

Date: 12 December 2014

Sheriff Principal B Lockhart  
Sheriffdom of South Strathclyde,  
Dumfries and Galloway  
Sheriff Court House  
Graham Street  
AIRDRIE  
ML6 6EE



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SCOTLAND**

Keeping people safe

Chief Constable  
Sir Stephen House QPM

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**HMA VERSUS D CARMICHAEL**

I am writing to you following the extensive press reporting, notably in the Daily Mail and Daily Record, which quoted comments and concerns attributed to Sheriff Dickson about corruption within Police Scotland.

At the outset of this letter, I would wish to put on the record my personal condemnation of any officer who wilfully neglects their duty and in doing so attempts to pervert the course of justice. All members of Police Scotland are expected to maintain the organisation's highest professional standards, reflecting our values of integrity, fairness and respect. As an organisation we deal robustly and decisively with any allegations of criminal activity by any officers or members of staff.

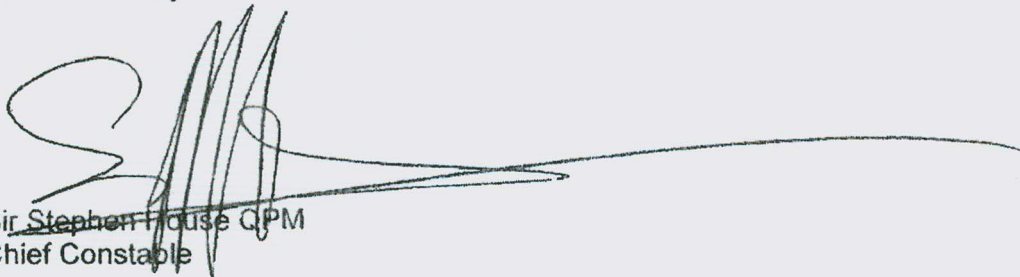
I was extremely disappointed that, in the context of this case, Sheriff Dickson was quoted publicly inferring that there is a perceived widespread culture of corruption and cover-ups, to protect fellow officers, within Police Scotland. I vehemently reject any assertion that this case is somehow the tip of an iceberg which needs to be "stamped out" to prevent a "corrupt force". Public confidence and satisfaction in Police Scotland remains high, and unsubstantiated comments from an influential member of the judiciary are extremely damaging. If Sheriff Dickson had concerns based on specific cases

and evidence, I would have expected him to raise these with, either directly or via yourself, in confidence, rather than read about these via sensationalised media reporting.

I greatly value and respect the independence of the judiciary and the consequential influence that their judgement and comments have. However, implying a culture of corruption in Police Scotland is inaccurate and unwarranted. Indeed, in this specific case it was police officers themselves who challenged and brought to light the corrupt practice.

I reiterate Police Scotland's unwavering commitment to the highest professional standards, which demonstrate the utmost integrity to the public we serve across Scotland, and I would be happy to meet you to discuss these matters further.

Yours sincerely



Sir Stephen House QPM  
Chief Constable



**Sheriff Principal  
Brian A Lockhart**

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05 January 2015

*Sir Stephen House*

**HMA v D Carmichael**

I thank you for your letter of 12 December 2014. For reasons unknown, this letter did not find its way to my desk until 18 December 2014. I went off on annual leave on 19 December 2014 and have only just returned. Please excuse the delay in replying.

I did not see any of the reports to which you refer in the Daily Record and Daily Mail. I have been able to read the Daily Record report using "Google".

Reading that report, it would appear to me that the Sheriff was commenting on the evidence he heard, which of course he is entitled to do. There is no suggestion there of "unsubstantiated comments".

However, if you would be good enough to send me a copy of any reports which you feel fall into that category, I shall give the matter my further attention.

*Yours sincerely,*

*Brian A Lockhart*

Sheriff Principal Brian Lockhart



Date: 12 January 2015

Your Ref:

Our Ref: CC/AS 47.15

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*Dear Sheriff Principal Lockhart,*  
**HMA VERSUS D CARMICHAEL**

Thank you for your letter of 5 January in response to mine of 12 December regarding the press reporting which quoted comments and concerns attributed to Sheriff Dickson about corruption within Police Scotland.

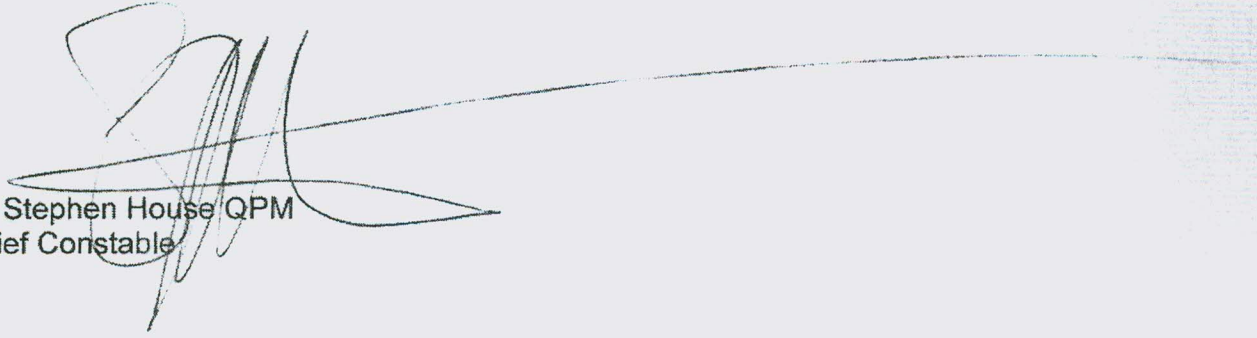
I attach, for your information, the press articles which appeared in the Daily Mail and Daily Record on 6 December, which focus on Sheriff Dickson's comments that he is "seriously concerned that this incident was not a one-off"; and moreover "that there may be a perceived culture that police officers are willing to prevent the arrest and prosecution of a colleague".

As I indicated in my previous letter, to make such sweeping, unsubstantiated claims, which do not take account of this organisation's robust and decisive handling of any allegations of criminal activity by any officers or members of staff, is inaccurate and unwarranted.

These remarks are also at odds with Police Scotland's unwavering commitment to the highest professional standards to the public we serve across Scotland.

I would be grateful if you could give this matter further consideration, and I reiterate my offer to meet you to discuss these matters.

Yours sincerely



Sir Stephen House QPM  
Chief Constable



**WARNING TOP LAWMAN'S COURT BLAST AFTER DISGRACED PC'S CONVICTION**

# My fear of corrupt cops

## Sheriff raises alarm as he jails crooked police officer who lied to cover up for colleague's drink-driving

**» KEITH MCLEOD**  
k.mcleod@dailyrecord.co.uk

**A SHERIFF warned yesterday that he fears there is a culture of police officers covering up for colleagues who break the law.**

Sheriff Robert Dickson launched a blistering attack as he jailed a disgraced PC who lied to stop a fellow officer being arrested for drink-driving.

And he said any cover-ups must be "stamped out" immediately to prevent a "corrupt force".

Shamed Constable David Carmichael, 41, was found guilty of wilful neglect of duty and jailed for seven months for trying to cover for PC Daryl McKillion, who had been reported for being under the influence at the wheel.

Carmichael told a shocked probationary colleague he did not want to "grass on another cop".

An off-duty officer had reported that McKillion had been drink-driving.

But the court heard she did not reveal he was a serving officer because she feared the incident would not be dealt with properly if she had.

McKillion, who had been suffering from depression, tragically later hanged himself.

Airdrie sheriff Dickson told Carmichael: "We trust our police officers to be honest, fair and to treat everybody equally.

"You breached that trust and deliberately concealed facts that could have led to the arrest and prosecution of another police officer.

"That attitude is totally unacceptable and if ever condoned would lead to a corrupt force."

He said he hoped the cover-up of a criminal offence was a one-off. But in a stinging rebuke, the sheriff hit out: "I am seriously concerned that it is not.

"In her evidence, the off-duty police officer who reported the apparent drunk driver knew he was a serving police officer.

"She deliberately chose not to state his name or job because she was concerned that if she revealed that the driver was a police officer that her report would not be dealt with appropriately.

"That suggests that there may be a perceived culture that police officers are willing to prevent the

arrest and prosecution of a colleague.

"If that culture exists, then every superior officer and anybody involved in the training of the police must

ensure that it is stamped out forthwith."

Carmichael, who has nine years' service, was found guilty last month of wilful neglect of duty and violating the trust of the office of constable.

Sentencing the PC, the sheriff said: "I come to the opinion this was a total cover-up to protect a fellow police officer.

"You told your less experienced colleague that you didn't want to grass up a fellow cop. This was an attempt to prevent action against an officer suspected of having driven under the influence of alcohol.

"I cannot find any other way to dispose of this other than a custodial sentence."

During the three-day trial, the court had heard Carmichael and probationary officer

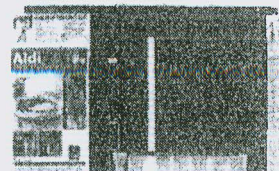
Justyna Niedzwiecka, 33, had gone to McKillion's home in Coatbridge in October 2012 to investigate a report of drink-driving.

Carmichael realised he knew the officer and did not ask him to take a breathalyser test, claiming he believed he didn't have sufficient evidence of an offence.

He radioed back to force control that there had been no answer at the door.

In evidence Carmichael confirmed McKillion had been in. He said: "He took three or four minutes to answer. I had just turned to leave when Justyna called

me back saying someone was coming down the stairs."





PC Niedzwiecka said she was shocked and "intimidated" by what happened. She told the court McKillion had come to the door and described him as "sleepy, drunk and confused".

She added: "He and Constable Carmichael knew each other and chatted about an operation they had been on."

"They were not best pals but clearly knew each other. We left the house and went back to the car and he told the controller there had been no reply at the

door. I was shocked and surprised as it was a lie.

"We sat in silence then I said, 'It stinks'. He replied, 'You don't want to grass on another cop or you have no future in the police if something like that happens.'"

She reported it later that day to a sergeant at Coatbridge police office.

McKillion had been reported to police by off-duty officer Detective Constable Janice Scott, 35.

She said she saw him in a shop in Coatbridge and recognised him as a fellow officer. DC Scott told the trial: "There was a smell of alcohol from him and his eyes were glazed. He left the store carrying a bottle of whisky. I saw Daryl driving his car."

Carmichael, in evidence, said: "It was a silly mistake and I wish it had never taken place. I'm human, I made the wrong decision. It was a lie."

McKillion later made a statement that he had been drinking, had been in the car 30 minutes before the officers arrived and was not breathalysed.

Outside court, defence advocate Joe Cahill said Carmichael would be appealing his conviction and sentence.

Carmichael is being investigated by the police professional standards department, who were represented in court for sentencing.

A Police Scotland spokeswoman said: "We are aware a custodial sentence was given to the officer. A report has been submitted for consideration by the deputy chief constable."

**We trust our police to treat everybody equally. You breached that trust**

SHERIFF DICKSON



**CONCERN** Sheriff Robert Dickson fears cover-ups



As drink-drive crackdown begins, law chief fears  
officers who commit crimes escape prosecution

# SHERIFF'S 'CORRUPT POLICE' WARNING

By Jonathan Brocklebank

A SHERIFF has voiced 'serious concern' about Scottish police corruption after jailing a PC who tried to save a colleague from drink-driving charges.

Constable David Carmichael was yesterday jailed for seven months for wilful neglect of duty.

The sentence was passed only hours after stringent new drink-driving laws came into force in Scotland.

But Sheriff Robert Dickson raised

fears that the legislation may not be applied fairly by police because of a 'perceived culture' of turning a blind eye to fellow officers' offending.

The actions of Carmichael, 41, will cause Police Scotland severe embarrassment.

Airdrie Sheriff Court had heard how  
**Turn to Page 4**

Ref: 93423964





Continued from Page One

Carmichael and a colleague had gone to the home of a motorist suspected of drink-driving. But when he realised the driver was fellow officer Daryl McKillion, Carmichael did not breathalyse him.

Instead he radioed the police control room and claimed there was no one at the house – then told his younger female colleague: 'You don't want to grass on another cop or you have no future in the police.'

After sentencing, Sheriff Dickson yesterday issued a clear and public warning to Police Scotland about corruption.

He said: 'I hope that this is a one-off instance of an officer concealing criminal activity. I am, however, seriously concerned that it is not.'

That concern, he said, arose from the fact that it was an off-duty officer who had reported McKillion for alleged drink-driving and had decided not to reveal his name and the fact that he was a serving officer.

Sheriff Dickson added: 'She did so because she was concerned that if she revealed that the driver was a police officer that her report would not be dealt with appropriately.'

'That suggests that there may be a perceived culture that police officers are willing to prevent the arrest and prosecution of a colleague. If that

culture exists then every superior officer and anybody involved in the training of the police must ensure that it is stamped out forthwith.'

Chief Superintendent Ellie Mitchell, head of professional standards at Police Scotland, said: 'Police officers are expected to maintain the highest professional standards of the organisation at all times, reflecting the service's values of integrity, fairness and respect.'

'Police Scotland deals robustly with all allegations of criminal activity, including criminal neglect of duty. I should reiterate that police officers or staff members who are involved in any criminal activity or face allegations of neglect of duty are in the minority and will absolutely not be tolerated by the service.'

'I am aware that a custodial sentence was given to this officer and a report has been submitted for consideration by the Deputy Chief Constable.'

Scottish Tory chief whip John Lamont said: 'It won't escape people's notice that, as a new drink-drive limit comes into force in Scotland, more details emerge of colluding police officers cheating that very process.'

A motion for interim liberation of Carmichael was refused by the Sheriff.

Speaking outside court, defence advocate Joe Cahill confirmed that his client would appeal both conviction and sentence.



Warning: Sheriff Robert Dickson

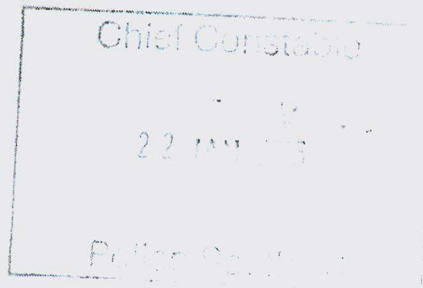
Ref: 93423964



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Airdrie  
ML6 6EE**

DX 570416 / LP 7

Our Ref:

19 January 2015

Your Ref:

**HMA v D CARMICHAEL**

I thank you for your letter of 12 January 2015 with enclosures and note what you write.

I have read the press articles which appeared in the Daily Mail and Daily Record which you have sent to me. They are in the same terms as the report attributed to the Daily Record which I accessed using "Google".

Assuming that the press reports are accurate, in my view Sheriff Dickson was entitled to draw from the facts before him that this cover-up may not have been a one-off incident. The off-duty detective who saw McKillion, apparently under the influence, driving away from a supermarket, deliberately chose not to state his name or job when she called the incident in, as she thought it would not be dealt with appropriately. She was clearly right to do so, in this case. The lead investigating officer recognised McKillion, chose not to breathalyse him, and radioed his control room to say there was no-one at the house. He then said to his younger colleague *"You don't want to grass on another cop or you will have no future in the police."* His colleague felt intimidated.

Taken together, this is ample evidence to support the Sheriff's remarks. He expressed concern that this might not be a one-off instance. He said *"there may be (emphasis mine) a perceived culture that police officers are willing to prevent the arrest and prosecution of a colleague."* He said that if such a culture exists, it required to be stamped out. In my view his remarks were neither 'sweeping' nor 'unsubstantiated'. They were carefully phrased expressions of concern, justified by the evidence in the case before him.

Moreover, Sheriff Dickson was commenting in his capacity as a judge on evidence led before him, in a case likely to raise considerable public concern. This he was entitled to



right, and a duty, to state them, in order that public confidence in the judicial system is not further damaged. To suggest otherwise fails to recognise the role of the judiciary. The integrity of the police force is not merely a matter of concern to senior police officers but to us all.

For these reasons, as Sheriff Principal I do not propose to take any action in this case. However, I think it is important that the Lord President is aware of this exchange of correspondence and I am accordingly forwarding a copy to him.

I have set out my views in this letter. While I am always happy to meet you to discuss any matter of common interest, I do not think in this instance it would be of assistance.

*Yours sincerely,*



SHERIFF PRINCIPAL B A LOCKHART

Date: 2 February 2015

Your Ref:

Our Ref: CC/AS 0123.15

Sheriff Principal Brian A Lockhart  
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**HMA VERSUS D CARMICHAEL**

Thank you for your letter of 19 January in response to mine of 12 January.

I appreciate your further consideration of the matters raised in my letters, and your forwarding of our exchanges of correspondence to the Lord President, so he is aware. We continue to have a difference of opinion about the appropriateness of Sheriff Dickson's comments arising from this case, and that will not change. My position remains that the evidence in this isolated case did not justify any inference that there is, or may be, a widespread culture of corruption and cover-ups, to protect fellow officers, within Police Scotland.

I agree with your position that a meeting to explore this issue further is unlikely to be of assistance, but again, thank you for considering this matter.

Yours sincerely

Sir Stephen House QPM  
Chief Constable

scotland.police.uk @PoliceScotland PoliceScotland