

Report of a Complaint Handling Review in relation to Police Scotland

Index

1. **Role of the PIRC**
2. **Key findings**
3. **Background**
4. **The Review**
5. **Conclusions**

1. Role of the PIRC

Sections 34 and 35 of the Police, Public Order and Criminal Justice (Scotland) Act 2006 (“the Act”) provide that the Police Investigations and Review Commissioner (“the PIRC”) may examine the manner in which particular kinds of complaints are dealt with by Police Scotland and the Scottish Police Authority. Through agreements with UK police bodies operating in Scotland, the PIRC may also examine the manner in which these bodies deal with complaints. The PIRC cannot review complaints of criminal behaviour against police officers or police staff, or complaints made by persons serving, or who have served with the police, about the terms and conditions of their service.

In performing this review function, the PIRC obtains information from the police body which dealt with the complaint. This information is considered together with information provided by the person who made the complaint (“the applicant”). An assessment is then made as to whether in all the circumstances the complaint was dealt with to a reasonable standard. Among the factors taken into account when making this assessment are the following:

- whether sufficient enquiries into the complaint have been carried out by the policing body;
- whether the policing body’s response to the complaint is supported by all material information available;
- whether in dealing with the complaint the policing body has adhered to all relevant policies, procedures and legal provisions;
- whether the policing body’s response to the complaint is adequately reasoned; and
- where the complaint has resulted in the policing body identifying measures necessary to improve its service, whether these measures are adequate and have been implemented.

2. Key findings

The complaints in this case arose when the applicant failed the vetting element of the Police Scotland recruitment process. Two complaints were reviewed, namely:

- 1) that between 2012 and 2015, Mr A manipulated police systems to create false intelligence about the applicant; and,
- 2) that between 2012 and 2015, Mr B manipulated police systems to create false intelligence about the applicant.

The review found that neither complaint was dealt with to a reasonable standard. A recommendation was made in this connection.

3. Background

The applicant is a former Royal Military Police (RMP) Officer. During 2012 to 2014, he was posted to a Territorial Army Unit in Scotland. Mr A and Mr B are army reservists with that unit and are also serving police officers. The applicant states that there was “animosity” between him and members of the Territorial Army. He was the subject of complaints which he considers to have been malicious. These were investigated by RMP supervisors and no complaints against the applicant were upheld. He subsequently accepted a posting in another area.

In March 2015 the applicant applied to join Police Scotland. After successfully progressing to an advanced stage in the recruitment process, he was informed in September 2015 that he had failed police vetting and could no longer be considered for employment. At the applicant’s request, a review of his vetting outcome was carried out. The original result was upheld and the applicant was informed that Police Scotland held intelligence about him that had been taken into account during the vetting process.

The applicant submitted complaints about the police on 17 June 2016. Sergeant C was appointed to investigate his concerns and met with him on 7 July 2016 when a statement of complaint was noted. A second statement was noted on 2 August 2016 and the Police Scotland Heads of Complaint form was also completed on that date. Chief Inspector D responded to the applicant’s complaints by letter of 6 December 2016.

4. The Review

Complaints 1 and 2

The applicant complains that, between 2012 and 2015, Mr A and Mr B of Police Scotland manipulated police systems to create false intelligence, which jeopardised the applicant’s future employment within Police Scotland. In support of his position, the applicant noted in his statement of 7 July 2016 that a third officer (Mr E) informed him that Mr A had approached him whilst at work and stated that he had submitted intelligence about the applicant to “avoid [the applicant] getting into the police”.

Police Handling of Complaint 1

Chief Inspector D provided the following response:

“.....You informed the investigating officers that after you applied to Police Scotland, [Mr E] a serving member of Police Scotland, advised you that he had been approached while at work by [Mr A], also a serving member of Police Scotland. [Mr A] is alleged to have stated to [Mr E] that he had heard that you had applied to join the Police and had submitted SID intelligence about you to avoid you getting into the Police.

You explained to the investigating officers that you were offered a subsequent meeting with Police Scotland's Vetting Manager during which you were informed that Police Scotland held information about you and that this had been taken into account during your vetting. Police Scotland's Vetting Manager advised you that he could not disclose the content of this information to you.

You advised the investigating officers that because of previous animosity between yourself and [Mr A], the information given to you by [Mr E] and the aforementioned internal RMP investigation, you gained the opinion and suspicion that [Mr A] had been the author and/or source of the intelligence.

Investigation has been conducted in relation to this allegation. There was no evidence found during the investigation that supported your suspicion that [Mr A] had manipulated police systems to create false intelligence and he in no way impacted on any decision made about you during the vetting process. As such, I do not uphold this allegation.

Police Handling of Complaint 2

Chief Inspector D provided the following response:

".....You advised the investigating officers that because of previous animosity between yourself and [Mr B], the information given to you by [Mr E] (Allegation 1) and the aforementioned internal RMP investigation, you gained the opinion and suspicion that [Mr B] had been the author and/or source of the intelligence.

Investigation has been conducted in relation to this allegation. There was no evidence found during the investigation that supported your suspicion that [Mr B] had manipulated police systems to create false intelligence and he in no way impacted on any decision made about you during the vetting process. As such, I do not uphold this allegation.

Consideration of Complaints 1 and 2

During the complaint investigation, Mr A and Mr B provided statements in which they deny the allegation made by the applicant. Mr A did not comment on whether he informed Mr E that he had submitted intelligence about the applicant, and Mr E was not asked to provide a statement to clarify this point.

The complaint response stated that "*investigation had been conducted in relation to the allegation*" however did not explain to the applicant what the scope of that investigation was. Furthermore, Police Scotland did not clarify with the applicant what he meant by "*police systems*" and did not clarify in the response what it considered police systems to be. In this case, police systems could potentially go beyond physical information databases and instead refer to processes and procedures.

Therefore, to fully address the applicant's concerns that Mr A and Mr B may have manipulated police systems, the complaint investigation should have clearly established:

- a) whether Mr A informed Mr E that he had submitted intelligence about the applicant;
- b) whether Mr A or Mr B submitted intelligence about the applicant;
- c) whether any other officer obtained information about the applicant from Mr A or Mr B which they submitted onto police systems;
- d) whether any intelligence received about the applicant was separately assessed, found to meet the standard grounds for the recording and dissemination of intelligence material (e.g. the prevention and detection of crime or in the interests of national security) and properly recorded onto police systems in accordance with the provisions of the Human Rights Act 1998 and the Data Protection Act 1998.

As the complaint investigation did not fully explore each of the points noted above, it is concluded that insufficient enquiry was carried out into the applicant's complaints. Accordingly it is concluded that the complaints were not dealt with to a reasonable standard. It is recommended that a statement be obtained from Mr E to confirm whether he was informed by Mr A that he had submitted intelligence about the applicant. Statements should also be noted from any other officer who provided information about the applicant to establish the source of that information. A further response should thereafter be issued to the applicant that clearly explains any conclusion reached, and which is fully supported by the additional information gathered.

5. Conclusions

Complaints 1 and 2

It is concluded that these complaints were not dealt with to a reasonable standard. It is recommended that a statement be obtained from Mr E to confirm whether he was informed by Mr A that he had submitted intelligence about the applicant. Statements should also be noted from any other officer who provided information about the applicant to establish the source of that information. A further response should thereafter be issued to the applicant that clearly explains any conclusion reached, and which is fully supported by the additional information gathered.

Lynn McCord
Review Officer

Jacqui Jeffrey
Senior Review Officer