

INSPECTORATE OF PROSECUTION
COMPLAINTS AGAINST THE POLICE

EXECUTIVE SUMMARY

The Inspectorate of Prosecution is charged by statute to inspect or arrange for the inspection of the Crown Office and Procurator Fiscal Service and does so by a mixture of Office Inspections and Thematic Reports.

This is the fifth thematic report. All reports can be viewed on the Inspectorate's website at www.scotland.gov.uk/topics/justice/ipis.

The remit for this report was ~

“To examine the quality of investigation and decision making in a random sample of complaints against the police including compliance with Crown Office policy and procedures in investigating such complaints as laid down in the various policy documents approved by the Lord Advocate and, if appropriate, to make recommendations.”

It was agreed that the inspection would be limited to the 4 Strathclyde Procurator Fiscal Areas which together receive over 50% of all cases in Scotland.

The methodology was to examine case papers from all 4 Area Offices and assess them against a checklist of core policies and targets. In the event 369 individual cases were reviewed. Findings were identified separately for all 4 Areas.

GLASGOW

Glasgow had a discrete unit dealing with complaints consisting of a mix of legal, paralegal and administrative staff.

A feature of Glasgow was the high level of withdrawal of complaints (56%). Overall, compliance with policy and targets in Glasgow was very high. Of the cases examined 97% were completed within 12 weeks (the target being 90% in 12 weeks) although that fell to 77% for a full year's figures.

LANARKSHIRE

The Lanarkshire Area had a dedicated legal member of staff based in Hamilton to deal with complaints. 37% of complaints were withdrawn at an early stage by complainers. Overall, compliance with policy and targets was high. Of the cases examined 92% were completed within 12 weeks which again fell slightly for a full year's work to 89%.

AYRSHIRE

In Ayrshire the Area Fiscal dealt personally with complaints. 32% of complaints were withdrawn at an early stage with some information being available for the reason for withdrawal. Overall, compliance with policy and targets was high with 95% of the cases examined completed within 12 weeks, 94% for a full year's work.

ARGYLL AND CLYDE

The bulk of complaints in Argyll and Clyde were dealt with personally by the Area Fiscal who was in favour of a pan-Strathclyde complaints unit which would mirror the Police arrangement. Only 15% of complainers withdrew their complaints (although the sample here was small). Overall compliance with policy and targets was high with 78% of the cases examined being completed within 12 weeks which rose to 92% for a full year's work.

GENERAL CONCLUSIONS

- 1 Overall compliance with policy and targets was very high.
- 2 District (as opposed to Area) Fiscals were not always aware of complaints in their districts.
- 3 The high level of withdrawals was a feature ranging from 15 to 56%.
- 4 Videos were infrequently shown to complainers.
- 5 The standard departmental leaflet was not routinely used although other methods of communicating the relevant information were used.
- 6 There were apparent variations in the percentage of cases reported by Area Fiscals to Crown Office for further instruction as this was based on interpretation of the word "substance".
- 7 There was an obvious appetite for change and development of the system and we accordingly recommend a fundamental review of policy and practice in this area.

Joseph T O'Donnell
HM Chief Inspector
January 2008