

## **Call for evidence**

# **Justice Sub-Committee on Policing - Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing**

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The Scottish Human Rights Commission was established by the Scottish Commission for Human Rights Act 2006, and formed in 2008. The Commission is the National Human Rights Institution for Scotland and is independent of the Scottish Government and Parliament in the exercise of its functions. The Commission has a general duty to promote human rights and a series of specific powers to protect human rights for everyone in Scotland.

[www.scottishhumanrights.com](http://www.scottishhumanrights.com)

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1. On 11 November 2020, Dame Elish Angiolini published the final report of the Independent Review of Complaints Handling, Investigations and Misconduct Issues in Relation to Policing. The report includes a number of recommendations for changes to legislation, policy, practice, as well as roles and responsibilities of law enforcement agencies.

2. The Commission welcomes the final report as it reflects its concerns, which were raised during the post-legislative scrutiny of the Police and Fire Reform (Scotland) Act 2012<sup>1</sup> and our discussion with the Independent Review. We welcome the emphasis placed on human rights and the need for:

a. Statutory Code of Ethics, which sets out the standards expected of all of those who contribute to policing in Scotland and expressly references human rights, should be incorporated into law.

b. Compulsory reporting of deaths - All deaths and serious injuries in police custody, deaths following police conduct and other serious criminal allegations against the police, should be reported to the Independent Procurator Fiscal.

c. Meaningful victim involvement and constructive engagement with complainers must be supported. To facilitate this the report recommends access to free, non-means tested legal advice, assistance and representation for the immediate family of someone who died in custody, from the earliest point following the death and throughout any subsequent Fatal - Accident Inquiry or Public Inquiry.

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<sup>1</sup> For a further discussion on this see:  
[https://www.parliament.scot/S5\\_JusticeCommittee/Inquiries/PFR-SHRC.pdf](https://www.parliament.scot/S5_JusticeCommittee/Inquiries/PFR-SHRC.pdf)

d. Greater powers for the Independent Police Investigations and Review Commissioner (“PIRC”) to improve independence and public confidence.

4. Dame Elish Angiolini’s Report addresses the existing imbalances of the complaints process and sets out the requirements for human rights based complaints system which will ultimately protect lives and increase public confidence in policing.

End.