



The Scottish Parliament
Pàrlamaid na h-Alba

Justice Committee

Philip Gormley QPM
Chief Constable
Police Scotland

By email

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28 June 2016

Dear Philip

HM Inspector of Constabulary in Scotland Assurance Review of Police Scotland's Counter Corruption Unit

I am writing in connection with the Justice Committee's evidence session today with HM Chief Inspector of Constabulary Scotland, Derek Penman, following the publication yesterday of his Assurance Review on Police Scotland's Counter Corruption Unit. Four matters arose on which I would welcome clarification from Police Scotland:

1 The Review states (at page 13) that are 140 Police Scotland personnel are on restricted duties. The Committee would be grateful if you could provide a breakdown of those figures by reference to police division or, in the case of any staff who have been on restricted duties since before the creation of Police Scotland, by reference to their legacy force.

2 Recommendation 37 of the Review calls on Police Scotland to "expedite its review of police officers and members of police staff who are considered to be "super users" with administrative access to Force IT systems". In oral evidence, Mr Penman clarified that by this he meant that there were an unknown number of officer holders within Police Scotland who held "super user" status without there any longer being a business case for them to do so. The Committee would be grateful if you could tell us how many individuals within Police Scotland are listed as super users and, of these, how many still hold this status despite having shifted to a role in which this is no longer required.

3 The Committee would welcome more information in relation to staff of Police Scotland who have submitted complaints about the CCU. Specifically, the Committee would be grateful for information in relation to how many complaints have been made, how many have been resolved and with what result, how many complaints are still outstanding, and the average length of time it has taken for complaints to be resolved. We would also be grateful for such information as you are able to provide about the misconduct alleged in the complaints without compromising the confidentiality of those parties who have not made their complaints about the CCU public or the integrity of the complaints process.

4 Finally, the Committee requests more information in relation to the evidence of then Deputy Chief Constable Neil Richardson to the previous Justice Committee on 15 December 2015. DCC Richardson told the Committee that, when in April 2015, an internal application was made to the CCU for an authorisation to intercept communications data, the application was in relation to—

“information that breached out of a live murder inquiry. That was very concerning and could have compromised the flow of justice and the inquiry, so it would have been neglect of duty had we not taken steps to do something about it.”

However, the HMICS Review states (at page 6) that, at the time of the application, “there was no “live” enquiry ongoing and no major investigation team established at this time”. It further notes that the majority of information printed in the newspaper article that had led to the application to intercept communications data had already been disclosed by the COPFS to defence agents, and that it appears that this would have been known by the time of the evidence session. The Review continues that “there was an opportunity to make this information clearer in its [Police Scotland’s] evidence to the Justice Committee on 15 December 2015.” We further note that in oral evidence today, one of Mr Penman’s colleagues at HMICS said that Police Scotland’s hunt for an internal mole leaking information to journalists was based on a “hypothesis that was flawed”.

The Committee would be grateful if you could confirm whether you accept the Review’s findings on both the status of the murder inquiry at the time of the application and on the likely source of the material in the newspaper, and that this would have been known to Police Scotland by 15 December 2015. If so, the Committee would also be grateful if you could explain to us what steps, if any, Police Scotland took following that evidence session to clarify its position, in order to ensure that the then Justice Committee was provided with an accurate and up to date understanding in relation to those matters.

I would be very grateful for a response by 26 July 2016.

Baird wishes,
Margaret

Margaret Mitchell MSP
Convener, Justice Committee