

# Have you got what it takes?

Complaints



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## 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 about 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 your 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 has a duty to monitor all complaints about conduct made against officers and staff, whilst having responsibility for handling complaints against the Chief Constable.

The PCC may monitor complaints in a number of ways including dip sampling complaints and appeals to check that they are being handled properly. PCCs are 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, including, where necessary, taking any disciplinary proceedings against the Chief Constable.

The role of the PCC may expand though following a review and consultation on the police complaints and disciplinary processes (see sections below). PCCs may be given options for their involvement in the various stages of the complaints process and to also have responsibility for some appeals cases.

## 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 information on complaints can be found on the IPCC's website: [www.ipcc.gov.uk](http://www.ipcc.gov.uk)

Some aspects of the complaints system may change following proposals arising from the Government review and consultation on the police complaints and disciplinary systems. This will include expanding the definition of a complaint, streamlining the appeals process and giving PCCs a greater role. These changes are subject to parliamentary approval.

