

Witness A – evidence on Wednesday, 17 April 2024

Police Scotland's complaint handling procedures

Police Scotland's final report in response to the complaint lodged by Witness A was "nonsense", as it did not address how officers had conducted themselves. It only focussed on his arrest.

If Police Scotland had found something regarding their officers' conduct, or that their investigation did not go down the right lines, the outcome of the investigation should have highlighted that, and Witness A should have been informed. This did not happen.

Police Scotland should have investigated whether the officers were guilty of misconduct and highlighted the outcome of that investigation in their report. Instead, they looked after their own officers. The report did not contain information about their investigation or what they had found. It contained statements that were factually incorrect. It did not come to a conclusion.

Take this into the context of the final PIRC report, which contained details of officers being arrested on misconduct and perverting the course of justice charges. You cannot correlate the final report from Police Scotland with the final report from the PIRC.

There was no communication from Police Scotland about the complaint handling process. From the time of logging the initial complaint to the final report on the outcome, Witness A was not provided with any information on how the investigation of his complaint was progressing. He could have been informed about initial findings or been provided with a timeframe to understand the next stage of the investigation, and who was being investigated.

There could have been correspondence to say the complaint had been logged, these are the steps going forward, these are the contact details of the people dealing with your complaint, and an indication of when someone would next be in contact. None of this information was provided. He had no idea what to expect.

"You get so anxious", just not knowing what is going on.

It seemed that his complaint was "passed from pillar to post". There were four people named as persons involved in the investigation.

Witness A was not able to access the relevant officers or staff and had no contact with any of the people who were investigating his complaint. There was no support officer allocated to him. In other circumstances, such as a serious assault, the police allocate support officers to the case.

It would be a good idea that a support officer is allocated to the person making a complaint. They could relay the progress of the investigation back to

the complainer. This would take the burden off the investigating officer, as well as providing a single point of contact from a welfare perspective.

The complaint was wrongly categorised by Police Scotland as a 'quality of service' complaint by Police Scotland. The heads of complaint form information determines how Police Scotland categorise complaints. It can be used to keep matters hidden. Will this legislation change that process?

All complaints should initially be handed to a division in the PIRC, which looks at the initial complaint, investigates the background and people involved to analyse the seriousness of the allegations. If the PIRC decide they don't need to investigate, then the complaint can be handed to Police Scotland to take forward and report their findings back to PIRC. For there to be true transparency, Police Scotland should not hold on to that information.

I don't know the complaint handling structure in Police Scotland. It is not easily visible, to enable the public to understand how complaints are handled and what the process is. The public make the initial complaint and then receive the final report. There is nothing in between to give an idea of how it is progressing. There is no transparency. It is all hidden internally.

The PIRC only intervened in Witness A's case, as they realised how badly the complaint had been handled with regards to the criminal allegations. However, the Crown Office did not contact Witness A directly about the outcome, this was done via the PIRC. Witness A does not believe the decision not to prosecute was the right outcome. Officers who break the law should be punished.

There was no single point of contact provided. It took 14 months for Police Scotland to report on the complaint. IN contrast, the PIRC took only 1 month to report its findings.

The 8 week's timeframe in the Bill for Police Scotland to provide an initial response to the PIRC in terms of complaint handling should be adhered to. If it is not, there should be consequences.

Witness A questioned whether the process of investigations within Police Scotland will change as a result of the Bill and whether it will bring about transparency. He questioned who within Police Scotland will lead investigations going forward and who will have oversight.

Police Scotland should not investigate complaints about themselves. Complaints about police officers should be investigated by an independent party. There needs to be independent oversight.

The role of the PIRC

The PIRC investigation was thorough, it was a true investigation, as it should be conducted. They had a clinical approach. Nothing was left unturned. It was the most effective part of the process. The lesson the Committee should draw

is that independent handling of these matters is critical to ensure members of the public can feel there is true accountability.

Police Scotland and the SPA having to respond to the PIRC's recommendations is a good proposal, as the methods the PIRC have in place are absolutely crucial to the investigation.

If the PIRC investigates something and finds a flaw then that flaw must be addressed. A recommendation from the PIRC to Police Scotland highlighting that flaw, saying what needs to be done to address it, and providing a timeline to report back to the PIRC, is a very good idea.

If evidence points to criminal acts by police officers, such as negligent misconduct in duty and/or perverting the course of justice, it should be in the public interest to prosecute officers who are corrupt.

Code of ethics

The code of ethics is a good idea, as everyone will know how to proceed in good faith. Police officers who are guilty of misconduct should be disciplined. It should be a transparent process, with the findings of misconduct proceedings published. There should be sanctions and a method of those sanctions being made known to the public. It should not remain internally within Police Scotland.

Culture of Police Scotland

There is a refusal to admit when an officer has done something wrong. There are good people within Police Scotland who should be able to make recommendations to improve the service. It has a very institutional culture. It has a dire reputation and there is a lack of public confidence in the police service.

Duty of candour

This is an excellent idea. However, Witness A would need to see the details of what the duty would include, such as the procedures and legal obligations. The duty of candour needs to be broad enough to be enforceable and there should be clarity about what it means. There need to be consequences for not adhering to the duty of candour.

Personal impact

Witness A had to have counselling for mental health issues following his experience with Police Scotland. He found the experience frustrating and lost all faith in the police service. He has never had a police record. He still suffers from panic attacks when he sees a police officer or hears a police siren.