions have large civilian review boards that have investigation and disciplinary powers and others have minimal external review and almost total monitoring by the department itself.¹²

The federal government has a supplementary regulatory role in terms of constitutional enforcement processes.¹³ The Department of Justice can “investigate” unconstitutional policing practices and a court supervised “consent decree” can be imposed to institute institutional changes under the Violent Crime Control and Law Enforcement Act of 1994. Federal officials also influence policing practices in their financial assistance programs, data collection efforts, and civil rights enforcement, and execution is still sporadic and largely relies on local cooperation.

One of the significant features of the American system is the elected sheriff, especially popular in rural counties. Sheriffs have both police powers and direct accountability to the electorate, hence a unique linkage between the leadership of policing and the mandate of the people.

¹¹ Mir Usman Ali & Maureen Pirog, Social Accountability and Institutional Change: The Case of Citizen Oversight of Police, 79 Pub. Admin. Rev. 411 (2019) ([DOI](https://doi.org/10.1111/puar.13055))

¹² 24. Mir Usman Ali & Sean Nicholson-Crotty, Examining the Accountability-Performance Link: The Case of Citizen Oversight of Police, 44 Pub. Performance & Mgmt. Rev. 523 (2021) ([DOI](https://doi.org/10.1080/15309576.2020.1806086))

¹³ Melchor C. de Guzman & James Frank, Using Learning as a Construct to Measure Civilian Review Board Impact on the Police, 27 Policing: Int'l J. Police Strategies & Mgmt. 166 (2004) ([DOI](https://doi.org/10.1108/13639510410536805))

However, politicization, populist policing and conflicts of interest are problems this set-up also faces. The American experience then underscores the benefits and limitations of decentralized accountability in a democracy, especially when distributed monitoring reduces institutional cohesion and the safeguarding of constitutional rights.

4.3. The Indian Model of Administrative Control and Reform

Colonial influence on Indian governance and the on-going conflict between the administration and the institutions have the significant effects on the Indian style of police governance. The colonial influence on governance and the never-ending dichotomy between administration and institutional change holds significant impacts on Indian style of police governance. In India, policing is mostly regulated by the Police Act of 1861 passed by the British colonial government to strengthen its power and crush political opposition in the wake of the Revolt of 1857¹⁴. The Act created a hierarchical and centralized police force model whose purpose was not so much to hold individuals accountable to the community through democratic means, as to place the government over its citizens' heads. Even after independence in 1947, the institutional structure of colonial policing has largely remained the same, embedding a culture of subordination to the order of both the bureaucracy and politics, which continues to be reflected in current police practices and management.¹⁵

In fact according to the Constitution of India (Constitution) that "policing" and "public order" are included in the Seventh Schedule of the State List, this gives the States the primary jurisdiction related to policing. Simultaneously, the Indian Police Service (IPS) which serves as an All India Service provides executive leadership to state police institutions and sets a complex pattern of dual control with State and Union.¹⁶ Much of the power to nominate, transfer, post and promote officers and investigating disciplinary actions is handed to state governments, giving a high level of influence in the day-to-day policing of operational affairs. This arrangement has been challenged in the past as providing opportunities for political manipulation, especially in the case of transfers and postings to produce a "police effect."

¹⁴ T. K. Vinod Kumar & Arvind Verma, Hegemony, Discipline and Control in the Administration of Police in Colonial India, 4 *Asian J. Criminology* 61 (2009) (<https://doi.org/10.1007/s11417-008-9057-0>)

¹⁵ Ashwin Varghese, Police Interactions in Post-Colonial India: How Particularistic Accountability, Legitimacy and Tolerated Illegality Condition Everyday Policing in Delhi and Kerala, 11 *J. Organizational Ethnography* 162 (2022) ([DOI](<https://doi.org/10.1108/joe-12-2020-0057>))

¹⁶ Arvind Verma, Maintaining Law and Order in India: An Exercise in Police Discretion, 7 *Int'l Crim. Just. Rev.* 65 (1997) ([DOI](<https://doi.org/10.1177/105756779700700104>))

The attempt to reform the police structure has been radical but largely failed to make an impact in reality. Excessive political influence has been identified as a structural problem in the profession as early as the 1977–1981 period of the National Police Commission, in that the commission concepts envisaged, among others, the establishment of fixed tenures for promotion of senior officers, the disinvolvement of investigation duties from law-and-order work and the institution of independent review agencies.¹⁷ The suggestions were later reiterated by the Ribeiro Committee, the Padmanabhaiah Committee and the Second Administrative Reforms Commission. But, there was a lack of follow up in meaningful implementation because of political backlash and institutional inertia.

The landmark decision of the Supreme Court in *Prakash Singh v Union of India (2006)*, which mandated structural changes such as the establishment of State Security Commissions, Police Establishment Boards, fixed tenure protections and independent Police Complaints Authorities, was an important milestone. These were all institutions designed to minimise arbitrary executive interference, and to strengthen accountability mechanisms. However, implementation in states has been variable and often cosmetic with some oversight bodies not being sufficiently independent, strong or with the capacity to enforce.

This parallel struggle, however, between holding onto colonial-style administration and supporting constitutionally grounded democracy, professionalism and accountability in policing continues to be evident in the Indian model. Its primary enterprise is not to transform the police into the personal agent of the president, but rather to convert them into an institution open to the public, free from presidential control and subject to good civilian oversight and oversight protocols.

4.4. Emerging Global Trends in Police Governance

Community policing tactics have increased in significance in democratic systems because of the understanding that institutional legitimacy is not established solely by the suppression of crime, but by the way in which the police and the community relate and interact in an ongoing manner.

The second important trend relates to the institutionality of independent oversight systems. The

¹⁷ Arvind Verma, National Police Commission in India: An Analysis of the Policy Failures, 71 *Police J.* 226 (1998) ([DOI](https://doi.org/10.1177/0032258x9807100306))

way that police are investigating offences against themselves has been phased out and replaced by statutory bodies that have subpoena powers to investigate and bring to light any misbehaviour, and which have the power to recommend disciplinary or structural changes. These systems may be seen as ombudsman institutions, civilian review boards or as independent complaints authority, and all have demonstrated a developing awareness that accountability has to extend beyond internal departmental processes.¹⁸

Additionally, procedural justice theory is a growing and prominent topic in contemporary policing studies. Recent studies show that the willingness among citizens to cooperate with police officers is not as much dependent on police success as it is on their perception of justice, neutrality, transparency and respectful treatment in police-citizen interactions. As a result, legitimacy-based performance measures have started to be included in training, assessment, and operational activities related to policing organisations.¹⁹

Technological development is another core aspect of the government of policing today. Policing capability and possibilities for policing accountability have been enhanced by the use of body worn cameras, predictive policing systems, facial recognition technologies and digital surveillance techniques. Meanwhile, these developments have raised significant concerns about algorithmic bias, mass surveillance, privacy and data protection, which have led to demand for greater legal control and technical oversight over these advancements.²⁰

Finally, there is an increasing influence by international human rights standards on domestic policing systems. Directives and standards like the United Nations Code of Conduct for Law Enforcement Officials, Basic Principles on the Use of Force and Firearms have aided in developing rights-based policing practices grounded in legality, proportionality, and accountability. In sum, these trends demonstrate a developing international trend towards policing practices that prescribe transparency, legitimacy and democratic accountability alongside good policing practice.

¹⁸ Joseph De Angelis, Assessing the Impact of Oversight and Procedural Justice on the Attitudes of Individuals Who File Police Complaints, 12 *Police Q.* 214 (2009) ([DOI](https://doi.org/10.1177/1098611109332425))

¹⁹ Joseph De Angelis & Aaron Kupchik, Citizen Oversight, Procedural Justice, and Officer Perceptions of the Complaint Investigation Process, 30 *Policing: Int'l J. Police Strategies & Mgmt.* 651 (2007) ([DOI](https://doi.org/10.1108/13639510710833929))

²⁰ Mahesh K. Nalla & Chae Mamayek, Democratic Policing, Police Accountability, and Citizen Oversight in Asia: An Exploratory Study, 14 *Police Prac. & Res.* 117 (2013) ([DOI](https://doi.org/10.1080/15614263.2013.767091))

5. Mechanisms Ensuring Public Accountability

5.1. Judicial and Legislative Oversight

The main external mechanisms for regulating police power and holding them accountable in democratic systems are judicial and parliamentary monitoring. The policing of organisations has a level of power to limit liberty, surveillance, and the use of coercive action that must be monitored, examined, and evaluated by independent bodies to ensure it is legal and legitimate in terms of the Constitution. Therefore, the court and legislative oversight take the form of effective protection against arbitrariness, abuse of discretion and infringement of fundamental rights.²¹

Judicial oversight primarily works through the interpretation and enforcement of procedural safeguards, and constitutionality review. Courts analyze the legality of arrests, searches, seizures, detention methods, and use of force; provide remedies for rights violations in the form of constitutional writs, compensation, injunctions, and exclusionary rules; and consider the legality of arrests, searches, seizures, detention methods, and force. In addition to addressing clashes between competing individuals, courts also establish broader police standards by articulating ideas that shape concepts of due process, proportionality and legality. Judicial bodies can provide structural recommendations, monitor compliance mechanisms, and demand institutional changes that will enhance accountability in cases of systemic misconduct and/or unconstitutional policing practices.

The legislative oversight is exercised in two ways: by statutory regulation, through parliamentary examination, by budgetary monitoring, and by investigative probes. It is through legislation that legislatures determine the extent of police powers and create accountability structures and mechanisms that govern police operations. Parliamentary committees and legislative commissions can call police officials and review administrative shortcomings, suggest reforms, and assess institutional performance. Budgetary control also allows for legislators to be able to shape the priorities and allocation of the police.

The effectiveness of both types of oversight relies in the end on the independence, transparency and enforcement power within the institutions. Increased accountability of the judiciary is

²¹ Louise E. Porter, Beyond "Oversight": A Problem-Oriented Approach to Police Reform, 14 *Police Prac. & Res.* 169 (2013) ([DOI](https://doi.org/10.1080/15614263.2013.767096))

undermined by courts being too deferential toward the executive branch, and greater accountability of the legislature is undermined by partisanship blinding legislators to the need for objective inquiry. A coordinated governance structure is then needed, with judicial review and legislative supervision working in tandem to keep the policing authority in check, ensuring compliance with constitutional principles rather than the discretion of the executive.

5.2. Independent Complaint Authorities and Civilian Review Mechanisms

Independent complaint authorities (ICAs) and civilian review mechanisms are a specific type of accountability that operates in addition to established judicial and legislative accountability mechanisms. They are institutions which receive, examine and resolve complaints involving police officers, but whose processes are distinct from the police organizations involved. They believe that police forces should not have the power to investigate themselves exclusively in instances of excessive force, custodial assault, corruption, abuse of authority or discrimination. External review is then a way of fostering impartiality, transparency and the public's trust in accountability systems.²²

While there are some differences across countries in how institutions are organised, there are some qualities typically considered as essential to the functioning of civilian oversight organisations. First, operational independence of the police from political control and police leaders is needed to avoid the police being captured and to guarantee police credibility. Permanent tenure of office, well-defined appointments, and financial independence are often associated with such independence. Second, there is a need for significant investigative powers, such as subpoenas for witnesses, documents, records and official documents, and for the ability to initiate investigations independently. Third, the power to make enforceable recommendations or take disciplinary measures significantly enhances institutional effectiveness, avoiding an advisory nature of accountability mechanisms.

Citizen review systems serve a larger function than simply addressing individual complaints, they also serve a systemic purpose.²³ These organisations can reveal repeated incidents of wrongdoing, procedural errors or institutional shortcomings, which can help to transform

²² Tim Prenzler, *Civilian Oversight of Police*, 40 *Brit. J. Criminology* 659 (2000) ([DOI](https://doi.org/10.1093/bjc/40.4.659))

²³ Graham Smith, *Citizen Oversight of Independent Police Services: Bifurcated Accountability, Regulation Creep, and Lesson Learning*, 3 *Regul. & Governance* 421 (2009) ([DOI](https://doi.org/10.1111/j.1748-5991.2009.01061.x))

organisations, amend policies and improve professional practice. The public reporting, and transparent procedures, further enhances democratic accountability by subjecting policing institutions to scrutiny by others.

However, independent complaint authorities often face structural challenges such as a lack of resources, jurisdiction, timeliness, and police group disaffinity. Their success thus depends not only on their formal independence, but on their capacity to be enforced, as well as on their political commitment to accountability, which must be sustained. If they work well, they help to develop public trust and strengthen the democratic legitimacy of enforcement institutions.

5.3. Transparency, Media Scrutiny, and Public Participation

Transparency is a central condition of real accountability of police governance. Without information about police policies, practices, discipline and performance of police institutions, citizens and oversight bodies cannot effectively assess or critique police practices. Transparency is demonstrated by mandatory reporting obligations, use-of-force statistics, public release of police policies and procedures and complaint data. Freedom of information regimes also help journalists, researchers and civil society groups look into policing practices and uncover systemic issues.

Media criticism is an important external accountability tool and it helps to reveal and bring to light police errors, corruption, discriminatory policies and institutional shortcomings. There is a free and independent press that can stimulate public debate and/or institutional pressures for reform. Internal disciplinary efforts have repeatedly failed to uncover patterns of abuse which have been uncovered instead through investigative media.

Public engagement goes beyond electoral accountability – it can involve community advisory boards, public consultations, citizen oversight and participatory policy procedures. The methods enhance the democratic legitimacy by ensuring community issues are addressed, and not just institutional or governmental issues. Nonetheless, if they are to be engaged, they must be informed citizens, open institutions and an attuned audience that listens to and responds to citizens' criticism. If these conditions are not met, the process of participation may remain superficial and not lead to any lasting change in democratic police governance.

6. Contemporary Challenges and Reform-Oriented Governance

6.1. Political Interference, Police Misconduct, and Institutional Dependence

Political influence continues to be one of the most intractable and corrosive problems for democratic policing. The principle of policing under the Rule of Law is seriously undermined if policing organisations are seen as having a partisan interest in the political interests of those in authority rather than as neutral institutions, charged with upholding the Rule of Law. Interference occurs as a result of politically-driven transfers, of selective registration and withdrawal of criminal cases, manipulation of the investigation procedure, and misuse of law-and-order machinery in politically sensitive times. These strategies abrogate operational neutrality and undermine institutional independence and effective policing.²⁴

This often leads to police misconduct as a reaction and reinforcement of the situation. In those circumstances, in which officials are immune to accountability for their misdeeds because of political protection, institutional cultures of impunity start to develop in policing agencies over the years. Misconduct can manifest in many ways including custodial assault, arbitrary taking and keeping of individuals, creation of false evidence, discriminatory application and enforcement, bribery and improper action outside the courtroom. The fact that these patterns make general statements about police abuse suggests that there are bigger brown elements to the picture than narrow some of the commentators. Hierarchical allegiance, lack of transparency and reliance on an executive power typically undermines the effectiveness of internal disciplinary practices.

These tend to be worsened by the dependency of institutions. Institutional vulnerabilities play a significant role in the effectiveness of agencies at resisting inappropriate influences, as it is primarily through the political administration that they are able to secure postings, promotions, infrastructure support, and career progression, among other capabilities. Violation of partisan instructions can also result in punitive transfers or other outcomes like career or administrative stagnation or becoming marginalized. Although the government has various attempts at reform and issued judicial mandates, this dependency persists from the lack of reality tenure protection and independence of administrative safeguards.

²⁴ Helen Wells, *Grey Areas and Fine Lines: Negotiating Operational Independence in the Era of the Police and Crime Commissioner*, 14 *Safer Communities* 193 (2015) ([DOI](https://doi.org/10.1108/sc-06-2015-0023))

Thus, political interference, reliance on institutions and police misconduct is interdependent and have a negative effect on the democratic accountability of the police and public's trust in the police. To overcome these challenges, structural changes are required that can de-politicize the police, enhance its independence, and introduce mechanisms for independent monitoring and holding the police to account.

6.2. Public Trust Deficit and the Need for Structural Reforms

Pure political manipulation, police misuse and dependency on the police has left citizens with a very high level of mistrust of the police, which lowers the police's legitimacy in the eyes of citizens. Voluntary compliance and community involvement are part of good law enforcement, especially in democratic societies where policing is not a matter of force alone but also of the voluntary nature of compliance as a result of cooperative community engagement. A decline in citizens' trust in policymaking institutions when they believe they are politicised, corrupt, discriminatory or lack accountability against such institutions leads to a loss of faith in the rule of law. Victims are reluctant to report the crime, witnesses deter from participating in investigation, communities slowly retreat from law enforcement processes which reduce the effectiveness of as a whole institution and lead to alienation for the public.

The trust gap is generally distributed disproportionately through society. Some communities (which are primarily the minority racial, caste, religious and ethnic communities or communities of lower socio-economic status) are often subjected to excessive police monitoring, excessive use of force, discriminatory use of force and procedural injustice. They disrupt the partnership between police and disadvantaged groups and raise basic issues of equality, constitutional rights and democracy.

This is a dilemma that will necessitate changes in structure, in more than symbolic sense, otherwise policy or disciplinarian actions alone will not suffice. Systemic governance problems cannot be solved by incremental changes, like training or revised codes of conduct. The key elements of sustainable transformation are: operational independence protected by statute, clear appointment and promotion regime, competent external supervision organisations and effective accountability processes of investigative and disciplinary power. Continued participation by communities that can transform citizens from recipients to participants in accountability processes is also important.

Action on reform, however, relies on the fact of political interest in restricting the powers of the executive in policing. Reconstruction of public trust is thus not just an administrative matter but a constitutional and democratic one also. Democratic police can only establish their legitimacy through justice, fairness, transparency and adherence to constitutional rights.

7. Conclusion

The issue of police independence as a balance to public accountability is a preeminent question in democratic administration. This study reports that police institutions do not perform well under pure executive control or total operational autonomy. Although independence is required to protect law enforcement from partisanship and to preserve professional neutrality, accountability is also very important to prevent abuse of power, to promote transparency, and to support public trust in the rule of law. In the case of democratic policing, we see that it is upon the governance systems' ability to reconcile these at times conflicting yet also supportive elements.

Accountability is best in which police institutions function within open legislative settings that also have the support of independent monitoring agencies, judicial supervision, and citizen participation which is meaningful.

The report also notes that political influence, institutional dependency, and weak accountability structures are large factors in police misconduct and the fall of public trust. What we see is that formal oversight bodies by themselves are not enough unless they also include operational independence, institutional transparency, strong enforcement tools, and a continuous political support for change. Public trust in police does not rest on the use of force; it is based on procedural justice, compliance with the constitution, and the view that police institutions are impartial and for the public good.

In fact what gives to democracy in the area of policing is not the presence of law enforcement authority but how that authority is put to use and managed. Also we see that for sustainable police governance to work we require a fine balance in the constitutional structure which at the same time supports police autonomy and also puts in place wide ranging systems of public accountability which in turn increases institutional legitimacy and the democratic rule of law.