

pirc

Police Investigations &
Review Commissioner

A guide for **the public** on the role of the PIRC



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About the Police Investigations & Review Commissioner (PIRC)

WHAT DOES THE PIRC DO?

- The PIRC carries out independent investigations into certain incidents involving the police.
- The PIRC reviews how policing bodies in Scotland have handled complaints made about them by the public.
- The PIRC ensures that Police Scotland and the Scottish Police Authority (SPA) have suitable systems in place for handling complaints.



WHICH POLICING BODIES FALL WITHIN THE PIRC'S REMIT?

These bodies are listed on page 10 of this leaflet.

Additionally immigration officers, general customs officials, revenue and customs officials or any other person carrying out specified enforcement functions in Scotland fall within the PIRC's remit.

WHY DO WE NEED THE PIRC?

As Scotland has a single police service, to maintain public confidence in policing it is essential that there is an independent body to investigate certain serious incidents involving the police and to examine the way in which the police deal with complaints made to them by the public. Our reports issue findings and recommendations and promote learning to ensure continuous improvement in the service delivered by the police in Scotland.

IS THE PIRC INDEPENDENT OF THE POLICE?

The PIRC provides a free and impartial service and is independent of the police.

The Commissioner is appointed by Scottish Ministers and it is a condition of that appointment that they are not, and have never been, a member of a policing body or an elected politician.

Investigations

WHAT CAN THE PIRC INVESTIGATE?

The PIRC carries out investigations into:

- Incidents involving the police when directed by the Crown Office and Procurator Fiscal Service (COPFS), such as deaths in custody and allegations of criminality.
- Incidents involving the police when requested by the Chief Constable or SPA, such as the serious injury of a person in custody, the death or serious injury of a person following police contact, or the use of firearms by police officers.
- Allegations of misconduct by senior police officers of the rank of Assistant Chief Constable (ACC) and above, when requested by the SPA.
- Relevant police matters which the Commissioner considers would be in the public interest.

WHAT INVESTIGATORY POWERS DOES THE PIRC HAVE?

PIRC investigators have the powers and privileges of a police constable when undertaking an investigation on behalf of the Commissioner. This includes the power to detain, arrest, question, report for prosecution and seize productions (including firearms, drugs and any other relevant materials or documents).

When carrying out an investigation following a referral from the Chief Constable or SPA, PIRC investigators may enter Police Scotland or SPA premises to inspect and/or remove anything considered relevant to the investigation.



Reviews

WHAT CAN THE PIRC REVIEW?

If you have made a complaint about any of the policing bodies operating in Scotland and you are dissatisfied with how that policing body dealt with your complaint, the PIRC can review how your complaint was handled.

The PIRC can review the handling of complaints about the actions of police officers and civilian police staff, unless the alleged behaviour is of a criminal nature (such allegations are dealt with by the COPFS). The PIRC may also review how policing bodies handle complaints about the service provided to members of the public.

However, the PIRC cannot review complaints made by serving or former police officers or staff about employment matters such as the terms and conditions of their service.



CAN I TAKE MY COMPLAINT TO THE PIRC STRAIGHT AWAY?

No. You must first take your complaint to the policing body that your complaint concerns to allow them to address it. After they have investigated your complaint they should write to you to inform you of their findings. If at that stage you are dissatisfied with the way that they have handled your complaint, you may then ask us to carry out a complaint handling review.

We must receive your request for a review **within three months** of the date on which the police sent you their findings. If you miss this deadline, we may be unable to accept your case.

HOW DO I ASK THE PIRC TO REVIEW MY COMPLAINT?

You can either complete the online form at **pirc.scot** or write to us to request an application form. Contact details are on the back of this leaflet.

We will acknowledge receipt of your application within two working days and let you know as soon as possible whether your complaint will be reviewed.

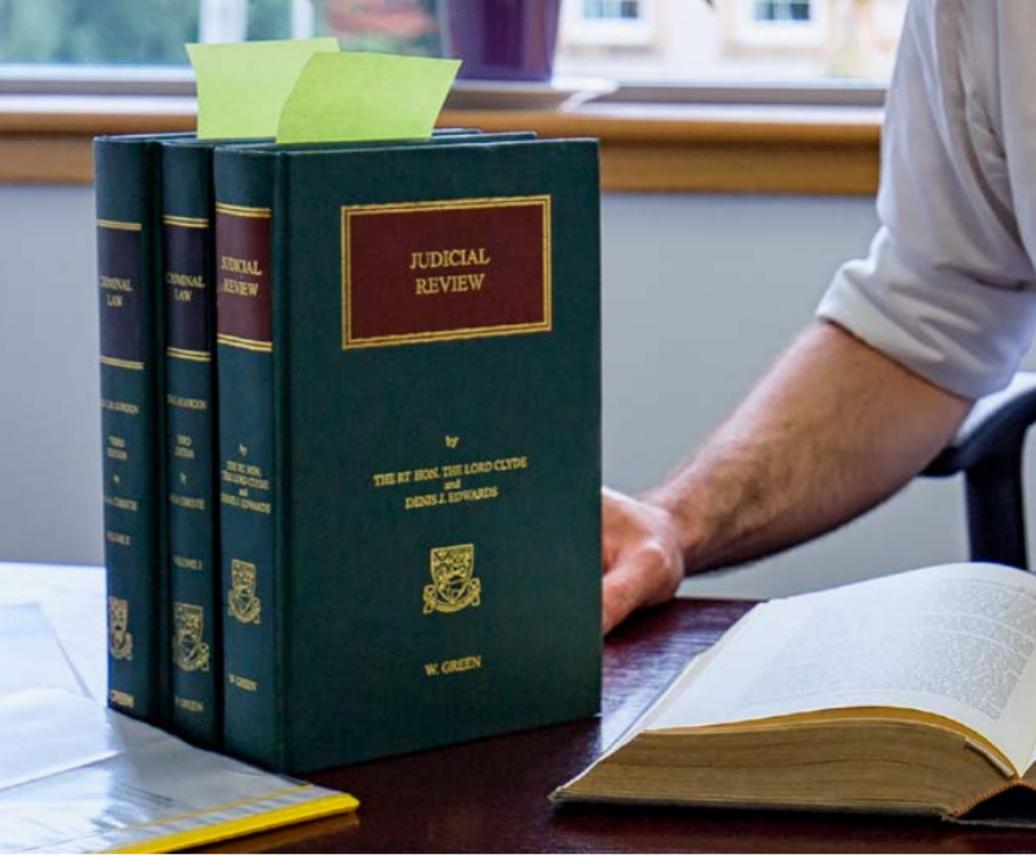
If your complaint does not fall within our remit, where possible, we will provide you with contact details of the appropriate agency which may be able to address the matter.

HOW WILL MY COMPLAINT BE REVIEWED?

All cases are delegated to Review Officers and overseen by senior staff. Cases concerning the most serious matters are also considered directly by the Commissioner. In all cases, you will be updated throughout the process.

If we are able to deal with your complaint, we will request your complaint file from the policing body. We will then review all of the evidence, and decide whether or not the police dealt with your complaint to a reasonable standard.





WHAT ACTIONS CAN THE PIRC TAKE FOLLOWING THE REVIEW?

We can direct the policing body to reconsider the complaint and may supervise certain reconsiderations. We can also make recommendations to the policing body, for example:

- Carry out further investigation and provide a further response to you.
- Make changes to its practices and procedures to prevent the same problem arising again.
- Issue an apology to you.



WHAT CAN I DO IF I AM DISSATISFIED WITH THE COMMISSIONER'S DECISION OR ACTIONS?

If you are dissatisfied with the outcome of your Complaint Handling Review you can consult your local Citizens Advice Bureau or a solicitor about what further action you can take. Contact details for your Citizens Advice Bureau can be found at: **www.cas.org.uk**.

If you wish to make a complaint about an action or administrative failing by our staff, for example because of rudeness by staff, unreasonable delays or if we do not explain things properly to you, you should submit your complaint to us and this may lead to an internal investigation.

Our complaints process complies with the Scottish Public Services Ombudsman's (SPSO) guidance on handling complaints. Call, email or write to the PIRC to request a copy of *A guide to complaints about the PIRC*, or find out more at **pirc.scot/contact**. Contact details are on the back of this leaflet.

If at the end of the complaints process you are still unhappy, you may take your complaint to the Scottish Public Services Ombudsman.



Policing bodies operating in Scotland

Police Scotland

PO Box 2460, Dalmarnock, Glasgow, G40 9BA

T: 101 www.scotland.police.uk

Scottish Police Authority

1 Pacific Quay, Glasgow, G51 1DZ

T: 01786 896 630 www.spa.police.uk

British Transport Police

90 Cowcaddens Road, Glasgow, G4 0LU

T: 0800405 040 www.btp.police.uk

British Transport Police Authority

The Forum, 5th Floor North, 74-80 Camden St,
London NW1 0EG

T: 020 7383 0259 www.btpa.police.uk

Civil Nuclear Constabulary

Culham Science Centre, Abingdon, Oxfordshire, OX14 3DB

T: 03303 135 400 www.cnc.police.uk

Civil Nuclear Police Authority

Culham Science Centre, Abingdon, Oxfordshire, OX14 3DB

www.gov.uk/government/organisations/civil-nuclear-police-authority

Ministry of Defence Police

Wethersfield, Braintree, Essex CM7 4AZ

T: 01371 854000 www.mod.police.uk

The National Crime Agency

Units 1-6 Citadel Place, Tinworth St, London SE11 5EF

T: 0370 496 7622 www.nationalcrimeagency.gov.uk

HM Revenue & Customs

www.hmrc.gov.uk/dealingwith/complain.htm

Home Office

www.gov.uk/government/organisations/home-office



SCOTLAND

GRAMPIAN MOUNTAINS



Accessibility

This leaflet and other materials may be available in other formats. Please contact the PIRC to discuss your requirements.

This leaflet is intended as a guide and does not cover every aspect of the PIRC's work. It sets out in broad terms how the PIRC fulfils the investigations and review responsibilities of the post under the relevant legislation:

- The Police, Public Order and Criminal Justice (Scotland) Act 2006.
- The Police and Fire Reform (Scotland) Act 2012.
- The Police Investigations & Review Commissioner (Investigations Procedure, Serious Incidents and Specified Weapons) Regulations 2013.
- The Police Service of Scotland (Senior Officers) (Conduct) Regulations 2013.

It should not be regarded as a comprehensive statement of practice, procedure or of the law.

The leaflet is also available from **pirc.scot**, where you can also find more information on the role of the Police Investigations & Review Commissioner.

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Police Investigations &
Review Commissioner

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