

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 applicant contacted Strathclyde Police reporting that a relative was defrauding her. Constables A and B attended the applicant's home in this connection but found no evidence to support the allegations. The applicant later complained that Constable A had been disrespectful to her while in her home.

The Commissioner did not consider that the complaint was dealt with in a reasonable manner by Strathclyde Police, but in the circumstances made no recommendation in this connection.

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 23 March 2009 Constables A and B attended the applicant's home in response to a report from the applicant that her daughter was refusing to return property belonging to her. According to Constable A the applicant stated that her relationship with her daughter had broken down and that her daughter was withholding her personal belongings, as well as her dog. Constable A states that the applicant showed him text messages which she felt proved her allegations. Constable A read the text messages but, according to him, did not see anything in them to suggest criminality.

On 2 May 2009 Constables A and B attended the applicant's home again. According to Constable A, on this occasion the applicant alleged that her son in law had been setting up direct debits in her name and that her daughter had sent her text messages threatening to assault her. Constable A states that the applicant informed him she had deleted the text messages but had evidence to back up her claims on her computer. However, according to Constable A the applicant was unable to access her computer.

The applicant is registered as a disabled person.

The Complaints

Based on the contents of the application form, the correspondence received from the applicant, and the information obtained from Strathclyde Police the Commissioner has identified a single complaint, namely that Constable A disrespected the applicant by laughing at her and continually telling her that he would need more evidence to support her allegations.

The Commissioner's Review

This section sets out the Commissioner's views on the manner in which the applicant's complaint was dealt with.

In her statement of 26 June 2009 the applicant confines her complaint to what occurred during Constable A and B's visit to her home on 2 May 2009. Her statement contains the following:

"I showed [Constable A] some documents and he kept telling me he would need some evidence. He kept saying he needed more evidence. I was very ill that day and felt he was laughing at me and slagging me off as I couldn't get my computer to work ... This is my main criticism of [Constable A] was his manner (sic). I was having a bad day and his manner I did not feel was appropriate at that time."

Internal Handling

The applicant's complaint was allocated to Inspector C for enquiry. In addition to obtaining a statement from the applicant, Inspector C obtained a report from Constable A detailing her recollections of his visits to the applicant's home.

Constable A stated that during his visit to the applicant's home on 2 May 2009 she alleged a relative was defrauding her. Constable A asked the applicant if she had any proof of evidence to support her claims. According to Constable A, the applicant advised that she had evidence on a computer but was unable to access this.

Constable A strongly denied that he had laughed at the applicant or made fun of her disability.

On 30 June 2009 Superintendent D wrote to the applicant stating:

"It is crucial that I take everyone's account of events into consideration prior to concluding my deliberations and I have to tell you ... that [Constable A] refutes your allegation."

He maintains that he dealt with you professionally, was at no time disrespectful and whilst leaving your home from his initial visit you thanked him and [Constable B] for being the most helpful officers you had dealt with in a long time...

Your complaint has been brought to the attention of [Constable A] who is aware of the need to remain professional at all times whilst discharging his duty as a Constable."

Consideration

The applicant's complaint is that Constable A disrespected her by (a) laughing at her and (b) continually telling her that he needed more evidence in relation to her allegations. Although the Commissioner is prepared to consider element (a), it does not appear in the circumstances that element (b) is a legitimate complaint about the police. Constable A had attended the applicant's home on 2 May 2009 in order to deal with her allegations of fraud and it was his duty to assess any evidence and enquire as to whether there might be more.

In dealing with this complaint, Strathclyde Police obtained a detailed statement from the applicant which assisted greatly in clarifying her complaints. A detailed account was also given by Constable A in which he gave a clear description of his involvement and refuted the applicant's allegation against him. However, the Commissioner notes that Strathclyde Police did not take the obvious step of obtaining an operational statement from Constable B who accompanied Constable A to the applicant's home on 2 May 2009. By Superintendent D's own account it was crucial that

everyone's account of events is taken into consideration. As such, the Commissioner has difficulty understanding why no statement was obtained from Constable B.

Under other circumstances, the Commissioner would have recommended that Strathclyde Police obtain a statement from Constable B and issue a further response to the applicant in light of this. However, in the Commissioner's view the applicant's complaint is vague and appears to be wholly a matter of her impression of Constable A's behaviour. In her statement, she refers on several occasions to being confused about events. Indeed, on the day in question she describes herself as having been "very ill" and that she "couldn't remember what [she] was doing". It appears to the Commissioner that the applicant's impression of Constable A's behaviour may not be reliable. In these circumstances the Commissioner does not consider it appropriate to formally request further action by Strathclyde Police in relation to the complaint.

Conclusions, Recommendations and Learning

In the Commissioner's view, the manner in which this complaint was dealt with by Strathclyde Police was not reasonable. However, for the reasons given the Commissioner makes no recommendation in this connection.

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