

Have you got
what it takes?

Complaints

archived

Complaints

Important facts

In England and Wales, members of the public can make a complaint about the police directly to the police or to the Independent Police Complaints Commission (IPCC). The law requires all complaints to be considered by the 'appropriate authority', which is usually the relevant police force.

If you are elected, complaints about you as a police and crime commissioner (PCC), or about your deputy police and crime commissioner if you appoint one, will usually be dealt with by your police and crime panel (PCP). PCPs have powers to resolve complaints informally. Where someone alleges, or it otherwise appears, that you may have committed a criminal offence, however, your PCP will be responsible for referring the matter to the IPCC. The IPCC will decide whether and how that criminal matter should be investigated.

Background

Complaints against Police and Crime Commissioners and their Deputies:

The appropriate authority for complaints made against PCCs and their deputies is the PCP. The PCP will be responsible for the initial recording of complaints and conduct matters and for referring those which allege criminality to the IPCC. Where the complaints are non-criminal the PCP will be responsible for handling and informally resolving these complaints.

The PCP can choose to delegate the initial handling of complaints to the PCC's monitoring officer. The monitoring officer is, however, only responsible for initial handling of complaints and

is not responsible for their resolution.

Where the complaint alleges criminal behaviour and the PCP refers it to the IPCC, the IPCC will be able to either:

- **conduct an independent investigation using its own investigators; or**
- **manage an investigation that will be conducted by a police force of the IPCC's choosing (not necessarily the force that you oversee as a PCC).**

At the end of an investigation the IPCC, or a police force managed by the IPCC, will produce a report. The IPCC will determine whether the report indicates that a criminal offence may have been committed by you or your deputy. If there is such an indication and the IPCC considers that it is appropriate to do so, it will refer the report to the Director of Public Prosecutions, who will then decide what action to take.

More Information

What is your role in relation to the police complaints system?

The PCC will be the appropriate authority for complaints and conduct matters relating to the Chief Constable. This means that you will be responsible for the initial recording of complaints, conduct matters and death or serious injury matters concerning the Chief Constable and for further handling of the complaint or conduct matter in accordance with the legislation, including, where necessary, taking any disciplinary proceedings against the chief constable.

In addition to this PCCs will have a power to direct that the chief constable complies with his or her obligations under the legislation which governs the handling of complaints against the police.

What are the standards of conduct which PCCs and their deputies are expected to maintain?

There is no statutory requirement on you to develop a code of conduct by which you will abide, however, you are required to publish a statement about your policies and conduct. The statement applies to the PCC and the deputy PCC.

Can you be removed from office following a non-criminal complaint against you?

No, but the PCP can use its powers to require you to attend a hearing to answer questions, request information and documents from you, and publish a report or recommendation. A PCP may also invite any other party to attend before them or to provide information where appropriate.

Can you be removed from office if you are found guilty of a criminal offence?

Yes, a PCC is disqualified from office if convicted of a criminal offence which may carry a prison sentence.

Will you be investigated by the IPCC for conduct before or after you take up post?

Allegations that come to light at a time when you are not a PCC, and which concern criminal behaviour that is alleged to have occurred at a time when you were not a PCC either, will not be investigated by the IPCC. They may be dealt with under the normal procedures for criminal investigation. You may, however, be investigated by the IPCC if allegations of criminal behaviour occurring before you were elected or appointed as PCC come to light during the time which you hold the office of PCC. The IPCC may also investigate if the criminal behaviour is alleged to have happened while you were a PCC, but it only comes to light after you have left office. The same arrangements apply to deputy PCCs.

Complaints against the police

Once complaints against the police are recorded, the force has to decide whether the complaint is a matter which must be referred to the IPCC. Complaints that do not have to be referred to the IPCC may be handled by the relevant force. Complainants have varying rights of appeal depending on the relative seriousness of the matter being complained about.

The IPCC investigates the most serious complaints and allegations of misconduct against the police in England and Wales. It may also investigate incidents where there has been no public complaint, but where a person has died or received serious injuries in police detention, or where, at or before the time of death/serious injury, a person had contact with the police and there is an indication that the contact may have caused or contributed to the death or serious injury.

Further PCC candidate briefing on complaints can be found on the IPCC's website: www.ipcc.gov.uk.