I have never before made a submission to Parliament but after almost ten years of fighting for justice I believe that our experience is worth sharing, as it relates to Police Scotland’s handling of complaints.

I understand the Committee cannot consider individual cases nor intervene in my dealings with Police Scotland, although it is necessary to provide some background information.

While I also appreciate that there are other channels through which redress can be sought, I would submit that these are largely ineffective, fuelling the sense of injustice felt by innocent victims such as myself.

Central to my ordeal is Police Scotland’s admission that I was assigned an extensive and serious criminal record by the police and my belief that this inaccurate and damaging record meant that my complaints were not investigated properly. I have no criminal convictions.

Only due to sustained effort by myself, Police Scotland eventually admitted this happened in ‘error’.

This admission came in the form of a letter from the police in August 2015 stating that the police had ‘entered your details as being an alias of an existing record holder’.

However, this explanation is only partial. I believe that it is almost certain that my details were added to a police computer system as an intelligence marker.

It is my view that this was not an ‘error’ but a malicious and criminal act by a police officer. The consequences were truly devastating.

This document attempts to explain how this inaccurate record became a catalyst for a protracted, damaging and unnecessary battle with Police Scotland and the Police Investigations and Review Commissioner (PIRC).

This battle changed the course of the lives of myself and my family and exposed the police complaints and governance system in Scotland as being unfit for purpose.

My views on these events are that few of the complaints I made to the police were adequately investigated.

I believe that the investigative failings were partly due to police officers’ opinions of me being tainted by the record which falsely informed them that I was serial criminal who has served multiple custodial sentences for convictions including violence and dishonesty.

I only learned of the existence of the criminal record, by chance, in May 2011.

I have engaged with the police in good faith. Many of my complaints were eventually upheld but only due to protracted pressure on my part.

I believe the upheld complaints are little more than a sop, designed to give the impression that the process is fair.

A fundamental problem which the Committee may wish to consider is the police’s power to dismiss legitimate complaints without providing the complainant with a valid reason.
It has been my experience that the police routinely and arbitrarily ignore matters that are apparently too difficult to deal with.

In my view, on numerous occasions, myself, my legal representatives, PIRC and my own MSP have been lied to by senior officers.

I will provide a brief explanation of how matters now stand.

In January 2018, I began to provide another detailed statement to the police containing allegations of criminality, misconduct and negligence.

We have now reached a stand-off. Police Scotland seem unwilling to concede that my allegations are criminal — in defiance of the available evidence.

Until that position changes, it seems futile for me to re-engage with them as I have no faith in the force honestly investigating its own officers.

Before I make a final decision on whether to continue with my statement, I have asked for an outside force to investigate my case.

Given the serious nature of these matters, not least the importance of maintaining the integrity of stored personal data on police systems, I strongly believe that this would be in the public interest.

This has been refused on the grounds there is ‘no mechanism’ to allow it, although there has been more than one recent precedent.

It is astonishing that I still await a proper explanation from the police about how I came to be branded a criminal.

None of the channels available to me (police complaints, PIRC, legal system) have yielded an answer.

I would like to explain what I think could be done to improve the complaints process.

The process relies on the integrity, independence and honesty of the officer investigating the complaint, and his/her superiors, having no vested interest in the findings.

A Court of Session Ruling in 2013 ruled against Police Scotland’s Complaints Process stating that it breached ECHR and was not independent.

The police can take an unspecified time to investigate. Delay seems to be a deliberate tactic to frustrate complainers.

The process is complex and hard for lay people to understand. This complexity appears to be exploited by the police selecting heads of complaint and defining criminal matters as non criminal.

The complaint can be allocated to the department complained about. This is a clear conflict of interest as any failures upheld could be seen as a reflection on the leadership of that department.

If a criminal allegation about a police officer is reported to COPFS, the prosecuting authority is only privy to the information which the police choose to divulge.

Complainers can engage with PIRC. Again, that process is cumbersome and unclear.

PIRC can only look at heads of complaint dealt with by the police. Therefore, complaints rejected or overlooked by the police cannot be investigated.

If PIRC report a criminal allegation to COPFS, once again the police are asked for a report on themselves which can lead to the same result. i.e. no independent investigation.
Members of the public and victims of crime such as myself deserve fairness, clarity and, when that is not provided, a form of redress.

The reality is that anyone with the misfortune of needing to complain about Police Scotland should prepare for a cynical, daunting and time-consuming system apparently designed to deter, mislead, delay and frustrate.

The police rely on public trust to do their job effectively. There is a risk that if casual disregard for the truth becomes an accepted part of the leadership's culture the entire police service becomes infected and public confidence is lost.

I hope that the Committee share my view that it is vital for public confidence that Police Scotland should no longer be allowed to police itself.

It is time for Scotland to emulate the Independent Office for Police Conduct which operates in England and Wales.

William Johnstone
3 August 2018