

# Report of a Complaint Handling Review in relation to Strathclyde Police

under section 35(1) of the Police Public Order  
and Criminal Justice (Scotland) Act 2006

## Summary and Key Findings

The complainer asked the Commissioner to consider the manner in which Strathclyde Police dealt with a number of complaints he had made. The complaints arose from the complainer's dealings with Strathclyde Police following its decision to revoke his firearms certificate and take possession of his firearms. In particular, the complainer was unhappy that he was not provided with a reason why this action was taken and that no specific contact details were given to him by the attending police personnel.

Strathclyde Police investigated the complaint and found that the attending police personnel had discharged their duties correctly. It therefore rejected the complaint.

In the Commissioner's view the complainer was given sufficient information as to why his firearms certificate was revoked and his firearms removed. Accordingly, no further action is required in relation to these complaints.

However, the Commissioner recommends that in future Strathclyde Police provides to individuals in the complainer's position written contact details of personnel at the Firearms Licensing Department who can discuss the decision to remove their firearms in more detail.

## The Commissioner's role

Section 35 of the Police Public Order and Criminal Justice (Scotland) Act ("the Act") gives the Commissioner the power to examine the manner in which a policing body has dealt with a "relevant" complaint, as defined in the Act.

The Commissioner is independent of the police service and performs his functions in a fair and impartial manner. Before considering a complaint, the Commissioner's office obtains all papers held by the policing body against which the complaint has been made. These papers are considered alongside information provided by the complainer. The Commissioner then assesses whether the policing body's handling of the complaint was reasonable in all the circumstances. The Commissioner will look at the entire handling process, from the initial investigation by the policing body to the final response issued to the complainer. Among the factors which the Commissioner takes into account are the following:

- whether the policing body's response to the complaint is supported by all material information available;
- whether in dealing with the complaint the policing body has adhered to all relevant policies, procedures and legal provisions;
- where the complaint has resulted in the policing body identifying measures necessary to improve its service, whether these measures are adequate and have been implemented;
- whether the policing body's response to the complaint is adequately reasoned; and
- whether the policing body has communicated with the complainer in a reasonable manner.

## Background

On 31 October 2006, the complainer was made redundant from his job. Before leaving, he sent an e-mail to a number of his colleagues, the content of which was viewed to be threatening and abusive. On 1 November 2006, a report was made to Strathclyde Police regarding the contents of the e-mail.

Constables A and B were allocated to look into the matter and during their enquiries took statements from various witnesses. They also visited the complainer at his home on 2 November 2006. Following discussion with the complainer, both officers came to the view that there was insufficient evidence to substantiate that a crime had been committed.

However, during the investigation it became apparent to Constable A that the complainer may have been certified to hold firearms and that concerns were held as to his mental health. As a result of this Constable A contacted the Firearms Licensing Department of Strathclyde Police and informed it of the information he had been provided with during the enquiry into the complainer's e-mail.

Upon receipt of this information, Force Support Officer C stated that he decided:

*"... in the interest of public safety and the peace, [the complainer's] firearms and certificate be seized".*

On 3 November 2006, Constables A, D, E and Force Support Officer C visited the complainer's home where the complainer's firearms certificate was revoked and his firearms removed from his possession. Force Support Officer C stated that, upon calling at the complainer's home:

*“...it was explained to him the nature of our enquiry, and that it was the intention to seize his firearms and firearms certificate as a precautionary measure until further enquiries could be made into his emotional wellbeing.”*

In the statement given to Strathclyde Police on 1 April 2008 the complainer stated that, although the police personnel who attended his home were polite, he felt that they could have provided more information regarding why they were taking his firearms. His statement continues:

*“It appeared to me that they were not fully aware of the exact reasons and procedure. For example, they did not appear able to answer my questions in depth. I do not wish to complain about these officers as individuals, but I feel there is a quality of service issue.”*

He also stated that as a matter of course:

*“... officers in such a situation should leave specific contact details for people such as me in order that any questions could be answered by an appropriate person.”*

According to the statements provided by the officers who attended the complainer’s home on 3 November 2006, the complainer was informed of the reason for their attendance. Additionally, the majority of the statements show that the complainer was advised that if he had any questions regarding the action being taken by Strathclyde Police, he should call the Firearms Licensing Department.

## The Complaints

On 20 June 2007 the complainer made 15 interlinked complaints to Strathclyde Police as a result of the revocation of his firearms certificate and removal of his firearms. However, during a meeting at the complainer’s home on 1 April 2008, the complainer informed Inspector F that he wished to withdraw all of these allegations. The Commissioner’s office has been provided with a copy of a signed handwritten statement confirming this.

However, during the meeting the complainer also advised Inspector F that he had two new complaints regarding action taken by the police during its attendance at his home on 3 November 2006. The complaints are as follows:

(1) that officers failed to provide information as to why they were removing his firearms and firearms licence; and

(2) that officers failed to leave specific contact details in order that any questions he had relating to the removal of his property could have been answered by a specific person.

## The Commissioner’s Review

### General

During his investigation into these complaints, Inspector F obtained statements from the complainer’s former colleagues, Force Support Officer C and the three officers who attended the complainer’s home on 3 November 2006. On 22 April 2008 Chief Superintendent G wrote to the complainer with her conclusions on the complaints.

The complainer confirmed to the Commissioner’s office on 5 June 2008 that he was dissatisfied with the response he had received from Chief Superintendent G and requested that the

Commissioner proceed to review his complaints about Strathclyde Police. It should be noted that as a result of the complainer withdrawing the complaints originally referred to the Commissioner's office, this review is confined to an examination of how Inspector F handled the complaints which were made known to him on 1 April 2008. The Commissioner is aware that the complainer wrote recently to his office in an attempt to retract his statement of 1 April 2008. In the Commissioner's view, any such representations should be made to Strathclyde Police. From the evidence available to the Commissioner, the complainer signed a statement in which he clearly and unequivocally withdrew many of his complaints. Unless or until it is shown otherwise, the Commissioner considers it appropriate to proceed on the basis that the statement genuinely reflects the complainer's attitude at the time.

The remainder of this section sets out the Commissioner's views on the manner in which the complainer's complaints were handled by Strathclyde Police. Each complaint is set out in turn and is followed by details of Strathclyde Police's handling of them and the Commissioner's views on this.

### Complaint 1 – alleged failure to provide information

In terms of his statement of 1 April 2008, the complainer makes it clear that the police personnel who attended his home had received a complaint and were going to take his firearms certificate and firearms away from him. However, the complainer states that, despite this, the officers could have provided him with more information as to why they were removing these items. He also complains that they did not answer in any great depth the questions he had asked.

#### Internal Handling

Chief Superintendent G responded to the complainer on 22 April 2008, stating:

*"I have been advised that one member of the Force did identify himself to you as being based at the Firearms Licensing Department at Police Headquarters and he has told me that he fully explained to you the circumstances of his and the police presence at your house. It is also the position of the police officers who accompanied the member of the Firearms Licensing Branch that they knew why they were there and their powers."*

#### Consideration

According to his statement, Force Support Officer C advised the complainer of the nature of his enquiry and that his firearms and firearms certificate were being seized as a precautionary measure until enquiries could be made into the complainer's "emotional wellbeing". He also states that he informed the complainer this was routine practice. All other police personnel who attended on 3 November 2008 state that the complainer was given an explanation as to the reason for their attendance. In particular, Constable B stated:

*"I was then present when the witness [Force Support Officer C] informed [the complainer] of the concerns the police had about his current mental state and because of this his Firearms Certificate and its listed firearms were to be seized temporarily while his certificate was reviewed."*

Inspector F took a statement from Force Support Officer C's line manager, who confirmed that:

*"The circumstances were that due to a report of inappropriate behaviour by [the complainer] coming to the attention of the Licensing Department, and giving rise to concerns over his continued suitability as a Certificate Holder, it was arranged that [Force Support Officer C] would attend at the home address of [the complainer] and seize his firearms and Firearms Certificate in the interests of public safety pending further enquiries."*

*This procedure is governed by the common law, but the issue of the Firearms Certificate is governed by the Firearms Act 1968 – 1997...*

*... In these circumstances it was absolutely correct in the interests of public safety for Strathclyde Police to seize [the complainer's] firearms and Firearms Certificate, pending further enquiries by this department."*

In the Commissioner's view, Strathclyde Police successfully identified the complaints and took statements from all relevant personnel. Strathclyde Police also reached the reasonable conclusion, based on the evidence, that the complainer was indeed informed of the reasons for the decision to revoke his firearms certificate and remove his firearm.

The complainer is also dissatisfied that the officers who attended his home could not answer his questions in any great depth and were not aware of procedure. It is not clear from the statements gathered by Inspector F what questions were asked by the complainer and what answers were given. In the absence of this information, the Commissioner cannot take a view on the responses given to the complainer. However, it is noted that the statement given by Force Support Officer C's line manager shows that she believed him to have:

*"... extensive experience in firearms licensing and operational firearms matters and would have been fully conversant with the procedures associated with the seizing of [the complainer's] Certificate and firearms."*

## **Complaint 2 – alleged failure to leave contact details**

### *Internal Handling*

In response to this complaint, Chief Superintendent G stated;

*"I am sorry if it is your belief that the officers present in your house on 3 November 2006 failed to provide you with the information required and did not leave contact details. Although no-one can remember leaving you a telephone number to facilitate additional contact, the police position is that you were given a full explanation of why your licence and firearms were being removed."*

Chief Superintendent G also provided an explanation to the complainer regarding the circumstances which led to the visit by the officers on 3 November 2006. She stated that there were genuine concerns expressed for his wellbeing, and that she was satisfied the officers who attended did so "in good faith and in accordance with their duty". Chief Superintendent C was also satisfied that the police were "justified in removing [the complainer's] firearms and firearms Licence."

### *Consideration*

From the statements gathered by Inspector F it is evident that no specific telephone number was left by the personnel who attended the complainer's home on 3 November 2006. However, the statements given by three out of the four personnel who attended show that it was clear that Force Support Officer C was from Strathclyde Police Firearms Licensing Department. The statements also make clear that the complainer was informed that he could contact that department if he had any further questions. Chief Superintendent G's letter did not fully reflect the information received from the officers who attended the complainer's home.

Although no specific telephone number or contact was provided to the complainer, Inspector F established that the complainer was, or should have been, aware that Force Support Officer C belonged to Strathclyde Police Firearms Licensing Department. The complainer was told to call this department if he had any further queries. In the Commissioner's view, although Chief

Superintendent G's letter could more fully have reflected the results of the complaints investigation, overall the complaint was handled reasonably by Strathclyde Police.

## **Conclusions, Recommendations and Learning**

### **Complaint 1 – alleged failure to provide information; and**

### **Complaint 2 – alleged failure to leave contact details**

In the Commissioner's view the complainer was given sufficient information as to why his firearms certificate was revoked and his firearms taken. Based on the available evidence, the Commissioner also considers that sufficient information was made available by the police personnel for the complainer to pursue any questions that he may have had. As such, no further action is recommended in relation to these complaints.

However, the Commissioner recommends that Strathclyde Police consider providing to individuals in the complainer's position written contact details of personnel at the Firearms Licensing Department as a matter of course.

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