



The Scottish Parliament  
Pàrlamaid na h-Alba

## JUSTICE SUB-COMMITTEE ON POLICING

### AGENDA

**1st Meeting, 2016 (Session 4)**

**Thursday 14 January 2016**

The Committee will meet at 1.00 pm in the David Livingstone Room (CR6).

1. **Complaints handling:** The Sub-Committee will take evidence from—

Chief Superintendent Carole Auld, Head of Professional Standards, Police Scotland;

Ian Ross, Chair, Complaints and Conduct Committee, Scottish Police Authority;

Kate Frame, Police Investigations and Review Commissioner.

Joanne Clinton  
Clerk to the Justice Sub-Committee on Policing  
Room T2.60  
The Scottish Parliament  
Edinburgh  
Tel: 01313485220  
Email: Joanne.Clinton@scottish.parliament.uk

The papers for this meeting are as follows—

**Agenda item 1**

Paper by the clerk

JSP/S4/16/1/1

Private paper

JSP/S4/16/1/2 (P)

## Justice Sub-Committee on Policing

1<sup>st</sup> Meeting, 2016 (Session 4), Thursday 14 January 2016

### Complaints handling

#### Note by the Clerk

#### Purpose

1. This paper provides background information in advance of the Sub-Committee's evidence session on police complaints handling on 14 January 2016.

#### Police complaints handling

2. The Police and Fire Reform (Scotland) Act 2012 sets out the arrangements for handling police complaints. Police Scotland, the Scottish Police Authority (SPA), and the Police Investigations and Review Commissioner (PIRC) each have a role in investigating complaints against and relating to the police—

- Police Scotland is responsible for investigating complaints against police officers of superintendent rank or below, special constables, and police staff within Police Scotland. It also investigates complaints about Police Scotland policies and procedures. Police Scotland automatically refers allegations of criminal conduct to the Crown Office and Procurator Fiscal Service (COPFS) for investigation.
- The SPA investigates complaints against senior police officers of Assistant Chief Constable rank or above and against SPA Board and staff members. It also investigates complaints about its own policies and procedures.
- The PIRC undertakes investigations into the most serious incidents involving the police (including allegations of a criminal nature as directed by COPFS), undertakes complaints-handling reviews of the way the police have handled complaints from the public, and provides independent scrutiny of the arrangements that police bodies have in place to respond to complaints from the public.

#### Scrutiny

3. The Sub-Committee last took evidence<sup>1</sup> on how the police complaints handling arrangements established under the 2012 Act were working in practice on 5 February 2015.<sup>2</sup> The official report of that meeting is available at:

<http://www.scottish.parliament.uk/parliamentarybusiness/report.aspx?r=9776&mode=pdf>

4. In December 2015, the Sub-Committee agreed to hold a further evidence session in relation to complaints handling in January 2016 and invited Police Scotland, the SPA and the PIRC to attend the session and to provide written views in advance. The Association of Scottish Police Superintendents, the Scottish Police Federation and HM Inspector of Constabulary in Scotland were also asked if they wished to provide written views. Submissions received<sup>3</sup> are attached as an annexe to this paper. Key themes arising are set out overleaf.

<sup>1</sup> Prior to that meeting, the Sub-Committee held three evidence sessions on complaints handling during the course of September and October 2013.

<sup>2</sup> At that session, the Sub-Committee heard from Police Scotland, the SPA, the SPF and ASPS.

<sup>3</sup> To date, Police Scotland, the SPA and SPF have submitted views. The PIRC and HMICS are expected to submit views before the meeting. ASPS said it did not have anything to add to the views it expressed previously, which include concerns over the time taken to progress investigations and regarding an apparent move to investigate rather than to resolve complaints at an earlier stage where possible.

*Police Scotland*

- an increase in the volume of complaints about the police since 1 April 2013 was attributed to new recording arrangements, and complaints had now started to “calibrate to a Force tolerance level of between 550 to 600 complaints received per month”,
- the current application of three sets of Regulations had “resulted in a period of legal challenge, for both Police Scotland’s Professional Standards Department (PSD) and officers/witnesses alike”,
- the PSD is subject to audit and dip samples by both the SPA and PIRC,
- the PSD provides local commanders with statistical complaints data for all 32 local authority areas to support their attendance at local scrutiny boards and ensure consistency of information provided across Scotland,
- in response to issues discussed at the Sub-Committee’s last session on complaints handling, force-wide training had been provided on compliance with the Data Protection Act 1998,

*The SPA*

- the most recent audit by the PIRC of the SPA’s complaints handling function in April 2015<sup>4</sup> found that the SPA had “taken significant steps to improve processes and procedures” since the PIRC’s 2014 report<sup>5</sup>,
- the SPA Complaints and Conduct Committee “pays particular attention to information regarding officers placed on restricted duties due to alleged data protection breaches”, and Police Scotland and COPFS are working to improve processes and timescales for resolution on data protection issues,
- of 17 legacy complaints inherited by the SPA on 1 April 2013, 12 have been concluded and five are still ongoing (all five relate to a particularly complex case),
- as at 31 December 2015, the SPA was dealing with 19 ongoing complaint cases, consisting of 153 allegations,

*Scottish Police Federation*

- PIRC investigations “appear to be based on a practice of seeking evidence to substantiate the allegation rather than gathering all the evidence to see if the allegation can be substantiated”,
- little has changed in respect of the approach taken in relation to Data Protection Act allegations since the SPF’s previous evidence on this matter,<sup>6</sup>
- the manner in which Police Scotland “overreacts and seeks to punish officers for minor matters leads to deep rooted mistrust and presumption against openness on minor misconduct”,
- the amount of time and effort spend on complaints is not proportionate to the outcomes and in most cases complaints could be dealt with at an earlier stage, and
- new performance regulations are rarely used and instead there is a tendency to use misconduct proceedings for minor misdemeanours.

**Next steps**

5. The Committee will take evidence on police complaints handling on 14 January 2016 from Chief Superintendent Carole Auld, Kate Frame, the Police Investigations and Review Commissioner, and Ian Ross, the SPA’s Chair of the Complaints and Conduct Committee.

<sup>4</sup> [http://pirc.scotland.gov.uk/assets/0001/2113/SPA\\_Complaints\\_Audit\\_2015.pdf](http://pirc.scotland.gov.uk/assets/0001/2113/SPA_Complaints_Audit_2015.pdf)

<sup>5</sup> [http://pirc.scotland.gov.uk/assets/0001/1077/Jul14\\_SPA\\_complaints\\_audit\\_FINALSECURE.pdf](http://pirc.scotland.gov.uk/assets/0001/1077/Jul14_SPA_complaints_audit_FINALSECURE.pdf)

<sup>6</sup> The SPF previously raised concerns that “any influence or breach of data protection must be reported to COPFS” and so there was no discretion. It argued that misuse of, rather than, accessing data should be reported.

**ANNEXE****Written submissions received in relation to police complaints handling****SUBMISSION FROM POLICE SCOTLAND****1. Purpose**

The purpose of this report is to provide Members of the Justice Sub-Committee with a written update on Police Scotland's complaint handling processes and procedures and its application of misconduct regulations, established under Section 53 of the Police and Fire Reform (Scotland) Act 2012.

**2. Background**

Police Scotland provided a similar update to Members on 5 February 2015, during which Professional Standards Department (PSD) provided follow up statistical data relevant to a breakdown of the PIRCs Annual Report figures, particularly relating to offences reported to COPFS under the Data Protection Act 1998.

A further Force position shall be made available to Members on the 14 January 2016 meeting regarding DPA offences, as a total of all professional standards work.

In addition and following discussions of the Committee of 5 February 2015, Police Scotland embarked upon a force-wide training road show coupled with on-line moodle DPA training. This now ensures that all officers have been trained to a consistent understanding of lawful systems usage.

**Consistency of approach – complaint handling**

Professional Standards Department are responsible for the consistent application of the Regulations across Police Scotland and continually benchmark investigations and outcomes across its 3 hub regional structure.

A consistent national complaint handling procedure ensures that all expressions of dissatisfaction (Sanctions to Solutions definition); are captured through Professional Standards' regional Front Line Resolution (FLR) units.

It is at this stage that complaints are assessed as either criminal or non- criminal allegations; following which a decision is taken as to whether it meets the criteria for FLR or requires further investigation by PSD.

Whilst the volume of complaints made about the police have remained increased in comparison to pre 1 April 2013 activity; the increase is attributed to the full complaints data capture by the regional FLR units, who are responsible for the ethical recording of all expressions of dissatisfaction; even if that initial complaint is resolved to the complainer's satisfaction (as previously explained on 5 February 2015).

As reported to the SPA in November 2016, complaints have now begun to calibrate to a Force tolerance level of between 550 to 600 complaints received per month.

### **3. Investigative checks and balances**

All PSD investigations fall broadly into 2 distinct categories; criminal or non-criminal allegations.

Should the complaint about the police be criminal in nature, Police Scotland has no discretion in referring all matters to the Criminal Allegations About the Police Division (CAAPD) at COPFS. This ensures the Force's compliance with the 2002 "Guidance by the Lord Advocate on the Investigation of Complaints Against the Police".

Furthermore, COPFS may deem it appropriate, under the 2012 Act, to allocate criminal allegations to the PIRC for investigation.

Both of the above serves to negate any perception that, in criminal matters, the Force is self-regulatory in its assessment, investigation and reporting of such matters. The above builds independence to the criminal complaints handling process.

In the instance of non-criminal investigations and at the conclusion of misconduct hearings, officers subject to the Regulations, are afforded recourse to the Police Appeal Tribunal (PAT), established under Chapter 9 of the 2012 Act.

### **4. Legislative application**

Section 53 of the Police and Fire Reform (Scotland) Act 2012 enables Police Scotland to establish Regulations to deal with constables whose standard of behaviour (or performance) is deemed unsatisfactory and may amount to misconduct.

The now well established Force Code of Ethical Standards ensures that all constables are aware of the types of behaviour likely to breach the Regulations and amount to misconduct.

The current application of 3 sets of Regulations (1996; 2013; and 2014) has resulted in a period of legal challenge, for both PSD and officers/witnesses alike.

For example, a chronological cross over in Regulations may result in circumstances where subject officers; complainers; and witnesses may find themselves presenting evidence before two sets of hearings.

In addition, the implication of the newly enacted Victims and Witnesses Act 2014 has yet to be fully understood within the misconduct arena, particularly in respect of time periods for reporting to misconduct.

The above can understandably result in a perceived delay in expediting misconduct proceedings, however PSD will constantly explore avenues which do not compound timescales.

### **5. Governance and public accountability**

All of the above is subject to daily, weekly and monthly statistical data captured from across the Force by PSD.

Internally the Head of PSD reports directly to the Force Performance Board and the Regional Divisional Commanders meeting (monthly).

Externally, PSD reports quarterly to the SPA on its complaint handling performance across the full spectrum of criminal, non-criminal and quality of service complaints.

In addition, SPA are updated on the Restricted and Suspended Officer Register alongside categories of investigation. This data is then a matter of public record.

PSD is also subject to audit and dip sample by both SPA and PIRC and such audits provide information on the Force's compliance to national reporting and Heads of Complaint guidelines.

In driving the Force's statutory obligation set under Section 45 of the 2012 Act, PSD provide local commanders with statistical complaints data to support attendance at Local Scrutiny Boards. PSD has undertaken to prepare and supply these reports for all 32 Local Authority areas, which ensures consistency of information provided across Scotland.

## **Recommendations**

Provided for the information of the Justice Committee panel in advance of Complaints Handling evidence hearing on 14 January 2016.

Police Scotland  
7 January 2016

## **SUBMISSION FROM THE SCOTTISH POLICE AUTHORITY**

### **SPA Complaints Handling Function:**

#### **Summary and progress since previous evidence session (5 February 2015)**

### **Resources**

The SPA Complaints team comprises a Complaints/ Conduct Manager plus two Complaints Officers, all of whom are vetted to Management Vetting level which provides for frequent access to Secret police assets and occasional access to Top Secret police assets. The team have access to other SPA corporate services, including Legal and HR, to assist in complaint handling. In addition, the SPA Director of Governance and Assurance has oversight of the SPA's complaints handling function.

### **Audits**

SPA's complaints handling function was audited by PIRC in May 2014 and the subsequent report included nine recommendations for the Authority to improve its complaints handling processes. A follow-up audit was undertaken and the report, published in April 2015, found that the Authority had taken significant steps to improve processes and procedures relating to the handling of complaints and noted that all of the recommendations outlined in the initial report had been addressed and successfully implemented.

### **Scrutiny**

The SPA Complaints & Conduct Committee (the Committee) continually reviews, revises and agrees the reporting of complaints and performance measures by both the SPA and Police Scotland. Standing agenda items for the Committee include reports on Complaint Handling Reviews undertaken by PIRC. The content of such reports are scrutinised by Committee Members in relation to the manner in which complaints are handled by Police Scotland and the

implementation of PIRC recommendations. The Committee also receives reports from Police Scotland regarding officers on Restricted Duties and officers currently Suspended from Duty. Members scrutinise the length of time officers have been placed on restricted duties or suspension, the alleged offences, and the reasons why suspension has been considered appropriate. Furthermore, the Committee pays particular attention to information regarding officers placed on restricted duties due to alleged Data Protection breaches. These Data Protection issues are being addressed by Police Scotland working with the Crown Office & Procurator Fiscal Service (the Crown) to improve processes and timescales for resolution.

The Committee holds Complaints Workshops every six months, attended by partner organisations including PIRC, Police Scotland and the Crown. The purpose of these workshops is to build more effective working relationships and to obtain a greater understanding of the roles/ responsibilities of each organisation, allowing for discussion and agreement on the content and presentation of reports to the Committee.

The SPA Complaints team have produced a process to enable the dip-sampling of Police Scotland Closed Complaints which will allow for the scrutiny of complaint handling at a sub-national/ divisional level. The aim of dip-sampling is to ensure the effective management of complaints processes, highlighting best practice and identifying areas for improvement. An initial dip-sampling exercise has taken place and a programme of activity for the forthcoming year has been approved by the Committee.

### **SPA complaints statistics**

Of the 17 Legacy Complaints which were inherited by the SPA on 1 April 2013, 12 have been concluded and 5 are currently ongoing (all of which are related to a particularly complex case). In the current year to date (1 April 2015 to 31 December 2015) the SPA has managed 193 new contacts, consisting of 279 allegations. At 31 December 2015, the SPA was dealing with 19 ongoing complaint cases, consisting of 153 allegations.

### **Engagement with the public**

The SPA website complaints page is continually updated, providing guidance for the public on the types of complaints that can be dealt with by the SPA and those that should be directed elsewhere (e.g. Police Scotland). The SPA website also specifies the Authority's approved Unacceptable, Persistent or Unreasonable Actions by Complainers Policy; two people have become subject of this policy to date. Further developments are being progressed to enhance engagement with the public, including an SPA Complaints Leaflet and an on-line Complaints Form.

### **Statutory guidance**

In conjunction with partner organisations including the Scottish Government, PIRC, Police Scotland, the Crown and appropriate staff associations, the Authority has been active in producing guidance on various statutory instruments including Senior Officer Conduct Regulations, Senior Officer Performance Regulations and the Statutory Guidance on Police Complaints Handling in Scotland. Of these, consultation on the Guidance on Senior Officer Performance Regulations has closed and the Guidance is expected to be laid before parliament shortly.

### **Relationship building**

SPA Complaints staff attend various meetings and workshops to build more effective working relationships and obtain greater understanding of roles/ responsibilities of partner



organisations including the Scottish Government, HMICS, PIRC, Police Scotland, the Crown, the Scottish Police Federation, the Association of Scottish Police Superintendents and the Scottish Chief Police Officers Staff Association

### **Key objectives and deliverables**

The Authority will continue to identify any key issues or concerns raised by the public, SPA staff, SPA Members, Police Scotland and other partner agencies to ensure that areas for improvement, in relation to its complaints handling function, are identified and addressed appropriately.

The Authority will continually review its management and scrutiny of complaints, including reassessment of documentation, to ensure the efficient and effective operation of its complaint handling function.

A key deliverable for the Authority is the forthcoming publication of guidance on the Senior Officer Conduct Regulations. In addition, the Authority will produce reports to document findings in relation to the Dip-Sampling of Police Scotland's closed complaints.

Scottish Police Authority  
8 January 2016

### **SUBMISSION FROM SCOTTISH POLICE FEDERATION**

I refer to the above and to your invitation to the Scottish Police Federation (SPF) to contribute our views on this subject.

The SPF recognises an inevitable interest in processes for dealing with complaints against the police and that the question *quis custodiet ipsos custodies* is one of the greatest philosophical questions ever posed.

The SPF also recognises this question has evolved in recent years as a consequence of apparent concerns over the true independence of investigators. Some commentators have inferred the use of former police officers in some way undermines this independence. For the avoidance of doubt the SPF fundamentally disagrees with this notion and advances that confidence in any complaint system is derived from effectiveness and this should always be prioritised.

The very nature of police work means that there will always be those who will never be satisfied by the outcome of any investigation, criminal proceedings or convictions, regardless of the evidence against them. Such individuals will continue to demand 'more' and 'greater' independence until such time as they receive the answer, they believe they deserve.

Ultimately of course, the number of independent investigatory or review bodies is a matter that is determined not only by the will of Parliament but also the enthusiasm of taxpayers to pay for them.

Given recent events within the Police Service of Scotland (PSoS), the SPF has broken our submission down into four parts; Criminal Complaints, the Police Investigation & Review Commissioner (PIRC), Misconduct Complaints & Efficiency, and the Counter Corruption Unit (CCU).

## **Criminal complaints**

As Committee members will be aware any complaint made against a police officer which contains an inference of criminality must be referred to the Complaints against the Police Department at the Crown Office and Procurator Fiscal Service (COPFS). In some instances the matter will be relatively straight forward and simply follow the normal reporting mechanisms for a crime or offence. Witness's statements will be obtained and a crime report submitted.

The question of who undertakes the actual investigation is ultimately one for the Crown but in broad terms investigations into serious criminal allegations are undertaken by PIRC with less serious allegations being investigated by the PSoS, usually under the supervision/direction or resources of the professional standards department.

In reality it was our experience that police officers were subject to more robust and arguably oppressive and adversarial investigations when allegations were almost exclusively "investigated by the police".

Against that background and our longstanding position that police officers have nothing to fear from "independent" investigations the SPF fully supported the creation of the PIRC. We believe that an investigatory regime built on fairness is as fundamental to complaints against the police as it is to any other citizen facing allegations.

Regrettably however the emerging experience of our members is that the oppressive and adversarial approach that was a feature in the former forces is commonplace with PIRC investigations and that our members are often on the receiving end of treatment that would be considered unthinkable for non-police suspects and witnesses.

In evidence in 2014, the SPF made reference to the approach adopted with Data Protection Act allegations and the impact this has on officers and indeed the wider service. I very much regret that it appears to us that since then little has changed.

## **Police Investigations & Review Commissioner (PIRC)**

Our members are fast losing confidence in the effectiveness and genuine independence of the PIRC. It is an increasingly common theme that PIRC investigations and comments on investigations appear to be based on a practice of seeking the evidence to substantiate the allegation, rather than gathering all the evidence to see if the allegation can be substantiated.

Sadly it appears that the worst of the practices adopted by the former professional standards departments have simply been adopted by the PIRC.

Our members have reported that during PIRC investigations, they may be told they are witnesses but are treated like suspects. This inevitably makes it difficult for our members to assess whether they are in fact being treated fairly or whether they may be potential suspects in future proceedings.

Our members have reported examples of being "interviewed" for hours on end without rest and one apparent witness reported that they were only able to use a toilet, during a seven hour interview / interrogation provided they were accompanied by a PIRC investigator. Quite simply these type of oppressive and dehumanising activities risk fatally undermining the PIRC and should have no place in any fair investigatory process.

We consider that the PIRC has a great deal of work to do to build confidence with the police service that it is capable of dealing with police officers, whether as witnesses or suspects, fairly.

### **Misconduct complaints and efficiency**

The Committee will be well aware of the significant changes introduced by the 2014 conduct regulations. Members will recall that the SPF supported the introduction of these regulations as they provided an opportunity to move from the adversarial manner in which officers were treated in the past. The 2014 regulations were intended to move misconduct investigations from adversarial to inquisitorial in nature.

Members will also recall that the support of the SPF was tempered by a note of caution that regulation change on its own would not lead to an attitudinal change and as a consequence a great deal of faith was being placed upon the PSoS to treat officers fairly, if the regulations and processes were to deliver the change expected.

The 2014 regulations encourage openness and transparency. However, the manner in which the PSoS overreacts and seeks to punish officers for minor matters leads to deep rooted mistrust and presumption against openness on minor misconduct (for fear of overzealous consequences). This is entirely contrary to the ethos upon which the 2014 regulations were founded.

The inquisitorial nature of the 2014 regulations has also uncovered a real lack of understanding as to the differences between misconduct and gross misconduct and the inapt way in which this is dealt with by PSoS.

Examples of this lack of understanding as to what apparently constitutes misconduct include officers being subject to allegations such as; they vomited on a night out, were asked to leave licensed premises as a result of being ill and consumed excess alcohol whilst off duty. If an officer has the temerity to send a text message asking a colleague on a date or complimenting her/him on their appearance, they risk misconduct allegations.

It is unfortunate that in many cases an unwillingness or inability to take a holistic view on a subject is overtaken by a view that process is king and must be religiously adhered to. This is regardless of the triviality of the allegation, stress, anxiety and life changing effects that the process can have on police officers who are unfortunate to find themselves with a complaint.

The amount of time and effort that is spent on dealing with complaints is not proportionate to the outcomes and in most cases complaints could be dealt with at an earlier stage. Some of the cases ongoing at this time are likely to result in the SPF supporting civil actions against the force in the future. The vast majority of complaints against the police are minor in nature and should be dealt with as such.

Where they are used, warnings continue to deliver greater punishment than were ever intended. Officers are denied developmental opportunities and lateral movement is nearly impossible despite agreement from the PSOS that officers would not be prevented from being fairly considered for vacancies and positions.

SPF representatives are now dealing with cases where it appears to them that divisional Superintendents with portfolios for conduct matters do not understand such important matters as what does and does not constitute misconduct. Our representatives have also raised the following concerns;

- There is a huge knowledge gap amongst many, many investigating officers who appear to have no real grasp of conduct regulations, process or limitation of powers.
- Many investigating officers seem to think that when it comes to matters of conduct it is acceptable to seek personal opinions and include hearsay to help infer guilt.
- There appears to be a complete lack of training or understanding on what the term 'balance of probabilities' actually means. This is substituted by 'balance of gut feeling' in many cases.
- Exculpatory evidence is often completely ignored by investigating officers and in some cases are referred to as defence statements.
- In many cases only evidence that point towards the subject officer's "guilt" is supplied to the chair of any misconduct meeting.

All of these matters are contrary to the regulatory provisions and guidance, as well as the PSoS's own standard operating procedure on the subject.

These practices reinforce the belief that misconduct enquiries are anything but fair and in many cases, assume guilt on part of the officer and set out to establish this, rather than be completely impartial.

With the exception of one area of the force, the new performance regulations are seldom used. Even in the area where they are used, this is almost exclusively in respect of attendance management.

It is impossible to believe that a service which was crying out for new performance regulations, due to the alleged complicated construction of the previous regulations, has inexplicably found no reason to use them. The conduct regulations provide an opportunity for the Deputy Chief Constable to consider improvement action. To date the SPF is aware of no example where this course of action was followed.

It is clear to the SPF that performance continues to sit in the "too difficult to do" basket and supervisors are conditioned to seeking misconduct in any misdemeanour. On its own this points to a service which seeks to punish rather than learn and represents a serious missed opportunity for the service and its officers.

The relationship between criminal allegations and potential police misconduct proceedings continue to be a challenging one. If the Crown decides to take no proceedings in any criminal matter, a letter is issued to the individual subject to investigation. These letters make clear that proceedings **may** be invoked at some point in the future. Self-evidently this leaves police officers in a position where they may be unable to cooperate with potential related misconduct enquiries, lest any matter disclosed during it could lead to a risk of prosecution. (HMA v Stair)

Where an officer accepts a warning letter from the COPFS, this is considered an admission of guilt. Understandably officers lean toward the rejection of such warnings leading in turn to potentially costly trials proceeding on minor and trivial matters that would ordinarily not see the light of day in a courtroom.

## **Counter Corruption Unit**

The SPF is aware the Committee is examining other aspects of the CCU and its operations and will not stray into this here. The activities and conduct of the CCU have been a source of

concern for the SPF for some considerable time, not least as it appears to be a department within the PSoS that largely acted with impunity and with scant regard for the rules of fairness or proportionality.

The legal powers of the CCU are far from clear. We are aware of members being ordered or invited to interviews which have a status that appears to sit outside criminal procedure or misconduct investigation. We consider it could be argued that in some instances officers may in fact be considered detained in a form of custody whilst investigations take place.

Criminality is dealt with by the laws of Scotland; misconduct is dealt with by the conduct regulations. Yet when it comes to suspected corruption, the PSoS operates in a significant grey area. The SPF does not find this acceptable and officers may have their duties restricted, be moved from one location to another and denied career development or promotion without ever knowing the reasons why or the identity of their accuser (if any).

It is unclear to the SPF where the remit of the CCU stops and the remit of the professional standards department begin. For example, the recent meeting of the Scottish Police Authority was advised that the CCU would be ensuring mandatory training in Data Protection, a matter we would consider should squarely sit with the professional standards department.

Should you require any additional information, please do not hesitate to get in touch.

Calum Steele  
General Secretary  
5 January 2016