



A guide for the public
on the role of the Police
Investigations & Review
Commissioner

pirc

Police Investigations &
Review Commissioner

| independent and effective investigations and reviews

Who is the Police Investigations & Review Commissioner?

The post of the Police Investigations & Review Commissioner is a Ministerial appointment first established in 2007 by the **Police, Public Order and Criminal Justice (Scotland) Act 2006 ('the Act')** and amended by the **Police and Fire Reform (Scotland) Act 2012**.

What is the Commissioner's role?

Under the Act the Police Investigations & Review Commissioner:

- undertakes independent investigations into the most serious incidents involving the police.
- undertakes complaint handling reviews of the way the police have handled complaints from the public and provides independent scrutiny of the arrangements that police bodies operating in Scotland have in place to respond to complaints from the public.

Is PIRC independent of the police?

The PIRC is an independent organisation. It is a condition of the Commissioner's appointment that they must not be, or have been, a member of specific policing bodies. Schedule 4 of the Act as amended lists the limitations on appointment of the Commissioner. Further details can be found at:

www.legislation.gov.uk/asp/2006/10/schedule/4

Why do we need a Police Investigations & Review Commissioner?

Scotland has a single police service and therefore, where an independent investigation is required, the Crown can direct the PIRC as an independent body to undertake and report on its behalf. Similarly, the Chief Constable or the Chair of the Scottish Police Authority can ask the PIRC to investigate. It is also essential for maintaining public confidence in the police that there is an independent body which examines the way in which the police deal with complaints.

INVESTIGATIONS

The Police and Fire Reform (Scotland) Act 2012 extended the remit of the Police Complaints Commissioner for Scotland (PCCS) from solely a complaint review function to include independent investigations into the most serious incidents involving the police.

What type of investigation does the Commissioner undertake?

The Commissioner may undertake investigations in the following circumstances:

1.	Allegations of a criminal nature (as directed by the Crown Office and Procurator Fiscal Service).
2.	Death in police custody (under direction of the Crown Office and Procurator Fiscal Service).
3.	Death following police contact (at the request of the Chief Constable or the Scottish Police Authority).
4.	Police use of firearms and other weapons as specified in regulations (at the request of the Chief Constable or Scottish Police Authority).
5.	Serious injury in police custody or following police contact (at the request of the Chief Constable or the Scottish Police Authority).
6.	Complaints made against senior officers (at the request of the Scottish Police Authority).
7.	Relevant police matters where the Commissioner considers it would be in the public interest to do so.

Does the Commissioner carry out misconduct investigations?

The Commissioner may be able to investigate senior officers'* misconduct at the request of the Scottish Police Authority.

* A "senior officer" is an officer holding the rank of Assistant Chief Constable, Deputy Chief Constable or the Chief Constable.

REVIEWS

The Commissioner also performs a review function in relation to non-criminal complaints about the behaviour of police officers and civilian staff, as well as complaints about the quality of service from police bodies. The Commissioner may review the handling of complaints made about officers and staff while they are off duty.

Can I make a complaint about the police directly to the Commissioner?

No. Before you can bring your complaint to the Commissioner, you must first complete the complaints process of the police body concerned. The bodies that fall within the Commissioner's remit are listed at the back of this leaflet.

After the police body has finished dealing with your complaint and has written to you to tell you its findings, if you remain dissatisfied you can then ask the Commissioner to review the way your complaint was handled. The Commissioner **must** receive your application for review within three months of the date on which the police communicated its findings to you in relation to your complaint. If your application is not received within that period, the Commissioner may be unable to accept your case.

What can the Commissioner do in relation to a review?

If your application is accepted, the Commissioner will obtain from the police its file in relation to your complaint. The Commissioner will then examine all the evidence and reach a view on whether the complaint was dealt with to a reasonable standard.

The Commissioner can direct the police body to reconsider the complaint, and may supervise any reconsideration. The Commissioner may also make recommendations to the police body to, for example:

- carry out further investigation and provide a further response to the person who made the complaint

- make changes to its practices and procedures to prevent the same problem arising again.

The Commissioner cannot review complaints by someone serving, or who has served, with the police, about the terms and conditions of their service with the police. The Commissioner also cannot review the handling of criminal allegations against police officers or police staff.

How do I ask the Commissioner to review my complaint?

You can complete an online form on our website www.pirc.scotland.gov.uk or request an application form by writing to us at:

Police Investigations & Review Commissioner
Hamilton House, Hamilton Business Park
Caird Park, Hamilton ML3 0QA

Will the Commissioner deal with my case personally?

The Commissioner is involved personally in reviews which are considered to raise serious issues. The Commissioner delegates to senior staff responsibility for dealing with cases which are not considered to fall into this category. Some reviews are concluded by way of a decision letter, which will normally be issued by the Review Officer responsible for the case, subject to the approval of senior staff. All decisions made in reports or decision letters are final whether they are made by the Commissioner personally or made or approved by senior staff.

How will the Commissioner keep me informed about the review of my complaint?

Your initial contact will be acknowledged within two working days and you will be told as soon as possible if your complaint falls within the Commissioner's remit. If the Commissioner accepts your case, we will keep you informed of our progress on a regular basis.

If your complaint falls outside the Commissioner's remit, wherever possible, you will be given details for the appropriate agency to deal with your complaint.

What if I don't agree with the Commissioner's decision in the review?

If you disagree with the actual decision by the Commissioner or the Commissioner's staff involved in your case, the only way to overturn this is by way of judicial review. You may wish to discuss this with a solicitor or your local Citizens Advice Bureau.

Contact details for your local Citizens Advice Bureau can be found in the phone book or on their website **www.cas.org.uk**

Can I make a complaint about the way that the Commissioner has handled my case?

Yes. A complaint about an administrative failing by the Police Investigations & Review Commissioner such as rudeness by a member of staff, unreasonable delays or not explaining things properly, would go through our internal complaints process, which may include an internal investigation. At the end of that process, if you are still unhappy there is an option to take the complaint to the Scottish Public Services Ombudsman (SPSO). This system complies with the SPSO guidance on handling complaints.

You can request a copy of our leaflet "A Guide for complaints about the Police Investigations & Review Commissioner" by calling 01698 542900, by emailing **enquiries@pirc.gsi.gov.uk** or in writing to us at Hamilton House, Hamilton ML3 0QA.

However, if your complaint is about the actual decision by the Commissioner or the Commissioner's staff involved in your case, the only way to overturn this is by way of a judicial review.

Relevant police bodies

Police Scotland
PO Box 21184, Alloa FK10 9DE
Tel: 101
www.scotland.police.uk

Scottish Police Authority
1 Pacific Quay, Glasgow G51 1DZ
Tel: 0141 585 8300
www.spa.police.uk

UK police bodies operating in Scotland

British Transport Police
90 Cowcaddens Road, Glasgow G4 0LU
Tel: 0800 405040
www.btp.police.uk

British Transport Police Authority
The Forum, 5th Floor North
74-80 Camden St, London NW1 0EG
Tel: 020 7383 0259
www.btpa.police.uk

Civil Nuclear Constabulary
Culham Science Centre
Abingdon, Oxfordshire OX14 3DB
Tel: 01235 466606
www.cnc.police.uk

Civil Nuclear Police Authority
H280 Hinton House, Birchwood Park Avenue
Risley, Warrington WA3 6GR
Tel: 01925 833300
www.cnpa.police.uk

Ministry of Defence Police
Wethersfield, Braintree, Essex CM7 4AZ
Tel: 01371 854000
www.mod.police.uk

HM Revenue & Customs
www.hmrc.gov.uk/dealingwith/complain.htm

The National Crime Agency
Units 1-6 Citadel Place, Tinworth Street
London SE11 5EF
Tel: 0370 496 7622
www.nationalcrimeagency.gov.uk/

In addition, the Commissioner may review complaints from the public and undertake investigations of any serious incidents involving an immigration officer, general customs officials, customs revenue official or other relevant individual acting in the exercise of specified enforcement functions in Scotland.

The Home Office
2 Marsham Street
London
SW1P 4DF
Tel: 020 7035 4848
www.gov.uk/government/organisations/home-office

Accessibility

We may be able to provide materials in other formats, please contact us if you wish to discuss your requirements.

This leaflet is intended as a guide and does not cover every detail. It sets out in broad terms how the Commissioner fulfils the investigations and complaint review responsibilities under the Act and should not be regarded as a comprehensive statement of practice, procedure or of the law.

This leaflet is also available on the PIRC website: **www.pirc.scotland.gov.uk**. The website contains more detailed information on the role of the Police Investigations & Review Commissioner.

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Hamilton House, Hamilton Business Park
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