

Northern Joint Police Board Complaints Working Group

Minutes of Meeting of the Complaints Working Group held in Council Headquarters, Glenurquhart Road, Inverness on Tuesday, 11 November 2008 at 2.00 p.m.

Present

Representing the Highland Council

Mr W J Ross
Mr G M Smith
Mr I Renwick
Mr N Donald
Mr G Marsden
Mr B Murphy

Representing Comhairle nan Eilean Siar

Mr I Mackenzie

Representing Orkney Islands Council

Mr R Leslie

Officers in attendance:

Mr G Sutherland, Deputy Chief Constable
Chief Inspector A MacLean
Mrs R Moir, Assistant Clerk

In Attendance as Observers:

Inspector G Murdoch
Inspector D Paterson

Mr W J Ross in the Chair

1. Apologies for Absence

Apologies for absence were intimated on behalf of Mr A Duncan, Shetland Islands Council.

2. Complaints Against the Police: Police Complaints Commissioner for Scotland – Published Reports

There had been circulated Report No. CWG12/08 by the Deputy Chief Constable briefing Members on five complaints from dissatisfied complainers referred to the Police Complaints Commissioner for Scotland (PCCS) under the provisions of the Police, Public Order and Criminal Justice (Scotland) Act 2006, together with copy reports published by the PCCS on the outcome of three of these complaint handling reviews, the other two having been circulated to the Group at a previous meeting.

The Deputy Chief Constable and Chief Inspector MacLean elaborated further on the background to these various complaints and the actions taken both beforehand and since to engage or attempt to engage with the complainers involved.

In relation to the two earlier reports, further contact had led to greater clarification in one case, while the other was still under further investigation. In relation to the more

recent reports, one had received particular media attention and efforts were again being made to engage with the complainer to seek further information as to the basis for his allegations of undue influence. It was not yet clear whether these efforts would prove any more successful than those made prior to the PCCS findings, nor to what extent the Force could reasonably be expected to continue to commit resources where a complainer was unwilling to engage with the investigating officers or to provide any substantiation of an allegation. The matter would again be reported to the Working Group in due course.

In relation to the other two recent reports, matters had been largely clarified in one case and an apology given in relation to a particular issue. In the other, the PCCS had not upheld most of the complaint and efforts were being made to contact the complainer in relation to one issue.

During discussion, officers clarified a few points of procedure and Members emphasised the importance of having a speedy and effective investigation process, in the interests of police officers as well as complainers. While still fully recognising and supporting the independent role of the PCCS, Members expressed the hope that the opportunity of appeal to that office would not result in the unnecessary prolongation of unfounded complaints.

After discussion, the Working Group **NOTED** the reports submitted.

4. Complaints Against the Police: Police Complaints Commissioner for Scotland – Cases Pending

There had been circulated and was **NOTED** Report No. CWG13/08 by the Deputy Chief Constable briefing Members on a number of complaints from dissatisfied complainers referred to the Police Complaints Commissioner for Scotland (PCCS) under the provisions of the Police, Public Order and Criminal Justice (Scotland) Act 2006, on which the PCCS had not yet reported.

The Deputy Chief Constable and Chief Inspector MacLean elaborated briefly on the background to these various complaints and the actions taken both beforehand and since to engage or attempt to engage with the complainers involved.

In response to a question, the officers confirmed that early trends indicated a larger number of complaints being submitted to the PCCS than had previously been submitted to Her Majesty's Inspectorate of Constabulary.

The Working Group **NOTED** the position.

5. Complaints Against the Police: Statistics

There had been circulated and was **NOTED** Report No. CWG14/08 by the Deputy Chief Constable briefing Members on a number of statistical tables offering a breakdown by category and geography of complaints received during the period 1 April 2007 to 30 June 2008.

6. Complaints Against the Police: Discriminatory Behaviour Complaints

There had been circulated and was **NOTED** Report No. CWG15/08 by the Deputy Chief Constable briefing Members on Discriminatory Behaviour Complaints received during the current financial year.

7. Complaints Against the Police: Complaint to Board from Individual

There had been circulated Report No. CWG16/08 by the Deputy Chief Constable briefing Members on the Constabulary's handling of a complaint by an individual complainer who had written to the Clerk to the Board on the matter, together with copy letters dated 18 September and 4 October 2008 from the complainer to the Board and reply letter dated 30 September from the Clerk.

The Assistant Clerk highlighted her advice to the complainer that where, as in this case, the complaint related to an officer or officers below the rank of chief officer, the responsibility for investigating it lay with the Force, with the Board's role limited to satisfying itself as to how the Force handled and processed complaints. In cases where a complainer wrote to the Board expressing dissatisfaction as to how a complaint against the Police was being handled, the Clerk drew such correspondence to the attention of the Working Group and invited the Deputy Chief Constable to brief Members on the case.

The Deputy Chief Constable explained that this case had been referred to the Inverness Area Commander to attempt conciliation and was still ongoing. The complaint did not involve an allegation of criminal conduct by the officer concerned.

The Working Group **NOTED** that a further update would be provided.

In relation to the investigation by the Force of individual complaints against officers generally, the Vice Convener reminded Members of the Board's previous agreement that a scheme be introduced whereby Members of the Working Group would have an opportunity to shadow the investigation of particular complaints, particularly in terms of a file review with the individual Investigating Officer concerned.

Mr G Smith advised that he had taken advantage of this opportunity and found it a most worthwhile exercise. He encouraged others to take part.

The Working Group **NOTED** the position.

8. Complaint Against Chief Officer

There had been circulated Report No. CWG17/08 by the Clerk relating to a complaint received by the Board against the Deputy Chief Constable. Members were invited to recommend to the Board what further information might be required, what action, if any, should be taken, and what response should be made to the complainer.

Members commented that the substance of the complaint was not clear from the terms of the emails received from the complainer and that further clarification was required before the Working Group could make a recommendation to the Board.

The Working Group **AGREED** that the Clerk again write to the complainer to seek clarification as to the complaint being made.

The meeting ended at 3.20 p.m.