



Report of the State Comptroller of Israel | May

Systemic Topics

The Handling of Police Offenses by the Police Department of Internal Investigations and by the Police



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Background

The Police, entrusted with law enforcement, is obliged to follow professional and ethical standards. The police officers' conduct while performing their duties affects their activities, public image, and the degree of public trust, which is essential for obtaining the public's cooperation. Therefore, it is vital that the handling of complaints about inappropriate conduct of police officers, violating professional or ethical standards, be entrusted to a professional, independent entity that bears wide-ranging responsibility for the matter.

Since the establishment of the Police Department of Internal Investigations (DII), the systemic handling of police officers' offenses is divided between two systems: generally, the handling of more serious complaints is carried out through the Police Department of Internal Investigations, which operates within the framework of the State Attorney's Office and the prosecution authorities, while the handling of less severe offenses is under the authority of the Police and the Police Prosecution Division. The handling by the Police is also divided between several Police divisions and organizational units: (a) The Claims Division of the National Unit subordinate to the Deputy Commissioner; (b) The Disciplinary Department that operates within the Police Human Resources Division, the head of which is subordinate to the head of the Human Resources Division; (c) The Public Complaints Unit (PCU), which operates as part of the Police Legal Counsel Unit, and whose head is subordinate to the Police Legal Counsel; (d) The Volunteer Department belonging to the Police Operations Division.



Key Figures

11,776

complaints were received by the Police Department of Internal Investigations cumulatively in 2019–2021. In 2021, 4,401 complaints were received (a 34% increase compared to 2019, in which 3,293 complaints were received). Furthermore, in 2021, 2,542 "police material"¹ cases were opened

in 625 cases

Police officers were questioned under caution – about 12% of the cases that the Police Department of Internal Investigations examined and decided upon in 2021 (5,356 cases)

68

indictments were filed by the Police Department of Internal Investigations in 2021 – 1.2% of all the cases that the Police Department of Internal Investigations examined and decided upon. In 2020, 64 indictments were filed, and in 2019 – 68 indictments. Moreover, 21 cases were closed with a conditional plea deal

55%

of the cases on which the Police Department of Internal Investigations decided upon in 2021 (2,932 out of 5,356) were closed without forwarding them to any police department to examine the need for a non-criminal, organizational response

89

charges were filed by the Disciplinary Department to the Disciplinary Court in 2021, 20% of them for unlawful use of force

about 24,700

volunteers served in the police force in 2021. In 2020–2021, four indictments were filed for offenses committed by volunteers

1.5%

of the appeals filed against decisions of the Police Department of Internal Investigations were accepted by the Appeals Department at the State Attorney's Office (3 appeals out of 203)

NIS 3.4 million

the Police spent on legal aid to officers – an increase of about 62% over the last seven years


about NIS 9.7 million

were paid by the Police in 2018–2019 for wages to suspended police officers. The average suspension period in these years was about a year and a half

¹ Cases originating from police investigation materials in criminal cases, in which a statement or claim made by the suspect as part of his investigation regarding the use of force against him by a police officer is documented. These cases are handled in a separate track and can turn into a complaint.





Audit Actions

 From August 2021 to August 2022, the State Comptroller's Office examined the handling of police offenses by the Police Department of Internal Investigations and the Police. Completion examinations were carried out until February 2023. The audit was carried out at the Police Department of Internal Investigations, in the Police – at the Disciplinary Department, in the Public Complaints Unit, in the Volunteer Department and the Disciplinary Court, and at the Ministry of Justice – in the Appeals Unit of the State Attorney's Office. The audit focused, among other things, on the two processing routes – criminal and disciplinary – while examining the work interfaces between the Police Department of Internal Investigations and the Police. The audit also examined the scope and nature of the systemic response to all complaints filed against police officers.


Key Findings

The Array of Handling Police Offenses – Systemic and Structural Aspects

-  **The Handling of Complaints Against Police Officers** – it was found that most of the complaints and information received are not examined on all relevant levels, especially not at the command level. Thousands of cases opened due to allegations of misconduct by police officers, in various degrees of severity, were shelved, in practice, following their closure at the criminal level and were not handled from a disciplinary or even a systemic-organizational level. It was found that in 2021, the Police DII made final decisions in 5,356 cases and closed 2,932 cases (about 55%) without directing them to any responsible body in the Police who would examine the need for a non-criminal response. Furthermore, the DII decided to file 68 indictments, and conditional plea agreements were signed in 21 cases. Given these data, the State Comptroller's Office examined aspects of the organizational-institutional structure of the systemic handling of complaints against police officers (see below).
-  **The Organizational-Institutional Structure of the Systemic Handling of Complaints Against Police Officers** – the findings resurface a significant part of the difficulties raised regarding the activities of the DII and the Police over the years, and at the center of which: the weakness of the systemic handling that relies on a series of different parties in the Police and the Ministry of Justice, who handle complaints against police officers; The absence of one authority responsible for integrating the various handling methods in the entire system; Thousands of complaints are filed against police officers every year and only a minority of police officers are questioned under caution,






while thousands of cases are closed in the criminal route without being transferred for an examination under other routes, including handling from a disciplinary and command level; The lack of a comprehensive and reliable database that enables a complete situation report regarding the handling of thousands of complaints every year; The need to regulate standards between the parties authorized to deal with complaints at different levels of severity, to route the cases and ensure their handling. It was found that the recommendations made over the years in the various committees and reports were not formulated into a plan that would provide a complete response to the systemic handling of all complaints against police officers.

-  **The Independence of the Array Handling Complaints Against Police Officers** – the subordination of the DII to the State Attorney's Office and the close cooperation between the prosecution and the Police may, under certain circumstances, pose a challenge that involves a structural conflict of interests and raises the need for an examination of organizational and functional aspects that will ensure complete independence of all the parties entrusted with the system for handling complaints against police officers. The subordination of a Disciplinary Department to the Human Resources Department – which is charged with the strengthening of the human resource, its quality, professionalism, and well-being – may entail complexity and affect, under different circumstances, the degree of independence of a Disciplinary Department, when it comes to deciding on the prosecution of police officers whose conduct is improper. It was found that countries around the world have different functional systems for handling complaints against police officers and it can be pointed out that in recent decades, that more have transitioned to independent systems, separate from and external to the Police.
-  **The Internal Police Handling of Complaints Against Police Officers** – the internal police handling is divided between several bodies: The Public Complaints Unit, which is a unit subordinate to the Police Legal Counsel; The Disciplinary Department, subordinate to the Human Resources Division; The Volunteer Department subordinate to the Police Operations Division; Whereas the Claims Division is subordinate to the Deputy Commissioner. The organizational division of handling the Police has substantial functional effects: Different role perceptions, Different allocation of resources, and Differences in the attention of the various parties to the issue within the scope of their roles and tasks. All of these challenges the comprehensive unified handling of the complaints against police officers at all levels of severity.
-  **Command or Systemic Measures** – the Police are not equipped, neither from the organizational aspect nor the functional aspect, to examine the hundreds of DII files closed every year at the systemic and organizational level (beyond the command level). This examination is designated to analyze the complaints and cases, to conclude therefrom about root organizational and systemic problems, and recommend appropriate actions that will help prevent the commission of offenses by police officers. In September 2021, the Police established the "Command Measures Squad". In the last quarter of 2021, the Command Measures Squad handled 167 complaints, and more than half of

them (92 complaints, about 55%) were closed without handling. Examining the scope of activity of the Command Measures Squad raises concerns regarding the Squad's ability to respond to the hundreds of cases that are closed without handling, especially when the Squad's manpower is reduced to a workforce headcount of 2.5 positions. Furthermore, the Squad is assigned additional tasks and many areas of activity that are not necessarily related to command or systemic handling (such as treating crime victims and prioritizing DII cases).

Functional and Operational Aspects of the Work of the Police Investigation Department

-  **Regulating the Powers of the Investigators of the Police Department of Internal Investigations** – it was found that the process of civilianization of the investigators of the Police Department of Internal Investigations, within the framework of which the standards of the Investigations Division for civil servants were implemented, did not include the regulation and adjustment of all the powers necessary for them to fulfill their duties, as follows: The DII investigators do not have the authority to order the closing of cases without an investigation, unlike the police investigators authority; The DII investigators do not have the authority to sign various requests that require the signature of a police officer at the rank of deputy superintendent or higher, and are forced to receive assistance from police officers from the Department's Intelligence Squad; It was also found that the procedures used by the Investigations and Intelligence Division of DII in its regular work mainly were adopted from police procedures, and it operates according to them, however some of the Police's instructions and procedures are not relevant or adapted to the work of the DII.
-  **The Professional Knowledge and Skill of the Police Department of Internal Investigations Investigators** – the Investigations and Intelligence Division of the DII does not have an orderly and ongoing system of training and internship. Most of the training of investigators in the DII depends on the Police's agreement to assign the DII places in training courses it conducts. For example, the DII investigators were denied the opportunity to participate in an interrogation course, which is an important layer in the professional toolbox necessary for a skilled investigator, due to the Police's refusal to allocate places in the course for the DII.
-  **The Dependence of the Police Department of Internal Investigations on the Police for Access to Essential Information Found in the Police Information Systems** – the DII investigators perform their duties without having direct and full access to Police information systems that contain investigative materials relevant to the investigation of police officers; The DII investigators have partial and limited access to videos from the body cameras of the police officers, and in six of the eight DII investigative branches throughout the country there are no work stations to download and copy these videos; The DII investigators still do not have direct access to the 100 Call Center recording system, which includes essential information for various investigations. As long as the DII investigators do not have permission to access all the



Police systems they need and to view them, the work process of the DII investigators may be substantially affected. The receipt of the investigation materials for DII investigations is practically conditional on the Police's cooperation and sometimes even relies on a personal appeal to officials in the Police.


Disparities in the Technological and Operational Capabilities of the Investigators at the Police Department of Internal Investigations – the DII investigators are not fully equipped with the equipment they need to perform their duties, such as means used by the investigators to document investigations in the DII facilities and outside of them. The technological equipment in the Department is poor, partly outdated, and does not keep up with the rate of refurbishment of the existing means in the Police. This leads to repeated failures and encumbering and a waste of time in the work done in a non-digital and non-advanced environment. Furthermore, in the absence of a criminal forensics unit (CFU) for the DII and ballistics laboratories and advanced forensic equipment, the DII is forced to receive these services from the Police. Accepting service from the Police as well as from its police officers and commanders for investigating police officers and police commanders may affect the independence of the DII due to its dependence on the Police laboratory system for carrying out these operations.

Promotion of Operational Initiatives – in the last two years, there has been a functional weakness of the 'Exposure Team', which is supposed to lead the Department. In 2021, there was a decrease of about 12% in the number of intelligence reports received by the squad compared to the previous year (from 281 to 247); An 18% decrease in the number of meetings with intelligence sources (from 267 to 220 meetings); And a decrease of about 8% in the number of annual intelligence files (from 272 to 251).




Completion of the Process of Civilianization of the Investigations and Intelligence Division in the Police Department of Internal Investigations – in 2021, the DII investigators' civilianization process was completed. Instead of the seconded police officers who operated therein, the jobs of investigators were filled by civil servants. However, civilianization was not applied to the Intelligence Squad of the DII. As of February 2022, 14 police officers were seconded from the Police work there, headed by a police officer with the rank of deputy superintendent. At the end of the secondment period to the DII, the intelligence personnel will return to serve in the Police in other positions. The dependency between the DII Intelligence Squad and the Police has a built-in factor affecting the ability of the intelligence personnel to act independently when exercising their responsibilities.

The Police Department of Internal Investigations' Computerized System – the management of the information regarding the tens of thousands of complaints against police officers received over the years is an essential layer in the analysis of the work processes in the DII and the decision-making regarding the Department's functional set-

up (in 2019–2021, a total of 11,776 complaints were opened in the DII; In 2021 the DII received final decisions in 5,356 cases, in 12% of them (625) the DII questioned police officers under caution, And in 68 cases the DII filed indictments). It was found that the Ministry of Justice cannot retrieve reliable data from the DII's computerized system and breakdowns characterizing the complaints in cross-sections according to the characteristics of the complainers, handling routes, analyses based on police stations, regions, districts, etc. This is even though the DII has been developing an updated, computerized system for over three years that will provide the necessary response as stated.





-  **The Length of Processing Time of Appeals Against the Police Department of Internal Investigations** – in 2021, there was an increase in the length of processing time of appeals on DII cases: in 2020, the length of processing from the time the case was opened until a final decision was rendered, was 169 days on average, while in 2021 the length of processing time increased to 200 days on average (an increase of about 18%); In 2020, out of 203 appeal cases against the DII in which a decision was made, three of the appeals (comprising about 1.5%) submitted by complainants were accepted, while in 2021 five appeals were accepted out of 162 (comprising about 3%).

Police Handling of Police Offenses at the Disciplinary, Command, and Organizational Level

-  **The Criteria for Routing Cases to a Disciplinary Route** – it was found that the Police Disciplinary Department annually routes about 200 cases that were transferred to it from the DII to different handling routes (indictment to the disciplinary court; sole judge hearing in the unit; Commander's reprimand note; guidance; Command measures or closing a case), and this without any instructions or guidelines being established for deciding on the routing to the various handling routes. These decisions inevitably lead to different results for each police officer that affect him directly and significantly – from a disciplinary court indictment, through taking measures that do not appear in the police officer's disciplinary record, up to closing the case. Furthermore, the Police's statement before the disciplinary court from 2018, according to which it is working on amending the National Headquarters Order to respond to the matter – has not been implemented.
-  **The Duration of the Suspension Periods of Police Officers and their Cost to the Police** – the suspension periods that began in 2018 and 2019 lasted a long time – about a year and a half on average. In 2019–2021, the Police paid about NIS 9.7 million for salaries to suspended police officers. Of this, about NIS 2.25 million was spent on wages for police officers who, at the end of the suspension, were dismissed from the Police.
-  **Disciplinary Offenses by Volunteers in the Police** – in 2019–2021, 24,850 volunteers served in the Police each year on average. Each year, an average of about 310 volunteers were dismissed on disciplinary or criminal grounds. It was found that the procedures for dealing with the offenses of volunteers are not managed in a computerized system. It is impossible to locate and examine the previous disciplinary



background of volunteers when retaking them into the volunteer system. An internal audit carried out in the Volunteer Department raised that among the volunteers in 2021, 31 volunteers were standing service police officers who left the police due to dismissal, and two volunteers who were police officers in mandatory service and were returned to the IDF due to disqualification for information security reasons. Furthermore, there was a delay in transferring the handling of complaints from the DII. On the criminal level – the DII filed four indictments against volunteers in 2020–2021.

-  **Disciplinary Records** – the Police manage the disciplinary record of police officers under no set procedure. Unlike the criminal registry, under which certain criminal offenses expire and do not appear in the registry after periods defined by law, disciplinary records do not expire over time. As a result, the Disciplinary Department Head routinely deals with requests to amend or delete the disciplinary record and decides upon this sensitive area without any defined criteria.
-  **Contact with Crime Victims in Disciplinary Offenses** – crime victims do not receive updates from the Police on the progress of the disciplinary handling and its results. The Police do not have an orderly procedure or process regarding disciplinary offenses that define the manner and nature of the transfer of information to victims of a crime, and the Disciplinary Department does not proactively update the victims regarding the disciplinary procedure and its results.
-  **The Legal Aid Given to Police Officers** – the Committee for Legal Aid in the Police approves any request by a police officer to finance counseling due to an initial investigation to which the DII summoned him without conducting a renewed examination of the police officer's eligibility for this type of assistance at the end of the procedure. In 2021, the Committee approved requests with a total cost of about NIS 3.4 million, including 27 (about 7%) requests for initial consultations, when after the DII investigation, it became clear that they were not for actions carried out in the course of the police officer's performance of duty, and therefore do not meet the eligibility conditions according to the Order, however, at the end of the procedure, the Committee did not re-examine the police officer's eligibility for legal assistance, and did not demand from the police officer a financial refund for the assistance given to him. The cost for counseling and accompaniment before legal proceedings is NIS 400 per hour, up to a cap of NIS 5,000 (plus VAT).
-  **Authority to Investigate and Criminally Prosecute Police Officers for Crimes of Punishment up to One Year in Prison** – from 2017 to September 2022, the Police filed 50,584 indictments and reached conditional plea agreements in 3,464 cases against defendants and suspects from the general population in crimes punishable by up to one year in prison. The Police did not file charges against police officers for crimes punishable by up to a year in prison, nor were any data found regarding investigations concerning these crimes. Situation such as this, where the DII is not authorized to handle these cases, and the Police do not have any references indicating that it handles them,


indicates considerable weakness in the system for handling police officers' offenses punishable by up to a year in prison.










Shortening the Timelines in Processing Investigation Files in Which Police Officers Were Questioned Under Caution – the DII reduced the timelines for complaints concerning hate crimes, racism, and harm to people with disabilities. From the 2021 data, the processing time was six months or less in 89% of the cases regarding these crimes.

Improving Service to the Public – in 2021, the DII operated a call center that receives about 1,900 calls every month through which various parties (including crime victims, complainants, suspects, and their representatives) can receive information in an accessible and fast manner. That year, the channel for submitting online complaints to the DII was improved, and through it, about 1,650 complaints were received in an online form.

Key Recommendations

 Given the background of the fundamental problems that keep coming up, the close cooperation between the Prosecution and the Police, and the subordination of the DII to the Prosecution, the organizational and functional aspects should be examined to ensure the complete independence of all the parties entrusted with the system for handling complaints against police officers. It is recommended that the Minister of Justice, the Minister of National Security, and the Attorney General, in cooperation with the Police Department of Internal Investigations and the Police, examine the deficiencies raised in this report and rectify them. At the same time, it is recommended that the Attorney General lead strategic work in cooperation with the relevant professionals, including representatives from the Ministry of Justice and the Ministry of National Security. As part of the strategic work, it is recommended that the institutional affiliation and organizational subordination of the bodies entrusted with the handling of complaints and those who head them be examined and that a comparison be made between this functional set-up for handling complaints against police officers and between other models in countries around the world, of the various operational systems for handling complaints against police officers, emphasizing the need to guarantee comprehensive and systemic, efficient and independent handling that will ensure effective handling in the system of police investigations and the handling of complaints against police officers. It is recommended that the recommendation based on the examination findings, on the subject be submitted to the Minister of National Security and the Minister of Justice.



-  It is recommended that the Police examine the implications of the organizational division of handling complaints against police officers, the need for intra-organizational changes ensuring a uniform policy on these issues, and the resulting functional effects.
-  It is recommended that the DII intelligence activity be separated from the Police and operate completely independently in all relevant aspects, among other things, by stopping the staffing of the Intelligence Squad with seconded police officers and completing the Department's process of civilianization in intelligence personnel, while providing all the necessary means and infrastructure for the intelligence activity in the Department. It is recommended that the DII's management and the Ministry of Justice examine how to position and leverage the Investigations and Intelligence Division so that it can fulfill its operational mission with the use of high-quality and available forensic and technological tools without a high dependence on the Police, and use its unique characteristics alongside the resources available to the Division, including considering defining the Investigations and Intelligence Division as an operational unit, with all that implies.
-  It is recommended that the DII cooperate with the Police in arranging direct access to the relevant police information systems. It is recommended that the police systems be regulated in information access procedures, similar to those used by police investigators, under supervision and control measures regarding access and scope.
-  It is recommended that the DII increase the intelligence and investigative initiative, both in the Intelligence Squad and the Exposure Team, and identify and remove the barriers to the Exposure Team's activity.
-  The DII and the Police should regulate the handling of offenses by police officers punishable by up to a year in prison. It is recommended that the State Attorney follow-up on the regulation.
-  The Police and the DII should reduce the long periods of forced leave and suspension that involve the payment of wages by expediting the processing of criminal and disciplinary cases involving police officers on forced leave or suspended from their duties. It is also recommended that the Police consider ways to deal with suspensions lasting a long time, both in the aspect of fulfilling the duties of a suspended police officer and in the aspect of encouraging police officers suspended for a prolonged time to find private employment with approval, against a partial reduction in their salary.
-  The Disciplinary Department should establish criteria to guide the decision-makers in choosing the appropriate handling route for each case. Thus, assisting the Disciplinary Department in exercising its authority in concrete cases, and preventing random decisions. It is further appropriate that the Police and the Disciplinary Department incorporate the rights of crime victims in the disciplinary process through personnel suited to carry out the tasks derived therefrom, particularly regarding contacting and updating the victims in various cases.



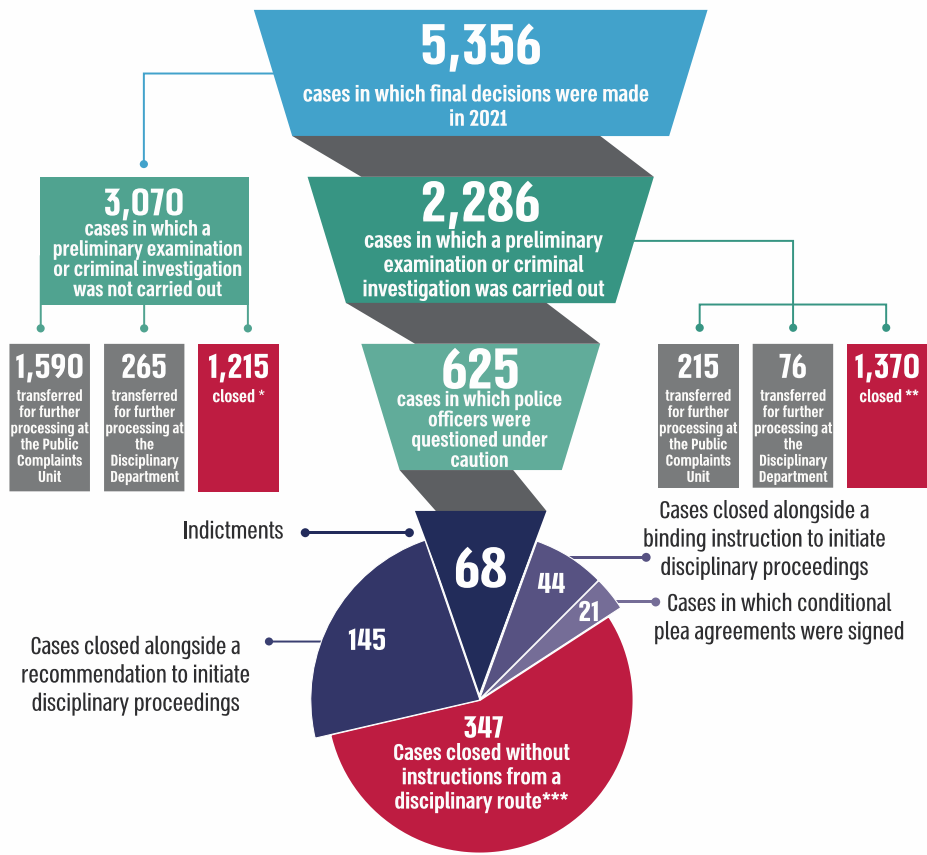
- 💡 It is recommended that the Volunteer Department and the DII regulate the work interfaces between them, including the means to improve the transfer of information and its pooling, the feedback, and the allotted time for doing so. The Volunteer Department should ensure that the volunteers recruited to the system do not have a background impairing their duties and that the candidates are questioned before their recruitment as long as there is no complete documentation in the system, particularly since they are integrated into policing operations with a direct interface with citizens and due to the potential for misuse of the powers given to them.
- 💡 The Committee for Legal Aid should verify that all the requests it approves meet the eligibility conditions outlined in the National Headquarters Order. In cases where the Committee determines at the end of the procedure that the police officer is not entitled to the legal assistance he received, in whole or in part, it should demand that the police officer return it. If the Police cannot comply with the instructions of the National Headquarters Order, it should amend the Order.



The Police Department of Internal Investigations Handling of Complaints Against Police Officers in 2021

11,776 complaints received at DII in three years:
3,293 - 2019 ■ 4,082 - 2020 ■ 4,401 - 2021

In 2021, 2,542 "police material" cases were opened



* **1,215 cases:** 698 cases were closed on the grounds that "the totality of the circumstances of the matter are not suitable for launching an investigation"; 336 due to the absence of a criminal offense; 180 due to the lack of authority of the DII and in one case the DII stated that it could not be thoroughly investigated.

** **1,370 cases closed:** 746 in the absence of a criminal offense; 575 because "the totality of the matter does not justify prosecution"; 45 due to the lack of authority of the DII and 8 on the grounds of "unknown perpetrator."

*** **347 cases closed:** 170 due to lack of evidence, 119 on lack of guilt, 53 because "the totality of the circumstances of the matter are not suitable for a criminal prosecution," and 5 on the grounds of "unknown perpetrator."



Summary

For many years, difficulties have arisen repeatedly regarding the overall functional system for handling police offenses. This system is supposed to provide an answer at the criminal, disciplinary, command, and instructional levels; however, the findings of this report present three significant challenges facing the authorities entrusted with handling police offenses:

The first concerns the question of the optimal systemic organizational structure for handling police offenses at all levels of severity. There are ramifications to the institutional affiliation of the entities that belong to the system, with an emphasis on the affiliation of the Police Department of Internal Investigations with the State Attorney's Office and the Disciplinary Department of the Police to the Human Resources Division of the Police, affecting their ability to ensure complete functional independence. Difficulties arising from the multiplicity of authorities handling the matter without a leading and integrating responsible body and the division of the functional setup between the various factors, including the absence of computer systems to pool all the distributed information between the various bodies lead, among other things, to the closing of thousands of cases without handling.

The Attorney General is recommended to lead strategic work in cooperation with all the relevant professionals, including representatives from the Ministry of Justice and National Security. As part of the strategic work, it is recommended that the institutional affiliation and organizational subordination of the bodies entrusted with the handling of complaints and those who head them be examined and that a comparison be made between this functional set-up for handling complaints against police officers and between other models in countries around the world, of the various operating systems for handling complaints against police officers, emphasizing the need to guarantee a comprehensive and systemic, efficient and independent handling ensuring effective handling in the system of police investigations and the handling of complaints against police officers. It is recommended that the recommendations, based on the examination findings, be submitted to the Minister of National Security and the Minister of Justice.

The second challenge concerns the operational capabilities of the DII – in this area, substantial deficiencies were found, including the powers granted by law to the Investigations and Intelligence Division in the DII to fulfill their duties; The professional knowledge and skill of the investigators; And the resources available to the department and its employees. These aspects reflect the functioning of the DII as an operational, independent, and initiative-taking unit.

The third challenge concerns the Police's ability to handle the disciplinary, organizational, and command levels of all the information transferred to it – difficulties were found in the interrelationships between the DII and the Police. The absence of instructions or guidelines for deciding on the routing of cases to different handling paths; Long periods of suspension of police officers whose cost to the Police is estimated at millions of NIS; and deficiencies in the procedures for handling disciplinary offenses by volunteers in the Police.



The Minister of Justice, the Minister of National Security, and the Attorney General should examine, in cooperation with the Police Department of Internal Investigations and the Police, the deficiencies raised in this report and rectify them.