

Northern Joint Police Board Complaints Working Group

Minutes of Meeting of the Complaints Working Group held in Council Headquarters, Glenurquhart Road, Inverness on Tuesday, 12 August 2008 at 10.30 a.m.

Present

Representing the Highland Council

Mr W J Ross
Mr G M Smith
Mr D Chisholm
Mr I Renwick (by video
conference link)
Mr B Murphy

Officers in attendance:

Mr G Sutherland, Deputy Chief Constable
Chief Inspector A MacLean
Constable C Steele, Secretary, Scottish Police Federation Joint
Branch Board
Mrs R Moir, Assistant Clerk

Mr W J Ross in the Chair

1. Apologies for Absence

Apologies for absence were intimated on behalf of Mr B Murphy, The Highland Council, Mr I Mackenzie, Comhairle nan Eilean Siar, Mr R Leslie, Orkney Islands Council and Mr A Duncan, Shetland Islands Council.

2. Complaints Against the Police: Police Complaints Commissioner for Scotland

There had been circulated Report No. CWG9/08 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, together with copy reports published by the PCCS on the outcome of three of these complaint handling reviews.

The Deputy Chief Constable and Chief Inspector MacLean elaborated further on the background to these three complaints and the actions taken both beforehand and since to engage or attempt to engage with the complainers involved. In response to questions, the officers reminded Members that, previously, such cases had been dealt with by Her Majesty's Chief Inspectorate of Constabulary, whose staff had direct experience of police procedures. Under the previous system, moreover, Forces had been given early sight of draft reports and an opportunity to comment on factual errors. The PCCS, however, as a body fully independent of the police service, and concerned to be recognised as such, comprised non-police legal staff and published its reports without such prior sight being given.

Members, while fully recognising and supporting the independent role of the PCCS, expressed concern that the absence of the former opportunity to comment on the factual aspects of draft reports – particularly where these appeared to contain contradictory aspects, or might not properly reflect the steps/efforts already taken by the Force involved - could at times be detrimental to the accuracy and therefore quality of the final report, and, ultimately, its utility to all involved. Members considered that there could be significant advantage in greater engagement and dialogue between Forces and the PCCS, with a view to consolidating and further improving existing good practice. Members emphasised that this proposal did not seek in any way to compromise the independence and objectivity of the PCCS.

In discussion, Members also acknowledged the significant resource commitment by Forces required to carry out thorough investigations of all complaints received, particularly in a Force area as large as Northern's, given that direct interviews were sought with complainers and witnesses, together with the additional strains that a prolonged process could place on the officers affected. Members recognised the need to consider issues of proportionality and hoped that this was a factor which the PCCS would also take into account when reviewing Force actions.

After discussion, the Working Group **NOTED** the reports submitted and **AGREED** to recommend that the Board write to the PCCS to encourage greater engagement and dialogue with Forces, with a view to consolidating and further improving existing good practice.

4. Complaints Against the Police: Her Majesty's Inspectorate of Constabulary

There had been circulated and was **NOTED** Report No. CWG10/08 by the Deputy Chief Constable briefing Members on two complaints from dissatisfied complainers referred to Her Majesty's Inspectorate of Constabulary under the system prevailing prior to the establishment of the office of the PCCS and not yet concluded.

5. Complaints Against the Police: Statistics

There had been circulated and was **NOTED** Report No. CWG11/08 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. Shadowing of Investigations

The Deputy Chief Constable reminded Members of the Board's previous agreement that a scheme be introduced whereby Members of the Complaints Working Group would have an opportunity to shadow the investigation of particular complaints. It was envisaged that this would primarily comprise a file review with the individual Investigating Officer concerned. He invited Members to contact his office to confirm their individual availability.

Members **NOTED** the position.

The meeting ended at 11.40 a.m.