

COMPLAINTS ABOUT THE POLICE

This leaflet explains
what to
do if you want to
make a
complaint about
the police in
Scotland.

It also explains
how these
complaints are
dealt with.



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SCOTTISH EXECUTIVE

How can I make a complaint?

If you think a police force or other police organisation has not performed as you expected, or if you think a member of the police service has behaved wrongly or has committed an offence, you may wish to make a complaint.

If your complaint is about a police force or a member of a police force:

- ✓ Write to the Chief Constable of the police force concerned, or
- ✓ Give the details at any police station (or to any police officer), or
- ✓ Ask a solicitor, your MSP or your local councillor to take the matter up with the Chief Constable on your behalf, or
- ✓ Contact the Area Procurator Fiscal if it appears a member of the force may have broken the law, or
- ✓ Speak to someone at the Citizens Advice Bureau who will also be able to give you the names and addresses of the people or places mentioned in this leaflet.

If your complaint is about a police organisation that is not one of the eight police forces (for example the Scottish Crime and Drug Enforcement Agency):

- ✓ Write to the head of that organisation, seeking help if need be from a solicitor, MSP, councillor or Citizens Advice as above.

What should I say?

- ✓ Say as much as you can about your complaint.
- ✓ Describe what happened.
- ✓ Say where and when the incident or cause for complaint took place.
- ✓ Give the names and addresses of any witnesses (if you have them).
- ✓ Give the name or identification of any member(s) of the organisation concerned (if known and relevant).

What happens then?

The following explanation describes what happens when the complaint is about a police force. Procedures in other police organisations will be similar in some ways but may be different in others. The organisation involved will be able to answer any questions you may have about this.

Normally a senior officer from your local area will visit or telephone to explain the complaints procedure and to give you the opportunity to discuss your complaint. When relevant, the senior officer will try to explain why a certain course of action was taken, if it appears that the action was reasonable. Experience has shown that many people are unaware of the extent of police functions and responsibilities or of the reasons why certain actions are necessary. Sometimes an explanation from a senior officer can help.

If you are satisfied with the explanation given, 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. A record will be maintained of what has taken place.

Any allegation of criminal conduct would not be resolved by explanation.

Who will deal with my complaint?

If matters are not concluded at that stage, your complaint may be considered by a senior member of the police force concerned. In cases of alleged misconduct, an investigation will be conducted by a senior police officer unconnected with your case.

How will my complaint be dealt with?

The person dealing with your complaint may talk to:

- You;
- Any witnesses or other people who have relevant information about the complaint;
- Any member(s) of staff you have complained about (if relevant).

The person dealing with your complaint will then report to the post-holder with overall responsibility for the type of complaint concerned. For complaints alleging misconduct this will be the Deputy Chief Constable or some

designated officer reporting directly to the Deputy. For other types of complaint the responsible post-holder will usually be the head of the division, command unit/area or department concerned.

At this stage, for complaints alleging misconduct, the Deputy Chief Constable or other designated officer can:

- Decide, after considering the investigating officer's report, that no formal action is needed and that the matter has been, or will be, concluded by explanation to you; or
- Require further investigation; or
- Deal with any relevant member(s) of the force under the misconduct or disciplinary procedures; or
- If it appears that any member(s) of the force may have broken the law, the case must be referred to the Area Procurator Fiscal.

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

Whatever action is taken, you will be told by the force as soon as possible.

The Area Procurator Fiscal

The Procurator Fiscal Service is entirely independent of the police and investigates allegations of criminal conduct in the public interest. Where the complainer alleges that a member of the force whilst **on duty** has committed a crime, this will be investigated by the Area Procurator Fiscal for the district in which the crime is alleged to have occurred. The Area Procurator Fiscal may deal with the matter personally or may delegate the investigation to an experienced depute to act on his/her behalf and report to him/her. **Off-duty** allegations of criminality against a member of a police force are, if appropriate, reported to the Procurator Fiscal for the district where the alleged act occurred. The Procurator Fiscal will then decide what action, if any, is appropriate in the circumstances.

Criminal allegations

On receipt of a report from the police the Area Procurator Fiscal will:

- Check the evidence;
- Have someone from the Procurator Fiscal Service contact you;
- Consider what further enquiry is necessary.

Your information is needed by the Area Procurator Fiscal to assess the strength of the evidence against the member(s) of the force concerned. You may be asked to go

to the Procurator Fiscal's office and speak to someone there.

After looking into the case the Area Procurator Fiscal 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 not reported to the Crown Office?

If the case is not reported to the Crown Office that means that no criminal proceedings will be taken. **The Area Procurator Fiscal will let you know that there are to be no criminal proceedings.** The Area Procurator Fiscal will also refer the matter back to the force and it is for the force to decide whether any action needs to be taken internally.

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

Crown Counsel (senior prosecution lawyers) will consider the case and will **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 court to give evidence.

Misconduct/disciplinary procedures

The member(s) of a force complained about may not have committed a criminal offence but may have behaved in a fashion considered inappropriate. In these circumstances the individual may, if appropriate, be dealt with in a number of ways including formal misconduct/disciplinary measures.

What happens if I want to withdraw my complaint?

Wherever possible, 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 any proceedings will rest with the Crown Office and Procurator Fiscal Service.

How do I complain about a senior police officer?

If you wish to make a complaint about the conduct of an Assistant Chief Constable, Deputy Chief Constable or Chief Constable, you should contact the relevant police authority for the force concerned. Details of whom and where to write to are available at the back of this leaflet, in local libraries, Citizens Advice Bureaux or by contacting the force concerned.

Malicious complaints

Anyone who knowingly makes a false complaint about a member of a police force or police organisation may be prosecuted by the Procurator Fiscal (and may be liable to civil action by the person complained about).

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

If your complaint is not one of those which is dealt with wholly by the Area Procurator Fiscal (see above), you can expect to receive a written communication 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 do I do if I am not satisfied with the way the police handled my complaint?

If you are dissatisfied with the manner in which a police force or police organisation in Scotland has dealt with your complaint, you may refer that complaint to the Police Complaints Commissioner for Scotland (PCCS).

Police Complaints Commissioner for
Scotland
PO Box 26300
Hamilton
ML3 3AR

Freephone 0808 178 5577
enquiries@pcc-scotland.org
www.pcc-scotland.org

The role of the Commissioner is to review the manner in which a police force handled that complaint. Depending on the outcome of this review, the Commissioner may require a reconsideration of the case and give direction as to how that reconsideration is conducted.

The Commissioner, however, 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

Dumfries & Galloway Constabulary

Cornwall Mount, Dumfries DG1 1PZ

Tel: 01387 252112

Fife Constabulary

Detroit Road, Glenrothes KY6 2RG

Tel: 01592 418888

Grampian Police

Queen Street, Aberdeen AB10 1ZA

Tel: 0845 600 5700

Lothian & Borders Police

Fettes Avenue, Edinburgh EH4 1RB

Tel: 0131 311 3131

Northern Constabulary

Old Perth Road, Inverness IV2 3SY

Tel: 01463 715555

Strathclyde Police

173 Pitt Street, Glasgow G2 4JS

Tel: 0141 532 2000

Tayside Police

PO Box 59, 4 West Bell Street

Dundee DD1 9JU

Tel: 01382 223200

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 260001

Fife Council Community Safety Committee

Fife House, North Street, Glenrothes
Fife KY7 5LT
Tel: 01592 416303

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

Highland Council, Glenurquhart Road
Inverness IV3 5NX
Tel: 01463 702012

Strathclyde Joint Police Board

Room 64, 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 Executive

St Andrew's House, Regent Road

Edinburgh EH1 3DG

Tel: 08457 741741

Scottish Police Services Authority

Tel: 0141 582 1103

UK bodies

British Transport Police

90 Cowcaddens Road, Glasgow G4 0LU

Tel: 0800 405040

Civil Nuclear Constabulary

Culham Science Centre, Abingdon

Oxfordshire OX14 3DB

Tel: 01235 466755

Ministry of Defence Police

Wethersfield, Braintree, Essex CM7 4AZ

Tel: 01371 854000

Serious Organised Crime Agency

PO Box 8000, London SE11 5EN

Tel: 0870 734 6138

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.



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www.scotland.gov.uk

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