

**Northern Joint Police Board
Complaints Working Group**

Minutes of Meeting of the Complaints Working Group held in Council Headquarters, Glenurquhart Road, Inverness on Tuesday, 8 January 2008 at 1.30 p.m.

Present

**Representing the Highland
Council**

Mr W J Ross
Mr G M Smith
Mr D Chisholm
Mr I Renwick
Mr B Murphy

**Representing Comhairle nan
Eilean Siar**

Mr I Mackenzie

**Representing Orkney Islands
Council**

Mr R Leslie

**Representing Shetland Islands
Council**

Mr A Cooper
(Substituting)

Also in attendance

Mr N M Macleod

Officers in attendance:

Mr I Latimer, Chief Constable (item 2)
Mr G Sutherland, Deputy Chief Constable
Chief Inspector A MacLean
Ms R Pieroni, Clerk
Mrs R Moir, Assistant Clerk

Mr W J Ross in the Chair

1. Apologies for Absence

An apology for absence was intimated on behalf of Mr A Duncan, Shetland Islands Council.

2. Minutes of Previous Meeting

There had been circulated for information and were **NOTED** Minutes of Meeting of the Complaints Working Group held on 1 November 2007, previously circulated to the meeting of the Northern Joint Police Board on 22 November 2007.

3. Complaints Against the Police – Report by Police Complaints Commissioner for Scotland

There had been circulated copy Report by the Police Complaints Commissioner for Scotland (PCCS) following a request for a complaint handling review of a complaint about Northern Constabulary under the provisions of the Police, Public Order and Criminal Justice (Scotland) Act 2006.

Members were informed of the background to the complaint and of the meeting which had taken place between the Chief Constable and the family concerned at which meeting the Convener had been an observer. An apology had been issued by the Chief Constable to the family in respect of failings in the original investigation and in the handling of their subsequent complaints. The Chief Constable advised that he would be meeting with the Area Procurator Fiscal on Wednesday 9 January to discuss a potential course of action which he had discussed with the family.

The Chairman advised Members that a further meeting between the family and representatives of the Board would take place on Wednesday, 9 January 2008 at 11 a.m. in Wick when, in accordance with the recommendation of the PCCS, the Board would apologise for the manner in which the family's complaints had been handled and would provide, or seek, answers to any remaining questions they might have.

The Convener assured Members that the meeting would be conducted in a fair, open and transparent manner and would be sensitive to the fact that the family were still grieving over the loss of their son.

In response to questions from Members, the Chief Constable indicated that he was confident that any such incident occurring now would be subject to a much greater degree of scrutiny than had been the case in 1997. Action had been taken to improve the way in which crime was investigated and managed and the new procedures had been the subject of independent professional scrutiny. In terms of complaint handling also, lessons had been learned and the procedures now in place were comprehensive and rigorous.

The Chairman commented that the limitations of the original investigation were acknowledged, but it was clear that significant steps had been taken to ensure that the response to such an incident now would be of a much higher standard, both in terms of the investigation and how the complaints were handled. He was, however, disappointed by the PCCS's use of the words "institutional arrogance" in relation to Northern Constabulary and, from his own knowledge of the force, did not believe this to be a fair description.

The Working Group **NOTED** the Police Complaints Commissioner for Scotland's Report and **AGREED**: -

- a) to support the expression of an apology to the family from the Northern Joint Police Board; and
- b) to record the Board's regret at the distress caused to the family;

and **NOTED** that: -

- c) that the current Professional Standards Unit and its function was considered to be effective and that this had been confirmed by HMI;
- d) that, in terms of crime management, changes had been put in place and had been the subject of independent inspection;
- e) that the Board had made representations to the Justice Minister in terms of retirement of Senior Officers who were the subject of investigation in relation to potential misconduct issues; and that this also formed a recommendation from the PCCS to the Scottish Government as part of the latter's review of police misconduct regulations currently underway; and

- f) that the Police Complaints Commissioner for Scotland had not recommended any further review of how the family's complaints had been handled.

4. Complaints against the Police – Correspondence from the Police Complaints Commissioner for Scotland (PCCS)

There had been circulated Report No. CWG1/08 by the Deputy Chief Constable outlining a number of complaints from dissatisfied complainers that had been referred to the Police Complaints Commissioner for Scotland and on which his findings were awaited.

The Working Group **NOTED** the position.

5. Complaints against the Police – Correspondence from Her Majesty's Inspectorate of Constabulary (HMIC)

In the Thematic Inspection on Complaints (A Fair Cop), published in April 2000, HMIC had indicated that there would be value in passing correspondence with dissatisfied complainers for the information of the Northern Joint Police Board.

There had been circulated:

- copy letter submitted by HMIC in relation to a complaint referred to HMIC; and
- Report No. CWG2/08 by the Deputy Chief Constable on this and other recent cases referred to HMIC.

The Working Group **AGREED** that, in their view, all reasonable efforts had been made to deal with the complaint referred to in the letter from HMIC and, in relation to the cases currently with HMIC, **NOTED** the position.

6. Police, Public Order and Criminal Justice (Scotland) Act 2006 Complaints received by the Board Complaints Handling Procedures

There had been circulated Report No. CWG3/08 dated 21 December 2007 by the Assistant Clerk asking Members to consider model procedures for handling complaints received by Police Authorities/Joint Boards, with a view to satisfying the relevant requirements of the Police, Public Order and Criminal Justice (Scotland) Act 2006, and to agree any modifications appropriate to the circumstances of this Board.

The Working Group **AGREED** to recommend that a sub-committee be set up in terms of paragraph 12 of the report with a 7 week (maximum) deadline for dealing with complaints in the relevant categories.

The meeting ended at 3 p.m.