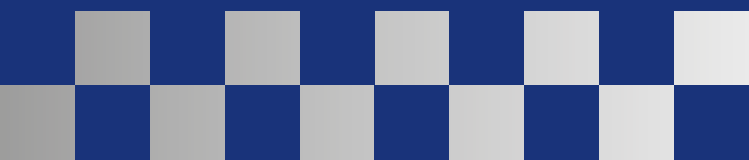




A guide for complaints about the police

This leaflet explains what to do if you want to make a complaint about the police in Scotland, and how your complaints are dealt with.



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A guide for complaints about the police

Police Scotland aims to provide a high quality service to the people of Scotland, 24 hours a day, 365 days a year. Often this is delivered under demanding circumstances and, as a result, the service can sometimes fall short of the expectations of the public and the police themselves.

If you have been affected by, or present when something occurred, that leads you to think that Police Scotland, or any UK police body operating in Scotland has not performed as it should, or if you think that a member of the police service has behaved wrongly or may have committed a criminal offence, you should feel confident about making a complaint. The police are keen to learn from mistakes and will try to resolve a complaint to everyone's satisfaction.

As well as the police themselves, there are a number of independent bodies and agencies who are responsible for investigating complaints about the police or independently scrutinising the way the police have handled a complaint. Their contact details, along with those of Police Scotland and all police bodies in Scotland, are provided at the back of this leaflet.

What do I do if I have a complaint?

If your complaint is about Police Scotland, a member of Police Scotland staff or one of the other policing bodies listed at the back of this leaflet you can:

- write, phone or email the police service or police body concerned
- give the details at any police station (or to any police officer)
- ask a solicitor, your MSP or your local councillor to take the matter up with the Chief Constable on your behalf
- if you think that a member of the police service may have broken the law while **on duty**, you should report the matter to the police who will note a statement from you. The matter will be forwarded to the Professional Standards Department. It will thereafter be investigated and, where there is evidence of a crime having been committed, the matter will be reported to the Crown Office Procurator Fiscal Service (COPFS), Criminal Allegations Against the Police Division. If you do not have confidence reporting this to the police you can contact COPFS, Criminal Allegations Against the Police Division, who will ask for a report from the police
- if you think that a member of the police service may have broken the law while **off duty**, again you should report the matter to the police who will note a statement from you, and where there is evidence of a crime having been committed, the matter will be reported to the local COPFS. The Professional Standards Department will also be notified
- if you wish to make a complaint about the conduct of an Assistant Chief Constable, Deputy Chief Constable or the Chief Constable, you should contact the Scottish Police Authority. Contact information is included at the back of this leaflet.

Wherever possible, it is best to put your complaint in writing. Where you make a complaint by telephone or face to face at a police station, the person you are talking to will make

a written record of it and it will be treated as a complaint. If you need assistance to make a complaint, such as a language interpreting service, or help because of illness or disability, you can ask the police how they can assist you. You can also contact your local Citizens Advice Bureau, who will help you to put your complaint in writing.

What information should I include in my complaint?

In all cases there must be a written record of dissatisfaction and the police may need a statement from you when they begin to investigate your complaint:

- describe what happened, including where and when the incident or cause for complaint took place
- make your concerns clear and write down what you would like to happen as a result of your complaint, for example a change to policy or procedure or an apology, if your complaint is about a non-criminal matter
- include your contact details, your full address, postcode, telephone number and email address, if you have one
- include the names and addresses of any witnesses (if you have them)
- provide the name or identification number of any member(s) of the organisation concerned (if you have them).

What happens next?

This leaflet describes in broad terms what happens when the complaint is about Police Scotland or member of the police service. Procedures in other police bodies operating in Scotland may vary and the body involved will be able to answer any questions you may have. You can also find out more information about any police organisation's complaints procedure from its website. Contact details of all police bodies operating in Scotland are at the back of this leaflet.

Resolving straightforward complaints

Normally a supervisor or senior officer from your local area, unconnected with your complaint, will arrange to visit or telephone to explain the complaints procedure and give you the opportunity to discuss your complaint. The officer may also try to explain why a certain course of action was taken, if it appears to them that the action was reasonable. Sometimes people are unaware of the extent of police functions and responsibilities or why certain actions may have been necessary, in many cases an explanation from a supervisor or senior officer can resolve the matter.

If you are satisfied with the explanation, your complaint will be concluded at that point. You may be asked to sign a notebook or document confirming that you are happy for this to happen and this record will be retained.

If your complaint involves a more serious matter, or an allegation of criminal conduct, then it would not be resolved by explanation, details on how this would be dealt with are explained below.

Resolving more complex complaints

If matters are not concluded informally at that stage, your complaint may be referred to a supervisory officer of the police service for consideration. This officer may talk to you, along with witnesses or other people who have information relevant to the complaint, as well as any member(s) of staff about whom you have complained. This ensures that everyone has the opportunity to give their account of events.

A report will then be prepared and passed to a senior officer with overall responsibility for handling complaints.

What are the possible actions resulting from my complaint?

Complaints are a useful source of learning for the police and can be used to improve policies and procedures, as well as personal performance.

The Deputy Chief Constable or other designated officer can decide, after considering the investigating officer's report:

- that no further action is needed and that the matter has been, or will be, concluded by explanation to you
- to review a policy, process or procedure and make changes to ensure that the same thing does not happen again
- to offer you an apology
- that those involved require training, counselling or advice to improve their performance. In some circumstances this could involve police internal disciplinary procedures.

If your complaint is not about an individual, the person with overall responsibility for your complaint may examine whether the service provided by the police body has fallen short of what you could have reasonably expected and whether lessons can be learned.

Whatever action is taken, you will be advised of the outcome by the police as soon as possible.

What if my complaint alleges criminal activity or behaviour?

The Crown Office and Procurator Fiscal Service (COPFS) is entirely independent of the police and investigates allegations of criminal conduct in the public interest.

Where someone alleges that a member of the police service has committed a crime whilst **on duty**, you can report the matter to the Chief Constable. Any allegation of a criminal offence is automatically referred by the service to COPFS.

The service will write to you to advise you that the matter has been referred. The usual practice is that a supervisory officer, who is independent of the circumstances that gave rise to the complaint, will investigate the complaint at the instigation of COPFS and provide a full report to them.

Allegations of criminality against a member of the police service who was **off duty** when the incident occurred are, if appropriate, reported to the Procurator Fiscal for the area where the alleged act occurred. A report will also be sent to the Deputy Chief Constable outlining the circumstances.

On receipt of a report from the police, COPFS will:

- consider the evidence
- contact you to let you know what, if any, action will be taken
- consider what further investigation is necessary.

As your information is needed by COPFS to assess the strength of the evidence, you may be asked to go to a Procurator Fiscal's office and speak to someone there. After looking into the case, COPFS Criminal Allegations Against the Police Division will decide whether or not to report the case to Crown Counsel (senior independent prosecution lawyers).

Where there is an indication that a person serving with the police may have committed an offence, either on or off duty, COPFS may direct the Police Investigations & Review Commissioner (PIRC) to investigate on its behalf and prepare a report for the Procurator Fiscal.

The PIRC may only consider an allegation that infers a criminal act on the direction of COPFS.

What happens if a case is reported to the Crown Office?

Crown Counsel will consider the case and will decide whether to prosecute. The Criminal Allegations Against the Police Division of COPFS will let you know what Crown Counsel decide. Police officers and other members of the police service who are accused of a crime have the same rights under law as any other person and must be treated in the same way. If the case goes to court, you and any other witnesses may have to attend court to give evidence.

What happens if a case is not reported to the Crown Office?

If the case is not reported to the Crown Office no criminal proceedings will be taken. The Criminal Allegations Against the Police Division of COPFS will let you know if this is the case and will then refer the matter back to the police to decide whether any action needs to be taken internally.

How will I find out what has happened as a result of my complaint?

If your complaint is not one of those that is dealt with wholly by COPFS, you will receive a letter from the senior person in Police Scotland or the organisation responsible for overseeing your type of complaint, once all work to address your concerns has been completed. In some cases, particularly where there are a number of different concerns, this can take some time.

Where the case is one that is dealt with by the Crown Office, you will receive a letter from the Criminal Allegations Against the Police Division of COPFS to let you know what decision has been made about the case.

What happens if I want to withdraw my complaint?

You should speak to the officer to whom you first made your complaint. Alternatively, you can notify the department with responsibility for complaints within the police service. Their contact details are at the back of this leaflet. If your complaint has led to criminal proceedings, any decision to continue with the investigation or any proceedings rests with COPFS.

You will be asked to confirm in writing that you have withdrawn your complaint.

Malicious complaints

Anyone who knowingly makes a false complaint about a member of Police Scotland or a police body operating in Scotland may be prosecuted (and may be liable to civil action by the person complained about).

What do I do if I am not satisfied with the way the police handled my complaint?

If you are unhappy with the response offered by the police to a non-criminal complaint, you may refer that complaint to the Police Investigations & Review Commissioner. The Commissioner may then carry out a review of the way in which your complaint was handled by the police. The Commissioner must receive your application for review within three months of the date on which the police communicated its findings to you in relation to your complaint. If your application is not received within that period, the Commissioner may be unable to accept your case.

Police Investigations & Review Commissioner

Hamilton Business Park
Caird Park, Hamilton, ML3 0GA
Freephone 0808 178 5577
enquiries@pirc.gsi.gov.uk
www.pirc.scotland.gov.uk

The Commissioner's role in relation to reviews is to impartially examine the manner in which the police handled a non-criminal complaint. The Commissioner will look at how the police organisation reached its conclusions by reviewing the evidence on which their conclusions were based and coming to a view on whether or not the complaint was dealt with to a reasonable standard.

Depending on the outcome of the review, the Commissioner may recommend a number of things, such as the police changing their policies, procedures and practices to prevent the same problem arising again. The Commissioner may also direct the police to reconsider the complaint, which means that your complaint must be looked at again in full by a member of the police service who has had no previous involvement with your complaint. The Commissioner may also supervise the reconsideration.

How can I be confident that the PIRC will be fair?

The Commissioner is appointed by Scottish Ministers and is independent of the police. The Commissioner's findings and recommendations are made, and in some cases published, in anonymised form after a detailed and impartial review of all the facts from all parties involved in the complaint.

Scottish bodies

Crown Office and Procurator Fiscal Service

25 Chambers Street, Edinburgh EH1 1LA
Tel: 0131 226 2626
www.crownoffice.gov.uk

Police Scotland

PO Box 21184, Alloa, FK10 9DE
Tel: 101
www.scotland.police.uk

Scottish Police Authority

1 Pacific Quay, Glasgow G51 1DZ
Tel: 0141 585 8300
Email: complaints@spa.pnn.police.uk
www.spa.police.uk

10 UK bodies

British Transport Police

Force HQ, 25 Camden Road, London NW1 9LN

Tel: 0207 830 8879

www.btp.police.uk

Civil Nuclear Constabulary

Culham Science Centre, Abingdon, Oxfordshire OX14 3DB

Tel: 01235 466720

www.cnc.police.uk

Ministry of Defence Police

Wethersfield, Braintree, Essex CM7 4AZ

Tel: 01371 854305

www.mod.police.uk

HM Revenue & Customs

www.hmrc.gov.uk/dealingwith/complain.htm

The National Crime Agency

Units 1-6 Citadel Place, Tinworth Street, London SE11 5EF

Tel: 0370 496 7622

www.nationalcrimeagency.gov.uk

The Home Office

2 Marsham Street, London SW1P 4DF

Tel: 020 7035 4848

www.gov.uk/government/organisations/home-office

In addition, the Commissioner may review complaints from the public and undertake investigations of any serious incidents involving an immigration officer, general customs officials, customs revenue official or other relevant individual acting in the exercise of specified enforcement functions in Scotland.

This leaflet is intended as a guide and does not cover every detail of how to make a complaint or how your complaint will be handled.

It should not therefore be regarded as a comprehensive statement of police practice, procedure or of the law.

This leaflet is also available on the Scottish Government website:
www.scotland.gov.uk

You can request this leaflet in other formats such as Braille or large print or choose to receive information in languages other than English.

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Police Investigations &
Review Commissioner



**POLICE
SCOTLAND**
Keeping people safe



CROWN OFFICE AND
PROCURATOR FISCAL SERVICE

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