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Title page

Title: Losing control is not an option. Resource allocation to police oversight agencies in Western states. **ID: PADM-22-12-00542**

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Political institutions can be viewed as methods for achieving desired outcomes (Goodin, 2012). The main goal of this article is to understand the choosing by governments¹

¹ There are two common ways in which the term “government” is defined. The narrow definition refers to the executive branch, which is headed by the prime minister in parliamentary regimes or the president in presidential regimes. The broader definition refers to the ruling party (or parties, in the case of a coalition) that holds the executive branch and the majority of seats in Parliament. In parliamentary regimes, there is an interdependence between the executive and parliamentary powers rather than a strict separation, as both

of agencies' levels of resources as the latter determine their capability for regulating the police in the post delegation stage. In fact, rather than authoritative norms setting, police oversight agencies core business is complaint processing and monitoring, and to a smaller extent issuing systemic recommendations to government in the sector of policing: their capacity is highly manpower dependent. The police, unlike any other bureaucracy, tend to have a monopoly on the "distribution of force" in society (Bittner, 1974, Reiner, 2010). In Western countries, as of the 19th century, police form an integral part of the state's domination over a territory (Dodsworth, 2004, Finnane, 2016). It is doubtful that any government today would think of operating without the police. However, the accountability of this emblem of the modern state has become a major concern. This evolution may in part be due to various public shocks and scandals (including the poor investigation on the stabbing of Stephen Lawrence in the UK in 1993, or recent cases of the suffocation of George Floyd under the weight of a police officer in Minneapolis, and the similar asphyxiation of Cédric Chauviat in Paris). Markham and Punch go as far as writing that in liberal democracies "policing is accountability, for without it there is no legitimacy" (2007: 300). The protection of citizens' rights, including against the state itself, is a promise made by Western countries' constitutions and basic laws, and it is understood as a cornerstone of liberal democracies, despite the variability of the legal tradition (Adjei, 1997). An independent agency design has

branches are typically composed of members from the same political party. In this paper, we use the broader definition, unless we explicitly refer to the "executive branch". There are two reasons for this choice. Firstly, the cases under study are parliamentary regimes in which the executive branch and the parliament are politically aligned, with only a few exceptions. In parliamentary monarchies (e.g., Denmark, UK, Canada, Sweden, Spain, and Norway), the king or queen is not politically aligned with the country's parliament. However, in these countries, the monarch has a mainly symbolic role, and actual executive power is in the hands of the prime minister. The same is true for parliamentary regimes such as Germany and Ireland, where the president has limited executive power (even though the president is elected by universal suffrage in Ireland). France is a semi-presidential regime in which the president has important executive powers. In the case of cohabitation, however, the executive power for domestic issues shifts to the prime minister, which de facto makes it a parliamentary regime (see Lijphart, 2012: 110). The situation may be considered similar in Finland (Lijphart, 2012: 111). Secondly, "government" is often used in a broader sense in the literature on independent regulatory agencies (IRAs), on which our theoretical framework is based. For instance, Gilardi (2002) generally refers to the delegation of power to IRAs by "governments" (also sometimes "policy makers"), which includes the majority in the parliament since this is where the IRAs' creation is generally voted on, as is their annual budget, and since some IRAs are totally accountable to the parliament.

been proposed as a solution to increase the effectiveness of oversight and the public's sense of having accountable governance². This innovation may be analyzed within the framework of the most significant changes in public governance in the past few decades: agencification. If citizens perceive failures in governance or misbehavior by administration's agents, one solution to satisfying citizens' demand for proper monitoring is to delegate some authority away from the executive branch or Parliament to an agency (Thatcher and Sweet, 2002; Gilardi, 2002; Verhoest et al., 2004; Roness, 2009; Trondal, 2014; Maggetti and Verhoest, 2014; Migliorati, 2020). However, to what extent is this process actually taking place?

This paper aims to contribute to an under-researched area of regulation studies, police oversight (see review of Feys et al., 2018), and to incorporate it into the larger theoretical debate over agencification. While most studies focus on agencies' formal (and later de facto) independence, we wish to shift attention to their capability after they are established. There has been a generalization of various types of agencies, which is distinct from internal management within an organization, to hold front-line agents and decision-makers accountable to citizens for their actions (Jordana et al., 2011). A global trend of independent regulatory agencies (IRAs) for industrial sectors has emerged. In parallel, there has been another development involving "regulation inside government" (Hood, 2002; James, 2000), which can include ombudsman-like³ and personal data protection agencies (Hertogh and Kirkham, 2018; Schütz, 2012; Goldsmith and Lewis, 2000; Erkkilä, 2020). The delegation of powers to regulate the police does not come automatically with ombudsman-like agencies: The latter do not necessarily have any authority over the police (in Europe, see findings section, and Latin America see Buta, 2021). "Regulation inside government" agencies have been subject to less theoretical attention, especially concerning their police oversight role.

² Bovens defines accountability as both a set of norms and mechanisms (2010). Here, we understand accountability as the exposure to oversight mechanisms which may lead, directly or indirectly, to sanctions.

³ Ombudsmen generally respond to citizens' grievances involving all types of public administrations. Ombudsmen "act as the guardians of citizens' rights and as a mediator between citizens and the public administration," according to the OECD (2018).

Police oversight agencies (PAOs) are a specific type and require specific research designs to be studied: They are not created to regulate the privatization of former state monopolies (e.g., public transportation or media) or convince investors of the state's long-term credibility (e.g., central banks), and the government is both the principal (it delegates its competencies to an agency) and the target (agencies are given a duty to oversee the departments and employees of the state) (di Mascio et al., 2020).

We intend to advance the regulation literature in two ways. First, it is surprising to note that, despite the essential role the police play for the government, POAs have received little study. Given agencies' heterogeneity, it is recommended that cross-national approaches focus on only one type of agency (Migliorati, 2020) and compare its variations systematically across a large number of jurisdictions. We intend to do just that and break the isolation of the study of POAs from work on the theory of agencification inside or outside government. Second, we will focus on the determinants of allocating resources to POAs. Resources have rarely been the subject of research on IRAs and POAs as the main concern was their independence. This issue constitutes a major gap in knowledge about POAs (and possibly of IRAs) as agencies' influence in the regulation of police forces cannot be independent of their resources. After all, they are meant to oversee large regional and national police forces in Europe and process and investigate complaints against the police, which is a labor-intensive industry.

This article contributes to an emerging comparative literature as it investigates which governments choose to strengthen or weaken their agencies' capability. Extant research has focused a great deal on the notions of delegation, autonomy/independence, and insulation from control as legal norms and desirable standards by human rights bodies such as the UN and the Council of Europe but also as a concept in legal and political science literature (Gilardi, 2002; Verhoest et al., 2004; Roness, 2009). While we agree that independence (“de

jure” or “de facto,” Maggetti, 2007) is essential, we also recommend that more attention be paid to another dimension: allocating resources to such bodies. This is because resources are a key factor in determining the capability of these bodies (Maggetti, 2010; Verhoest et al., 2010; Migliorati, 2020). In that regard, POAs’ independence vis-à-vis the executive (the principal of the police) is no longer a dependent variable but becomes an independent variable for explaining the level of resources. Proper insulation without proper resources may well hinder the possibility of reaching the goals assigned to POAs by public authorities. In this paper, based on a new data set of 27 Western and mostly European POAs, we will unveil the logic behind the strategic choices of governments vis-à-vis the allocation of resources to POAs and test whether the insulation design of such bodies may act as one of its determinants⁴.

1. Theory and literature

First, we briefly recall the conceptualization of delegation through agencification and how POAs fit it in. Second, we select among theories regarding the reasons behind delegating to experts those powers that are originally in the hands of the executive branch, and identify those that are fit for a study on resources allocation. Then, we argue for the need to study the resources of agencies as a proxy of their capability.

The concept of agencification points to “a transfer of government activities to bodies vertically specialized outside ministerial departments” (Trondal, 2014: 545)⁵. Literature on

⁴ The main indicators used in this paper are publicly accessible on the journal’s Dataverse: <https://doi.org/10.7910/DVN/H7OKEJ> More specific data from the POLDEM study can be shared by the authors upon reasonable request.

⁵ An “agency” is an administrative or “non-majoritarian” (Thatcher and Sweet, 2002; Bovens and Schillemans, 2020) body that is “formally separated from a ministerial, or cabinet-level, department and that carries out public tasks at a national level permanently, is staffed by public servants, is financed mainly by the state budget,

agencification places the notion of delegation at their core (Gilardi, 2002; Thatcher and Sweet, 2002). Agencies have been established in fields such as pharmaceuticals, food safety, the environment, maritime safety, border cooperation, information regulation, personal data protection, police vocational training, and personal data protection, among others. The largest stream of literature has focused on agencification of IRAs, and the smallest one on regulation inside government, in which ombudsmen, personal data protection agencies and POAs fall (Goldsmith, 1991; den Boer and Fernhout, 2008; Johansen, 2014; Erkkilä, 2020, de Maillard, 2022). Around 1991, a “trend to external review” of police (Goldsmith, 1991) was spotted, and the rise of POAs is now an acknowledged phenomenon in Europe (den Boer and Fernhout, 2008) and the US (Walker, 2001; Mugari, 2018). POA is a notion that refers to an analytic category of administrations, and the agencies do not designate themselves by such a name, but rather use a diversity of denominations: defender of rights, defender of the people, police complaint authority, mediation office, for example. They regulate the police in the sense that they have the power to collect complaints, investigate them, propose sanctions or refer the cases to a prosecutor, and advise the executive branch and legislature on police behaviors and tactics. A few may even decide on sanctions or how police should process complaints.

Independence is thought of as a norm for better governance in public sector performance literature (Verhoest et al., 2004; Overman and van Thiel, 2016) or fundamental rights protection vis-à-vis the police (Walker, 2001; OECD, 2018; Guittet et al., 2022). Independence is expected to have the virtue of sanitizing the behaviors of government officials and street-level agents. Agencies are never autonomous in the sense of being completely isolated from politics. The creation of a POA is initiated by the executive branch or the legislature, depending on the country, and is established by a vote in Parliament. The

and is subject to public legal procedures” (Trondal, 2014: 545), a view that is widely shared (Moe, 1995; Christensen, 2001; Yesilkagit, 2004; Roness, 2009).

Parliament later can change the name, mandate or even suppress the POA. The POA's budget remains under the control of the executive and/or majority in Parliament. Its funding comes from the state budget, to the exclusion of other sources (such as fees or fines). Police forces themselves do not provide a budget to those agencies. There is agreement that there are dimensions of autonomy, typically legal, organizational, and managerial control (Verhoest et al., 2004), but also chief executive appointment processes (Hanretty and Koop, 2012) and that the degree of autonomy is variable and can be defined differently for each dimension (Christensen, 2001). An administrative agency may score high on independence in certain respects and lower in others (Gilardi, 2002, Verhoest et al., 2004; Christensen and Lægreid, 2006; Roness et al., 2008; Verhoest et al., 2010). This has a simple but important consequence: Independence is multidimensional and at best can be measured in degrees, not with a dichotomized variable.

In the extant literature, there is little role for the agencies' resources. We found no well-established hypotheses about the allocation of resources, probably because the main focus is either autonomy (Verhoest et al., 2004; Gilardi, 2002, Gilardi & Maggetti, 2011, Trondal, 2014) or the study of deeper roots in the deficit of police accountability due to the overall architecture of the complaint system (Smith, 2004). Even theoretically informed and in-depth empirical analyses rarely take resources into account (for a counter-example, see Maggetti, 2010). In the case of POAs, we found only two descriptions of indicators of resources: one empirical description of a set of indicators, which does not include the staff size (den Boer and Fernhout 2008), and one secondary analysis of data in the police oversight agencies' annual reports (Johansen, 2014). These works list the resources, but the number of cases is small, and the data is not strictly comparable across countries.

Among existing theories, the literature proposes three main explanations for why governments might wish to delegate their decision-making authority to agencies: a) to

address the problem of policy complexity, b) to insulate policy choices from opponents in the context of political uncertainty, and c) to make a credible commitment (Verhoest et al., 2004, Elgie and McMennamin, 2005: 541; see also Wonka and Rittberger, 2010, Maggetti and Verhoest, 2014). We will draw on these theories to define and test our hypotheses on resource allocation.

Two of the leading theories used in the study of government's choosing of independent institutional design are not relevant to the study of resource allocation. One played an important role in the development of agencification studies in the US. It stresses that incumbent political actor has an incentive to build agencies "that are difficult for its opponents to gain control over later (...), insulated from public authority in general" (Moe, 1995: 136). Political uncertainty is at the core of this explanation (Horn, 1995). The second and perhaps the prominent theory is "credible commitment." Thatcher and Sweet (2002) highlight the "temporal inconsistency of policy makers" and the need for credible long-term commitments from the government to increase the trust of those affected by these commitments (typically investors or other states). Usually, agencification happens when governments (Thatcher, 2002) or candidate member-states to the EU (Busuioc et al., 2012) respond to international pressure. In the subfield of policing, UN, Council of Europe, and EU norms and standards have consolidated over time, and more states have accepted responsibility for setting up ombudsman-like mechanisms (Reif, 2011, Erkkilä, 2020). Since neither of those two theories attempt to explain the level of resources and neither soft nor hard international norms clearly specify the expectations for government funding of related mechanisms, we will not mobilize them.

Two other sets of theories are better suited to the study of agencies' capability. Here, institutions are viewed as methods for achieving desired outcomes. On the one hand, we can rely on "policy complexity": New Public Management (NPM) insists that agencies are given

managerial autonomy to act more independently of governmental departments, which is expected to lead to increased efficiency. Here, it is argued that specialization allows superior performance (economy, efficiency, and effectiveness) or a superior ability to cope with increasingly complex environments (Elgie, 2005, Maggetti & Verhoest, 2014). The literature has, in this regard, underscored the link between resources and de facto independence (Maggetti, 2007; Schütz, 2012; Buta, 2021). Having a higher level of resources at one's disposal is a pre-condition for de facto independence and possibly of effectiveness. Specializing in a sector and having a higher level of resources would be key to an agency's ability to regulate effectively.

On the other hand, there are theories that relate to government tactics or strategies to avoid "agency losses" (Thatcher, 2005), as well as organizational arrangements for "shifting blame away from politicians and central bureaucrats to private or independent operators" for potential service failures (Hood, 2011, 68). Studies of blame focus on the audience's reaction to perceived failures of institutions: When citizens see the outcomes of public service as lower than expected, they tend to blame politicians. Because of negativity bias, it is more important for politicians to avoid blame than to claim credit (Weaver, 1986). Such a bias is also valid regarding citizens' contact at the street level when it comes to evaluating the behavior of police officers (Skogan, 2006; Li et al., 2016). According to James et al. (2016), blame theory is "a valuable alternative to the economic efficiency and legal responsibility perspectives that predominate in the current literature on contracting" (83-84). Evidence for blame deflection through the delegation of services has been provided (Hood, 2011; Weimer, 2006; Mortensen 2013, Bertsou and Pastorella, 2017, Bertsou and Caramani, 2020). However, loss of control (e.g., agencies acting contrary to the preferences of their principals, Thatcher, 2005: 349) may expose governments to a higher risk of blame (Bertelli et al. 2015). Scholars have warned that politicians are reluctant to lose control over agencies and observed

that they utilize various means to maintain control even if formal independence has been granted to an agency (Hood, 2002, Ennsner-Jedenastik, 2016, de Kruijf and van Thiel 2018). Elites intend to prevent agency losses (Thatcher, 2005) and consider their political survival (for example when nominating heads of IRAs, Baerg et al. 2020). Therefore, a risk-averse government is expected to balance the likely gains and losses of delegating authority to a high-capability POA. The greatest loss of control occurs when POAs' independence is strongly guaranteed, and they have the necessary means to carry out the mission delegated to them. To ensure self-preservation, governments may be hesitant to provide additional resources to agencies that already have high levels of formal independence.

Capability requires resources

The decision to fund agencies needs to be better linked to the major discussion in the field: insulation from political control. While the emphasis has been on the autonomy of agencies (Maggetti 2022), this consideration needs to be added for theoretical reasons: Agencies may exercise their delegated power to the extent that they can with the resources they have. Our research does not focus on the actual performance of agencies, which continues to be highly debated (Vining et al., 2015). We examine capability as a precondition for the exercise of power or influence. We cannot engage here in an extensive discussion about a term as complex as power. Suffice it to say that, following the definition of Dahl (1957), it is the ability to shift the probability of outcomes. Capability, by contrast, refers to the ability to do something, to act purposefully in an actual situation (Lerche and Said, 1979). Our point is that, should we wish to consider the ability of POAs to do in a situation, we need to consider their resources.

Agencification literature typically studies agencies' formal goals and remits, as well as their structures. Such an approach is inclined to stress the constitutive organization rules

on which agencies are based and the legal framework in which they operate (e.g., Vos, 2000; Trondal, 2014: 547). However, we contend that the government's control of resources is integral to its political influence, and several examples are documented. For what concerns the ombudsman, Uggla (2004) found that in reaction to a critical 1999 report in Honduras, the institution received a starvation budget the following year. In 2000, in Nicaragua, a "punishing cut of 40%" was inflicted on the ombudsman by the government (Diaw, 2008: 6). In Europe, after a special report in 1987, the Irish senate voted for a motion to cut staff by 50% in the 1988 ombudsman's budget. The Office of the Ombudsman declared itself "unable, due to staff cutbacks, to fulfill the functions assigned to it by the Oireachtas" [the national parliament] (Eireann, 1988: 4). Conversely, research on variations in the budgeting of EU agencies suggests that it is determined by the level of crisis response and by both the expansion of agencies' tasks and the type of agency under analysis (Migliorati, 2020: 1405). When the government feels that it serves its purpose to allocate resources, it tends to do so, and conversely. There is little reason to believe that POAs may not be subjected to the same constraints.

2. Hypotheses: POAs as a crucial case for confronting policy complexity and blame-shifting frameworks

Our study aims to confront two hypotheses derived from the agencification literature in order to test the determinants of the agencies' capability. According to the classic policy complexity framework, political authorities want to improve policy outcomes through better governance in the long run. The oversight of police misconduct is complex in nature because of the intertwining of victims, police officers and complainants. Improvements may be possible by delegating power to an agency if the latter has legal expertise and is impartial. In

that case, the delegation process will ensure the effectiveness of the agency provided it has enough resources. By contrast, according to the classic blame-shifting framework, political authorities are primarily interested not in the quality of policy outcomes but in self-preservation. Elected authorities delegate regulation, especially in areas of high public scrutiny, because they wish to avoid being perceived unfavorably by the citizenry. However, they do not want to lose control over the agency either. With that risk in mind, the government may be less concerned with the agency's effectiveness at holding agents accountable and may provide insufficient resources for it to complete its task. We intend to determine which theory (i.e., policy efficacy or self-preservation/agency losses) better explains resource allocation to POAs.

Two logics can be applied to government's decisions regarding external police oversight. On the one hand, the challenges of police accountability and the limitations to internal oversight have been well established by the literature and tend to prompt policy efficacy-oriented decisions. After cases of blatant police violence, the efficacy and impartiality of internal mechanisms have been questioned in both Europe and the US (Walker and Archbold, 2014, Reif, 2011). A strong subculture of secrecy, which is promoted and rewarded among the peer-group, may permeate internal oversight; for this reason, it has been strongly criticized (Prenzler and Ronken, 2001, de Angelis 2016). The effective control of police forces requires extensive legal expertise and ethics of impartiality to break through the "blue wall of silence" (Walker, 2001; Skolnick, 2002; Nolan, 2009). Internal oversight of policing has the first but not the second characteristic. Several commissions of inquiry on corruption or misconduct have responded with a call for the creation of "independent agencies" to increase "external accountability for police" (e.g., among others, the Knapp Commission in 1972 in the US, the Scarman Report in the United Kingdom in 1981, and the Wood Royal Commission in 1997 in Australia, Porter, 2013). Owing to such limitations,

human rights–based intergovernmental organizations advocate for delegating the power to oversee misconduct to independent and specialized mechanisms⁶. The Venice Principles developed by the European Court of Human Rights have recommended several criteria to be met to ensure independence – in particular, the appointment and fixed term of the director (Open Society Justice Initiative, 2021: 20). The committee of ministers of the member-states of the Council of Europe has endorsed the 2001 recommendation on the “European Code of Ethics,” which states that independent oversight is a desirable norm, and so did the UN High Commissioner for Human Rights in 2009 (see Reif, 2011; de Maillard and Roché, 2021). Delegation is now widely believed to be an efficient way to promote a more effective and efficient governance of police–citizen relations and governments seem to endorse such a view. The goal of more effective oversight by delegating to POAs was made explicit at the moment of their creation in several cases (see for example Löhrer, 2013: 136, or Belgian Comite P webpage⁷).

On the other hand, we know that the public always holds politicians responsible, even in cases where they cannot control the risk - such as in natural disasters (Woodhouse et al., 2022), which should prompt “blame shifting” decisions for self-preservation, and therefore to avoid agency losses. Instances of violence, discrimination, or corruption among agents tend to lower citizens’ satisfaction with the police (Kochel, 2019; Naegel and Lutter, 2021). Disapproval of police use of force has increased over time (Mourtgos and Adams, 2020). Precisely, independent agencies may lead to agents being more often found guilty (Carroll and Yu, 2022), and governments put in jeopardy. Policing is a sector under intense media scrutiny. Police misconduct, when publicized, leads to mobilization and public defiance against the police (Reny and Newman, 2021). The interconnectedness of institutional trust

⁶ E.g., see the International Covenant on Civil Rights and Political Rights of 1966, the American Convention on Human Rights of 1969, and the UN Convention against Torture of 1984.

⁷ <https://comitep.be/about-committee-p.html>

and trust in police is well established: what police do is of critical importance for political trust (Kääriäinen, 2007; Staubli, 2017; Kwak et al., 2012). In-depth investigation of cases of police misbehavior or detailed reviews of department policies or practices could jeopardize the government itself: Delegation without control may put the government at risk.

For these reasons, the sector of policing offers a *crucial case* (Blatter and Haverland, 2012) in which to confront two major rationales for resource allocation: “policy complexity” (resources will be leveled for an efficient implementation of goals entrusted to the agency) and “agency losses” (government balances resources with independence to ensure self-preservation). Now, we present two sets of hypotheses about POAs’ resources derived from these two frameworks.

The “effectiveness through delegation” hypothesis. According to the policy complexity framework, resources should be a function of the complexity of the agency’s task. First, agencies differ in the scope of their missions. Most POAs cover issues such as misbehaviors of agents and human rights abuses, but some include additional missions such as fighting corruption in the police or performing mediation between citizens and police agents. According to the “*effectiveness through delegation*” hypothesis, political authorities should devote more resources to agencies that have a more complex and larger scope of missions.

Hypothesis 1a: Resources of POAs are positively and significantly related to the scope of their missions over police forces.

Second, agencies that hold larger police forces accountable through complaint processing should receive more resources to perform their task since they have to oversee a larger number of officers.

Hypothesis 1b: Resources of POAs are positively and significantly related to the size of the police force they oversee.

The “blame shifting” hypothesis. According to the “agency losses” framework, a government delegates its legal powers to independent agencies but does not increase their capacities beyond a point where the risk of blame is deemed unmanageable. Under pressure to create impartial agencies, the political authority tends to abide but carefully resource them. Allocating large resources, combined with a mandate to investigate systemic problems in policing at very autonomous agencies, may expose the government to the release of information that will lead to discontent among the public and criticism from the opposition. Governments fear that agencies become potentially harmful loose cannons. Therefore, governments tend to adjust the level of resources to the design of agencies measured in terms of formal independence and resources: They avoid the highest risk of a both independent and high-capability agency. A strategic choice may be to avoid creating “too much” capability, thereby adjusting the resources of agencies. Hence, one should expect that the higher the degree of formal independence guaranteed to an agency and the more entrenched its independence, the fewer resources it will get.

Hypothesis 2a: Resources of POAs are negatively and significantly related to their degree of formal independence.

Ennsner-Jedenastik pointed out that “no agency can ever be fully independent of the political sphere” in the sense that “the governing majority can at any time alter the status of an agency by passing legislation” (2016: 509). Regarding police oversight, this remark is not always true but depends on the agencies and countries. Some POAs are characterized by being enshrined in the constitution. A written constitution is a supreme or fundamental law which defines basic principles of the rule of law, the rights of citizens vis-à-vis the state, and provides a structure for politics (Tushnet, 2010). It has three advantages over unwritten (or

uncodified) constitution: is harder to change than ordinary law, clearer than an assemblage of laws, traditions and practices, and it prevails over ordinary law in case of incompatibility (Bulmer, 2015)⁸. Constitution may make POAs more robust to attempts from specific governing majorities to alter their status or remit or even suppress them. Robustness is a notion distinct from independence as it characterizes the grounding of independence, not its degree. When constitutional foundations make POAs more robust, a governing majority is unable to easily close them down or reduce their power. Such robust POAs may be tempted to more actively investigate instances of misconduct, and challenge governments with greater moral authority. Aware of that risk, governments tend to prevent POAs from being both robust and resource-rich at the same time. Consequently, following the “agency losses” framework, a constitutional POA should on average receive fewer resources than a non-constitutional POA because political authorities cannot retaliate and alter its status if it uses its resources against their political interests.

Hypothesis 2b: Resources of POAs are significantly lower if they are enshrined in the constitution.

In the case of POAs, one additional risk relates to the very nature of their mission: They may disclose systemic problems in policing. Not only individual state agents but also government may be a target. All POAs deal with individual complaints about policing; however, some POAs look for systemic problems in policing policies. When bringing such issues to the fore, POAs may indirectly or even directly question the responsibility of the executive. For that reason, with properly resourced agencies, political authorities place themselves at risk of being discredited. Therefore, we can assume that POAs that are involved in identifying systemic problems expose the government to more risks of blame than POAs that only focus

⁸ One research finds that presence in the constitution of a selected right influences policy outcomes (Jeffords, Minkler, 2016).

on treating individual cases of police misconduct. Following this argument, an agency with audit missions may actually receive fewer resources.

Hypothesis 2c: Resources of POAs are significantly lower if they can audit systemic problems in the police forces.

3. Methods and results

Survey-based approach and sample

In our survey, POAs may be self-standing agencies, or a department dedicated to the oversight of police in a larger entity devoted to human right abuses and state-citizen relationships (typically an ombudsman). The acronym POA denotes both an agency or a department. POAs are “non-police”, that is, they are external to the police organigram, not subject to hierarchical control by the head of police. They deal with police oversight in two minimal ways: They receive and process individual complaints of officer misconduct and are involved in public recommendations about policing policies. POAs come into play in addition to existing accountability mechanisms – namely, the internal control (never replaced in full by external control) and judicial oversight of the police, which are not considered in this study.

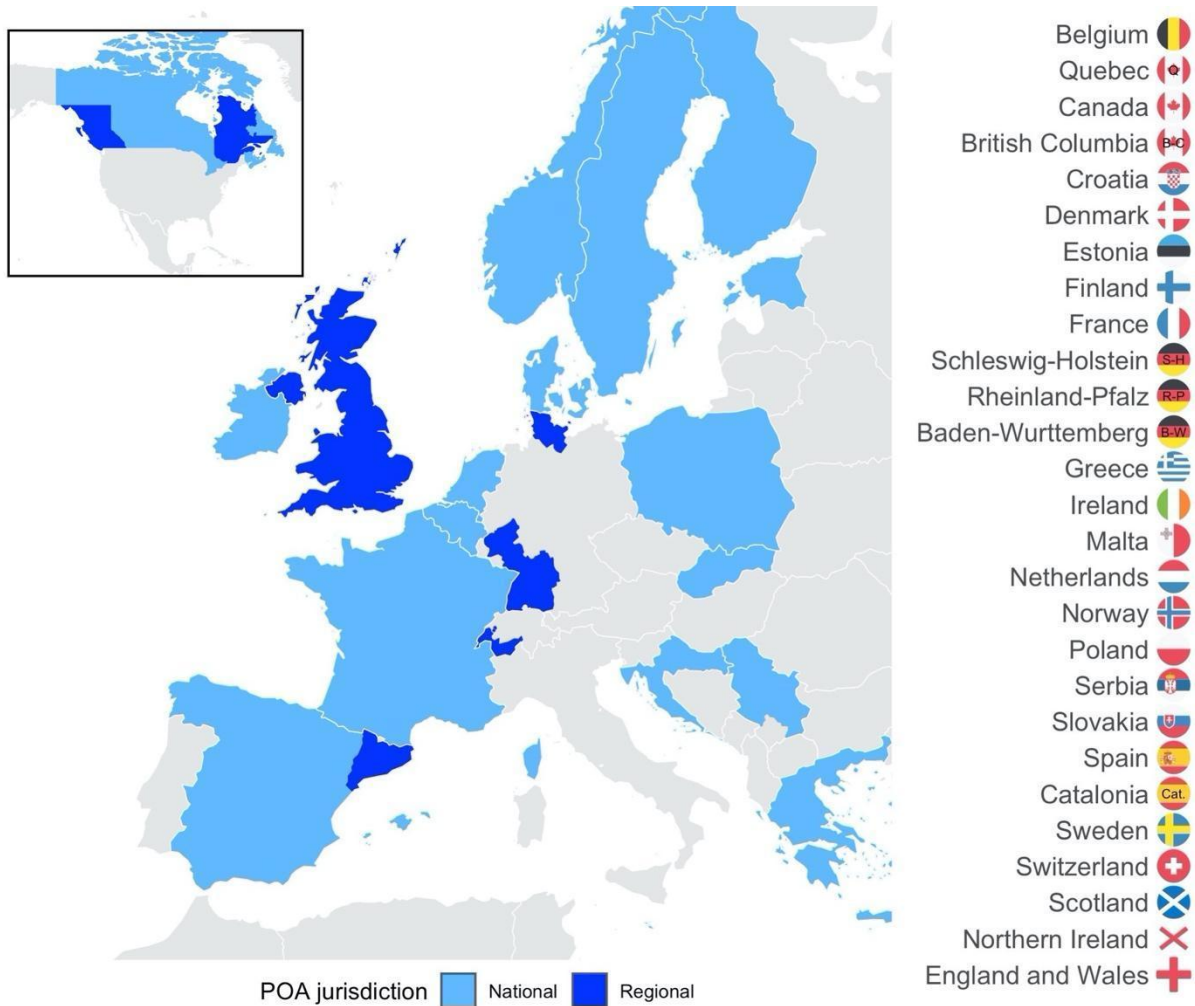
Our population of interest is located in selected Western countries. Our sample contrasts with the case of the US: As police mostly operate at the municipal level, various civilian review boards have been established at that level (Mugari 2018, Olzak, 2021). In the context of Europe and Canada, we focus on national and regional POAs. Our approach was to gather data from the inside by asking the agencies to describe themselves in a very detailed manner. The benefit of this approach is that it allows access to unique data on the agencies’

resources, actions, and complaints that are not available to the public, and the data that is obtained is formatted for comparative purposes.

With the cooperation of the IPCAN (Independent Police Complaints Authority Network), a cooperation network of independent agencies in charge of police force oversight of 22 POAs in Europe and Quebec, Canada, we obtained responses from all agencies except two (the *Independent Police Complaints Board* in Hungary and the *Ombudsman's Office of the Republic of Latvia*). We identified six additional European agencies that were not members of the network but met the definition of a POA: in Poland (1), Portugal (1), Catalonia, a region of Spain (1), and all concerned German Länder (3). We received responses from all these institutions except the one in Portugal. In total, all EU member-states with a POA except Hungary, Latvia and Portugal have participated. Besides, we reached the CACOLE (Canadian Association for Civilian Oversight of Law Enforcement), thanks to which we obtained responses from two additional agencies from Canada (one in British-Columbia and one at the federal level). Most countries have only one national agency (e.g., Denmark, France, Finland, Belgium), while others have regional agencies (e.g., Germany, Switzerland and the UK), or a mix of the two (Spain and Canada). Our final sample covers 27 POAs in 20 countries, including 17 national-level agencies and 10 regional-level agencies (three in the United Kingdom, three in Germany, one in Spain, one in Switzerland, and two in Canada). The POAs are always external to the police (“non-police”), which means that they are not subject to hierarchical control by the head of police. However, some of them are within the organigram of the ministry in charge of directing the police, usually the Ministry of the Interior, but are granted a special status (in Switzerland and Quebec). The territories

covered by our sample are represented in Figure 1.⁹ The full list of agencies and their names covered is provided in online appendix.

Figure 1: POAs under study and their territorial jurisdictions.



To measure the features of POAs systematically and comparably, we asked each agency to fill in an in-depth online survey with a duration of about 2 hours capturing core aspects of their own agency in a very detailed manner, excluding any self-evaluation. Approximately half of the respondents were heads of their agency (chair, ombudsperson, or

⁹ Italy, Slovenia, a number of German states, and several Swiss cantons do not have such an agency. Portugal, the Czech Republic and Latvia (EU countries) did not reply to our query. Bosnia and Herzegovina, Montenegro, Macedonia, and Albania (non-EU countries) were not contacted.

director-general), and in the remaining cases, the respondents were leaders of internal divisions, legal experts, or advisors. In general, the respondents cross-validated their answers with other members of their agency.

Our survey-based approach goes hand in hand with the risk of respondents subjectively portraying their agency and possibly in a positive light. To alleviate this risk, our questionnaire focused on factual questions that do not require subjective assessments from the respondent. Nonetheless, we were aware that there could remain ambiguities in the meaning of certain words and that some questions would not apply to every agency. For that reason, in addition to the closed-ended questions, we offered respondents an opportunity to add additional qualitative comments in boxes in order to gather qualitative details or contextual information on their specific agency. After the survey was completed, we manually reviewed each questionnaire to look for missing answers and/or inconsistencies between answers. We then initiated a shuttle between the researchers and the agency until we could correct all identified issues. The survey collection phase took place from July 2021 to November 2022.

Main variables

Our comparative approach is based on key quantitative indicators (i.e., resources, the scope of missions, formal independence, number of police in the country). We chose to use numeric indicators to tend toward a most factual comparison of the features of POAs. Although the choice of the indicators may be criticized, we are fully transparent on the questions used to measure it.

Resources. To assess the dependent variable, the resources of POAs, we relied on the number of staff dedicated to the oversight of police forces. It is worth noting that there are

two types of agencies in our sample: Some are dedicated to police force oversight, while others have other missions and often a general-purpose (encompassing relations of citizens with any administration), as in the case of “ombudsman-like” agencies. To circumvent that difficulty, we asked for the total staff and also for staff specifically dedicated to overseeing police forces (full-time equivalent in 2021). The staff size seems a reliable proxy of resources. Indeed, results from a Spearman correlation indicate that the total number of staff correlates very closely with the agency’s budget in euros ($\rho = 0.650, p < .001, N = 25$). We selected staff over budget due to cost-of-living variations across countries and currency exchange rates variations. To get a more accurate view of the relative resources of each agency, it is necessary to put these numbers of staff in relation to the mission they have to carry out – that is, to compare the number of staff with the number of police officers they have to oversee. In the analysis, we use the relative number of staff per police officer, but we always provide additional results regarding the absolute number of staff.

Size of police forces in the jurisdiction of the POA. For national-level agencies (as well as regional agencies in the United Kingdom), we used the latest available estimates of the number of police officers by territory from Eurostat’s “Personnel in the criminal justice system” database. National-level agencies all indicated that they cover all public police officers.¹⁰ For the other POAs, we relied on information provided by respondents in the questionnaire, cross-checked with counts from public sources (e.g. website of the affiliation ministries - mainly Interior or Justice). For Germany’s regional *Ombudsmen*, we measured the number of officers of each of the *Landespolizei* (State police); for the *Police Ethics Commissioner* (Quebec, Canada), we relied on the number of agents of the *Sûreté du Québec*

¹⁰ A better estimate of the number of agents covered would also integrate the size of private forces covered by agencies. However, we do not have such standardized estimates at our disposal. This should not be an issue since private forces are not within the scope of oversight of most POAs, with the exception of France’s and Finland’s agencies, which cover all private security forces, and to a lesser extent the Netherlands, Estonia, Belgium and Catalonia, which cover some specific private security forces.

(Quebec Security) and the Montreal Police; for the *Independent Investigations Office of British Columbia* (Canada), we used the number of officers of the Provincial Police Force and the Vancouver Police Department; for the *Civilian Review and Complaints Commission for the Royal Canadian Mounted Police*, we relied on the number of officers of the federal Royal Canadian Mounted Police; for the *Police Mediation Office*, we used the number of agents of the Geneva Cantonal Police; for the Catalanian *Parliamentary Ombudsman*, we used the number of agents of the *Mossos d'Esquadra* (Regional police) and the local police.

Scope of missions. To test H1b, we generated a quantitative index measuring the diversity of missions covered by POAs regarding police forces (see coding in the online appendix). In the survey, we asked a series of questions about whether the agencies carry out specific missions. We summarized the answers to these questions to generate a standardized index from 0 (no mission) to 1 (all possible missions).¹¹ To reach the maximum score, the agency must include among its missions the oversight of breaches of the penal code, ethics/deontology, human rights abuses, fight against corruption, and mediation between citizens and the police forces; in addition, the agency must be among the institutions that set standards for how the police forces deal with complaints at their level.

Formal independence. To test H2a, we generated an index regarding the POAs' formal independence from executive influence. Following previous measures of agencies' independence (Gilardi, 2002; Elgie and McMenamin, 2005; Edwards and Waverman, 2006), we produced a single scale combining different items capturing conceptually distinct dimensions of independence. We adapted this approach to our policy domain: in particular,

¹¹ In so doing, we consider that each mission has the same "weight." This position may be criticized, but it is difficult to decide which mission is objectively more demanding in terms of resources. We preferred to be agnostic in this regard and stick to a non-weighted score (see Dawes, 1979).

we removed considerations about regulatory competencies included in Gilardi's (2002) formal index of independence. We generated an overall index (from 0 to 1) by averaging four sub-indexes (each going from 0 to 1): The first one captures the insulation by legal design vis-à-vis the police directorates and ministerial department to which police are affiliated, the second measures the insulation by the process of nomination of the head, the third gauges the independence of the head vis-à-vis the executive branch during the mandate, and the last one assesses the agency's operational independence. The detailed coding is presented in the online appendix.

To reach the maximum score on the first sub-index (i.e., statutory insulation from police forces and/or their affiliation ministry), a POA must not be under the hierarchical authority or accountable to the director-general (the head) of any police forces, nor should it be under the hierarchical authority or accountable to a minister (MoI, MoJ, MoD) in charge of the country's police forces; moreover, it must not have to present the results of its activity every year to the executive branch, and its budget must be decided by Parliament alone without any say from the executive branch.

To reach the maximum score on the second sub-index (i.e., the nomination of the head), the head(s) of an agency must be elected by Parliament directly, with a majority vote ensuring that the head can never be elected only by a simple majority (often attained by the majoritarian party or coalition in Parliament). The highest score is granted by a qualified majority with $2/3$ or more of the votes.

To reach the maximum score on the third sub-index (i.e., insulation during the mandate of the head), an agency must meet the following criteria: The term of office of the head should be non-renewable; and the head cannot be revoked by the president or the executive branch before the end of their term, nor can the executive branch initiate legal prosecution during their mandate.

To reach the maximum score on the fourth sub-index (i.e., operational insulation), an agency must meet the following criteria: It can take action on self-referral; it can receive all kinds of complaints-claims directly; it has budgetary independence for spending its resources according to its priorities without any say from the executive branch or the legislative branch; when a case involving a police/gendarmerie officer is investigated, it relies on its own investigative staff, not on the investigative officers employed in the main police forces; and finally, it decides the profile and qualification for the recruitment of any investigating staff member without any say from the executive branch.

Note that a principal component analysis computed on the four sub-index yields a unique factor – with an eigenvalue over 1 – accounting for 53.47% of the variance. All sub-indexes correlate positively with this factor (all factor loadings over 0.5).¹² This confirms that our sub-indexes capture a similar latent dimension, which can be interpreted as the POAs' degree of independence.

Constitutional status. To test H2b, we gathered factual answers from the respondents on the question “Is your organization enshrined in the Constitution? (Yes / No).” All countries that do not provide constitutional rooting to agencies are coded “No”. It includes Anglo-Saxon countries without a written constitution, and countries that have a constitution but did not enshrine the POA in it.

Review of systemic problems. Investigations of cases and lessons learning does not equate with auditing a police force. To test H2c, we used the answer to the following question: “Regarding the control of public policing forces, may your organization audit the practices of

¹² Interestingly, the nomination of the head index is the most closely correlated with the factor (factor loading of 0.882), followed by the statutory insulation (0.778), the operational insulation (0.627), and the insulation during the mandate of the head (0.603). Therefore, we do not concur with Hanretty and Koop’s (2012) conclusions.

the services or agents beyond individual cases (search for systemic dysfunctions)? (Yes / No).”

Methods

Our sample size – in-between small-N and large-N studies – allows us to compute inferential statistics about the relationship between characteristics of agencies; however, because of a lack of degrees of freedom, we focused mainly on bivariate relationships. In the following part, we first present the main results associated with our two hypotheses. We then provide some clues regarding the effect of resources on agencies’ efficiency.

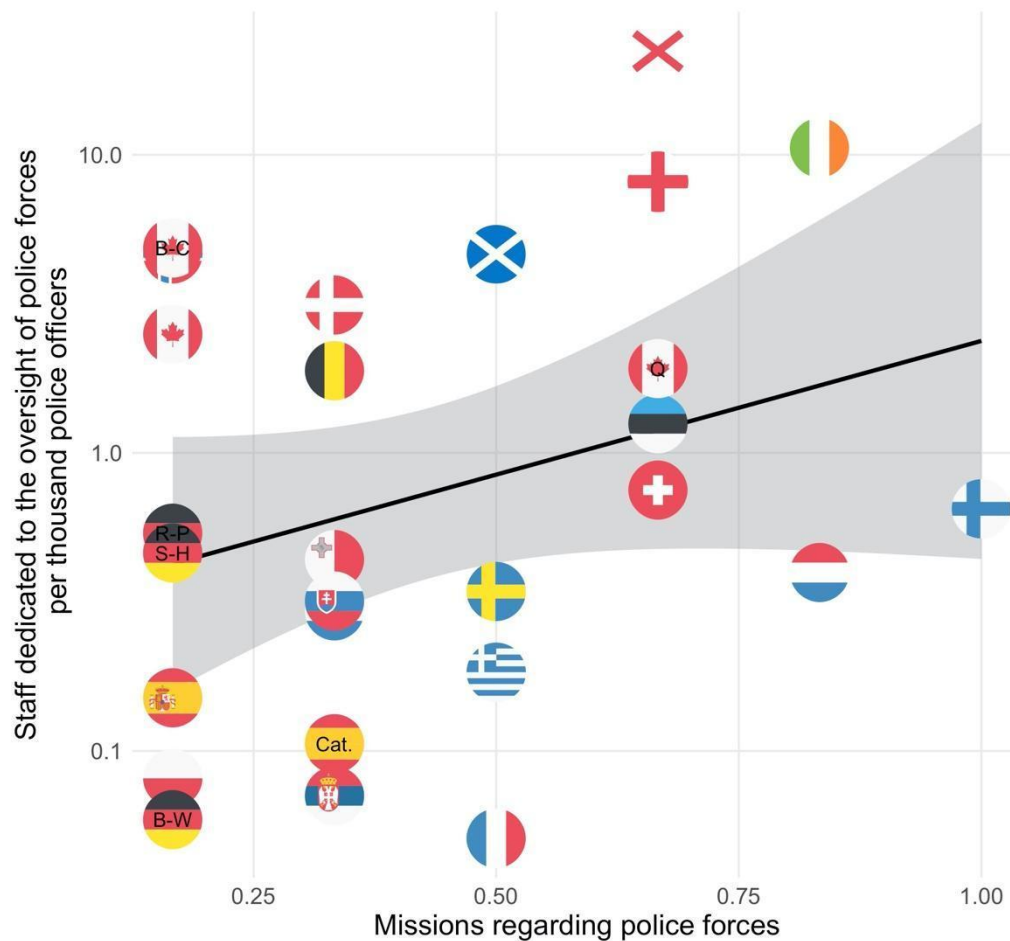
4. Results

Main results: a negative effect of formal independence on resource allocation

Do agencies with broader missions get more resources? Figure 2 presents the relative size of the staff in relation to the missions the agency has to carry out regarding police forces. A Pearson correlation indicates a positive association between the index of scope of missions and the relative staff of the agency, but the correlation is not statistically significant ($r = 0.298, p = .131, N = 27$).¹³ This offers some weak initial evidence in favor of H1a and more generally for the “effectiveness through delegation” hypothesis.

¹³ There is no significant association with the absolute number of staff, as revealed by a Spearman correlation test ($=0.281, p=.173, N=25$).

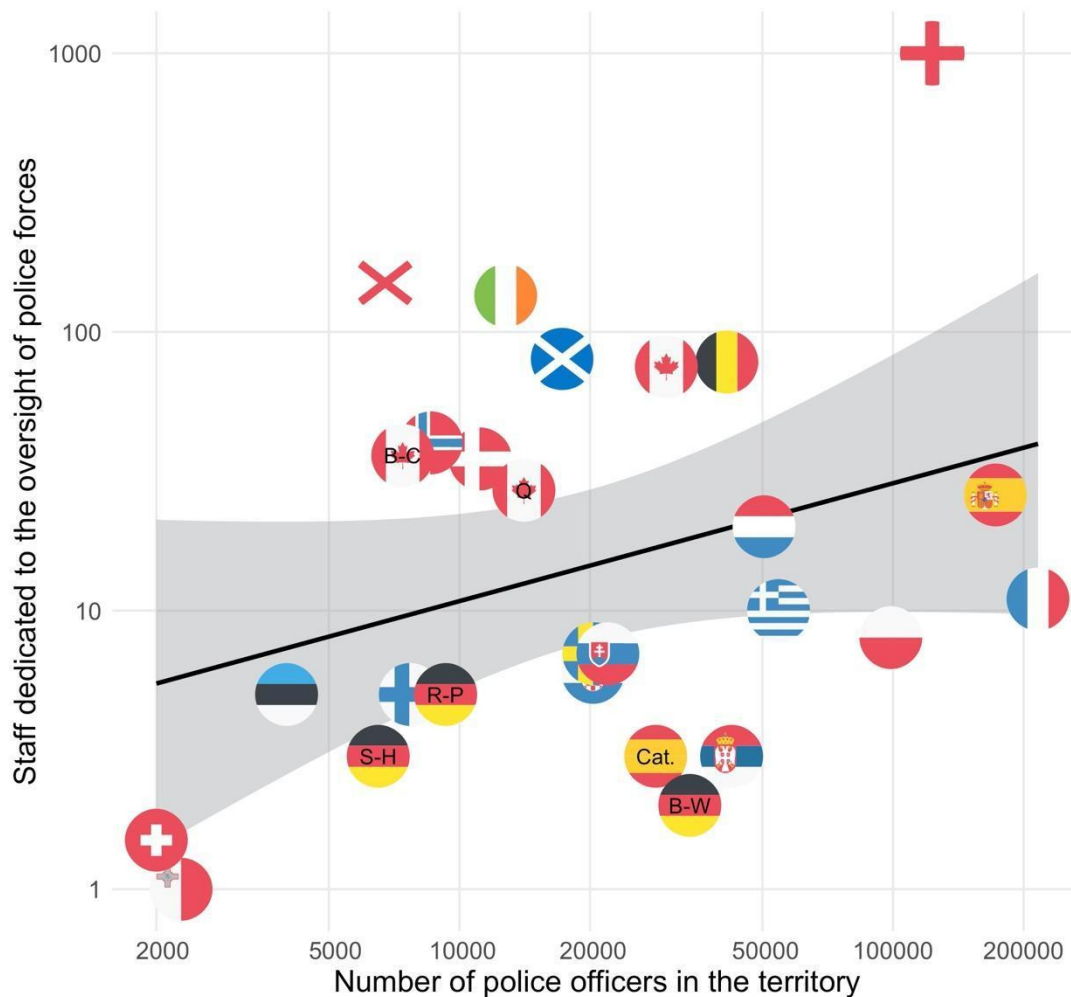
Figure 2: Staff size of POAs (per 1,000 police staff) and scope of their missions regarding police force oversight (from 0=no missions to 1=all possible missions)



Do agencies covering large police forces get more resources? Figure 3 shows the number of staff dedicated to police force oversight compared with the size of relevant police forces in the territory. Results from a Spearman correlation indicate that the variables are not significantly related ($\rho = 0.246, p = .216, N = 27$). This finding does not support H1b. Alternatively, one may consider that POAs covering a large population should get more resources because they may receive more complaints from the public. We compiled data on the population and the police in the jurisdictions of POAs. Population size and number of police officers strongly correlate ($\rho = 0.909, p < .001, N = 27$). Results indicate a positive association between the population size and the staff of POAs, but the correlation only

reaches the 10% threshold of significance ($\rho = 0.332, p = .090, N = 27$). This alternative test offers some (weak) support to H1b.

Figure 3: Staff of POAs (number) and staff of police forces (number) in their jurisdiction



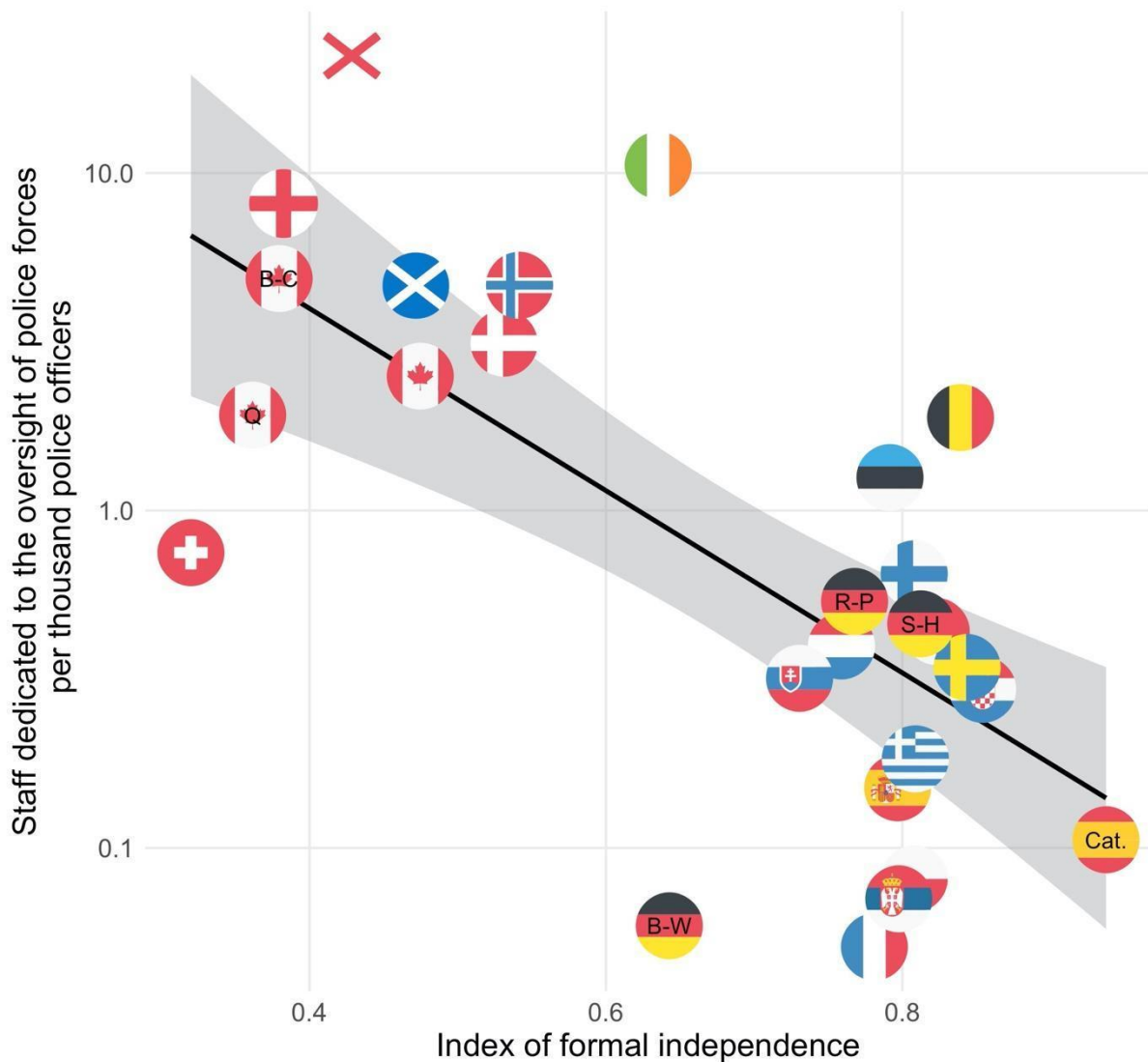
Do formally independent agencies get fewer resources? Figure 4 presents the relative human resources of agencies in relation to their level of formal independence. It indicates there is a negative correlation between the index of formal independence and the relative resources of agencies, as confirmed by a Pearson correlation test ($r = -0.518, p =$

.006, $N = 27$).¹⁴ This supports H2a: POAs that are more independent from the government have less resources. We computed a linear regression to conjointly test the effect of missions and independence on the relative number of staff. Detailed regression tables are presented in the online appendix. Results indicate that, when controlling both variables, formal independence is still negatively and significantly associated with the relative staff size while the scope of missions is still not significantly associated with the relative staff size. Hence, the results are more supportive of H2a than of H1a. We also tested conjointly the effect of the number of police officers and formal independence on the absolute number of staff in a multivariate model. Results indicate that the formal independence index has a significant negative effect and that the number of police officers is significant at the 10% threshold. Similarly, the population size has a significant positive effect on POAs' resources when controlling independence of POAs.¹⁵ This supports H2a and offers some support to H1b: once independence of POAs is taken into account, agencies that cover a large number of officers receive slightly more resources. Interestingly, one can observe that POAs are roughly divided in two groups in Figure 4: those at the top left –resource-rich and dependent – and those at the bottom right –resource-poor and independent. The first ones are mostly located in Northern Europe (England & Wales, Scotland, Northern Ireland, Ireland, Denmark, Norway, as well as Switzerland and Canada); while the second ones are mostly located elsewhere, in Middle, Southern and Eastern Europe (Spain, France, Germany, Belgium, Poland, Estonia, Slovenia, Croatia, Slovakia, Serbia, Malta, Greece, as well as Netherlands, Sweden and Finland).

¹⁴ The correlation with the absolute number of staff is also negative and significant using a Spearman correlation test ($=-0.473$, $p=.013$, $N=27$).

¹⁵ Note that, in the regression models presented in the appendix, we also tested the effect of contextual economic variables (GDP per capita and Gini index of inequality). These factors are not significant and do not alter the effect of independence of POAs on the relative staff size. However, the contextual determinants of POAs' resources would deserve another specific study.

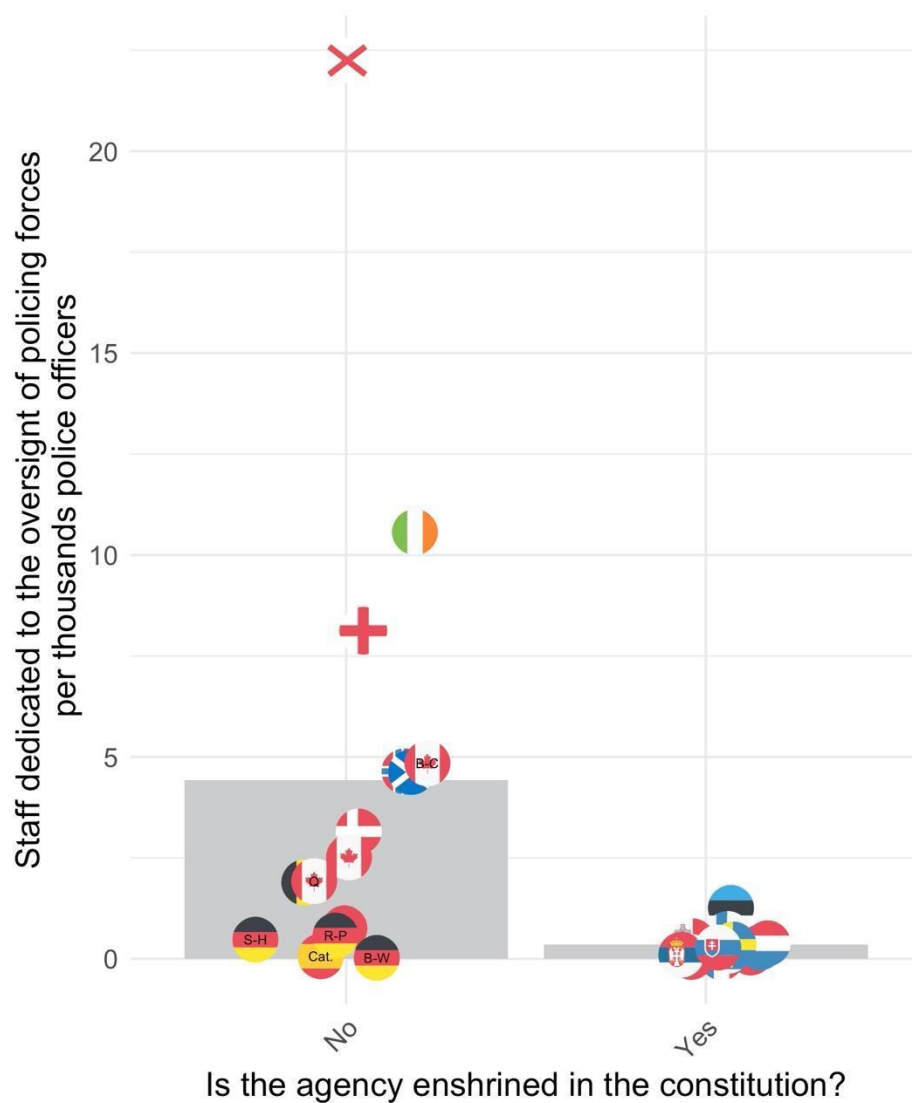
Figure 4: Staff size of POAs (per 1,000 police staff) and formal independence (from 0= minimum formal independence to 1=maximum formal independence)



Do constitutional agencies get fewer resources? To test H2b, we study if the size of staff depends on whether agencies are enshrined in the constitution. Figure 5 presents the average relative staff depending on the constitutional status of the agency. On average, constitutional POAs have 0.4 employees per 1,000 police officers, while POAs that are not enshrined in the constitution have 4.5 employees per 1,000 police officers. A t-test indicates

that this difference is significant ($t = 2.720, p = .016, N = 27$).¹⁶ Thus, the results support H2b that constitutional agencies, which are more resilient to attempts of change from the governing majority, receive fewer resources.

Figure 5: Relative staff size of POAs (per 1,000 police staff) in relation to their constitutional status (yes/no)



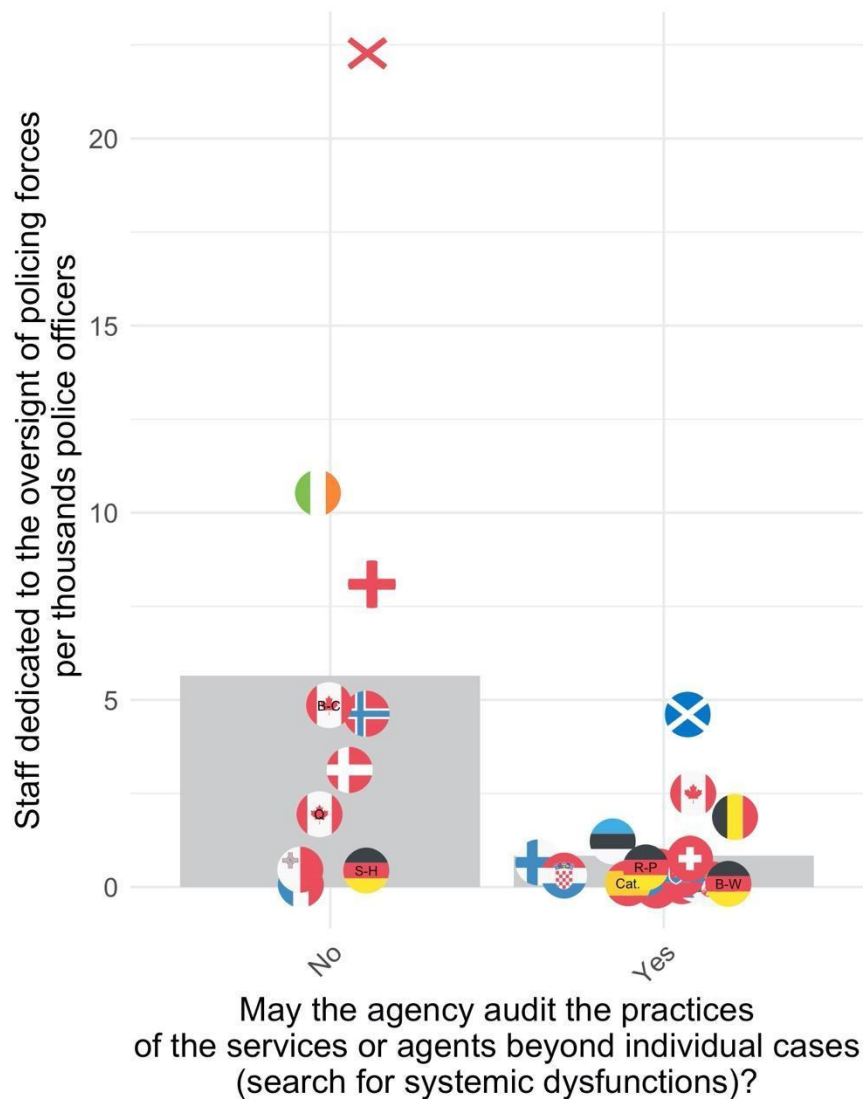
¹⁶ Nonetheless, the difference in absolute number of staff is only statistically significant at the 10% threshold, as indicated by a Wilcoxon rank sum test ($W=128, p=.067, N=27$).

Do agencies involved in the investigation of systemic dysfunctions within the police get fewer resources? To test H2c, we study whether a difference in staff depends on whether agencies have the mission to search for systemic dysfunctions. Figure 6 presents the average relative staff depending on this aspect. On average, POAs that may search for systemic dysfunctions have 0.8 employees per 1,000 police officers, while POAs without such authority have 5.7 employees per 1,000 police officers. Although this difference is substantial, it only reaches the 10% significance threshold in a t-test ($t = 2.223, p = .052, N = 27$).¹⁷ Thus, although the results are not statistically robust, the clues support H2c that agencies whose missions may lead them to expose police policies receive fewer funds. Overall, the results are congruent with the “agency losses” framework.¹⁸

¹⁷ We obtain similar results with the absolute number of staff, as indicated by a Wilcoxon rank sum test ($W=122, p=.066, N=27$).

¹⁸ As suggested by an anonymous reviewer, one additional factor that may influence the size of staff, in the logic of “agency losses” theory, is whether or not agencies have a follow-up process to check whether the authorities have implemented their recommendations. The existence of such a follow-up process may cause the governing majority to provide less resources to the agency in order to prevent a proper follow-up. We tested this possibility and indeed found some evidence that POAs in which there is a person or unit specialized in the follow-up of decisions have relatively lower resources in staff. Results are detailed in the online appendix.

Figure 6: Relative staff size of POAs (per 1,000 police staff) in relation to their ability to carry out systemic audit (yes/no)



Additional results: evidence about the effect of staff size on the efficiency of POAs

Before discussing our main results, one final aspect deserves attention. Our two main hypotheses were based on the assumption that resources positively affect the capability of independent agencies, a precondition for effectiveness. In the first framework, *effectiveness through delegation*, resources are devoted to making agencies de facto independent and efficient, and resources should vary according to the scope of their missions. In the second framework, *agency losses*, limiting the agencies' resources is a means for political authorities

to restrict their capability because efficient independent agencies may result in scandals unfavorable to the political authorities. Is this common assumption (i.e., resources foster efficiency) empirically valid?

First, as indicated, the main common mission across all POAs is to process complaints against the police forces. *Ceteris paribus*, an efficient agency should be able to process more complaints. In our survey, we asked agencies how many complaints they had received during the past year. We received valid answers from all POAs, except one (British Columbia). On average, POAs received 1237 complaints per year, the minimum being in Malta (2) and the maximum in England and Wales (4379). We provide details of the numbers and composition of complaints in the online appendix. A Spearman correlation confirms that the number of complaints received by an agency is very closely related to its staff size ($\rho = 0.822, p < .001, N = 26$). This suggests that POAs that receive more resources are better able to fulfill their mission as far as recording and investigating complaints is concerned. However, this may be due to a confounding factor: The actual number of cases of police misconduct in the country, which leads to more complaints. If this is true, we should observe that the number of complaints correlates with the number of police agents in a given territory: The larger the number of police agents, the higher the probability that incidents will occur. A Spearman correlation test suggests that the number of complaints received is positively correlated with the size of the police force, but weakly and only at the 10% statistical threshold ($\rho = 0.366, p = .066, N = 26$).¹⁹ This offers more credence to the view that well-funded POAs receive more complaints from the public than the notion that complaints are a mere reflection of actual police–citizen relationships.

¹⁹ Additionally, we gathered data on the number of people killed by police officers based on diverse sources to gauge the actual level of problems in police–citizen relationships. Unfortunately, we found valid data only for 11 countries. The results indicate that the number of deaths during police encounters is not significantly related to the number of complaints received by the agencies ($\rho = 0.373, p = .233, N = 11$).

To disentangle the respective effects that the size of police forces and the resources of POAs have on the number of complaints received, we performed a linear regression. The results indicate that the staff of the POAs is still positively and significantly correlated with the number of complaints received ($t = 3.284, p = .003, N = 26$) when controlling for the size of the police forces; by contrast, the size of the police forces is not significantly related to the number of complaints received ($t = 1.403, p = .174, N = 26$) when controlling for the resources of the agencies. This confirms that POAs with larger resources seem more efficient at detecting problems faced by the public, which may reflect that they have higher notoriety among the public and treat cases more efficiently.

Second, some agencies may be involved in actions of recommendation, training, and expertise directed at public authorities and the public. We assessed the volume of such actions based on the total sum of events: the number of public conferences of the head, press releases, press interviews of the head, and films/videos released about the issue of police violence, malpractice, and discrimination, as well as the number of reports or papers published by the POAs recommending a legal change in matters such as police use of force, weapons, crowd managements tactics for the most recently available year. We have valid responses about these numbers for only 17 agencies. This number of events is positively related to the size of the staff of agencies, albeit only at the 10% statistical threshold ($\rho = 0.415, p = .086, N = 17$).²⁰ This gives some additional credence to the view that agencies with larger resources have more capability.

By contrast, formal independence is neither significantly related to the number of complaints received by POAs ($\rho = -0.352, p = .078, N = 26$) nor to the number of actions

²⁰ The lack of strength of the correlation could reflect the fact that some under-funded organizations may still be strategically involved in communication directed toward the public and political authorities to get more funding and recognition.

undertaken ($\rho = 0.148, p = .555, N = 17$). Thus, the evidence corroborates the assumption that resources, not independence, positively affect the efficiency of agencies.

5. Discussion

This study is the first theoretically driven analysis of the capability of agencies dedicated to the external oversight of police forces in Western countries (Canada and Europe, including all EU countries where such a mechanism exists, except Portugal, Latvia, and Hungary). We sought to grasp the logic behind governments' decisions to fund "regulation inside government" in a sector where they are both the principal and the target: the police. Therefore, we focused on agencies' capability in the post delegation stage. We assessed whether the funding of those agencies was more in line with either of two frameworks: "policy complexity" and "agency losses" (with its related risk of blame). We found clues that the activity of POAs is conditioned by their level of resources and that political authorities avoid making independent agencies resource-rich. According to extant research showing that governments tend to have less trusting relation with more independent agencies (van Thiel & Yesilkagit 2011), the reason may be a fear of agency drift. Our results show that political authorities embrace two distinct solutions: providing funds to organizations with lower degrees of formal independence ("dependent-resource rich") or badly funding formally independent agencies ("independent-resource poor").

We formulated and tested two sets of hypotheses. In contrast with expectations from the "effectiveness through delegation" hypothesis (policy complexity theory), we found no evidence that the POAs' resources reflected the actual scope of their missions. We found evidence that the resources of POAs are related to the number of agents they have to oversee and the size of population in the territory they cover. More in line with the "blame shifting" hypothesis (agency losses theory), we found there is less funding for formally independent

agencies; in addition, POAs that have more legal robustness (enshrined in the constitution) or might question governments' role in policing (having the competence to search for systemic problems) receive fewer resources on average. The study of resource allocation (staff and budget, including money, materials, staff, and other assets, are strongly correlated with each other), which we consider to be at the core of the POAs' capability, suggests the recent trend of agencification of police oversight is more congruent with a desire by political authorities to avoid "agency losses" than a pursuit of effective police governance.

Police use of force against citizens is integral to government power (Bittner, 1974; Reiner, 2010), and governments seem reluctant to lose control. Owing to increased political attention on policing issues and high-profile instances of police misconduct involving the use of force or corruption, POAs have been established in most EU countries and across Canada (Sen, 2010) and the US (de Angelis, 2016). However, without capability, they remain toothless tigers. Imposing funding limitations on highly independent external oversight is a strategic decision for governments to retain overall control through less transparent internal and hierarchical disciplinary control. With such a strategy, a state cannot be blamed for non-compliance, and international human rights organizations cannot criticize its failure to meet its commitment to have an agency in place. However, this strategy has triggered a reaction from human rights institutions. In fact, an explicit reference to resources recently entered the legal definition of independence over oversight bodies by the Council of Europe and its Venice Commission, as well as other Human Rights institutions in other parts of the world (Hopkins and Flemington, 2009). The European Parliament has also issued a report highlighting the importance of resources (Guittet et al. 2022). However, contrary to other aspects of insulation (e.g., the appointment of the head), resources have not been subject to any precise international codification (e.g., a proportion of the police agencies' budget).

Our findings contribute to agencification theories. The study of POAs indicates that delegation has diverging logics depending on the type of sector. While “empirical research [on IRAs] has confirmed that formal independence constitutes a relevant antecedent of de facto independence” (Maggetti, 2022: 229), we find just the opposite: The former has a negative relation to the POAs’ level of resources. This is no minor difference. Regulation via IRAs may be seen as “compensation for loss of traditional control by central government” (Christensen & Lagreid, 2006: 18) due to privatization and the delegation of the distribution of former state services. However, governments may equate POAs with an additional risk of agency losses – should they be properly funded - as such agencies oversee state policing policies and one of its own operational administrations, the police. The logic of agencification may be specific in domains in which the government is both the principal and the regulatory target. Our findings align with the idea that politicians consider their risks when dealing with agencies (Baerg et al., 2020). In the same vein, government faced a tension between “expected credibility gains as a principal and expected credibility losses as a target” regarding Italy’s anti-corruption agencies which were created in response to a high level of public demand for credible anti-corruption policies following public scandals (Di Mascio et al., 2020: 388). A similar tension may be at play in the case of POAs. Standard theory predicts that delegation will occur in domains where there is a high level of public scrutiny and a need for specialized expertise. However, despite the “new visibility” of police (Goldsmith, 2010), this statement may not apply as expected in a sector that wields substantial power in crisis situations. The practical definition of order may be understood by political authorities as their core business. For that purpose, police are their main tool, and the external oversight creates a risk that the government tries to mitigate with limited funding. Our findings further underscore the importance of theories that explain government tactics to

maintain control of so-called independent agencies after they are established, possibly for blame-shifting purposes.

The present research highlights the importance of taking resources into account in the study of agencification. Some studies use indicators of resources as covariates with formal independence to explain features of agencies, such as their management strategies (Verhoest et al., 2010; Migliorati, 2020), perception of credibility and efficiency in the “quality press” (Maggetti, 2010), or the politicization of their head (Ennsner-Jedenastik, 2015). However, to the best of our knowledge, no study has looked for theories of agencies’ resources, and more specifically of the relationship of formal independence with agencies’ resources. However, this blind spot is problematic. It may be the case that resources are the missing link to explain the absence of correlation between agencification and policy performance (as measured by output, efficiency, and value for money, Overman & van Thiel 2016) or the reason why governments do not often infringe on agencies’ formal independence: They find other ways to limit “agency losses” in practice (Thatcher, 2005). We suggest that resource modulation may be a tool for governments to ultimately prevent a highly independent POA from fulfilling its mandate and to evade its own commitment to impartial policing. We believe that using only formal independence as the gold standard for effective police oversight may be misleading. Our findings have notable implications for practitioners promoting effective POAs, including international norm-setting bodies (e.g., the UN and the Council of Europe), who have neglected codifying the allocation of resources.

Our study has several limitations. First, although our survey-based approach allowed us to gather new data on agencies’ resources in most European and Canadian jurisdictions that have such agencies it goes hand in hand with limitations in sample size.

Second, although our results help distinguishing the overall logic of the allocation of resources for police oversight by agencies (i.e., the “agency losses”), our study offers no data

on the actual intentions of political players or external causes. Important factors determining POA funding could for instance include citizens' and elites' commitment to independent oversight. We have however no reason to believe that such factors would affect our findings. Indeed, a greater emphasis on independent oversight should lead some countries to provide both more funding *and* more independence to POAs. This cannot explain our main result that POA funding and independence are strongly negatively correlated. Our results clearly point toward two patterns of agencification: "dependent/resource-rich" mainly in Northern Europe and Canada, versus "independent/resource-poor" mainly in Southern and Eastern Europe. The contextual determinants of these two patterns would deserve future research.

Third, our correlational analysis does not allow to determine the direction of the causality. One may guess that legal foundations of agencies precede the allocation of resources. For example, constitutional foundations of agencies do not include their budget. And, we have provided example of budget downsizing as a government response to critical ombudsman-like agencies (Uggla 2004, Diaw, 2008, Eireann, 1988). Yet, statutory but non constitutional guarantees of formal independence may also be changed by lawmakers (Corrado, 2020).

Finally, we focused on agencies resources as a precondition for effectiveness, but the existing data does not allow us to test how effective the high-capability agencies really are at identifying and correcting police misconduct, and we did not integrate internal oversight mechanism of the police to test how states combine "regulation inside government" and internal management within an organization.

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