

POLICE COMPLAINTS HANDLING, INVESTIGATIONS AND MISCONDUCT ISSUES: INDEPENDENT REVIEW

- CALL FOR EVIDENCE -

This Call for Evidence is being issued to the public to help inform Dame Elish Angiolini's Independent Review of Police Complaints. Dame Elish has been asked to look at all aspects of police complaints handling, investigations and misconduct, and evidence is welcomed from all individuals or organisations with relevant experience, knowledge and views.

Some individuals and groups may be hard to reach with a Call for Evidence of this sort. The Independent Review will try to reach out to these individuals, and will consider any suggestions for alternative arrangements to allow access to more information. This document can be made available in other formats or languages if requested. An easy-read version can also be made available.

Call for Evidence

The Independent Review wants to hear about your experience of police complaints and receive any relevant evidence you want to contribute. The questions below are prompts which you may find helpful. Please use the text box at the end to tell us about your experience and to give us your views.

If you have made a complaint about the police, what caused you to do so? Were you able to find out easily how to make a complaint? Did you have access to any necessary support? Did you feel that you had appropriate opportunities to get your case across and receive a fair hearing? What were the best and worst aspects of your experience of the process for progressing your complaint? How could your experience have been improved?

If you are or were a police officer who has been subject to a complaint, investigation or misconduct process, what was your experience? Were you able readily to gain an appropriate understanding of the issues facing you? Did you have access to any necessary support? Did you feel that you had appropriate opportunities to get your case across and receive a fair hearing? What were the best and worst aspects of your experience? How could your experience have been improved?

If you represent or have worked for an organisation which deals with the operational and procedural aspects of complaints handling, investigations or misconduct, what do you perceive to be the relative strengths and weaknesses of that organisation's remit, powers, procedures, guidance and culture? What is the interaction with the public or with other relevant organisations and how could it be improved?

For all respondents – What do you perceive to be the strengths and weaknesses of the current arrangements for complaints handling, investigations and misconduct issues in relation to policing in Scotland? How can the strengths be embedded and enhanced? What is the impact of the weaknesses, how do they arise, and how can they best be addressed? Do you have particular examples of good practice or bad practice from which lessons could be learned?

Do you have experience of any other arrangements for dealing with such issues (e.g. police complaints in different places/times, or complaints in different areas of the public sector) and, if so, can you please outline any relevant differences and specify potential benefits?

How do systems for police complaints handling, investigations and misconduct issues currently relate to systems for handling internal grievances and whistle-blowing? Are any necessary distinctions clear and effective? Do changes need to be made?

What is the proper balance, while cases are on-going, between the requirements for transparency and for confidentiality? What factors might lead to a failure to strike that balance, and what can be done to address them?

This is **not** a definitive or exhaustive list of questions; please include any points you wish to make.

Current arrangements and responsibilities

Since 1 April 2013 a new Police Service of Scotland has been in place and has been operating new arrangements. [Police Scotland](#) (*PS*) initially receives complaints and deals with them locally, or involves its separate Professional Standards Department (*PSD*). Three other organisations also have a potential role, depending on the nature of the complaint, in providing independent oversight:

- [Scottish Police Authority](#) (*SPA*): The SPA has responsibility for complaints about the most senior police officers (Assistant Chief Constable and above). It also deals with complaints about its own board members or staff (including forensic services staff).
- [Police Investigations and Review Commissioner](#) (*PIRC*): PIRC can review the way in which the police or the SPA have handled a complaint, if asked by a complainant to do so after the complaint process has been completed. PIRC is also responsible, when asked to do so by the SPA, for investigating allegations of misconduct by senior police officers. Separately, PIRC also undertakes investigations into a range of serious incidents, or incidents that may involve allegations of crime.
- [Crown Office and Procurator Fiscal Service](#) (*COPFS*): COPFS may become involved if complaints involve allegations of a potential crime, and also in cases of sudden or suspicious death.

Background

The arrangements relating to the police in Scotland are relatively new, having been introduced by the Police and Fire Reform (Scotland) Act 2012, and have been the subject of public debate. Because it is important that these arrangements enjoy the confidence of both the general public, as well as the police service, the then Cabinet

Secretary for Justice and the Lord Advocate jointly invited the Rt. Hon. Dame Elish Angiolini DBE QC to undertake an Independent Review which will:

- consider the current law and practice in relation to complaints handling, investigations and misconduct issues, as set out in relevant primary and secondary legislation;
- assess and report on the effectiveness of the current law and practice; and
- make recommendations for improvements to ensure the system is fair, transparent, accountable and proportionate, in order to strengthen public confidence in policing in Scotland.

Further background to the Independent Review is available in the [Cabinet Secretary's 19 June 2018 statement](#) and accompanying [news release](#), which links to its Terms of Reference.

Helpful contacts

If you have any issues related to police complaints and need advice and support there are a number of independent agencies which may be able to help you. These include:

- [Citizens Advice Scotland](#)
- [Scottish Independent Advocacy Alliance](#)
- [Scottish Refugee Council](#)
- [Victim Support Scotland](#)

Other specialist support organisations – including those focused on supporting the victims of fraud, sexual crimes, domestic violence, hate crime and human trafficking – are listed at: www.scotland.police.uk/keep-safe/advice-for-victims-of-crime. These include [Rape Crisis Scotland](#) and [Scottish Women's Aid](#).

Responding to this call for evidence

Responses to this Call for Evidence are requested by 13 March 2019. You must remember to complete and attach the information form below.

You can complete your response on-line at <https://consult.gov.scot/independent-reviews/police-complaint-handling-investigation-misconduct>.

Alternatively, you can send it by post to:

Secretary to the Independent Policing Review
Room 1W.01
St. Andrew's House
Regent Road
EDINBURGH
EH1 3DG

or by e-mail to secretariat@independentpolicingreview.scot

If you have any queries about this call for evidence, please send an email or call the Independent Review team on 0131 244 7055.

**POLICE COMPLAINTS HANDLING, INVESTIGATIONS
AND MISCONDUCT ISSUES: INDEPENDENT REVIEW**

RESPONDENT INFORMATION FORM

Please note, this form **must** be completed and returned with your response.

1. Respondent Details

Are you responding as an individual or an organisation?

Individual

Organisation

Full name of individual or organisation

Address

Postcode

Phone number

Email

2. Further Engagement with the Independent Review

As the Review progresses, it may seek further information from some of the individuals and organisations who have responded to this Call for Evidence. If you would be willing to engage further with the Review, please indicate your preferences by ticking one or more of the following boxes:

- I would be willing to respond to written questions from the Review.
- I would be willing to take part in a one-to-one discussion with the Review.
- I would be willing to take part in a Focus Group discussion arranged by the Review.

3. Identification and Attribution

The Review does not intend to publish any consultation responses. However,

a) the Review intends (e.g. in its reports) to list the names of all **organisations** which have responded to this Call for Evidence, without exception. It also intends to list the names of all **individuals** who have responded, unless an individual has asked not to be listed. If you are responding as an individual, we will assume you are happy to be listed as a respondent, unless you tick the following box.

- No, I do **not** wish to be identified by the Review as having responded to the Call for Evidence.

b) It may be helpful for the Review to cite specific material from some responses. Such citations could be done on an attributable or non-attributable basis. We will assume you are happy to be named as the source of information extracted from your response, unless you tick the following box.

- No, I do **not** wish any information extracted from my response to be publicly attributed to me.

**POLICE COMPLAINTS HANDLING, INVESTIGATIONS
AND MISCONDUCT ISSUES: INDEPENDENT REVIEW**

Please fill in the box below with your contribution. There is no restriction on the length of your statement. You may submit additional pages by post or use the text box below, or submit written submissions by e-mail.

I would wish to make this statement to the Independent Review.