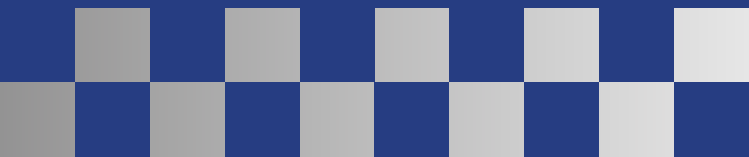




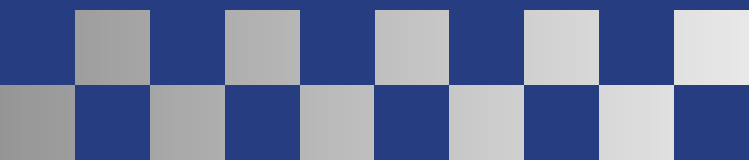
A guide for complaints about the police

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

The Scottish police service 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 a police force or other police organisation 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 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 a police force, a police officer or one of the policing bodies listed in this leaflet you may:

- write, phone or email the police force or police organisation concerned
- if it concerns your police force, 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 force may have broken the law, 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 Area Procurator Fiscal (APF). If you do not have confidence in reporting this to the police you can contact the APF direct, who will ask for a report from the police force concerned.

If you wish to make a complaint about the conduct of a senior police officer: an Assistant Chief Constable, Deputy Chief Constable or Chief Constable, you should contact the relevant police authority for the force concerned.

Wherever possible it is best to put your complaint in writing. 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 will 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, 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 and telephone numbers
- include the names and addresses of any witnesses (if you have them)
- provide the name or identification 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 a police force or member of the police. Procedures in other police organisations may vary and the organisation involved will be able to answer any questions you may have. You can also find out more information about a police organisation's complaints procedure from its website, these details are at the back of this leaflet.

Resolving straightforward complaints

Normally a supervisor or senior officer unconnected with your complaint from your local area will 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 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, often an explanation from a 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 formal complaints

If matters are not concluded informally at that stage, your complaint may be referred to a supervisor or senior member of the police force 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 can give their account of events.

A report will then be prepared and passed to the person with overall responsibility for the type of complaint concerned.

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 prevent the same thing happening again
- to offer you an apology
- that those involved require training, counselling or advice to improve their performance. In some circumstances this could involve the force's internal disciplinary procedures

If your complaint is not about an individual, the person with overall responsibility 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 is entirely independent of the police and investigates allegations of criminal conduct in the public interest.

Where someone alleges that a member of the force 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 force to the APF. The force will write to you to advise you that the matter has been referred. The usual practice is that an officer of the rank of Inspector or above, who is independent of the circumstances that gave rise to the complaint, will investigate the complaint at the instigation of the APF and provide a full report to them.

Allegations of criminality against a member of the police who was off duty when the incident occurred are, if appropriate, reported to the Procurator Fiscal for the district 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 the APF or someone from the Procurator Fiscal Service 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 the APF to assess the strength of the evidence, you may be asked to go to the Procurator Fiscal's office and speak to someone there.

After looking into the case the APF will decide whether or not to report the case to the Crown Office (the headquarters of the Fiscal Service).

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

Crown Counsel (senior independent prosecution lawyers) will consider the case and decide whether to prosecute. The Area Procurator Fiscal's office will let you know what Crown Counsel decide. Police officers and other members of a force 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, therefore you and any other witnesses may have to attend 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 APF will let you know if this is the case and will then refer the matter back to the force 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 the APF, you will receive a letter from the senior person in the police force or organisation responsible for overseeing your type of complaint, once all the 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.

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 force concerned. If your complaint has led to criminal proceedings, any decision to continue with the investigation or proceedings rests with the Crown Office and Procurator Fiscal Service.

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 a police force or police organisation 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 force, you may in the first instance advise the police of this. If you remain dissatisfied with the way your complaint was dealt with or the conclusions reached by a police force or police organisation in Scotland, you may refer that complaint to the Police Complaints Commissioner for Scotland (PCCS).

Police Complaints Commissioner for Scotland

Hamilton House,
Hamilton Business Park,
Caird Park,
Hamilton ML3 0QA
Freephone 0808 178 5577
enquiries@pcc-scotland.org
www.pcc-scotland.org

The Commissioner's role is to impartially review the manner in which a police organisation handled a complaint. He will look at how the police organisation reached its conclusions by reviewing the evidence and come to a view on whether the conclusions were reasonable.

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 or, conduct an additional investigation into a complaint. If the Commissioner is not satisfied with the way a complaint was dealt with overall, he can require a reconsideration of the complaint and give direction as to how that reconsideration is conducted.

The Commissioner cannot consider any allegation that infers a criminal act as that remains a matter for the Crown Office and Procurator Fiscal Service.

Police forces

Central Scotland Police

Randolphfield, Stirling FK8 2HD
Tel: 01786 456000
www.centuralscotland.police.uk

Dumfries & Galloway Constabulary

Cornwall Mount, Dumfries DG1 1PZ
Tel: 0845 600 5701
www.dumfriesandgalloway.police.uk

Fife Constabulary

Detroit Road, Glenrothes KY6 2RJ
Tel: 0845 600 5702
www.fife.police.uk

Grampian Police

Queen Street, Aberdeen AB10 1ZA

Tel: 0845 600 5700

www.grampian.police.uk

Lothian & Borders Police

Fettes Avenue, Edinburgh EH4 1RB

Tel: 0131 311 3131

www.lbp.police.uk

Northern Constabulary

Old Perth Road, Inverness IV2 3SY

Tel: 01463 715555

www.northern.police.uk

Strathclyde Police

173 Pitt Street, Glasgow G2 4JS

Tel: 0141 532 2000

www.strathclyde.police.uk

Tayside Police

West Bell Street, Dundee DD1 9JU

Tel: 0300 111 2222

www.tayside.police.uk

Police authorities

Central Scotland Joint Police Board

Falkirk Council, Municipal Buildings

Falkirk FK1 5RS

Tel: 01324 506078

Dumfries & Galloway Police and Fire and Rescue Authority

Dumfries & Galloway Council, English Street

Dumfries DG1 2DD

Tel: 01387 260031

Fife Police, Fire and Safety Committee

Fife House, North Street, Glenrothes Fife KY7 5LT

Tel: 08451 555 555 Ext: 442180

Grampian Joint Police Board

Aberdeen City Council, Town House

Aberdeen AB10 1AQ

Tel: 01224 523031

Lothian & Borders Joint Police Board

City of Edinburgh Council, Waverley Court
4 East Market Street, Edinburgh EH1 1DE
Tel: 0131 469 3002

Northern Joint Police Board

Council Headquarters, Glenurquhart Road
Inverness IV3 5NX
Tel: 01463 702123

Strathclyde Police Authority

Glasgow City Council, City Chambers
Glasgow G2 1DU
Tel: 0141 287 4167

Tayside Joint Police Board

Angus Council, Angus House
Orchardbank, Forfar DD8 1AN
Tel: 01307 476265

Scottish bodies

Crown Office and Procurator Fiscal Service

25 Chambers Street, Edinburgh EH1 1LA
Tel: 0131 226 2626

Scottish Crime & Drug Enforcement Agency

Osprey House, Inchinnan Road
Renfrew PA3 2RE
0141 302 1000

The Scottish Government

St Andrew's House, Regent Road
Edinburgh EH1 3DG
Tel: 08457 741741

Scottish Police Services Authority

Elphinstone House, 65 West Regent Street
Glasgow G2 2AF
Tel: 0141 585 8300

UK bodies

British Transport Police

Force HQ, 25 Camden Road, London NW1 9LN

Tel: 0207 830 8879

Civil Nuclear Constabulary

Culham Science Centre, Abingdon

Oxfordshire OX14 3DB

Tel: 01235 466720

Ministry of Defence Police

Wethersfield, Braintree, Essex CM7 4AZ

Tel: 01371 854305

Serious Organised Crime Agency

PO Box 8000, London SE11 5EN

Tel: 0207 238 2626

UK Border Agency

Festival Court, 200 Brand Street Govan

Glasgow G51 1DH

Tel: 0870 606 7766

This document is intended as a guide and does not cover every detail.

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

This document 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.



Police Complaints Commissioner
for Scotland



CROWN OFFICE AND
PROCURATOR FISCAL SERVICE



ASSOCIATION OF CHIEF POLICE OFFICERS IN SCOTLAND