

PE1501/E

Petitioner Letter of 19 February 2014

Attn. Chris Hynd
Committee Assistant
Public Petitions Committee
Scottish Parliament
Edinburgh,
EH99 1SP

Re- Scottish Government Response to PE1501

19th February 2014

The unfortunate stance taken by Mr MacAskill is that he states he cannot become involved while reviews are on-going. Becoming involved in an issue and being made aware of issues are surely two different dimensions to this matter. We have requested to meet to discuss the shortcomings of the existing Justice system as experienced by our family and yet almost seven years on from Colin's death the only means of feedback open to him on this comes from source organisations that fundamentally failed Colin at the outset.

It appears that he will never speak to us until we accept the findings of the various bodies we have had to work through. If history is repeated we will not be speaking for some years until we exhaust all avenues by going through the Ombudsman with respect to PIRC and taking action to the European Courts. This is akin to a criminal's rights but in our case until we accept the findings of the relevant bodies.

This decision not to meet is made despite that much has already been published and agreed by both the Crown Office and Police and yet even this has not been subject to any dialogue from our family's perspective. It would appear that Mr MacAskill's office cannot organise a meeting with clear parameters for discussion to ensure that these matters can be reviewed within safe boundaries. In the numerous meetings we have had with others we were informed that there is no legal barrier to a meeting with the Justice Minister but if this is a broad working principle adopted by Mr MacAskill, how many years behind reality is the Justice Secretary's understanding of the actual effect of the current system on individual families?

Among the information already agreed is that we have a situation where on the night of Colin's death he was failed by Police, Fiscal, ambulance service and Pathology. It is agreed by the Crown Office that Fiscal's misled our family over the following year through to October 2008. According to Crown Office documents, Seven months after Colin's death (February 2008 – 8 months before Willie Rennie's involvement), Fife Police were told to reopen the investigation and treat it as a possible homicide. In effect Fife Police took no action and have refused to investigate our complaints over this period against APCOS Protocol. In essence we have a complete meltdown of a system central to Scotland being a civilised nation.

Despite having an FAI, none of the above was covered or was allowed to be covered as it does not relate to cause of death. We have had a complete failure of the Justice system and it is left to Colin's family to raise complaints on every issue and every individual as there is no single body we can go to. If individuals in authority actually took time to understand our motivations they would see that having complaints procedures as the only mechanism for raising issues does us a disservice and they would become aware that we are not "enemies of the state". Unfortunately there is no other mechanism as there is no organisation responsible for the systemic issues surrounding the actions taken after Colin's death or those issues we and many others have faced as families. The other families we have talked to are not emotionally deranged people unwilling to let go but people with genuine concerns and it is surely archaic to only have a system that places these people in an adversarial position with regards the "State" rather than people with an invested insight into how it actually operates.

On a further point of clarity, we have had no previous assessment by PIRC but one carried out by PCCS. This was an investigation that comprehensively failed to deal with the complaints we raised. If there is such disdain for a family's actual inputs why bother with the pretence of the purpose of such organisations. It surely is not right that the extent of the complaint investigation by PCCS could only review what a Police Force previously internally investigated with no consideration of what was the actual source complaint.

We have raised issues with PIRC about the treatment of our previous complaint (Through PCCS) and requested that they put a different investigator from previous on the current complaint and again we find our inputs were ignored and again we have the same investigating officer. It was bad enough that Fife Police internal investigation was carried out by an officer who was the immediate supervisor, covering a period of our complaint, of the officer who is the primary focus of our complaint. This means we have had someone in essence investigating their own handling of that period being investigated by someone covering areas that should have previously investigated by PCCS. In saying all of this, we do not know what the complaint PIRC are actually investigating covers but they inform us they will let us know about a week before completion of their six month investigation?

It should be clear that the petition we have raised actually has no bearing on our personal issues but is a genuine attempt to improve the system for everyone.

Margaret and Stuart Graham