

# Report of a Complaint Handling Review in relation to Fife Constabulary

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

## **Summary and Key Findings**

The complaints dealt with in this report relate to a road traffic incident which occurred on 21 September 2007 and the applicant's dissatisfaction with how Fife Constabulary subsequently managed the reporting procedures relating to the incident. The applicant was dissatisfied with how Fife Constabulary handled his original complaint and a second investigation was conducted by the force into how it was handled.

The Commissioner found that all complaints were handled by Fife Constabulary in a reasonable manner. The Commissioner also commended both investigating officers for the thoroughness of their investigations.

However, the Commissioner recommended that Fife Constabulary revises its Force Notice and standard operating procedures to make clear the circumstances in which reports of section 3 road traffic incidents need not be made to the Procurator Fiscal. Such revisions should also make clear the discretion afforded to officers in determining whether injuries are sufficiently serious to justify reporting.

## 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 applicant. 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 applicant. 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 applicant in a reasonable manner.

## Background

On the morning of 21 September 2007 the applicant was driving on the westbound lane of a road when his car was struck by a vehicle driven by Person A. The impact caused the applicant's car to spin 180 degrees before coming to a rest. No other vehicles were on the road at that time and there were no other witnesses to the incident. The applicant states that immediately following the incident, he became aware of pain in his lower back.

Constable B states that around 8.50 am on 21 September 2007 he was instructed to attend a "two vehicle non-injury road accident" and that upon attendance was informed by the applicant that he "had a sore back". Constable B noted that the road conditions were "extremely slippery underfoot". According to Constable B, he was also informed that an ambulance had been called and was on its way, arriving at the scene about 7 minutes later. Constable B states that he was advised by the paramedics that they were:

*"... taking [the applicant] to [Hospital C] as a precautionary measure as he was complaining of stiffness to the back but they had no concerns for him."*

Constable B was joined at the scene by Constable D. According to Constable D, she was requested to attend a road traffic accident and:

*"... at this time we were informed that no persons had been injured."*

Constable D further states that on arrival she saw an ambulance at the scene and Constable B speaking to the applicant and Person A. According to Constable D both individuals appeared to be uninjured.

Person A admitted to being the driver of the other car and was breathalysed. This provided a negative result and Constable B then cautioned Person A in terms of section 1 of the Road Traffic Offenders Act 1988. Person A's reply was noted as follows:

*"I was coming around the corner at about 40 – 45 mph. I tried to slow down. I left the road sliding. I tried to fix it but swerved into the other car and it turned my car around."*

Constable B states that later the same day he contacted Hospital C to determine what injuries had been suffered by the applicant. The information he sought was not, however, available at the time of his call.

At Hospital C, the applicant saw Doctor E, who arranged for X-rays to be taken of his back. The applicant was prescribed painkillers and was discharged from hospital that afternoon. Constable B also states that he later contacted the applicant by telephone and was advised that, although he had a "stiff back", he had not sustained any injuries as a result of the accident. Constable B added:

*"... [the applicant] also enquired as to what proceedings were being taken against the other driver to which he was advised an accident file had been created but no other police proceedings were intended. I cannot recall the exact time and date of this phone call."*

The applicant states that a week later he attended Police Station X in order to establish Constable B's shift pattern so that he could obtain Person A's details for insurance purposes. The applicant states that:

*"Thereafter, I think PC [B] contacted me and from memory I think the conversation was to obtain third party details, which were refused under Data Protection. From memory I do not think there was any discussion between PC [B] and I in relation to the injuries I had received. The conversation was relating to my attempt to get third party details for my insurance. I cannot recall if it was PC [B] or I who initiated this call. From memory I do not recall any further contact with PC [B] after this phone call"*

On 30 March 2008, the applicant wrote to the Crown Office and Procurator Fiscal Service (COPFS) to enquire whether the matter had been reported to them. He outlined the basic facts and his belief that:

*"... for whatever reason ... the female who caused the accident has managed to get away from the incident extremely lightly."*

COPFS replied on 8 May 2008, explaining that it was having difficulty locating information about his case. COPFS asked for further details of the reporting officer, the location of the incident and the details of "the accused".

## The Complaints

Based on the contents of the application form, the correspondence received from the applicant and the information obtained from Fife Constabulary, the Commissioner has identified the following complaints:

- (1) Fife Constabulary failed to report a road traffic accident to the Procurator Fiscal; and
- (2) that Inspector F was unprofessional, rude and derogatory.

## The Commissioner's Review

The applicant first contacted the Commissioner's office on 2 August 2008, when he sent a covering letter and copies of correspondence with Fife Constabulary and the COPFS concerning his complaints. The applicant thereafter completed an application form which was received by the Commissioner's office on 12 August 2008. The complaint file relating to the applicant's complaints was received from Fife Constabulary on 26 August 2008.

The applicant wrote a letter to the Chief Constable of Fife Constabulary on 30 March 2008 complaining that Fife Constabulary had not reported the road traffic collision to the COPFS. His letter states:

*"I can only assume that this matter has not been reported to COPFS as an offence under the Road Traffic provisions as the 6 month anniversary of the incident has come and gone and I have heard or been advised nothing further. This is something I find not only somewhat surprising but extremely worrying."*

His letter concludes:

*"I would ... be grateful if you could investigate why this incident was not reported to COPFS and why the individual is not being prosecuted for at worst careless driving."*

Inspector F was appointed to investigate the complaint. On 23 April 2009, Inspector F and Sergeant G visited the applicant at his home and obtained a statement from him. Inspector F also obtained statements from Constables B and D on 13 April 2008 and 11 April 2008, respectively. Inspector F also considered an Incident Report, printed out on 14 April 2008, and an Insurance Road Accident Report dated 3 April 2008, together with Fife Constabulary's standard operating procedures regarding road accidents.

Inspector F completed a preliminary report in which he described the complaint in the following terms:

*"Applicant alleges that PC [B], in the course of attending an injury road accident, failed to investigate the matter with due diligence and did thereby conduct himself in a manner likely to bring discredit on Fife Constabulary."*

On 12 May 2008 Chief Superintendent H wrote to the applicant giving Fife Constabulary's response to his complaint.

On 9 June 2008, the applicant wrote to the Chief Constable raising complaint 2 and expressing his dissatisfaction with the manner in which Fife Constabulary had dealt with complaint 1. The applicant felt that, whilst taking a statement from him on 23 April, Inspector F had been disrespectful of Sergeant G and unprofessional towards the applicant. He was also concerned about the information conveyed to him during that meeting about the likelihood of the original matter ever having been reported to COPFS. The applicant felt that this betrayed a lack of understanding by the police of the injuries he had sustained. On the basis of a single – and in his view, unsatisfactory – meeting, the applicant did not believe that the necessary information to allow the police to conduct a proper investigation had been collected. He therefore believed that the process had been flawed.

Chief Inspector J was appointed to enquire into this complaint. He obtained statements from Inspector F and Sergeant G and a further statement from the applicant. Upon conclusion of Chief Inspector J's enquiries, a preliminary report was submitted to Chief Superintendent H. The applicant's complaints were noted in the report as follows:

- (1) when dealing with the initial complaint against the police, Inspector F was unprofessional, rude and derogatory in both his speech and manner;
- (2) concerns that Fife Constabulary is merely trying to protect its reputation and is not giving due cognisance to the complaint made;
- (3) dissatisfaction with the information provided regarding the approach taken to reporting the road accident to the COPFS, and whether the matter was investigated properly in the first instance; and
- (4) disagreement with the content of the letter sent to him by Chief Superintendent H and the basis of the information provided.

On 17 July 2008, Chief Superintendent H wrote to the applicant in response to the letter of 9 June 2008.

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

### **Complaint 1: Alleged failure to report to the Procurator Fiscal**

#### *Internal Handling*

During his enquiries into this complaint, Inspector F identified that there were a number of issues to be considered. He described these as follows:

- (1) Did Constable B follow the proper procedures in dealing with the Road Accident?
- (2) Did Constable B fully investigate the accident?
- (3) Did Constable B fail to report the accident in line with Fife Constabulary's SOPs?

Inspector F then considered the information contained within the statements he had obtained and deduced that Constable B had failed in three areas. Inspector F's preliminary report described these failings as:

*"(1) PC [B] in attending the scene of a road accident where damage had been caused, he did fail to undertake the correct procedure in dealing with the applicant, in that he failed to breathalyse or caution the applicant in terms of Section 1 Road Traffic Act Offenders Act, 1988 either at the scene or in undertaking a hospital procedure.*

*(2) PC [B] failed to fully investigate the accident in that he failed to undertake full enquiries at the hospital to ascertain if the applicant had received injuries as a result of the road accident.*

*(3) PC [B] failed to follow Force Standard Operating Procedures in the recording of injury road accident and stats."*

Inspector F concluded his report by stating that there was no doubt that Constable B had failed in a number of areas. However, Inspector F also noted the following:

*"In my opinion the circumstances of this accident and the minor injuries caused to the applicant do not justify the reporting of this accident to the Procurator Fiscal in relation to careless driving ... The driver of the offending vehicle in reply to caution has made an admission of liability. In the circumstances, had the relevant enquiries/reports been completed, the matter would have ended with the same outcome, in no prosecution being*

*taken and the issue resolved by the relevant insurance companies, in line with Force Standard Operating Procedures. Taking all the circumstances into consideration I recommend the matter be dealt with by Divisional Commander by means of counselling."*

On 10 May 2008, Chief Inspector J sent a memo to Chief Superintendent H in which he agreed with the findings of Inspector F and that Constable B should receive either corrective advice or a warning under paragraph 5(3) of the Police (Conduct) (Scotland) Regulations ("the Regulations").

On 12 May 2008, Chief Superintendent H wrote to the applicant with the following response to the complaint:

*"... in line with all Police Forces, blameworthy drivers involved in road traffic accidents are no longer routinely reported to the Procurator Fiscal. Only where there is evidence of a significant level of carelessness and the level of injury is serious would a report be submitted for consideration by the Procurator Fiscal.*

*There are, however, procedures to be followed by any officer attending a road accident to ensure that the Police Service captures all relevant information. This subsequently enables insurance companies to access information held and deal with subsequent claims by the parties involved without the need to take up Court time and cause inordinate delay to any settlement by insurance companies."*

The letter goes on to state the following:

*"...it is clear that there were significant failings in dealing with this incident. Proper procedures did not take place at the scene and the relevant information including the full extent of your injuries was not obtained, resulting in incomplete information being recorded. I apologise for the lack of service you received and can advise you that disciplinary action is being instigated in relation to the failings identified."*

The letter concludes by stating the following:

*"Having reviewed the circumstances of the collision ... I am satisfied that the evidence available, in relation to the level of carelessness by the other driver, did not merit a report to the Procurator Fiscal."*

A handwritten note dated 13 May 2008 from Chief Superintendent H to the Head of Fife Constabulary's Professional Standards Department states that he intended to issue a warning under paragraph 5(3) of the Regulations. Chief Superintendent H added that "...the circumstances of the RTA do not merit a report to [the COPFS]."

As part of Chief Inspector J's investigation, he undertook a review of the decision not to report the incident to the Procurator Fiscal. Guidance was sought from "HQ Criminal Justice" regarding whether the matter should have been reported to the Procurator Fiscal. The advice he received was as follows:

*"... given the circumstances there would be insufficient evidence to prosecute under Sec 3 [driving without due care and attention] as there are no independent witnesses to prove the level of carelessness ...*

*It is not clear whether the injuries quoted by the applicant were apparent at the time of the police attendance or whether they developed later. I would still say that they would not have fitted the criteria and the reporting officer should have used his discretion re this matter when considering a police report."*

Chief Inspector J's report also makes reference to previous advice which the Area Procurator Fiscal had given to Fife Constabulary concerning the reporting of careless driving incidents involving injury. Chief Inspector J's report contains the following passage:

*"... it is intimated that the Procurator Fiscal had expressed the view that it is a matter of judgement for the officers concerned whether the degree of carelessness is minor. The memorandum also advises that the Procurator Fiscal would also expect a degree of discretion to be used in regard to injuries, and has always accepted that very minor injuries could be regarded as there being no injuries at all."*

The views expressed by Chief Inspector J in the above passage are based upon a memo which he was sent by Superintendent K on 2 May 2007 in relation to a separate case. The relevant passages of the memo are as follows:

*"I have related the circumstances of the above accident to... [the] Area Procurator Fiscal and his position is outlined in the attached letter... His view is that it is a matter of judgment for the officers concerned whether the degree of carelessness is minor. He would also expect a degree of discretion to be used in regard to injuries, and has always accepted the very minor injuries could be regarded as there being no injuries at all."*

[Superintendent K then quotes from the Area Procurator Fiscal's letter] *'in the case to which you referred, there is no doubt that there were injuries which ultimately were serious enough to justify reporting. I wonder however if in the circumstances the degree of carelessness was significant enough to merit reporting ....'*

Chief Inspector J also quoted Fife Constabulary's standard operating procedures regarding road traffic accidents, stating that contraventions of section 3 of the Road Traffic Act 1988 are no longer reported where:

- there is no injury;
- the collision is minor;
- no other offences have been committed; and
- there is no evidence of impairment through drink or drugs.

Chief Inspector J's preliminary report states that he subsequently discussed with the applicant the above guidance and explained that a report would have been sent to the Procurator Fiscal only if there was "...evidence of a significant level of carelessness and the level of injury is serious."

According to Chief Inspector J's report, although the applicant acknowledged the explanation provided, he maintained that the circumstances should have been reported to the Procurator Fiscal. Chief Inspector J concluded:

*"I am of the opinion that the view expressed by Chief Superintendent [H] in his letter of 12<sup>th</sup> May 2008, is correct in that having reviewed the circumstances of the collision applicant was involved in, the evidence available, in relation to the level of carelessness of the other driver, and the level of injuries caused to applicant, do not merit a report to the Procurator Fiscal"*.

Chief Superintendent H's response to the applicant of 17 July 2008 stated the following:

*"I understand that Chief Inspector [J] discussed with you the position of the Force in terms of reporting to the Procurator Fiscal offenders in respect of Section 3 of the Road Traffic Act, 1988, as it related to the circumstances of the road accident you were involved in. I would reiterate the stance outlined in my letter to you of 12<sup>th</sup> May 2008. The decision to submit a report to the Procurator Fiscal for consideration of prosecution in respect of careless driving is based upon a number of factors, including the cause of the collision,*

*evidence pointing to the level of carelessness displayed by the drivers and the seriousness of the injuries sustained.*

*In addition, Police Officers are afforded a degree of latitude to exercise discretion and judgment when attending incidents. They are trained to take all factors into consideration before deciding whether to report an offender to the Procurator Fiscal for consideration for prosecution.*

*I understand from your discussions with Chief Inspector [J] that you still do not accept this view, maintaining that the driver of the other vehicle should have been reported to the Procurator Fiscal for a contravention of the Road Traffic Act, 1988, Section 3.*

*I acknowledge and can appreciate your frustration in respect of this matter, however, having again reviewed the circumstances of the collision you were involved in, I remain satisfied that the evidence available, in relation to the level of carelessness of the other driver, and the level of injuries sustained by you, would not merit a report to the Procurator Fiscal.”*

### Consideration

The applicant's main area of dissatisfaction is an alleged failure by Fife Constabulary to submit a report to the Procurator Fiscal in respect of Person A's alleged careless driving. Chief Inspector J's assessment of the applicant's correspondence also identified that the applicant was not convinced about the accuracy of the information on which Chief Superintendent H based his response to the complaint. According to Chief Inspector J, the applicant continued to believe that, had Constable B followed the correct procedures from the outset, the matter would have been reported to the COPFS.

This review will therefore focus on whether the conclusion reached by Fife Constabulary was reasonable.

It is evident from Inspector F and Chief Inspector J's reports that both officers considered the terms of Fife Constabulary's standard operating procedures relating to road traffic incidents. The relevant passage of those procedures is as follows:

*“...with effect from October 2002, the Force no longer report contraventions of the Road Traffic Act 1988, Section 3, where there is no injury, the collision is minor, no other offences have been committed and there is no evidence of impairment through drink or drugs.”*

The above passage is based upon a “Force Notice” dated 10 October 2002, the relevant passages of which are as follows:

*“The Area Procurator Fiscal has intimated that Road Traffic Accidents falling within the following criteria need no longer be subject of a report to the [Procurator Fiscal] for a contravention of Section 3 of the Road Traffic Act, 1988. Viz:-*

- (a) No person is injured **and***
- (b) Where there is no evidence of careless driving **or***
- (c) Where the degree of carelessness is minor e.g vehicle reverses into parked car **and***
- (d) There are no other offences committed e.g insurance or a driving licence offence **and***
- (e) There is no suspicion that the accident may have been caused by mechanical defect, illness, drink or drugs.” (emphasis in original).*

In the present case, the pertinent provisions of the Force Notice are those listed under (a) and (b). These provide that a report need not be sent to the Procurator Fiscal where there is no injury *and* there is no evidence of careless driving. This seems to suggest that a report to the Procurator Fiscal is required where there is evidence of injury *or* evidence of careless driving.

In relation to (a), it is not in dispute that the applicant was injured as a result of the collision. Accordingly, on a literal interpretation of the Force Notice a report ought to have been sent to the Procurator Fiscal. However, this fails to take into account the advice which the Area Procurator Fiscal has given to Fife Constabulary as detailed in Superintendent K's memo quoted above. According to this advice, discretion must be used in relation to the assessment of injuries and very minor injury may be regarded as no injury at all. Indeed, the letter from the Area Procurator Fiscal quoted in Superintendent K's memo refers to injuries being "serious enough to justify reporting".

In relation to (b), it could perhaps be argued that there is some evidence of careless of driving on the part of Person A given her response to caution. However, bearing in mind the Area Procurator Fiscal's advice to Superintendent K, this too would appear to be a matter for the discretion of the officers attending the incident. As noted above, Chief Inspector J was informed by the force's criminal justice department that:

*"...given the circumstances there would be insufficient evidence to prosecute under Sec 3 as there are no independent witnesses to prove the level of carelessness."*

Taking all these factors into account, the Commissioner considers that this complaint was handled in a reasonable manner. In the Commissioner's view, Fife Constabulary conducted a thorough examination of the issues and provided the applicant with a detailed and properly reasoned response.

The applicant's complaint has, however, raised an important issue regarding Fife Constabulary's policy and procedures in relation to the reporting of road traffic incidents to the Procurator Fiscal. It is clear that Fife Constabulary's standard operating procedures (quoted above) do not reflect the terms of the Force Notice. For example, unlike the Force Notice, the procedures make no reference to the absence of evidence of careless driving. The procedures also refer to the minor nature of the collision, whereas the Force Notice refers to the minor nature of the carelessness. There is also no mention in the procedures of the need to consider whether other offences have been committed. In addition, the procedures tend to suggest that a report to the Procurator Fiscal is not necessary where the four criteria stated (no injury; minor collision; no other offences committed and no evidence of impairment through drink and drugs) are all satisfied. On the other hand, the Force Notice does not require all criteria to be satisfied. Furthermore, the Force Notice states merely that reports *need not* be sent to the Procurator Fiscal if the criteria are satisfied, whereas the procedures suggest that such incidents *will not* be the subject of a report.

In addition, the fact that Chief Inspector J has required to rely upon a memo sent to him by Superintendent K in 2007 suggests that both the Force Notice and the standard operating procedures are in need of amendment. Given the terms of the Force Notice, it is understandable that the applicant feels that the incident ought to have been reported to the Procurator Fiscal. He suffered injury as a result of the incident which in terms of the Force Notice would, in itself, have justified a report being made. There was also arguably some evidence of carelessness which, in terms of the Force Notice, might also have justified a report.

Accordingly, the Commissioner recommends that Fife Constabulary revises its Force Notice and standard operating procedures to make clear the circumstances in which reports of section 3 incidents need not be made to the Procurator Fiscal. Such revisions should also make clear the discretion afforded to officers in determining whether injuries are sufficiently serious to justify reporting. The Commissioner believes that implementation of this recommendation will be of value to both police officers and members of the public alike.

The recommendation reflects one which was made by Chief Inspector J in his report to Chief Superintendent H. The Commissioner commends Chief Inspector J for identifying the inadequacies in the present procedures on this issue. During the course of the review, the Commissioner's office contacted Fife Constabulary to establish if any follow up work had been carried out as a result of Chief Inspector J's recommendation. In response Fife Constabulary stated that the procedures had been reviewed and found to be "fit for purpose". For the reasons given, the Commissioner does not share that view.

## Complaint 2: Inspector F was unprofessional and rude

### *Internal Handling*

The applicant's letter of 9 June 2009 stated that, upon attendance at his home on 23 April 2008, Inspector F was rude to his colleague, Sergeant G, by telling him to "shut up". The applicant's letter also detailed his dissatisfaction with Inspector F's alleged lack of manners and "the information he was offering".

The applicant reiterated these concerns in his statement of 3 July 2008. Specifically, he stated that Inspector F was unprofessional towards Sergeant G, that he talked down to him (the applicant) and was "very dry, cavalier and matter of fact". The applicant found this attitude:

*"... less than professional and [he]... distinctly formed the impression that he was neither interested in my complaint or attending my property in [an] attempt to resolve this incident or in what I had to say."*

During his investigation, Chief Inspector J obtained statements from Inspector F and Sergeant G. Chief Inspector J's report stated the following:

*"... both officers acknowledge the fact that Inspector [F] told Sergeant [G] to remain quiet at one stage, however Inspector [F] states that this was as a result of the fact that he was at a crucial point in the applicant's statement and was seeking to note exactly what the applicant was saying."*

Chief Inspector J concluded that there was insufficient evidence to justify this complaint.

In his letter of response to the applicant of 17 July 2008, Chief Superintendent H stated the following:

*"Both Officers acknowledge the fact that Inspector [F] told Sergeant [G] to remain quiet at one stage, however, intimate that this was as a result of the fact that Inspector [F] was at a crucial point in noting your statement and was seeking to note exactly what you were saying. There is nothing to suggest that this was done in a rude or derogatory manner. Inspector [F] maintains that during his dealings with you he was polite and courteous to you and did not display a negative attitude in dealing with your complaint."*

*"In the absence of other supporting evidence, there is insufficient evidence of misconduct under the Police (Conduct) (Scotland) Regulations, 1996 in respect of Inspector [F]'s dealings with you. I will, however, ensure that your perception of Inspector [F]'s manner and attitude is brought to his attention."*

### *Consideration*

It is clear from the evidence that Inspector F prevented Sergeant G from asking a question at a particular juncture of the interview. However, there is a divergence over exactly what was said. In his statement, Inspector F states that he told Sergeant G to be quiet, or words to that effect.

Sergeant G states, in effect, that Inspector F politely asked him not to interrupt as he was at a important point in the interview. Sergeant G makes no reference to having been spoken to in an inappropriate manner and, indeed, describes a positive and long-standing working relationship with Inspector F

Based upon this information, the Commissioner considers that Fife Constabulary investigated and responded to this complaint in a reasonable manner.

The applicant also believes that Inspector F adopted an inappropriate attitude when dealing with him and attended his home purely to conduct “an exercise in PR”.

On the other hand, Inspector F states that he was polite and courteous to the applicant at all times and that he did not display any negative attitude towards dealing with the complaint. This, he said, was highlighted by the observations and conclusions he thereafter reached on the applicant’s behalf.

Based on the file supplied to the Commissioner’s office by Fife Constabulary, there is no evidence to support this allegation that Inspector F had a negative attitude towards the applicant’s complaint. Inspector F considered several items of evidence before obtaining the applicant’s statement and his investigations also led to Constable B receiving a warning under the Regulations. In the Commissioner’s view, this demonstrates that Inspector F’s approach to the applicant’s complaints had greater substance than the applicant believes to be the case.

The Commissioner also considers that Superintendent H’s comment that Inspector F’s alleged attitude was a matter of perception was reasonable in the circumstances.

The Commissioner therefore considers that this complaint was handled in a reasonable manner.

## Conclusions, Recommendations and Learning

### Complaint 1: Alleged failure to report to the Procurator Fiscal

In the Commissioner’s view, the manner in which this complaint was handled by Fife Constabulary was reasonable. However, the Commissioner recommends that Fife Constabulary revises its Force Notice and standard operating procedures to make clear the circumstances in which reports of section 3 road traffic incidents need not be made to the Procurator Fiscal. Such revisions should also make clear the discretion afforded to officers in determining whether injuries are sufficiently serious to justify reporting.

### Complaint 2: Inspector F was unprofessional and rude

In the Commissioner’s view, the manner in which this complaint was handled by Fife Constabulary was reasonable. Accordingly, no further action is required in this connection.

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