



Request for complaint handling review of a complaint about

Grampian Police

**under the provisions of
the Police, Public Order and Criminal Justice (Scotland) Act 2006**

August 2008

Case reference: PCCS/0808/00036/PF-GP

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Introduction

The role of the Police Complaints Commissioner for Scotland was established by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (“the Act”) to consider and review the way police authorities, police forces and policing agencies handle complaints from the public. I was appointed by the Scottish Ministers as the first Police Complaints Commissioner for Scotland, taking up my powers from 1 April 2007. My office provides a free and independent service, reviewing the handling of complaints fairly, looking at both sides of what has happened and looking at the facts.

I aim to review complaints in an independent, open and fair manner. In line with this aim I will publish the reports of my complaint handling reviews, whilst bearing in mind individuals’ rights to confidentiality. The following report therefore details my consideration, but does not include individual names of complainers, police officers or others affected by the events detailed therein.

1. Request for review

The complainer has requested that I review the handling of five areas of complaint about Grampian Police all of which originate from the way that the force dealt with a road traffic incident he was involved in.

Complaint 1 - That the police investigation and report to the Procurator Fiscal was not accurate;

Complaint 2 – That the complainer was not given a copy of the report that was submitted or the details of any witnesses to the incident when requested;

Complaint 3 – That the complainer was not informed that his case was being dropped;

Complaint 4 – That the police stated that the complainer had withdrawn his complaint of assault when he had not; and

Complaint 5 – That the complainer's complaint about the police was not handled properly by the police.

2. Power to conduct a complaint handling review

Section 35 of the Act provides me with the authority to examine the manner in which an appropriate authority has handled a complaint about a police officer, member of police staff or the service provided by a relevant authority.

In order to carry out such a complaint handling review I request the complaint case papers from the force in question. I examine the facts of the complaint case, looking at information provided to me by both the complainer and the police force. I consider whether the information available does, or does not, support the complaint, and whether or not the force has responded to the complaint in a reasonable manner. I also consider whether the force communicated with the complainer in a reasonable manner, including whether the police force handled the complaint within a reasonable timescale. I then come to a view whether the conclusions drawn by the force in handling the complaint were reasonable in all the circumstances.

Once I have reached my conclusions I prepare a report which details the findings of my case handling review. This is then forwarded the relevant authority in accordance with section 35(3) of the Act. The complainer will be advised of the conclusions of this review and of what action, if any, I propose to take in consequence of those conclusions. Where the complaint is in respect of an act or omission by an individual police officer that person will also be informed of the conclusions of this review.

2.1 Relevant complaint

Section 34 of the Act provides that I may review the handling of a complaint where the complaint is “a relevant complaint”, defined as

(1) ... a complaint which is given or sent ... to the appropriate authority in relation to the complaint.

(2) “complaint” means a written statement expressing dissatisfaction about an act or omission...

(3) But “complaint” does not include

(a) any statement made by a person serving with, or who has served with, the police, about the terms and conditions of that person's service with the police; or

(b) a statement which consists of or includes an allegation of an act or omission which constitutes a crime.

The complainer has supplied a written statement expressing dissatisfaction about an act or omission by a force. The complaint is therefore a relevant complaint.

2.2 Relevant complainer

The Act further provides that I may review the handling of a complaint where the complainer falls within one of the following categories (section 34(6)):

(a) a member of the public who claims to be the person in relation to whom the act or omission took place;

(b) a member of the public not falling within paragraph (a) who claims to have been adversely affected by the act or omission;

(c) a member of the public who claims to have witnessed the act or omission;

(d) a person acting on behalf of a person falling within any of paragraphs (a) to (c)

The complainer is a member of the public who claims to have been adversely affected by an act or omission by the police. The complainer is therefore a relevant complainer under the terms of section 34(6)(a).

3. Background

On 27 September 2004 the complainer was involved in a road traffic incident in his local High Street when he went to speak to the driver of a lorry that was partly blocking a pavement. As a result, he fell back and was struck by a passing vehicle.

The complainer was taken to his local hospital where he was treated for minor injuries. The incident was attended by Constable A who recorded the incident and assigned an incident number but no further enquiry was made at that time.

On 29 September 2004 the complainer wrote to Grampian Police alleging that when he approached the lorry driver to speak to him about his driving, the lorry driver kicked the complainer in the chest causing him to fall backwards into the path of an oncoming vehicle. The letter was passed to Sergeant B on 17 October 2005 to investigate the incident. At that time he arranged to view the medical records concerning the complainer's treatment following the incident.

It was subsequently noted by the force that Sergeant B did not take any action in relation to the alleged assault on the complainer until February 2005 when the statements were obtained and witnesses interviewed. On 6 March 2005 Sergeant B visited the complainer to update him on the investigation into the incident and at that time offered the complainer the opportunity to withdraw his complaint that he had been assaulted.

The complainer wrote to the force on 7 March 2005, referring to the meeting with Sergeant B the previous day. In this letter, the complainer outlined what he understood from the meeting and raised his concern that Sergeant B had not taken the serious potential consequences of the incident into consideration when apparently coming to the conclusion that the complainer should let the incident of 27 September 2004 drop.

The complainer wrote again to the force on 9 March 2005 referring to his understanding of a telephone conversation that day with Sergeant B. He stated that he felt Sergeant B was "brow beating" him to drop his complaint that he had been assaulted; that he failed to update him on the progress of the complaint that he had been assaulted; and did not carry out his investigation into the alleged assault within a reasonable time.

Between March 2005 and May 2005, Sergeant B continued with his investigation into the complainer's allegation of assault. The incident was reported to the Procurator Fiscal on 11 May 2005 and the papers were marked no proceedings on 20 May 2005.

The enquiry officer noted in his report of December 2006 that although he was aware that the complainer communicated with the Procurator Fiscal, there was no further correspondence from the complainer to the force until March 2006.

4. Force internal handling

Complaint 1 - That the police investigation and report to the Procurator Fiscal was not accurate

On 27 March 2006 the complainer requested a copy of the report that was sent to the Procurator Fiscal regarding the incident on 27 September 2004. On 24 April

2006, following a conversation with Superintendent L, the complainer wrote a letter to the force on the same day stating that;

"It seemed to [the complainer], from the beginning that Sergeant [B] did not want [him] to bring charges. It would seem it was only [the complainers'] persistence that caused him to act, so he made it a 'negative report'."

A file note dated 2 May 2006 by Sergeant C summarised the previous two letters from the complainer, including the one dated 24 April 2006. The file note stated that it was still unclear as to whether the complainer wished to make a complaint about the police. However, an email three days later from Sergeant C to Superintendent L stated that it was clear that the complainer believed that the police did not represent the facts of the case properly to the Procurator Fiscal.

In an email dated 20 May 2006 Inspector E stated to Superintendent L that he had met the complainer that day to discuss his complaint about the police. He referred to the complainer's concern regarding the report submitted by Sergeant B to the procurator fiscal and resultant request for sight of the report. Inspector E stated that he advised him that this was not possible, but that he would view the statements and report to gauge how the evidence was portrayed. Inspector E noted that the complainer was not speaking about a specific complaint, but wanted *"some sort of quality assurance about police action"*.

On 21 June 2006 Superintendent L responded to the complainer on behalf of the force. Superintendent L stated in his letter that Temporary Inspector E had checked the eye witness statements and confirmed that the information in the report was accurate. He also apologised to the complainer about other aspects of the manner in which the allegation of assault had been dealt with.

The complainer again indirectly referred to this complaint in his letter of 6 August 2006 to the Chief Constable. He stated that he wished the report about the alleged assault to be re-submitted to the Procurator Fiscal. Following this letter, a complaint against the police form (CD1) was completed on 11 August 2006. The complaint noted was that the complainer was unhappy with the manner in which his allegation of assault was dealt with by Sergeant B. This complaint, as recorded on the form, encompassed all of the complainer's original complaints about the investigation into the incident and subsequent reporting of the incident to the procurator fiscal.

The complaint was then allocated to Inspector D who telephoned the complainer on 18 September 2006 to discuss his complaints. The file note recorded that Inspector D wished to note a formal statement from the complainer. However the complainer stated that he would not be available until October 2006.

A further file note on 7 October 2006 by Inspector D recorded that between 3 and 7 October 2006 three attempts were made to speak to the complainer and a message was left to this effect. On 16 October 2006 Inspector D spoke with the complainer to arrange a meeting and obtain a statement. His report of December 2006 stated that the complainer was not prepared at that time to "make himself available". The complainer went on to state that he was awaiting replies to letters from other bodies.

The complainer mentioned to Inspector D that he still wished to view the report to the procurator fiscal but there was no further reference to the specific complaint above.

Between 17 October 2006 and 1 December 2006 there were seven letters between Inspector D and the complainer. During this time the force attempted to arrange a meeting with the complainer to discuss any outstanding issues. The complainer stated that due to his previous experience he was concerned about meeting without a proper structure and agenda of items for discussion. The complainer also made inference to Complaint 1 in these letters, stating that he believed his complaint brought larger concerns about the structure of police procedures and the role of the procurator fiscal. He stated that he had written to other bodies about these matters and awaited a response.

Inspector D completed his report on 27 December 2006. In this report Inspector D confirmed that he had read all of the statements that Sergeant B took regarding the incident of alleged assault against the complainer in conjunction with the report that was submitted against the lorry driver for assault. He concluded that he was satisfied that the information contained within the statements was accurately represented in the police report submitted to the procurator fiscal.

However, in his report Inspector D noted a number of learning points for the force in relation to the force's handling of the allegation of assault and advised that these points should be cascaded to all staff.

The force wrote to the complainer on 27 December 2006, referring again to the original response of Superintendent L in June 2006. Superintendent M informed the complainer that the findings of the enquiry officer, Inspector D, mirrored the findings of Superintendent L. However, Superintendent M apologised to the complainer for the failings of the force during the initial investigation into his allegation of assault, and explained that Inspector D had noted learning points. The letter went on to explain that although the officer that attended the incident and the officer that investigated the incident had both retired, the learning points would be cascaded to other staff.

On 27 February 2007 the complainer wrote to the force about further issues that arose from a letter he received from the Criminal Injuries Compensation Authority (CICA). He did not mention Complaint 1 specifically at this time.

The complainer wrote on 16 March 2007 to the Information Disclosure Unit of Grampian Police requesting a copy of the police report to the procurator fiscal, stating that he had come across "*evidence to prove information was neither gathered properly nor submitted in a factual and honest basis*". This letter was copied to the Deputy Chief Constable of Grampian Police. Temporary Chief Inspector F of the Professional Standards and Conduct Department sent a final letter to the complainer on 3 May 2007 advising that he had reviewed the matter and was fully satisfied that the force had addressed this complaint, which had been communicated to the complainer in its letter of 21 June 2006.

Complaint 2 – That the complainer was not given a copy of the report that was submitted or the details of any witnesses to the incident when requested

As a consequence of Complaint 1 above, the complainer wrote to the Chief Constable on 27 March 2006 requesting a copy of the report on the alleged assault that was submitted to the procurator fiscal by Sergeant B.

In the complainer's letter of 19 April 2006 to Chief Inspector G of the Professional Standards and Conduct Department, he referred to a telephone call with Sergeant C during which he had asked to view the report to the fiscal. He stated that Sergeant C's response was unhelpful and "brow beating". Chief Inspector G replied on 21 April 2006, noting that the complainer wished to make a Freedom of Information request and directed him to the force's Information Disclosure Unit.

In his letter dated 22 April 2006 the complainer made a complaint that the force had failed to provide him with names and addresses of persons connected with the original incident.

On 28 April 2006 the force's data protection officer sent the complainer a copy of his statement regarding the original incident. In May 2006 the force received a letter from the complainer dated 14 April 2006 requesting further information. On 5 June 2006 the force responded to the complainer to advise that it could not provide the information that he had requested.

The complainer made a formal request to the Information Disclosure Unit to see the police report on 12 June 2006. Also on this date, he made the same request to the Chief Constable. On 14 June 2006 the information disclosure manager wrote to the complainer and reiterated that the force was not obliged to provide a copy of the report and stated the reasons why.

On 27 October 2006, the complainer wrote to the force regarding other issues and again requested a copy of the report. On 7 November 2006 Inspector D replied to the complainer's letter noting that the complainer's continued reluctance to meet him prevented further enquiry being made. There was no specific reference to the request for a copy of the report.

Superintendent M wrote to the complainer regarding his complaints about the police on 27 December 2006. In his letter he noted that the request for a copy police report had been appropriately dealt with by the information disclosure manager.

On 12 March 2007 the complainer received a full and detailed response to his freedom of information request that he made on 18 February 2007. The letter also explained that if he remained unsatisfied with the response from the force, he should write to the Information Commissioner for Scotland, and provided him with the details.

The complainer responded to the Information Disclosure Unit on 16 March 2007, thanking the unit for its clear explanation but asking again for an edited version of the report. He wrote again on 16 April 2007 referring to the letter of 12 March 2007 and

to a telephone call with the Unit's manager. The complainer again requested a review of the decision not to release a copy of the police report.

In the final response from the force on 3 May 2007, Temporary Chief Inspector F made no specific reference to the complaint about his request for information.

Complaint 3 – That the complainer was not informed that his case was being dropped

The complainer initially stated that Sergeant B seemed determined not to pursue his allegation of assault. This was responded to by Superintendent L in his letter of 21 June 2006. He acknowledged that the complainer was never informed that following the report being submitted to the procurator fiscal, the responsibility for updating the complainer lay with the fiscal's office. Superintendent L went on to state that, *"in relation to updating complainers regarding the progress of their complaints, [he had] instructed that all future letters should outline where the responsibility lies for supplying any such updates following submission of a report to the procurator fiscal."*

In his enquiry officer's report of December 2006, Inspector D made no reference to this issue.

On 27 February 2007 the complainer referred to the letter of apology that he had received in June 2006 from Superintendent L. He stated that he presumed it was meant to include *"Sergeant B's never informing [him] that he was closing the case.."* He went on to suggest that a letter he had recently received from the Criminal Injuries Compensation Authority (CICA) was evidence that Sergeant B had decided not to communicate with him in an attempt to let the matter drop.

In his final response to the complainer dated 3 May 2007, Temporary Chief Inspector F noted that one of the complainer's complaints related to him not being informed that the responsibility for updating him on procedures following submission of the report to the procurator fiscal was then a matter for the procurator fiscal's office.

He went on to state that he *".. was of the view that Grampian Police [had] already taken all reasonable steps to investigate the matters [the complainer] raised in [his] letter of 27 February 2007 and to that end [he] did not intend to initiate further enquiry into them, nor record [the complainer's] letter as a complaint against the police."*

Complaint 4 – That the police stated the complainer had withdrawn his complaint of assault when he had not.

The complainer wrote to the force with this complaint about the police on 27 February 2007. The complainer stated that he was advised in a letter from the CICA that the force had informed the CICA that the complainer did not co-operate with it and had withdrawn his complaint.

A brief letter of acknowledgement was sent by Superintendent M to the complainer on 1 March 2007. On 5 March 2007 the Deputy Chief Constable wrote to the complainer to that his letter was forwarded to the Professional Standards and Conduct Department and would be answered in due course. A final response was sent to the complainer from Temporary Chief Inspector F on 3 May 2007. Temporary Chief Inspector F stated that his complaint of assault was fully investigated and accurately reported to the procurator fiscal and while he appreciated the complainer was not happy with the response from CICA it was a decision for the authority and not one for the police to comment on. Temporary Chief Inspector F went on to state that he believed the force had taken "*all reasonable steps to investigate the matters*" he raised in his letter of 27 February 2007 and therefore would not record the letter as a complaint against the police. He did not specifically address the complaint that the police told the CICA that he had withdrawn his complaint when he had not.

Complaint 5 - That the complainer's complaint about the police was not handled properly by the police

On 14 April 2006, the complainer wrote to the force stating that he wished to make a complaint about the way in which he had been and still was being treated by Grampian Police.

A file note by Sergeant C dated 19 April 2006 stated as a result of the complainer's letter, he called the complainer and left a message on 18 April 2006 to discuss any issues that he had. Sergeant C then made enquiries into the initial incident.

Sergeant C noted that when he called the complainer on 19 April 2006 the complainer could not decide what his actual complaint was. He asked to view the report to the procurator fiscal, but Sergeant C advised him this was not possible. Sergeant C stated that he made several attempts to ascertain what his complaints were but the complainer seemed unable to clarify these and claimed that he was preparing to go away for a time.

The complainer wrote to the force on 19 April 2006 complaining about Sergeant C's manner during the telephone call, and stating that he was given the impression that, "*..the sole purpose of his police life was to rid his desk of [the complainer's] file.*" He went on to write that "*he seemed unable to distinguish between an old man at the other end of the telephone or a young dyed-in-the-wool villain in handcuffs.*" He went on to request that a more senior officer be asked to reply to his complaints.

On 21 April 2006, Chief Inspector G of the Professional Standards and Conduct Department wrote to the complainer and apologised if he believed Sergeant C's attitude to be anything other than professional. He stated that the officer was acting in accordance with force policy and with the best of intentions. However, he stated that he would bring the matter to Sergeant C's attention.

The complainer wrote again on 22 April 2006 to complain about the manner of the Professional Standards and Conduct Department's response to his letter of 14 April 2006.

In a file note dated 24 April 2006, Superintendent L noted that he had telephoned the complainer that morning and discussed his complaints. Superintendent L noted that *“it [was] evident that this elderly gent ... [had] some issues regarding the handling of the initial incident and subsequent correspondence that he has had with the force.”* He went on to state that he recommended, given the circumstances, having an Inspector meet with him to resolve his issues.

In an email dated 5 May 2006 to Superintendent L, Sergeant C wrote that it was still unclear what, if any complaint the complainer wished to make against the police. It was therefore suggested that the force meet the complainer to establish his complaints and explain the roles of the police and procurator fiscal.

Inspector E met the complainer on 20 May 2006 and discussed the complainer's issues. Inspector E noted that the complainer was seeking *“some sort of quality assurance about the police.”* Superintendent L wrote to the complainer on 21 June 2006 apologising on behalf of the force regarding certain aspects of the handling of the initial incident. The complainer and the force continued to correspond during the next few months about further issues that the complainer raised as a result of his original complaints.

On 11 August 2006, a complaint against the police form (CD1) was completed and his complaint was allocated to Inspector D. During the months of October 2006 and November 2006, Inspector D attempted to arrange a meeting with the complainer to note a statement in relation to his complaint about the police and discuss any issues that he felt were outstanding. The complainer wrote that he would not feel at ease meeting with Inspector D due to his previous experiences with the force in relation to the original incident and he therefore requested an agenda that included items for discussion and requested a few days notice in order to prepare. The eventual outcome was that the meeting did not take place and Inspector D concluded his enquiry officer's report into the complainer's complaint about the police on 27 December 2006.

In his report Inspector D noted a number of shortfalls and learning points relating to the original incident, the officer that attended the incident and the officer that reported the incident. He also noted other procedural issues that arose from the handling of the complaints, in particular that the CD1 should have been completed earlier and learning points properly conveyed to the complainer sooner.

Superintendent M wrote to the complainer stating that Inspector D *“..made a thorough enquiry, identified a number of shortcomings and learning points in relation to the action of the officers who attended the initial incident and subsequent enquiries..”*

Superintendent M went on to state that although both officers were now retired, the learning points would be acted upon and cascaded to other staff. He also stated that he understood a detailed explanation of the points raised was provided to the complainer in Superintendent L's letter dated 21 June 2006 and that the complainer had previously accepted the apology. Superintendent M went on to explain the

difficulties he felt were faced by the force when *“the principal officers [had] retired and the person making the complaint decline[d] to meet the investigating officer.”*

The complainer wrote to the force again on 27 February 2007 after receiving a letter from the CICA. He stated that the letter from CICA did not inspire confidence in the force’s ability to investigate complaints about itself. The letter was acknowledged on 1 March 2007 by Superintendent M. The complainer received the force’s response to his letter on 3 May 2007. Temporary Chief Inspector F stated that in his view the force had taken every reasonable step in investigating the matters in his letter of 27 February 2007 and would therefore not record his letter as a complaint against the police.

5. PCCS review

The complainer called my office on 24 May 2007. The complainer was asked to complete and sign an application for review form which was received on 1 October 2007 together with other relevant information.

On the same date, my office asked Grampian Police to provide the relevant complaint case papers by 15 October 2007. Grampian Police supplied the required information on 12 October 2007 and the complainer was informed.

In February 2008 my office received copies of correspondence from the complainer’s MSP noting his interest in the review. My office responded acknowledging this correspondence.

In April 2008 the complainer wrote to my office about the time taken to review his complaints. During May and June 2008, my office sought to clarify with the complainer the complaints that he had raised with my office and wished to be included in the complaint handling review.

On 13 June 2008 the complainer provided my office with a letter he received from the CICA dated 27 October 2007. In this letter the CICA stated the force had confirmed that the complainer sent it letters withdrawing his complaint after a police report had been sent to the procurator fiscal for a decision. My office therefore contacted the force the same day to request any new information that it may have received from the complainer with particular reference to the CICA. The force then forwarded an email that it received in February 2008 containing copies of previous letters from the complainer.

During the time my office reviewed the files, the complainer was regularly updated on the progress of his complaints.

6. Consideration

Complaint 1 - That the police investigation and report to the Procurator Fiscal was not accurate

The complainer made complaints about Sergeant B following his investigation into the road traffic incident. These included not acting on the allegation of assault for some time and then "*brow beating*" him to drop it. It is apparent from the initial letters that the complainer sent to the force that he believed Sergeant B did not appreciate the serious nature of his allegation. It then followed that the complainer felt the accuracy of the report was called into question because of the procurator fiscal's decision to take no further proceedings. From the information provided to my office, it appears that this complaint resulted from the manner in which the reporting officer dealt with the complainer's allegation that he was assaulted by a third party.

The force addressed this issue in three letters to the complainer during and following the investigation into his complaints about the police. However, I note that it was not specifically recorded as a complaint on the CD1 form. It appears that following the initial response from Superintendent L in his letter dated 21 June 2006, further letters from Superintendent M in December 2006 and Temporary Chief Inspector F in May 2007 reiterated the force's conclusions but provided no new information or further explanation to the complainer. I note that Temporary Chief Inspector F was aware that the complainer remained dissatisfied with the response to this complaint, but stated that he believed it had been answered fully.

In my view, this issue formed part of the complainer's complaint that was recorded by the force in August 2006. I note that Inspector D's investigation into the matter identified a number of learning outcomes, the majority of which were based on the manner in which the incident was handled and recommended that although the officers concerned were now retired, these learning points should be cascaded to all staff. This is a practice that should be encouraged. However, the learning points were not communicated to the complainer. It is my view that had these points been fully communicated to him, the complainer may not have been left to doubt the justice system, or feel that his only option was to request a copy of the report under the Freedom of Information Act.

Complaint 2 – That the complainer was not given a copy of the report that was submitted or the details of any witnesses to the incident when requested

From the information provided to me, it appears that although initially the Information Disclosure Unit's response to the complainer did not adequately address his complaint and merely sent the complainer a copy of his own statement, its letter of 12 March 2007 provided a full response to his request for information. The force also directed the complainer to the Scottish Information Commissioner's Office who have responsibility for reviewing complaints of this nature.

I am therefore satisfied that the force provided the complainer with a satisfactory explanation and handled the complaint in an appropriate manner.

Complaint 3 – That the complainer was not informed that his case was being dropped

I note that the force apologised and admitted in its letter of 21 June 2006 that the complainer should have been updated on the progress of his complaint and that an explanation should have been provided as to where the responsibility for this lay.

It appears that the complainer did not refer to this complaint again until February 2007 and it is therefore reasonable that the enquiry officer did not mention this complaint in his report of December 2006.

From the information provided to my office, it appears that the complainer only brought the matter to the force again in February 2007 following a letter from the CICA. As the force had supplied an explanation and apology to the complainer in June 2006, in my view the final response from Temporary Chief Inspector F that Grampian Police had already taken all reasonable steps to investigate the matters the complainer raised in his letter of 27 February 2007 was an adequate response in respect of this complaint.

Complaint 4 – That the police stated the complainer had withdrawn his complaint of assault when he had not

Although the complainer brought this matter to the force in February 2007, it does not appear that the force has responded specifically to this complaint. In fact, the response from the force on 3 May 2007 stated that it would not record his letter as a complaint against the police and that the decision of CICA was not for the force to comment on.

The complainer provided my office with a letter dated 27 October 2007 from the CICA that stated the force had informed them that the complainer had sent letters to it withdrawing his complaint, and that this happened after a report was sent to the procurator fiscal for a decision.

Given the fact that the complainer was concerned about information the force provided to a third party about him, in my view it would have been prudent to provide him with some explanation in relation to this.

Complaint 5 - That the complainer's complaint about the police was not handled properly by the police

Although the first letters from the complainer expressing dissatisfaction at the manner in which he was being treated by Grampian Police were dated 7 March and 9 March 2005, I note that a CD1 form was not completed until 11 August 2006. It would also appear that Sergeant C who was initially dealing with the complainer was unclear what, if any, complaints the complainer wished to make.

From the information provided to me it is clear that Inspector D carried out a thorough investigation into the complainer's complaints. I note that in his report of

December 2006, Inspector D concluded that consideration should have been given to completing a CD1 form much earlier than August 2006 and acknowledged that this may have prevented further complaints from being raised. I concur with this view.

Inspector D noted that although a letter of apology was sent to the complainer in June 2006, a full report in respect of the complaints should have been completed. He also stated that a letter to the complainer should have conveyed the learning points that had been identified and made it clear that these would be acted upon. Also, as previously noted, Inspector D went on to list a number of learning points, the majority of which were based on the manner in which the incident was handled.

It is my view that the report that was completed by Inspector D was clear and concise, and encompassed all of the issues that originally concerned the complainer, despite being unable to discuss matters in a meeting with him. It is therefore disappointing that following such a thorough investigation, the findings of Inspector D were not fully communicated to the complainer in Superintendent M's letter of 27 December 2007. While he referred to "*the points identified*" being acted upon, he failed to clarify for the complainer what the learning points were.

It appears that this failure may have paved the way for the later complaints that the complainer brought to the force in February 2007, which, from the information available to me were not recorded as complaints about the police. I note that the final response from Temporary Chief Inspector F advised the complainer that he believed the force had fully investigated the complaint about the police in relation to the incident and the findings were "*clearly articulated*" in the letter of 21 June 2006. From the information available to my office, had this been the case, the matter may have been resolved at an earlier stage.

7. Conclusion

Complaint 1 - That the police investigation and report to the Procurator Fiscal was not accurate

It is my view that the force carried out a full and thorough investigation into this complaint about the police and as such **I do not uphold this complaint**. However, I would **recommend** for a sense of completeness, and in the hope of providing a conclusion to these matters for the complainer, that the force now communicate clearly the learning points raised from his initial complaint that was recorded by the force in August 2006.

Complaint 2 – That the complainer was not given a copy of the report that was submitted or the details of any witnesses to the incident when requested

I am satisfied that the force provided a proper explanation and handled the complaint in an appropriate manner. I note that when the complaint handling process was

exhausted, this complaint was in essence a matter for another organisation, to which the complainer was directed. As such, **I do not uphold this complaint.**

Complaint 3 – That the complainer was not informed that his case was being dropped

In my view, the force supplied an explanation and apology to the complainer in June 2006 regarding this complaint, so the final response from Temporary Chief Inspector F that Grampian Police had already taken all reasonable steps to investigate the matters the complainer raised in his letter of 27 February 2007, was an adequate response in respect of this complaint. As such **I do not uphold this complaint.**

Complaint 4 – That the police stated that the complainer had withdrawn his complaint of assault when he had not

From the information provided to my office, it does not appear that the force has treated this issue as a complaint about the police or responded adequately to the complainer regarding the complaint. **I therefore recommend** that the force now provide the complainer with an explanation in relation to the information it provided to the CICA.

Complaint 5 – That the complainer's complaint about the police was not handled properly by the police

In my view, there were initial failings in the handling of the complainer's complaints. Although it is clear that the enquiry officer identified this and provided a detailed enquiry report following a full investigation it is my view that the force did not properly communicate its findings to the complainer. Had it done so it may have brought closure to the matter for both the complainer and the force and as such, although **I do not uphold this complaint, I would recommend** for a sense of completeness, and in the hope of providing a conclusion to these matters, that the force now communicate clearly the learning points identified by the enquiry officer in his report of 27 December 2006.

Jim Martin
Police Complaints Commissioner for Scotland
August 2008