

POLICE ACCOUNTABILITY IN CRIMINAL INVESTIGATION: USA AND BANGLADESH

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ABSTRACT

This paper conducts a comparative analysis of police accountability in criminal investigations in the USA and Bangladesh. It explores the legal frameworks, institutional mechanisms, and challenges that shape police oversight in these two jurisdictions. The study highlights the significant differences between the two countries, with the USA having a robust legal framework anchored in constitutional protections, federal statutes, and a range of oversight bodies. In contrast, Bangladesh's police accountability system is rooted in colonial-era laws with limited oversight mechanisms and is further weakened by corruption and political interference. The paper examines essential case laws influencing police conduct in both countries, such as *Tennessee v. Garner* in the USA and *BLAST v. Bangladesh* in Bangladesh. The analysis reveals that while the USA has made strides in integrating technology into accountability processes,

Bangladesh faces numerous challenges, including outdated laws and a lack of technological infrastructure. It is a qualitative research. Recommendations for both countries include modernising legal frameworks, enhancing the independence of oversight bodies, and adopting international best practices. The findings emphasise the need for continuous reforms to ensure transparent and effective police accountability in both jurisdictions.

INTRODUCTION

Police accountability means regulating the powers, investigations, responsibilities, and duties of Police agencies and officers in connection with criminal activities by specific established laws and regulations. Policing accountability is important because it has actual and direct implications on the deliverance of justice, the public's confidence and liberty, and the person. Lack of accountability promotes threats to human rights on the side of the police force, including unlawful arrest, use of excessive force, and custodial torture, which aggravates this problem. This leads to a loss of public confidence in the justice system. Police officers have considerable discretion power, especially in criminal investigations, as presented in the paper. Police practices concern not only the arrest and detention of a suspect but also the collection of evidence that, hence, affects the rights and freedoms of individuals. It is thus crucial to prevent police actions from being unlawful, unaccountable, and unobserved. Civilian policing has become controversial in the USA and Bangladesh in recent years due to either failure or controversy. This has drawn various movements across the USA seeking the reformation of the police force with high-profile scenarios of brutality in police work, together with enhanced targeting of ethnic and cultural groups. On the other hand, Bangladesh has the problem of carrying over policing laws from the colonial era, no institutional support for policing, and a high prevalence of corruption in the polity. The historical development of police in these two countries offers information on the present status of the accountability measures.

In the case of the USA, constitutionalism has been a major factor in the evolution of policing, for it is founded on due process and civil liberties. The structure and organisation of the Police force of Bangladesh today has the Police Act of 1861 and the Code of Criminal Procedure of 1898 in the British pattern of law. These laws confer tremendous prerogatives on the police, offering scant opportunities for citizens' control. There have been changes in the past, including the passing of the recent Torture and Custodial Death (Prevention) Act, 2013, meant to fight police brutality. However, political interference, corruption, and, most of

the time, lack of funds are some challenges that have rendered accountability ambitions unachievable. In this paper, the research question is to analyse and compare police accountability in criminal investigations in the USA and Bangladesh. The areas that will be discussed include legal provisions on police conduct, the performance of oversight agencies, and the impact of precedents. The paper will also reflect on the systematic barriers that each country experiences in pursuing justice on police misconduct and predation and recommend how reform from international standards might be implemented.

METHODOLOGY

The doctrinal research approach used in this paper is essentially legal and is based on the study of the USA and Bangladeshi legal systems regarding Police Accountability. Given this theoretical framework, the study will require an analysis of corpus juris, including constitutional, statutory, and judicial materials and Select oversight body reports. Apart from doctrinal analysis, the paper will contain qualitative comparisons of the frameworks of police accountability in both countries. This will involve helping students understand the various politics of police oversight, the powers of courts in handling police offences, civil society, and public interest litigation (PIL) accountability issues. The study will also use pertinent case law of both countries and explore how those courts have dealt with the critical matters of emphasis in police accountability legal principles. The following analysis will focus on differences and similarities in the legal perception of the USA and Bangladesh and attempt to gain interpretative access regarding the efficiency of judicial supervision for police accountability.

LEGAL FRAMEWORK OF POLICE ACCOUNTABILITY IN CRIMINAL INVESTIGATIONS IN THE USA

Integrity is a mighty pillar of police work in criminal investigations in democratic nations. This paper seeks to analyse the legal mechanism in the United States of America that aims to provide legal redress for misconduct in the police force. Considering police officers have a large amount of discretionary authority when performing criminal investigations, it is critical that their activities are monitored to safeguard citizen liberties and adequately present citizens of the criminal legal system. The USA's approach to police accountability is a politics, multi-actor systems, and legal culture based on various state and federal actors, oversight bodies, and legal norms that emerged from historical and social processes. Under what Law and compliance with the Constitution, this chapter examines the political-legal system of police accountability in the USA, evolutionary history, constitutional and statutory regulation of police conduct, and institutional police accountability. This chapter acknowledges flexible social facts as strengths and weaknesses within the current system, identifying and explaining how police accountability works in the context of criminal investigations in the USA based on essential case laws.

LEGAL FRAMEWORK

Policing in the USA is constitutional, statutory, and judicially regulated regarding police accountability. The legal context is based on the United States Constitution, stressing the Fourth, Fifth, and Amendments. Sixth Amendments give the suspects fundamental rights in connection to police inquiries.

Fourth Amendment: The Fourth Amendment of the Constitution of the United States of America guarantees citizens protection against search and arrest by police officers. It lays down the rule that police must seek a probable cause warrant before searches or arrests can be made. Still, some circumstances warrant an exception to this rule, including difficult circumstances or when searching incidental to a lawful arrest. The Fourth Amendment is the principal source of constitutional protection against police misconduct in cases that exclude evidence gained through an unlawful search.

Fifth Amendment: Of the antecedent amendments, the Fifth Amendment protect citizens against self-suspect and provides for due process. Most people probably link it with the Miranda rights that were established after the case of *Miranda v. Arizona* (1966). People under this treatment are supposed to be told that they have the right not to make any statements and that they are entitled to the services of an attorney. Failing to do so makes any confession or statement taken during the interrogation invalid in a court of law.

Sixth Amendment: This amendment also enshrines a right to a trial and a right to counsel during criminal prosecution. It guarantees an accused's right to counsel during critical phases in criminal proceedings, such as police interrogations and pre-trial hearings. On this right, the accused or a suspect can protect themselves from misconduct by law officers while conducting their investigations. However, several federal laws are in force to protect citizens and hold the police accountable. The Police Misconduct Statute enables filing civil actions against local law enforcement organisations with systems or patterns of abuse of rights. This statute has been used as an effective weapon in removing police departments blamed for continuous misconduct, especially the use of excessive force or prejudice. After that, one must not forget that there is the Civil Rights Act, especially Section 198, which allows citizens to sue state officials, including police officers, for violation of the constitutional rights of a citizen. Section 198 rights are typically relied on where claims of excessive force have been made where the subject's arrest was unlawful or when death has occurred. Not only can these lawsuits effectively target individual officers, but they can also pierce the police department, bringing about reform. Regarding police accountability, the Department of Justice (DOJ) has a critical role to play. The DOJ's Civil Rights Division examines police departments that have engaged in systemic

unconstitutional policing – including excessive force and racism. When such patterns and systems are apparent, the DOJ opens consent decrees with the police departments, making them legally recognise and enact changes regarding policy training, force actions, and supervisory measures.

INSTITUTIONAL MECHANISMS

Although there are legal measures that guide police accountability, there is a need for institutional measures since laws are the frameworks of institutions. These measures include internal investigations, civilian oversight, and the Office of Inspections and Review, which utilises advanced technology.

Internal Affairs Divisions: It is worth noting that the majority of police departments in the USA are supposed to possess internal affairs divisions specially designed to investigate cases of police misconduct. The internal affairs units must ensure that their officers observe department standards, policies, and state or federal laws. However, the effectiveness of divisions has often been questioned because they lack independence, sometimes with a predisposition to protect fellow officers, hence the impartiality of these investigations.

Police Review Boards: The formation of Independent Civilian Oversight agencies, where citizens of the United States' dissatisfaction with internal investigations surfaced; many cities have adopted police review boards. These boards are mostly made up of members of the public appointed to inquire into complaints of police excessiveness. Their competence and efficiency also differ by jurisdiction. However, some can deliver disciplinary recommendations that must be implemented, while others can only provide advisory recommendations.

Civilian Oversight: Police accountability has gained considerable attention, and one of the methods used to achieve this aspect has been granted through civilian oversight of police departments. New York and Los Angeles have developed independent civilian review boards for handling complaints of police brutality, studying disciplinary measures, and recommending reforms. Independent civilian oversight bodies are meant to be independent public institutions that can review complaints against the police. Still, the extent of their success depends on the power of their jurisdiction and access to police material.

Body-Worn Cameras (BWCs): Over the past several years, body-worn cameras have become popular in many police departments around the United States as a measure of increased oversight. BWCs are specifically intended to capture occurrences with police officers in their duties and with civilians if there are genuine complaints of Policing misconduct. Arguably, the adoption of BWCs has the effect of diminishing cases of

excessive force and altering officer conduct. I thought privacy and data concerns had been raised.

Accountability Technologies: Besides BWCs, other technologies, such as car cameras and automated digital reporting systems, have been incorporated into policing to enhance openness. These technologies give a real-time account of the police's actions and can form part of the evidence when officers are accused of misconduct. However, two factors nullify these technologies: policies regulating their use and the availability of the footage to the public and the courts.

CASE LAW ANALYSIS

Case laws have greatly informed police conduct in criminal investigations. A few striking Supreme Court judgments, dealing primarily with the issues of force and constitutional rights, have formed a few fundamental legal precedents applied to determine the permissiveness of police actions.

Tennessee v. Garner (1985): This case discussed the employment of fatal force by police officers while undertaking a chase of fleeing suspects. The Supreme Court said that the apprehension of a suspect who is unarmed and is not a threat to human life is unconstitutional. The Court stressed that in any criminal procedure, the police officers have to have a reasonable suspicion that the suspect could endanger the life or cause serious bodily harm to other people. This ruling established the use of force across police departments, especially regarding the apprehension of offences. Determining the parameters of what is reasonable force to use when arresting or dealing with suspects who resist arrest is a constitutional matter that has made this ruling of national applicability.

Graham v. Connor (1989): Instead, in this case, the Supreme Court set the standard called 'objective reasonableness' when considering the allegations of excessive force from the side of policemen. The Court supported its decision by stating that the fitness of an officer's use of force should be assessed from the viewpoint of another officer at the scene and not in retrospect. This decision stated that police officers must be accorded some substantial measure of reference in their decision-making when confronted with a continuously changing situation. Still, they must not transgress the provisions of the Constitution in doing so.

Floyd v. City of New York (2013): This case angered the vast number of stop-and-frisks carried out by the New York Police Department, especially against the black community. Judicial analysis The federal court held that the stop-and-frisk constitutional provisions of the Fourth and Fourteenth Amendments were violated due to the inability to conduct the stop-and-frisk based on reasonable suspicion and racism. It emphasised the obligation to protect constitutional compliance with police conduct and eliminate racial discrimination.

CRITICAL EVALUATION

The United States of America has built a relatively solid legal basis for solutions to police misconduct. Nevertheless, the system is not devoid of certain flaws and weaknesses. Safeguards of constitutional protection form one of the main pillars of the system and are stipulated within four, five, and six amendments. These amendments afford a robust legal foundation for the ability to control police behaviours throughout the commission of offences and afford necessary safeguards to people against corrupt practices. Additionally, Federal laws such as the CAA sect 1983 and the Police misconduct statute allow a person and department of justice to seek redress from police departments and officers of constitutional violations. However, as much as these four legal remedies might afford limited protection to the consumers, various problems can be considered as the weaknesses of the current system. Among such arguments, one of the most common is a weakness and lack of impartiality in internal investigations conducted by the police departments. The internal affairs divisions are usually accused of supporting their fellow officers, which falters public trust in their investigation of alleged misconduct. Civilian oversight bodies, on the other hand, though they play the role of an accountability mechanism, also have their drawbacks. Civilian review boards have little power and often cannot reprimand rulings or access key evidence. As a result, their usefulness is somewhat diluted. However, the implementation of body-worn cameras and other accountability technologies, such as TASERS, have their strengths and weaknesses. The use and release of videos and records under different jurisdictions differ; issues of privacy and data whose usage is central to AIs make it challenging to implement these technologies widely. As for the case law, other decisions, such as *Tennessee v. Garner* and *Graham v. Connor* Have established legal benchmarks for police brutality, but how these standards are implemented is not always standardised. Judges, in effect, frequently give the benefit of the doubt to on-scene police in fast-developing situations. Thus, it is rare that a victim of police brutality, for example, can even win a civil action.

LEGAL FRAMEWORK OF POLICE ACCOUNTABILITY IN CRIMINAL INVESTIGATIONS IN BANGLADESH

Police accountability in Bangladesh dates back to the time of British rule. While framing laws for the subcontinent, the policing system was designed to protect the interests of the British Empire. Most of these colonial laws include the Police Act of 1861 and the Code of Criminal Procedure of 1898, Which, till today, shapes the conduct of police in independent countries. Police brutality, cases of arbitrary arrests, torture while in custody, and extrajudicial murder have therefore brought to light the inefficiency of these earlier legal provisions. Even though new legislation, like the Torture and Custodial Death (Prevention) Act 2013, has been enacted and different oversight agencies like the Anti-Corruption Commission and National Human Rights Commission As formulated,

the police accountability scenario in Bangladesh is worrisome. This chapter examines the police accountability system in Bangladesh concerning the historical and current legal provisions relating to policing. It also analyses the systems of regulation and control established to make police officers answerable for their actions. It considers several landmark legal decisions that have given form to police accountability in the United States. After critically scrutinising the current difficulties of police accountability in Bangladesh, the chapter summarises the discussion on corruption, ineffectiveness in the judiciary, and the continued use of British laws to understand the whole issue better.

LEGAL FRAMEWORK

The laws that regulate the police force on how to be held accountable in Bangladesh have their basis in some colonial legislation and a few other legislations enacted to cover individual acts of misconduct and human rights abuses. The Police Act of 1861, the Code of Criminal Procedure of 1898, the Torture and Custodial Death (Prevention) Act of 2013, and police conduct. The Police Act of 1861 can be taken as the critical legal provision for regulating the police in Bangladesh. Passed in the period of British colonialism, the Act created a unified police organisation that granted broad authority to prevent crime and to enforce the law. Yet the Act contained few safeguards or a system of legal recourse to penalise police officers for their misconduct. The Act's central theme was clearly to reform the police force and its organisational structure, leaving little concern for civil liberties. Surprisingly, the police act has remained unchanged from the original Police Act of 1861. Bangladesh is still independent, and there have been drastic changes on the political and legal fronts. The Criminal Procedure Code of India 1898 (CrPC) also elaborates on the Role and Power of the Indian Police, particularly in investigating criminal offences. CrPC sec 54 also empowers the Police to arrest a person without a warrant if he is involved in committing a cognizable offence. This general power of arrest has been the subject of much debate over the years since police officers regularly misuse the provision and arrest citizens without proper cause. The absence of complementary mechanisms to oversee arrest powers has raised much concern about the infringement laws and constitutional provisions on personal liberty and due process.

In an attempt to professionalise the police force and ensure that human rights violations by the police are apprehended, the Torture and Custodial Death (Prevention) Act was passed in 2013. This law was a milestone in its way, beginning the acknowledgement of the problem of custodial torture, which has been a burning one for quite some time in Bangladesh. The Act provides an extensive definition of torture. It prohibits any police officer from using torture on a suspect, and any person who contravenes this Act commits an offence and shall be liable to prosecution through imprisonment and fines. However, such a law has not discouraged cases of torture and death in detention centres; the cases are on the increase, meaning that enforcing the law and ensuring police

accountability in Bangladesh remains an arduous task. Besides those principal legal provisions, the Anti-corruption Commission (ACC) and the National Human Rights Commission (NHRC) are involved in police accountability. However, inadequate resources and political interferences hobble the two bodies. The ACC is responsible for alleging and prosecuting corrupt practices at the junior and executive levels of government organs, including the police force, while the NHRC's role is to investigate human rights failures and advise on changes. However, these two institutions have, for instance, struggled to effectively deliver their mandates, mainly when handling cases touching on police brutality.

INSTITUTIONAL MECHANISMS

Internal police inquiry, judicial oversight, and public interest litigation (PIL) are the institutional mechanisms for police accountability in Bangladesh. Even so, these mechanisms are bogged down by inefficiency, corruption, and political interference, making it hard to ensure that police officers who have committed wrongs are brought to book. Police investigations are conducted most commonly to address complaints against the police force. Most police departments have organisations that deal with complaints of misdeeds, unlawful arrests, excessive force, or police corruption. However, internal investigations have been criticised for being biased toward police officers and not being independent or transparent. When the officers are investigating their colleagues, many of them can be hesitant to take punitive action against them; many instances of severe misconduct are covered up. Police have lacked this impartiality, and in turn, the public has lost confidence in their capacity to police themselves.

It is, therefore, the responsibility of the judiciary to make sure that the police are also held to account. The police in Bangladesh are required to submit to the jurisdiction of the Superior Courts, and not only do the superior courts have the authority to review allegations of police misconduct, but the courts can order an investigation into allegations of police abuse. In some cases, the courts have been vigilant on police misconduct, for instance, delivering decisions to regulate the use of arrest powers under section 54 of the CrPC. The Bangladeshi judicial system has some deficiencies, such as many pending cases, late trials, and judiciary interrelated with political parties. Therefore, police brutality is usually shielded by the judiciary and thus seldom receives timely justice from the judiciary for the victims.

Hence, PIL has come out as one of the essential weapons to charge the police officers in Bangladesh. In Bangladesh, some NGOs, including the Bangladesh Legal Aid and Services Trust (BLAST), have instituted PIL cases regarding police brutality and human rights violations. PIL enables an assault on broader societal ills, for example, where the police are using excessive force or where specific provisions of the Constitution are unconstitutional. It has been utilised to fight against the misuse of arrest privileges, detainment torture, and other prohibited killings. Though PIL

has been somewhat successful in creating awareness of police misconduct and winning legal battles, its success is usually hamstrung by the general refusal of the government and police departments to enforce court judgments.

CASE LAW ANALYSIS

Some critical cases in Bangladesh include some legal battles related to police offences such as Custodial torture, abuse of arrest powers and Custodial deaths. Must Read These cases depict the predicament that the judiciary is in in the fight against police misconduct and demonstrate more enhanced accountability mechanisms.

The case of *BLAST v. Bangladesh (2016)* was one such critical case, explicitly addressing the question of police responsibility in cases of torture in custody. It was filed by the Bangladesh Legal Aid and Services Trust (BLAST) because instances of torture and other abuses while in police custody were rampant. The people of Bangladesh can now sue in civil court any officer who has tortured anyone as the Apex Court of Bangladesh declares custodial torture against the constitution. For the first time, the court provided the conception of police misconduct, considered a decisive step in solving this problem. Nevertheless, this decision has not been put into practice, and instances of torture in custody are still observed.

In *Nazrul Islam v. State (2009)*, the court considered the question regarding such arrest rights under Section 54 of the CrPC. From this case, it is clear that one can be arrested without proper cause or probable cause under the provision of the law. The High Court pointed out that the arrest was unlawful and underlined the importance of enhancing the supervision of the legal arrest authority of police. The ruling demanded a change in Section 54 of the CrPC so that the police could not provide false information. Nonetheless, fundamental civil liberties have not significantly improved across the country, including the abuses of arbitrary arrest and detention inspired by the police without consideration of a court's verdict. The case *Bangladesh Legal Aid and Services Trust (BLAST) v. Bangladesh (2015)* takes into consideration a recurrent problem in Bangladesh relating to custodial deaths. The case was filed after several people died in police custody under unclear circumstances. The court found that the state must shield such people and further wanted an inquiry into the deaths. Although the decision made by the court was crucial in highlighting the cases of custodial deaths across the country, there was hardly any investigation in almost all the instances and, indeed, no consequences for the officers involved in the deaths.

CRITICAL EVALUATION

However, there are essential tensions and difficulties in Bangladeshi for police accountability even when the law and institutions guarantee Police accountability. The first is the problem of archaic legal rules that regulate police behaviour. The Police Act was enacted in 1861, and the CrPC in

1898. However, the Indian Police survives today as a legacy of the British Police, and it was meant to address the needs of a colonial government, not the requirement of an emerging democracy. These laws give Swiss knives to police officers with minimum supervision, and their practice in contemporary Bangladesh is responsible for committing too many human rights violations. Corruption is also a considerable issue that hinders the authorities of the police force in Bangladesh. Police corruption is recognised to be rife, with many of the police using their position to demand a bribe from their accused or to shield high-profile people from justice. This culture erodes the accountability fabric of any country as officers involved in fraudulent deeds are immune from prosecution through either offering bribes or influence from their political masters. The above means that there are endemic weaknesses in internal police inquiry units and the judiciary, mainly due to a lack of independence in most of the oversight bodies. Police investigations are more often than not conducted in-house and, therefore, can hardly be independent; the judiciary, in the same way, may be under pressure from political powers to take severe action on the misconduct. Furthermore, due to the prolonged movement of cases by the court system, with many cases pending for years before they are heard, most victims of police abuse never get justice at all.

COMPARATIVE ANALYSIS OF POLICE ACCOUNTABILITY IN THE USA AND BANGLADESH

One of the critical problems in the policing system is the question of police responsibility as the significant element of providing justice, trusting society, and respecting the law. The USA and Bangladesh have different systems, rules and processes for redressing police misconduct in light of their historical, societal and political development. While there is constitutional protection of freedom of expression in the USA, which is supported by federal statutes, The Bangladeshi system is all but a reflection of the existing colonial model, and many of the laws are pretty archaic. Police accountability in the United States includes internal investigations, civilian institutions, and legal actions. Meanwhile, Bangladesh has shortcomings in corrupt practices, political intrusion, and ineffective judicial systems. Concerning some of the reforms, countries have challenges in providing comprehensive and effective police accountability. This chapter comprises a comparative study of the mechanisms of police accountability in the USA and Bangladesh. The paper analyses and compares the two countries' legislation, describes the most significant case laws that influenced police conduct in the selected countries and investigates the efficiency of the mechanisms of police accountability. Also, the chapter discusses the relevance of the subject to technological advancement, where police transparency has been influenced, the effect of corruption on the accountability of the police force in the two nations and the appropriateness of legal frameworks, namely, the rule of law and procedural justice.

COMPARATIVE OVERVIEW

Our research has understood that to maintain law and order and to protect the citizens' rights in both countries, police accountability cannot be overemphasised. Albeit they politically, culturally and legally are stark opposites, both countries are grappling with the question of policing in their countries and how their police forces will adhere to legal frameworks. Due to the differences in legal systems and the specificities of the legal cultures of each member country, the USA has a constitutional foundation for those protections. At the same time, Bangladesh, for example, still struggles for post-colonial laws which have not transplanted themselves well into the post-modern democracy.

In the USA, police accountability is heavily shaped by the U.S. Constitution, mainly the Fourth, Fifth, and Sixth Amendments. These protect citizens from unreasonable searches and self-incrimination and ensure the right to legal counsel during criminal investigations. Federal laws, such as the Police Misconduct Statute, reinforce these constitutional protections. Section 1983 of the Civil Rights Act allows individuals to bring civil suits against police officers and departments for violations of constitutional rights. Additionally, the Department of Justice (DOJ) plays a critical role in investigating and enforcing accountability measures, particularly in cases of systemic abuse. In contrast, the legal framework for police accountability in Bangladesh is primarily rooted in colonial-era laws such as the Police Act of 1861 and the Code of Criminal Procedure of 1898. These laws grant broad powers to the police, particularly concerning arrest and detention, while providing limited mechanisms for oversight or redress. Although more recent legislation, such as the Torture and Custodial Death (Prevention) Act of 2013, has sought to address specific issues like custodial torture, the overall legal framework remains outdated and insufficient for modern accountability demands. Unlike the USA, Bangladesh lacks solid constitutional protections for individual rights in the context of police investigations, and the country's legal system is often hindered by inefficiency and political interference.

Institutionally, there are significant differences between the two countries. In the USA, police accountability is enforced through internal investigations, civilian oversight bodies, and the judiciary. Police departments often have internal affairs units to investigate misconduct, and many cities have established independent civilian review boards. These institutional mechanisms, while imperfect, provide multiple avenues for holding police officers accountable. In Bangladesh, however, the primary mechanisms for police accountability are internal police inquiries and judicial oversight, often seen as inadequate due to corruption, lack of resources, and inefficiencies within the legal system. The absence of robust, independent oversight bodies in Bangladesh further weakens the accountability system.

CASE LAW COMPARISONS

Case law is crucial in shaping police accountability in the USA and Bangladesh. In the USA, several landmark cases have set important precedents for how the law interprets and limits police powers, mainly about using force and protecting individual rights during criminal investigations. One of the most significant cases is *Tennessee v. Garner* (1985), in which the U.S. Supreme Court ruled that police officers may not use deadly force against a fleeing suspect unless the suspect poses a significant threat of death or severe injury. This ruling established that police officers must balance their use of force against the suspect's rights, setting a national standard for police conduct. Another pivotal case in the USA is *Graham v. Connor* (1989), which established the "objective reasonableness" standard for evaluating police use of force. The Supreme Court ruled that an officer's actions must be judged from the perspective of a reasonable officer on the scene rather than with the benefit of hindsight. This case continues to shape how courts assess whether police use of force is justified under the Fourth Amendment. In contrast, the legal system in Bangladesh has been shaped by fewer landmark rulings on police accountability. One significant case is *BLAST v. Bangladesh* (2016), in which the Supreme Court of Bangladesh addressed the issue of custodial torture and issued guidelines to curb the abuse of police powers. The case highlighted the widespread use of torture in police custody and called for stricter enforcement of the Torture and Custodial Death (Prevention) Act of 2013. However, the enforcement of this ruling has been limited, and incidents of custodial torture remain common. Another critical case is *Nazrul Islam v. State* (2009), which dealt with the abuse of arrest powers under Section 54 of the CrPC. The High Court of Bangladesh ruled that police officers must have reasonable grounds for arrest and cannot act arbitrarily. While the ruling sought to limit the broad powers granted to the police under the colonial-era law, its impact has been undermined by weak enforcement and ongoing police corruption. Overall, while case law in both the USA and Bangladesh has played a role in shaping police accountability, the impact of these rulings differs significantly due to the effectiveness of the legal systems in each country. In the USA, judicial decisions have led to widespread reforms in police practices, while in Bangladesh, the enforcement of judicial rulings is often inconsistent and hindered by systemic challenges.

ACCOUNTABILITY MECHANISMS: EFFECTIVENESS AND CHALLENGES

The effectiveness of police accountability mechanisms varies significantly between the USA and Bangladesh, primarily due to differences in institutional structures and political contexts. In the USA, the independence of oversight bodies is a critical factor in ensuring accountability. Civilian review boards, while not universally effective, provide an essential check on police misconduct, allowing the public to participate in the oversight process. Additionally, internal affairs units,

though sometimes criticised for their lack of transparency, serve as an internal mechanism for investigating police misconduct. The judiciary's role in the USA is also critical, with courts frequently ruling on the constitutionality of police actions and awarding damages to victims of police misconduct through civil rights lawsuits. In contrast, the accountability mechanisms in Bangladesh are far less effective due to a combination of corruption, political interference, and institutional weakness. While internal police inquiries exist, they are often seen as biased and lack transparency. The absence of independent civilian oversight bodies means few avenues for the public to hold police officers accountable. Judicial oversight is also limited by inefficiencies in the legal system, with police misconduct cases often taking years to resolve. The lack of independence in the judiciary, which is sometimes influenced by political pressure, further weakens the accountability system. The role of the judiciary in both countries reflects these broader institutional differences. In the USA, courts have been proactive in setting standards for police conduct and holding officers accountable for violations of constitutional rights. The availability of civil remedies, such as Section 1983 lawsuits, allows victims of police misconduct to seek compensation and encourages police departments to adopt reforms. In Bangladesh, while the judiciary has issued essential rulings on police accountability, such as in the *BLAST v. Bangladesh* case, the enforcement of these rulings is often inconsistent. The judiciary's limited independence and the influence of political interests further undermine its role in ensuring police accountability.

TECHNOLOGY AND ACCOUNTABILITY

In recent years, technology has played an increasingly important role in enhancing police accountability in the USA. Body-worn cameras (BWCs) and other data systems have been widely adopted by police departments nationwide, providing an objective record of police interactions with the public. Studies have shown that using BWCs can reduce incidents of excessive force and improve transparency in police investigations. Moreover, digital evidence collected through BWCs, dashboard cameras, and other technologies has become a critical tool in investigating allegations of police misconduct. The widespread availability of such evidence has strengthened the ability of oversight bodies and courts to hold officers accountable. In Bangladesh, however, the use of technology in police accountability is far more limited. Most police departments in Bangladesh lack the resources and infrastructure to implement technologies such as BWCs or automated data systems. As a result, accountability mechanisms in Bangladesh remain primarily manual and dependent on witness testimony and physical evidence, which can be easily manipulated or destroyed. The absence of digital evidence in police misconduct cases makes it challenging to verify allegations and hold officers accountable. The disparity in the use of technology between the two countries highlights the broader challenges of police accountability in

Bangladesh. Without access to modern technologies, oversight bodies and the judiciary in Bangladesh are at a significant disadvantage when investigating police misconduct. In contrast, the widespread adoption of technology in the USA has provided essential tools for enhancing transparency and ensuring that police officers are held accountable for their actions.

CORRUPTION AND ACCOUNTABILITY

Corruption poses a significant challenge to police accountability in both the USA and Bangladesh, though the nature and extent of the problem differ between the two countries. In the USA, while police corruption exists, it is generally less pervasive and more localised. Instances of corruption, such as officers accepting bribes or engaging in criminal activities, are typically investigated by internal affairs units or federal agencies like the FBI. Additionally, the existence of independent oversight bodies and the DOJ's authority to examine patterns of police misconduct help to mitigate the impact of corruption on police accountability. In Bangladesh, however, corruption is far more entrenched within the police force and the broader legal system. Police officers in Bangladesh often use their positions of power to engage in corrupt practices, such as extorting money from suspects or accepting bribes to drop charges.

This corruption undermines the effectiveness of accountability mechanisms, as officers who engage in misconduct can often avoid punishment through bribery or political connections. The lack of transparency in police investigations and the weak enforcement of anti-corruption laws further exacerbate the problem, making it challenging to hold corrupt officers accountable. The impact of international pressure has been a factor in driving reforms to address corruption and improve police accountability in both countries. In the USA, international human rights organisations and foreign governments have frequently criticised instances of police violence and corruption, particularly concerning the treatment of minority communities. This pressure has contributed to calls for reform and has led to adopting new accountability measures, such as the widespread use of BWCs. In Bangladesh, international organisations such as Human Rights Watch and Amnesty International have repeatedly highlighted the issue of police corruption and human rights abuses. While these reports have prompted some reforms, such as the passage of the Torture and Custodial Death (Prevention) Act of 2013, the overall impact of international pressure has been limited by the government's reluctance to address systemic issues within the police force.

CRITICAL INSIGHTS AND THEORETICAL APPLICATION

From a theoretical perspective, the challenges of police accountability in the USA and Bangladesh can be understood through legal theories, such as the rule of law and procedural justice. In both countries, the rule of law requires that police officers operate within the bounds of the law and that

their actions are subject to oversight and accountability. However, the effectiveness of the rule of law in ensuring police accountability is contingent on the strength of the legal and institutional frameworks. The rule of law in the USA is generally well-established, with constitutional protections and independent oversight bodies providing a solid foundation for police accountability. However, the persistence of racial bias and police violence, particularly against minority communities, suggests that the rule of law is not always applied equitably. The theory of procedural justice, which emphasises fairness in the processes that lead to outcomes, is particularly relevant in the context of police accountability. Procedural justice requires that individuals be treated respectfully and that police actions are transparent and subject to review. In the USA, while procedural justice is theoretically embedded in the legal system, systemic biases often undermine its practical application. In Bangladesh, applying the rule of law is far more tenuous. The persistence of colonial-era laws, combined with corruption and political interference, has weakened the ability of the legal system to hold police officers accountable. The concept of procedural justice is often absent in police investigations, where suspects are frequently subjected to arbitrary arrests and custodial torture. The lack of transparency and independence in the accountability process further undermines the legal system's legitimacy.

However, while both the USA and Bangladesh face challenges in ensuring police accountability, the differences in their legal and institutional frameworks have a significant impact on the effectiveness of their accountability mechanisms. The USA's stronger legal protections, independent oversight bodies, and use of technology provide essential tools for ensuring accountability. At the same time, Bangladesh's outdated laws, corruption, and lack of institutional independence hinder meaningful reform. From a theoretical perspective, achieving proper police accountability in both countries requires a commitment to upholding the rule of law and ensuring that the principles of procedural justice are applied consistently in practice.

RECOMMENDATIONS FOR ENHANCING POLICE ACCOUNTABILITY

This paper focuses on providing specific recommendations for enhancing police accountability in both the USA and Bangladesh. Building on the analysis of the legal frameworks and challenges discussed in previous chapters, this section outlines actionable reforms tailored to the unique issues faced by each country. In the USA, the emphasis is on reforming the use of force policies, expanding civilian oversight, and improving transparency through national data collection. For Bangladesh, the recommendations focus on modernising colonial-era laws, strengthening the judiciary, empowering independent commissions, and addressing corruption. Additionally, this chapter draws on international best practices to suggest reforms that both countries can adopt to create more effective and transparent police accountability systems.

USA

The USA has a well-established legal framework for police accountability. Still, persistent issues, such as excessive use of force, racial disparities, and inconsistent application of oversight mechanisms, demonstrate the need for comprehensive reform. A multi-pronged approach is essential to address these challenges and enhance the accountability of police forces nationwide.

Reforming Use of Force Policies and Misconduct Investigation

The use of force by police officers remains a significant area of concern in the USA. Despite clear constitutional guidelines, incidents of excessive force, particularly in minority communities, persist. A key recommendation is reforming the use of force policies to ensure they are clearly defined, consistently enforced, and subject to strict scrutiny. National standards for using force should be developed and implemented, emphasising de-escalation techniques, proportional responses, and minimising harm. Police departments should mandate the use of non-lethal force wherever possible, and deadly force should only be permitted as a last resort when there is an imminent threat to life. Misconduct investigations are often biased or insufficiently transparent, with internal affairs divisions sometimes protecting officers rather than investigating them impartially. To address this, investigating police misconduct should be restructured to involve external oversight. Independent investigators, rather than internal police departments, should be responsible for reviewing allegations of excessive force or misconduct. Additionally, penalties for officers found guilty of misconduct should be more severe, ensuring a genuine deterrent effect.

Expanding Civilian Oversight Powers

Civilian oversight of police forces exists in many cities across the USA, but these bodies often lack the authority or resources necessary to hold police officers accountable effectively. Civilian review boards should be empowered with investigative authority, including the ability to subpoena witnesses and access police records. Their recommendations should carry legal weight, and police departments should be required to implement them unless a valid, legal reason is provided. Expanding the powers of these bodies can enhance public trust and ensure that accountability measures are genuinely independent of police influence. Furthermore, these boards should include a diverse range of community representatives to ensure that oversight reflects the concerns of different groups, especially marginalised communities that are disproportionately affected by police misconduct. Increasing the diversity of oversight boards can help ensure that all voices are heard and systemic issues within police departments are addressed.

Enhancing Transparency through National Data Collection

Data on police misconduct, use of force, and other accountability-related issues are collected inconsistently across states and cities, making it difficult to assess the full scope of the problem. A national data collection and transparency system should be established and overseen by a federal body such as the Department of Justice. This system should require all police departments to report data on arrests, use of force incidents, complaints, investigations, and outcomes. The data should be publicly accessible, allowing researchers, policymakers, and the general public to monitor trends in police behaviour and hold departments accountable for patterns of misconduct. Transparency is critical for building public trust and identifying trends that may require targeted reforms. By analysing data on the use of force and misconduct, police departments can make more informed decisions about training, resource allocation, and policy changes.

BANGLADESH

The challenges of police accountability in Bangladesh are significantly different from those in the USA, with the country facing deep-rooted issues such as outdated colonial-era laws, rampant corruption, and political interference in law enforcement. Addressing these problems requires a comprehensive overhaul of the legal framework and institutional mechanisms for accountability.

Modernizing Colonial-Era Laws

One of the most pressing needs in Bangladesh is the modernisation of colonial-era laws that continue to govern police conduct. The Police Act of 1861 and the Code of Criminal Procedure of 1898 are relics of a bygone era, designed to maintain control over the population rather than protect individual rights. These laws must be revised and updated to reflect modern democratic principles, focusing on safeguarding human rights and ensuring accountability. The Police Act should be restructured to limit the broad powers currently granted to the police, particularly concerning arrest and detention. Provisions allowing arbitrary arrests, such as Section 54 of the CrPC, must be reformed to require more robust evidentiary standards and judicial oversight. Additionally, new laws should emphasise protecting individual rights, providing clear guidelines on using force, search and seizure procedures, and treating detainees.

Strengthening the Judiciary's Role in Accountability

The judiciary in Bangladesh has a vital role in holding police officers accountable, but its effectiveness is often hampered by corruption, inefficiency, and political interference. Strengthening the judicial system's independence is critical to ensuring courts act as impartial judges in police misconduct cases. Judicial reforms should improve transparency, reduce case backlogs, and ensure that judges are not subject to political pressure. Additionally, the judiciary should be granted greater authority to oversee

police investigations and ensure that misconduct complaints are handled correctly. Specialised judicial bodies or units could be established to handle cases involving police misconduct, ensuring that these cases receive the attention and expertise they require.

Empowering Independent Commissions

In recent years, Bangladesh has established several oversight bodies, such as the National Human Rights Commission (NHRC) and the Anti-Corruption Commission (ACC), to monitor and address police misconduct. However, these bodies often lack the resources and authority to be effective. The powers of these commissions should be expanded to include independent investigative authority and the ability to enforce sanctions against police officers found guilty of misconduct. Additionally, these commissions should be shielded from political interference to ensure their investigations are impartial. By empowering these independent bodies and providing them with sufficient resources, Bangladesh can create a more robust system of accountability that operates outside the influence of the police hierarchy.

Addressing Corruption through Stricter Enforcement

Corruption remains one of the most significant barriers to police accountability in Bangladesh. Police officers frequently engage in corrupt practices, such as accepting bribes to overlook crimes or abusing their authority to extort money from citizens. Tackling this issue requires a multi-faceted approach that includes stricter enforcement of anti-corruption laws, regular audits of police activities, and more substantial penalties for officers found guilty of corruption. The government must also take steps to reduce the influence of political patronage within the police force. By ensuring that police promotions, assignments, and disciplinary actions are based on merit rather than political connections, Bangladesh can create a more professional and accountable police force.

INTERNATIONAL BEST PRACTICES

The USA and Bangladesh can benefit from adopting international best practices in police accountability. Countries like the United Kingdom and Canada have developed successful frameworks for holding police officers accountable, which could serve as models for reform in both countries. In the UK, the Independent Office for Police Conduct (IOPC) investigates complaints against police officers and holds them accountable through an independent and transparent process. The IOPC can initiate investigations, recommend disciplinary action, and ensure police misconduct cases are handled impartially. A similar model could be adopted in the USA and Bangladesh, where independent oversight bodies often lack the necessary authority and resources. Canada's system of civilian oversight is also worth noting. The Office of the Independent Police Review Director (OIPRD) oversees complaints against police officers, providing a clear and transparent process for citizens to file grievances. The system ensures

that complaints are investigated thoroughly and citizens are kept informed throughout the process. The OIPRD also works closely with police departments to ensure that necessary reforms are implemented. Bangladesh, in particular, could benefit from this model, as it lacks a transparent and effective process for handling complaints against police officers. In both countries, community policing has been successfully used to build trust between police forces and the communities they serve. By increasing police engagement with the public and promoting collaborative problem-solving, community policing can reduce tensions and improve accountability. The USA and Bangladesh could adopt these practices to enhance police-community relations and create a more accountable law enforcement system.

POLICY RECOMMENDATIONS

Structural and legal reforms are essential to improve police accountability in the USA and Bangladesh. In the USA, reforms should focus on national standards for police conduct, independent investigations of misconduct, and greater transparency in data collection. In Bangladesh, the focus should be on modernising outdated laws, reducing corruption, and strengthening judicial oversight. One of the key recommendations for both countries is integrating technology into police accountability systems. In the USA, body-worn cameras and automated data collection systems have already begun to improve transparency, but these technologies must be implemented more consistently across all police departments. In Bangladesh, the use of such technology is virtually non-existent. Introducing body-worn cameras and establishing digital records of police interactions would provide valuable evidence in misconduct cases and help curb power abuses. Public engagement is another critical tool for improving police accountability. Both countries should prioritise developing community policing programs that encourage collaboration between police officers and the communities they serve. By involving the public in developing policies and holding officers accountable, these programs can improve trust in law enforcement and ensure that police officers are responsive to the needs of the communities they serve. Finally, the USA and Bangladesh should promote a culture of transparency within their police forces. This includes ensuring that data on police misconduct is publicly available, that investigations are conducted impartially, and that police departments are held accountable for implementing necessary reforms. Transparency is essential for building public trust and ensuring that police forces operate within the bounds of the law.

CONCLUSION

This paper has comprehensively analyzed police accountability in criminal investigations in both the USA and Bangladesh. Throughout the discussion, we have examined the legal frameworks, institutional mechanisms, and case law that shape police accountability in these two jurisdictions, highlighting the challenges and opportunities for reform. In

the USA, police accountability is governed by a robust legal framework that includes constitutional protections under the Fourth, Fifth, and Sixth Amendments. These constitutional provisions, reinforced by federal statutes like Section 1983 of the Civil Rights Act and the Police Misconduct Statute, form the backbone of police oversight. Furthermore, the Department of Justice (DOJ) is critical in investigating systemic misconduct in police departments. However, despite these strong legal protections, the USA continues to grapple with issues such as the excessive use of force, particularly against minority communities, and inconsistent oversight mechanisms. High-profile cases, such as *Tennessee v. Garner* and *Graham v. Connor*, have set important legal precedents. Still, the practical implementation of accountability mechanisms often falls short, as highlighted by ongoing incidents of police brutality. In contrast, Bangladesh faces more fundamental challenges in ensuring police accountability. The country's legal framework is still primarily rooted in colonial-era laws, such as the Police Act of 1861 and the Code of Criminal Procedure of 1898, which grant broad powers to the police with limited oversight. While more recent legislation, such as the Torture and Custodial Death (Prevention) Act of 2013, has sought to address issues of custodial abuse, enforcement remains weak. The judiciary, though empowered to review police misconduct cases, often struggles with corruption, political interference, and inefficiency, which hinders the practical application of accountability measures.

Notable cases like *BLAST v. Bangladesh* (2016) have drawn attention to issues of custodial torture, but the systemic nature of the problem persists. In both the USA and Bangladesh, institutional mechanisms for police accountability vary in effectiveness. In the USA, civilian oversight bodies and internal affairs units provide multiple layers of accountability, though they often lack the necessary powers or independence to enforce meaningful reforms. In Bangladesh, internal police inquiries and judicial oversight remain the primary mechanisms for accountability, but both are undermined by corruption and inefficiency. Additionally, while the USA has integrated technology into its accountability processes through body-worn cameras (BWCs) and digital evidence systems, Bangladesh lags significantly in adopting such measures, relying instead on manual and often unreliable oversight methods.

Corruption is another critical issue in both jurisdictions, though its impact is more pronounced in Bangladesh. In the USA, corruption is generally more localised, with independent agencies like the FBI and DOJ stepping in when systemic issues are detected. In Bangladesh, corruption within the police force is widespread and often tied to broader issues of political patronage, making it difficult to enforce accountability measures effectively. International pressure and best practices, such as those seen in the UK and Canada, offer valuable lessons for both countries. The independent oversight models in these jurisdictions provide transparency and public trust, suggesting that similar frameworks could enhance police accountability in the USA and Bangladesh.

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