



SCOTTISH POLICE FEDERATION

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Commissioner Frame
Police Investigations & Review Commissioner
Hamilton House
Hamilton Business Park
Caird Park
HAMILTON
ML3 0QA

Ref: CS/KB

21 May 2017

By email: [REDACTED]

Dear Commissioner Frame

Your letter 18th May refers.

As you will recall I previously advised I would respond in the fullness of time and regret that after initially slipping my mind, recent sustained work demand has seen this drop down the list of priorities. I apologise for any inconvenience this may have caused.

That being said, I find the approach you convey to be utterly bizarre and typical of my experiences with senior police officers when general concerns about conduct are raised. The approach of "identify specifics in order to address the generalities" is one I find is utilised whenever a culture of denial prevails in any organisation. I regret that it appears to me this culture exists within PIRC and given your comments "I advise that any future claims by you in this regard, will be robustly refuted, unless you provide substantive evidence to the contrary," with you in particular.

As you well know many police officers do not like to put their heads above the proverbial parapet and it is for those reasons they share concerns with their staff association. It appears to me that you seem to labour under the misapprehension that criticism of PIRC is a personal crusade of mine, rather than being illustrative of the numerous concerns shared with the Scottish Police Federation (SPF). I can assure you that if this is your belief, you could not be more wrong. Whilst it is a matter entirely for you, your apparent disdain for me personally, as expressed in your disappointment to one of my colleagues that I was not due to retire, is not something that causes me one iota of angst. I can't help but conclude however that it clouds your judgement when the SPF raises concerns about PIRC.

It is worth emphasising that expressions of criticism of PIRC from members are reducing, and evidence of some of the behaviours and actions listed in the following paragraphs are far less prevalent than in the past. However and in order to satisfy the content of your correspondence and whilst maintaining the confidentiality of my members, I will advise of the following:-

In the investigation into the Death of Sheku Bayoh;

- NO approach was made by PIRC investigators TO THE OFFICERS to provide statements in the first 32 days of the inquiry and any suggestion to the contrary is demonstrably false
- Personal information supplied by officers to PIRC investigators only, subsequently appeared in national newspapers
- Information that the officers supplied to PIRC that they suspected they might have been dealing with a suspected terrorist incident was conveyed to representatives of the Bayoh family
- Officers were routinely questioned on the content of their privileged discussions and advice from lawyers
- Some of the police officers were interrogated like suspects and not treated as witnesses
- Officers who sought to rely on information they had saved on their phones were threatened that if they did so, their phones would be seized
- Some interviews were exceptionally lengthy (9 hours plus) and allowed on the briefest of breaks
- In some cases the WITNESSES were accompanied wherever they went during these breaks
- One officer was frequently encouraged to "have a guess" on elements of detail on which (s)he was unsure or couldn't recall
- There was no consideration that at least one officer was the victim of a serious crime and deserved to be treated as such
- This victim was interrogated like a suspect
- [REDACTED]
- [REDACTED]
- Despite advising (s)he was unwell there was a reluctance with PIRC investigators to terminate the "interview"
- Investigators made inappropriate jokes during the "interview" with the victim
- An insinuation was made that the victim may have photo-shopped pictures of the injuries (s)he sustained
- A threat was made to seize the victim's phone
- The victim was made to feel like a liar
- Investigators failed to notify police officers of their rights under the Police Service of Scotland (Conduct) Regulations if, as it appeared, PIRC investigators implied misconduct on their part

- PIRC declined an invitation to speak to an investigator appointed by the officer's legal representative in order that relevant information, including that of numerous witnesses the PIRC investigation did not identify, could be shared
- PIRC appeared to have no interest in investigating the FULL circumstances of the events leading up to the death of Mr Bayoh and in particular the actions of and information known by Collette Bell and Zahid Saeed
- PIRC appears to have shared information with Mr Aamer Anwar without consideration of a potential conflict in his representation of Mr Saeed

On the general subject of deaths following police contact;

- PIRC investigators regularly seek to seize the clothing and footwear of the officers involved.

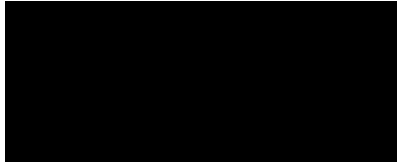
As an aside it would be interesting to learn how many of the items seized from police officers are ever subjected to forensic examination and what if any evidential value this proves to have. In light of your previous comments that PIRC is not answerable to the SPF (not that we ever suggested you were) I do not anticipate or expect any reply to this point.

- [REDACTED]
- [REDACTED]
- [REDACTED]

Whilst I appreciate you will act or otherwise as you see fit in respect of what I have laid out above, I should make clear these are but a flavour of some of the concerns raised with the SPF. The fact some of these incidents and/or practices occurred after my evidence session to the Scottish Parliament, suggests either that you sought to take no proactive steps to assure yourself PIRC investigators were beyond reproach, or that having done so you saw nothing wrong with your processes. Whichever is true, the conclusion can only be one of an organisation in denial about how it treats police officers during investigations.

In light of your enthusiasm for sharing correspondence publicly, a sentiment you alluded to previously, I should make clear once again that I have absolutely no objection to you doing likewise with my response.

Yours faithfully



Calum Steele
General Secretary