

APPENDIX III

The Functions of the Independent Commission for Police Complaints

- 1 The Police (Northern Ireland) Order 1987 established an Independent Commission for Police Complaints for Northern Ireland as a body corporate, with members appointed by the Secretary of State, and with functions relating to complaints from members of the public against members of the Royal Ulster Constabulary, including members of the Royal Ulster Constabulary Reserve employed on both full-time and part-time basis. The Commission came into being on 29 February 1988.
- 2 The role of the Commission is to provide an independent and efficient system for handling complaints made by members of the public against members of the police.
- 3 The Commission has two main functions. Firstly, it has a supervisory role over the police investigation of complaints. It has a statutory duty to supervise the investigation of any complaint alleging that the conduct of a member of the police service resulted in the death of or serious injury to some other person; and has the choice of whether or not it supervises the formal investigation of any other complaint against a police officer. The Commission may also supervise the investigation of any matter, not the subject of a complaint, referred to it under Article 8(1) of the Order of 1987 by the Chief Constable or the Police Authority for Northern Ireland; and has a statutory duty to supervise the investigation of any matter referred to it under Article 8(2) of the Order of 1987 by the Secretary of State or the Police Authority for Northern Ireland and which, though not the subject of a complaint, affects or appears to affect the public interest. In its supervisory role over the police investigation into a complaint the Commission has the power to approve or veto the appointment of the investigating officer and directs the detailed conduct and scope of the investigation. At the end of an investigation which the Commission has supervised, it must issue a statement saying whether it is satisfied with the way the investigation was carried out and, if appropriate, specifying any respect in which it was not satisfied.
- 4 The second important function of the Commission concerns police discipline, and in this respect its main role is to decide whether a police officer who is the subject of a complaint should be charged with an offence against police discipline, if the Assistant Chief Constable has not proposed to bring a charge. The Commission has power, in the last resort, to direct that disciplinary charges be brought, and in such cases the charges are heard by a tribunal composed of the Chief Constable and two members of the Commission.
- 5 Oversight of the procedure for dealing with less serious complaints by way of informal resolution is also part of the Commission's functions. The Commission is concerned, on an ex post facto basis, with the means by which such resolution