Justice Committee

Post-legislative scrutiny of the Police and Fire Reform (Scotland) Act 2012

Written submission from David Yeoman and Beverly Johnson

Whilst I appreciate that is not the role of the Justice Committee to become involved in individual cases, it is necessary to give some background information to my case as it illustrates how the creation of a single Police force has damaged public faith and confidence with regards specifically to complaints procedures. I have kept this as brief as possible however, full evidence and validation of all my claims is available on request.

In August 2013 I made a statement to Police Scotland reporting an historical rape/sexual assault by my ex-wife which was followed by years of psychological, emotional, financial and domestic abuse. Despite many emails and telephone calls to check on the progress of this investigation, I did not receive confirmation of the crime number until May 2014 and my ex-wife was not interviewed by police for some 15 months following my initial statement.

Eventually during a very hostile and aggressive meeting with the Detective Constable involved in February 2015, I was told that no action was to be taken due to the lack of corroborating evidence. A formal complaint was lodged with Police Scotland in February 2015 with the help my local Councillor David Meikle. A Detective Inspector and a Detective Sergeant were assigned to the complaint be the Area Commander, one to oversee the complaint and one to reinvestigate the case.

Both Beverly and I were repeatedly assured by the Detective Inspector that we would be kept fully informed of anything he discovered, good or bad. The Inspector was at great pains to tell us that he treated everyone with respect, ‘the way he treated his own parents’. We were also assured that our complaint would be treated sensitively and in a timely fashion, given the delay we had already experienced. By November of 2015, despite having supplied much additional evidence to the police, we felt we were no further forward and the situation was having a detrimental effect on my health. I have been diagnosed with Autism, Dyslexia, Dyspraxia, Dyscalculia and Mears Irlen syndrome as well as being diagnosed with CPTSD and fibromyalgia as a direct result of the abuse I have suffered – a fact that has repeatedly been pointed out to Police Scotland and which they continue to ignore.

Following a letter to Police Scotland, from Beverly, my partner and Power of Attorney, on my behalf, we were summoned to a meeting with the two investigating officers at Cathcart Police Station a few days later. During this meeting we were informed by the Detective Inspector investigating our complaint that whilst they were in agreement that the delay was unacceptable, the investigation had been carried out properly but that the officer involved would be spoken to. The other officer who was reinvestigating my case informed us that the majority of my claims were un-actionable under criminal law and would require me to take civil action through the courts.
However, one crime had been identified due to our own investigation and research and that a charge of ‘Mail Fraud aggravated by domestic abuse’ had been made against my ex-wife. We were assured that this would ensure that domestic abuse claims would be heard in court and also that the officer would take a personal interest and keep us fully informed of progress as the case passed to the COPFS.

We subsequently received a letter from a Detective Chief Inspector in December 2015 containing an apology for the lack of communication but refusing to acknowledge the other two parts of our complaint; namely that our complaint had not been investigated properly and that the original investigating officer was uncivil towards us. We have since discovered that we were not given a Heads of Complaint during this process and therefore cannot be sure what was actually investigated.

In March of 2015 having heard nothing further from Police Scotland we telephoned the COPFS to discover that a decision not to prosecute had been taken in February, due to lack of evidence and corroboration. The phrase ‘no evidence of intentionally withholding mail’ was used by the COPFS office, despite us having supplied all of this evidence to the Police.

A complaint was lodged with PIRC in March 2016 who found in our favour in July 2016. Police Scotland were instructed to clarify and explain their decisions amongst other recommendations. PIRC also highlighted that the crime number had not actually been recorded for 9 months, contrary to what we believe is the 72-hour deadline, and probably only then because of my insistence on being told the crime number. All this while the crime was not part of any official figures. One wonders how many other times this tactic has been used?

Sometime after the response deadline set by PIRC, we received another letter from the same Detective Chief Inspector stating that the original investigating officer was no longer a serving police officer and therefore no action would be taken, and that the other officer present at the meeting had been asked to amend his statement some 18 months (Hillsborough style) after the event so that it now tallied with the Detective Chief Inspector’s preferred version of events.

In attempting to complain about this continual unaccountability we have been met with constant obstacles, stalling tactics, been misled, blocked and encouraged to abandon our complaint and most recently by the Police Scotland Standards Division; who I may add are reluctant to identify themselves until you write to a Supt. There had been a real attempt to deny us the opportunity to complain in particular about the actions of the Detective Chief Inspector who we believe attempted to cover-up misconduct and inappropriate behaviour of an officer (s).

The latest example being Police Scotland’s reluctance to supply us with original copies of our statements to the Detective Inspector. Our request was ignored for 7 months after which typed and unsigned copies were posted to us. Since these do not match our full recollections of the statements we gave, and since there are several glaring inaccuracies in the typed versions, we again requested the handwritten, signed copies. We have recently been informed by Police Standards Division that this requires a Freedom of Information submission, even though
according to Police Scotland the statements have already been provided without one. At the time of writing it is now 26 days since the submission was made and still we wait.

It is our firmly held belief that a police service that is seen to police itself does nothing to foster a sense of confidence or trust within the community. In our experience the current provisions for regulating Police Scotland and the complaints procedure are woefully inadequate. Self-regulation is no regulation and the complaints procedure as it currently stands seems designed to wear down the individual until the complaint is abandoned.

We personally feel, and it is a view shared by many others, that a single unified force cannot and does not investigate itself without bias. There must be somewhere which is truly independent for complainers to be heard and to which Police Scotland are properly held accountable with too close a relationship with PIRC, PSD and the SPA. All too cosy; with a strong desire to protect themselves from independent scrutiny. The victim has lost again.

At present proper procedures are not being followed, there is a strong possibility that evidence has been tampered with and there is a complete unwillingness on the part of Police Scotland to investigate officers above the rank of Detective Inspector. What is more, PIRC, even after upholding our complaint, seem to lack the authority to make Police Scotland answerable.

It is our belief that the root of our particular problem with Police Scotland stems not necessarily from the actions of one police officer but more from a policy of not really taking historical allegations of abuse seriously, especially male rape/abuse. How else can we explain the failure to record a crime number for 9 months and then a deliberate white-washing of this fact during the enquiry. This is not justice and the current lack of scrutiny and accountability of Police Scotland, coupled with the fact officers appear to be completely untouchable once they have left the force, means that we are never likely to get it, along with a system that protects DCI level and above – a very sad indictment on 21st Century Scotland.

On the 13th May 2018 my partner, carer Beverly Johnson and POA died of a massive heart attack.

As I send this email to the Justice committee I still haven’t received our written statements having paid £10 each on the 18th April 2018 and we are the victims. I am not sure if we ever will receive our written signed statements as we strongly suspect they have been destroyed.

On 16 May 2018 Police Scotland e-mailed Ms Johnson to acknowledge that there had been difficulties in progressing my complaint and to ask her to contact them. This was despite Beverly Johnson passing on the 13th May, and a Police Scotland spokeswoman saying that: “We were notified of the death of a woman in her 50s at an address in Aberfoyle at 4.20pm on Monday, May 14, 2018, and the death is not being treated as suspicious”.
On 26 May 2018 I received my own and Beverly Johnson’s signed written statements. This was over a year after we had initially requested them. No explanation was given for the delay or the reason to suddenly release our statements at this time. Was it in response to recent media reports? I strongly believe that the legislation must be changed to ensure that Police Scotland treat those who are the victims of crimes in a timely and compassionate manner. Acting Chief Constable Iain Livingstone is reported as saying that he embraces a culture of transparency and openness. This has not been my experience.

In our opinion since Aug 2013 Police Scotland requires a “Mike Barton” type overall to ensure procedures are working on behalf of the victim; thus, restoring public confidence in all areas of our own self-regulatory single Police force.

I have been scared for our / my own safety in recent months and feeling even more vulnerable now given the tactics.

I would welcome the opportunity to present my experiences to the Justice Committee to openly discuss where legislative changes are required for all victims and very much including disabled victims who are amongst the most vulnerable in Scotland.

David Yeoman and Beverly Johnson (Now deceased 13th May 2018)
24 May 2018