

# PCCS

Police Complaints Commissioner  
for Scotland

## Principles, standards and some recent decisions

Robin Johnston  
31 March 2010

## Introduction

- **the standards applied by the Commissioner**
- **general principles**
- **points arising from recent decisions**
- **observations**



## The standards

### Reasonableness:

- **is the response adequately reasoned?**
- **are the conclusions supported by the available evidence?**
- **have the relevant legal provisions, policies and procedures been followed?**
- **are any measures taken in response to the complaint adequate, and have they been implemented?**



## CHR principles

- **Fairness and impartiality**
- **Proactivity**
- **Examination of the entire handling of the complaint, not just the final response**
- **Drawing a line under complaints**



# Recent decisions

- **PCCS/0805 (May 2008)**
  - **complaint about Chief Constable re content of a letter sent by him**
  - **Board decided that complaint “unfounded”**
  - **reference to paras 5(3)(b) and 5(4)(a) of 1999 Regulations**
  - **no indication that Board had considered the Chief Constable’s letter**
  - **recommendation to consider letter and issue further response**



# Recent decisions

- **PCCS/00651 (February 2010)**
  - **complaints about Board re (1) alleged failures to respond within reasonable time; (2) provide explanation for delay**
  - **complaints dealt with reasonably**
  - **assurance that system had been put in place to prevent recurrence of delay**
  - **recommendations:**
    - **(1) inform applicant of specific measures taken**
    - **(2) introduction of procedures for dealing with complaints about Board itself**



# Recent decisions

- **PCCS/00256 (January 2010)**
  - **complaints about ACC by former officer**
  - **ACC previously investigated complaints made by same officer about a Chief Superintendent**
  - **reference by police authority under section 35(1)(b)**
  - **section 34(6): “member of the public” does not include serving officers making “on-duty” complaints**
  - **complaints about ACC made following officer’s retirement**
  - **Commissioner declined the reference**



# Some observations

- **referrals under section 35(1)(b)**
- **“signposting” the PCCS**
- **procedures for complaints about police boards/authorities themselves**
- **section 40 Police (Scotland) Act 1967**



# Principles, standards and some recent decisions

Robin Johnston  
31 March 2010

