

Criminal Justice Committee  
Wednesday 17 April 2024  
14th Meeting, 2024 (Session 6)

## Police (Ethics, Conduct and Scrutiny) (Scotland) Bill

### Note by the clerk

#### Background

1. The Committee is taking evidence on the [Police \(Ethics, Conduct and Scrutiny\) \(Scotland\) Bill](#) at [Stage 1 of the Parliament's legislative process](#).
2. The Bill proposes changes to the law to, in the view of the Scottish Government, ensure there are robust, clear and transparent mechanisms in place for investigating complaints, allegations of misconduct, or other issues of concern in relation to the conduct of police officers in Scotland.
3. The Committee expects to take Stage 1 evidence on the Bill from 17 April until the end of May 2024.

#### Today's evidence on the Bill

4. At today's meeting, the Committee will take evidence from three panels of witnesses. These witnesses are members of the public who have made complaints about the police service.

##### Panel 1

- **Stephanie Bonner**

5. The following submission has been provided to the Committee for Panel 1 and is reproduced at the Annex—
  - [Alex O'Kane](#) (on behalf of Stephanie Bonner)

##### Panel 2

- **Bill Johnstone**

##### Panel 3

- **Magdalene Robertson**

6. The Committee will also be speaking to members of the public informally. A note of the main discussion points from these meetings will be published in due course.

#### Further reading

7. The Bill and supporting documents [can be found online](#).

8. A SPICe briefing on the Bill [can be found online](#).
9. The responses to the Committee's call for views on the Bill [can be found online](#).
10. A [SPICe analysis of the call for views](#) was circulated with the committee papers for the meeting on 13 March 2024.
11. A [briefing](#) on the background to the Police (Ethics, Conduct & Scrutiny) (Scotland) Bill and a review of police complaints systems in other jurisdictions was published in 2023.

**Clerks to the Committee  
April 2024**

## **Annexe: submission from Alex O’Kane on behalf of Stephanie Bonner**

### **Introduction**

I felt compelled to contact the Scottish Parliament Petitions Committee to request that they consider my petition regarding "unexplained deaths" and the way that Police Scotland treat the families of those impacted by unexplained deaths after representing Stephanie Bonner and seeing the difficulties she faced and the way she was treated by Police Scotland after the unexplained death of her teenage son Rhys Bonner.

Details of my petition can be found here: [PE1948: Improve the way that unexplained deaths are dealt with.](#)

The Scottish Parliament Petitions Committee heard compelling and palpable first-hand testimony from Stephanie Bonner which set out her journey and experiences from the day her nineteen-year-old son Rhys Bonner’s half-naked body was discovered in open land in August 2019 to the time of giving evidence to the Petitions Committee on 22 February 2023. The cause of his death was unascertained which is more commonly known as an unexplained death.

The Scottish Parliament Petitions Committee carefully considered the concerns which were raised during the said petition<sup>1</sup> and made arrangements for this written submission to be presented to the Criminal Justice Committee for their consideration as they may find some of this useful with their work on the Police (Ethics, Conduct and Scrutiny) (Scotland) Bill.

1. When there is an unexplained death it's important that the police communicate truthfully and openly with the victim's family. In Stephanie's case her son's death was ruled as non-suspicious and the investigation was closed four days after his body was discovered, one full working day later, as Rhys’s body was found on a Thursday and the investigation was closed the following Monday. But Stephanie was not told this. Indeed, this was only established over a year later via an FOI request.

The police led Stephanie to believe they were still actively investigating Rhys's death and enquires were ongoing. They said this, in writing, six months after Rhys's death when they refused to arrange for a mandate to be put in place for me to represent Stephanie.

I've represented a number of other families who have lost their loved ones to unexplained deaths and I've noticed the same type of approach from the police. It's almost as if this is an unwritten tactic to appease the grieving families and buy time by telling them that the investigations are ongoing. In other words, stringing the families along and then backing off from them gradually rather than telling them that the investigation is closed and the police are no longer interested.

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<sup>1</sup> [Stephanie Bonner’s evidence to the Citizen Participation and Public Petitions Committee on 22 February 2023.](#)

This may be a helpful tactic for the police as they don't have to give this news to grieving families when emotions are running high. But it's not helpful to the families as its setting them up for a fall in the longer term.

**So, the police should always notify the families as soon as their investigation into an unexplained death is determined as non-suspicious and the investigation is closed.**

2. The police obstructed me from supporting and representing Stephanie six months after the death of her son Rhys despite Stephanie often being paralysed by grief and unable to process information. I've sadly seen this before. It's easier for the police to manipulate and pacify a grieving family.

**No matter if an investigation is ongoing or closed, the victim family should have the right to representation and support of their choice. This option should be made clear to families by the police. Such a policy would demonstrate that Police Scotland is providing a trauma-informed service to bereaved families in their time of need and would avoid retraumatizing people.**

Section 15 of the Bill gives the PIRC the power to review and make recommendations about the practices and policies of Police Scotland generally, and not just in relation to a particular incident or audit function. It also includes a requirement for the Chief Constable to respond to those recommendations.

**When there is an unexplained death, the bereaved family should be provided with a family liaison officer by Police Scotland. Families need a person they can speak to who can explain what is happening and keep them updated with developments. If it is a Police Scotland policy or practice not to provide a family liaison officer in cases of unexplained deaths, Police Scotland and the PIRC should look at this issue as a matter of priority.**

3. The time taken to investigate a complaint against the police. In Stephanie's case Police Scotland took ten months to investigate her complaint. Then a PIRC review was requested. PIRC had to repeatedly request further information from Police Scotland as all of the relevant information was not given to them.

The PIRC investigation ran for another 10 months. With holiday periods and other commitments at my side the complaint against the police took near two years to complete to the stage of the PIRC review. PIRC upheld the following four complaints.

- Officers provided the family with incorrect coordinates of where Rhys' was discovered.
- Members of Rhys' family undertook their own investigations that caused them 'anguish and disappointment'.
- Police gave Rhys' mum a map of where her son's body was found expecting her to go and find the location herself.
- Police Scotland did not facilitate a site visit for the family's representative and it did not address contradictions and anomalies surrounding Rhys' death. For

weeks, family gathered to lay flowers at the spot where they had been led to believe Rhys was found – until a local resident approached them.

Then this was passed back to the very same Police Scotland Professional Standards West to re-investigate. At this point Stephanie had absolutely no faith in these officers investigating themselves again.

So, nearly two years after first making this complaint, the complaint is passed back to the same department of the police, in the same building to re-investigate.

Before Police Scotland was officially formed in 2013, complaints could be investigated by different Scottish police forces or constabularies which permitted more objectivity or at least the perception of more objectivity as the police were still investigating themselves. But since the formation of Police Scotland this is no longer an option. In Stephanie's case the complaint against Police Scotland was investigated by Police Scotland Professional Standards West which is based in Glasgow and the officers involved with the complaint are based in Glasgow. Then when PIRC upheld three complaints the complaint was sent back to Police Scotland Professional Standards West to re-investigate the upheld complaints. So nearly two years later the original complaint which was investigated and dismissed by Police Scotland Professional Standards West was sent back to the very same Police Scotland Professional Standards West.

There is no incentive, drive or will for Police Scotland Professional Standards West to accept their own failings and find fault with themselves. There can be no real objectivity. There can be no real trust or faith in this type of complaints system. In Stephanie's case she simply refused to engage further as she had no trust in this police complaints system.

In this case at this stage after PIRC upheld three complaints the complaint was sent back to the same Professional Standards Unit based in the same building for officers to accept their failings and find further fault with themselves.

There has to be a more independent and objective police complaints system in place. From my own experience I know some Professional Standards officers who have gone through the ranks and served in a number of different police stations which means they have served with many fellow officers. Then they are expected to investigate complaints against their fellow officers whom they may have come into contact with over the years, indeed the probabilities are that they do know some of the officers that they have to investigate or may have to work with them at some point in the future. This is simply unworkable in terms of true objectivity and decisions made free of fear and favour.

**Those overseeing a complaint against the police must be as independent and as objective as possible. They must feel free from "fear or favour".**

Section 12 of the Bill enables the PIRC to "call-in" or take over complaints in certain circumstances, rather than simply reviewing how a complaint has been handled. The PIRC can do this by its own choice or at the request of the complainer.

**It is essential that complainers have an independent organisation that they can turn to, to consider their complaint in circumstances where they have lost**

**trust in Police Scotland. This could be due to the length of time taken to consider a complaint and/or lack of communication with complainers about what is happening with their complaint.**

Section 11 of the Bill introduces a requirement for Police Scotland and the Scottish Police Authority to respond to recommendations in complaint handling reviews, provide details about what they have done or propose to do in response to those recommendations, and within a timescale set by the PIRC.

**There should be better, clear, strict and more enforceable timelines in place when investigating police complaints.**

**It is essential for public confidence that Police Scotland and the Scottish Police Authority should respond to recommendations. It is important that the system is transparent, so that complainers understand what has happened with their complaint and the actions that are being taken to ensure that no-one else has the same experience.**

Section 16 of the Bill gives the PIRC direct access to Police Scotland's electronic database to view their records and files.

**This is necessary to avoid delays to complaints being dealt with quickly, if it ensures that the PIRC is able to access all the relevant information needed and not have to make repeated requests. This should be implemented as quickly as possible.**

Stephanie Bonner will never fully know what happened to her son Rhys as Police Scotland failed to conduct a full investigation into his death, this has now been established as a fact. This has damaged the Bonner family and they will never fully find peace. The highly publicised campaign that Stephanie Bonner has led over the past four years has damaged the public perception of Police Scotland. Stephanie's battle is only one of many high-profile complaints against the police, but I have noticed they all have the same thing in common - the police refuse to accept responsibility, they double down and they close ranks to protect each other. It then takes families years of campaigning and the involvement of others, in this case PIRC, before the police failings are upheld and exposed. But sadly, in Stephanie Bonner's case the complaint ends up being sent back to the same police unit for further investigation. It's a circle that goes nowhere and has to change.

Thank you for taking the time to read and consider this.