

# 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**

On 1 June 2009 the applicant contacted Strathclyde Police to report that a male (who the applicant later identified as Mr A) was vandalising the applicant's car and van outside his home. The applicant later complained to Strathclyde Police about the time it had taken officers to attend the incident and the extent of enquiries subsequently undertaken.

The Commissioner concluded that each complaint was handled reasonably by Strathclyde Police.

## 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

At 11.33 pm on 1 June 2009 the applicant telephoned the emergency services and reported to Strathclyde Police that a man had "just smashed every window in [the applicant's] van and car." An incident report was created at this time. The applicant contacted the police again, at midnight and at 12.09 am, requesting an arrival time. The applicant contacted the police a further time at 12.40 and identified Mr A as the person who allegedly smashed the windows. He added that Mr A had been accompanied by another male, who he did not identify, and provided details of the car both men were in at the time.

At 1.21 am Constables B and C attended the applicant's home. They took a statement from the applicant in relation to the incident and searched the area for Mr A. The following day Constables D and E conducted door to door enquiries at eleven addresses in the same street. One witness stated that she saw the incident and provided a statement to police. The witness was later shown a book of photographs but was unable to identify the perpetrator. The applicant later identified two other potential witnesses who were interviewed by the police but were unable to identify the person responsible.

On 5 and 8 June 2009 the applicant contacted Strathclyde Police and reported that he had been receiving threats from Mr A. On 9 June 2009 officers from Strathclyde Police gave the applicant a "Threat to Life" warning in relation to the alleged threat posed to him by Mr A.

On 8 June 2009 attempts to locate Mr A at his home and business address were unsuccessful. On 11 June Mr A's solicitor telephoned the police to enquire as to why they were attempting to trace Mr A. The solicitor was informed that the information could not be given out over the phone

and that he should attend a particular police station with Mr A. Later the same day Mr A attended the police station.

On 1 July 2009 Mr A was detained and interviewed by Constables C and F. During the interview Mr A refused to answer any questions and was released without charge.

Following Mr A's interview the crime report relating to the incident was updated by Constable C with the following entry:

*“At this time the complainer is the only witness to this incident who can identify the suspect. There is no other evidence available to link the suspect at this time and as such I am unable to progress the enquiry further.”*

## 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 the following complaints:

- (1) that Strathclyde Police took too long to respond to the applicant's report of vandalism; and
- (2) that the applicant's allegation of vandalism against Mr A was not properly investigated and that the feedback he received regarding the enquiry was inadequate.

## The Commissioner's Review

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

### Complaint 1: Response time

The applicant is dissatisfied with the period of time taken for police officers to attend his home in relation to the damage caused to his vehicles.

#### *Internal Handling*

The applicant's complaints were the subject of enquiry by Inspector G. According to his report, the applicant initially raised complaint 1 at 1.12 am on 2 June 2009 whilst waiting for the police to attend his home. Inspector G and Sergeant H later attended the applicant's home and explained that the delay was due to the officers who attended his home being diverted to a more serious incident. According to the police report, the applicant stated that he was aware of the demands placed upon the police and accepted the explanation given. The applicant also stated that he did not wish to make a complaint about the police in this connection.

The applicant thereafter contacted Strathclyde Police several times by telephone. According to the police report, during a number of these calls the applicant initially stated that he wanted to make a complaint about the police before stating that he did not wish to do so.

On 29 June 2009 the applicant telephoned Strathclyde Police regarding complaints he claimed to have made. On 3 July 2009 a statement was obtained from him by Inspector G and Sergeant H. During the interview the applicant became irate about the questions he was being asked and left the police station without providing a full statement.

As part of his enquiries, Inspector G obtained details of the police patrol cars on duty on 1 and 2 June 2009 and the incidents they attended.

On 16 July 2009 Superintendent J wrote to the applicant in response to his complaint, stating:

*“Inspector [G] has enquired into why it took more than 1 hour 50 minutes for the police to respond to your initial telephone call, a delay which is, quite frankly not acceptable. At the time when the Area Control Room received your call, all available resources in the ... area were engaged with other incidents. It would however have been expected that a Supervisor would have been contacted to make alternative arrangements, given the nature of the call. This does not appear to have happened on this occasion. The normally robust procedures to ensure all calls receive a timeous response inexplicably failed on this occasion, resulting in there being an initial delay of approximately 1 hour before a resource was actioned to the incident.*

*Unfortunately, once a car had actually been sent to the call, the officers were thereafter diverted to an ongoing attempted suicide which was, understandably, assessed as a higher priority. This contributed to the further delay of some 50 minutes in attending to your incident.*

*I understand that you raised your concerns regarding the delay with the Area Control Room and Inspector [G] when he attended the scene that night, but at that stage you apparently intimated that you did not wish to raise a formal complaint. As I have now explained, a combination of events occurring elsewhere in the area and an inexplicable lapse in normal procedures at Area Control Room, contributed to the very poor response which you received on this occasion and I apologise unreservedly for this failure.”*

### Consideration

Superintendent J's comment that the procedures “inexplicably failed” on the occasion in question is supported by Inspector G's findings. In addition, Superintendent J fully explained to the applicant the reason for the further delay in officers attending his home. An unreserved apology was also given to the applicant in this connection.

In these circumstances, the Commissioner considers that Strathclyde Police handled this complaint reasonably. Accordingly no further action is required in this connection.

### Complaint 2: Investigation into the alleged vandalism

During a phone call to Strathclyde Police the applicant expressed his dissatisfaction with the police investigation of his allegation against Mr A.

### Internal Handling

Inspector G obtained details of the police response to the applicant's allegation. These are summarised as follows in Superintendent J's letter of response:

*“Door to door enquiries were carried out the next day and all relevant parties were interviewed regarding the incident. While a number of neighbours reported at the time hearing and seeing the disturbance, none could positively identify the suspect(s) despite their being spoken to by the police, on more than one occasion. As previously stated, you named the suspect as [Mr A]... and enquiries also centred on locating him. I can inform you that after considerable effort he was detained by the police and questioned regarding his alleged involvement which he denied. In the absence of further corroborative evidence, Mr [A] was not charged in connection with the incident although the case remains open. I understand that you were apprised of this result by the enquiry officer...”*

*In addition I am aware that in the aftermath of the incident and during the ongoing police enquiry you contacted the police on 12 occasions in relation to your complaint...*

*Having reviewed Inspector [G]'s report I am satisfied that an appropriate level of contact was maintained with you in response to all of your enquiries and that you were provided with relevant updates on the status of your investigation and the procedure that would be followed in relation to your complaint...*

*I am satisfied that the Investigating Officer has kept you sufficiently apprised of the situation as the enquiry progressed and that you have also received an appropriate and full response to the numerous telephone contacts that you have had with regard to both the incident and your complaint."*

### **Consideration**

With regard to the investigation of the applicant's allegation against Mr A, the Commissioner considers that Superintendent J's letter adequately summarises the police enquiries. It is clear from this and Inspector G's report that the alleged offence was properly investigated.

With regard to the alleged failure to update the applicant on the status of the investigation, it is unclear why the applicant believes the police action to have been inadequate in this connection. It appears that the applicant was in regular contact with the police during the enquiry and nothing has been provided to the Commissioner that would lead him to doubt the response given by Superintendent J to this complaint.

Accordingly the Commissioner considers this complaint was handled in a reasonable manner. No further action is required in this connection.

### **Conclusions, Recommendations and Learning**

#### **Complaint 1: Response time**

For the reasons given the Commissioner considers that this complaint was dealt with in a reasonable manner. Accordingly no further action is required in this connection.

#### **Complaint 2: Investigation into the alleged vandalism**

For the reasons given the Commissioner considers that this complaint was dealt with in a reasonable manner. Accordingly no further action is required in this connection.

**John McNeill**  
**Police Complaints Commissioner for Scotland**

Hamilton House  
Caird Park  
Hamilton  
ML3 0QA