

Report of Complaint Handling Reviews in relation to Strathclyde Police

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

Summary and Key Findings

These complaint handling reviews cover complaints made by two applicants. The first applicant's complaints arise from a neighbour dispute. Three complaints are considered by the Commissioner under the heading PCCS/00306/PF-SP (A) and five under PCCS/00306/PF-SP (B).

The second applicant is the son of the first applicant. His complaints, considered here under the heading PCCS/00409/PF-SP, were made following his involvement in his mother's case. In total, eleven complaints are considered by the Commissioner under this reference.

The Commissioner found that all complaints were dealt with in a reasonable manner but in respect of two recommended that the complaints be formally recorded as such.

The Commissioner also commended Strathclyde Police for its good practice in encouraging the use of mediation between the first applicant and her neighbours and for its allocation of a specific officer as a named point of contact where repeated requests are made for assistance.

The Commissioner identified as a learning point the need for Strathclyde Police to ensure that any decision to restrict contact with complainers is communicated in writing to the individual concerned and an explanation given as to the reasons for this course of action.

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.

Case reference PCCS/00306/PF-SP(A)

Background

The applicant's complaints arose initially from a dispute between the applicant, her neighbour, Person A, and Person A's parents, Persons D and E. The applicant had contacted the police between Easter Sunday and October 2007 in relation to incidents that had occurred on or around her property. Persons A, D and E had similarly made allegations to the police about the conduct of the applicant. Police officers had attended at their respective homes in connection with enquiries into these allegations.

Incident 1

On 11 September 2007 Constables B and C had visited the applicant at her home in connection with her allegation that Person A's mother, Person D, had talked to her while driving past in her car, something which the applicant apparently found disturbing. Following his visit to the applicant's home, Constable B spoke to Person D who admitted approaching the applicant but explained that this was because the applicant had been standing outside Person D's home, staring in the window.

Incidents 2 and 3

The applicant reported that a further incident had occurred on 7 October 2007, when Person D had allegedly looked into the applicant's window and thereafter taken photographs of her inside her home. Constable B was one of two officers who attended the applicant's home in this connection. According to the applicant, after Constable B went to speak to her neighbours, he told the applicant he had destroyed the camera film belonging to Person D. The applicant claims that an hour or so later, Persons A, D and E stopped outside her window and so she called police again to report this. When Constable B arrived for the second time that day, the applicant's friend, Person G, was with her. Person G questioned Constable B about why he had destroyed the film in Person D's camera, as the applicant felt that the contents of the film would have assisted her in undermining allegations which her neighbours had made against her.

Incident 4

On 4 November 2007, Constables J and B arrived at the applicant's home and informed her that they were there to charge her with a breach of the peace in relation to an incident that had allegedly taken place the previous weekend, when the applicant was said to have shouted and sworn at Persons A, D and E. According to the applicant, she told the officers that, at that particular time, she had been at the home of her friend, Person G, and so could not have been where the witnesses had placed her. Following a discussion with Person G, the applicant contacted the police and asked that they visit her again in order to clarify her position. Consequently, Constable B arrived later that day to speak to her about the matter.

The Complaints

Based on the contents of the correspondence received from the applicant, and the information obtained from Strathclyde Police, the Commissioner has identified the following complaints:

- (1) that Constable B had a poor attitude on four occasions when he made contact with the applicant;
- (2) that police allowed the applicant's neighbours to intimidate her in her own home while ignoring her own requests for assistance; and
- (3) that the applicant was falsely charged with breach of the peace.

The Commissioner's Review

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

Complaint 1: Alleged poor attitude of Constable B

The applicant expanded on her complaint in her statement of 16 November 2007. With regard to Constable B's visit to her home on 11 September 2007, the applicant stated the following:

"During this conversation, Constable [B] seemed bored and kept looking about the room. I said to him, because it was getting embarrassing, 'AM I BORING YOU?' He made no reply. Constable [C] said 'NO ... IT'S ALL RIGHT'."

With regard to Constable B's visit to her home on 7 October 2007, the applicant stated that when she told him what had happened, Constable B had "his usual bored look on his face". The applicant also stated that, when asked by Person G why he had destroyed the camera film, Constable B gave no response. According to the applicant, Person G asked the same question three times and was eventually told by Constable B that if she was not happy with the way he was conducting the investigation she should contact his superiors.

With regard to Constable B's visit to the applicant's home on 4 November 2007 (when Constable J charged her with a breach of the peace), the applicant stated the following:

"I then asked Constable [B] 'WHAT CAN I DO ABOUT THIS BECAUSE IT HAS BEEN GOING ON SO LONG'. He just made one of his bored sighs and moved towards the door."

In her letter to Strathclyde Police dated 6 November 2007, the applicant describes Constable B's attitude on 4 November as "exactly the same but ... more insolent." The applicant complains that she was visibly distressed but that Constable B did nothing to "quell my fears for my safety".

The applicant's statement concluded with the following:

"My complaint is that Constable [B] has a very bad attitude, he had been very unhelpful when I asked him what I could do and explain the police procedures because I haven't got a clue. He didn't. He clearly didn't want to be there."

Internal Handling

In enquiring into this aspect of the applicant's complaints, Inspector K obtained statements from the applicant and Person G as well as Constable B and the officers who accompanied him on the four occasions - Constables J, C and M. He also considered police incident logs relating to the different incidents.

Incident 1

Inspector K considered the statements given by Constables B and C. Both officers spoke of the applicant reading to them from a notebook she kept containing details of several previous incidents relating to Persons A, D and E. Constable B stated the following:

"Over a period of 30 minutes, Constable [C] and I listened intently to [the applicant] go through the details of the previous incident but recall at one point the applicant stating to us 'AM I BORING YOU?' to which my interpretation of that was that she thought she was taking too long to relay the background not that Constable [C] or I were not giving her our full attention. I, along with Constable [C], immediately assured her that she was not boring us, we were listening intently as it was important to know the background of the incident and [the applicant] continued without problem."

Constable C gave a similar account of events. He strongly denied the applicant's allegations about Constable B.

In his letter of response to the applicant, Superintendent L presented the events of that day as they had been described by both parties. He noted that both officers had found that there had been insufficient evidence to pursue any criminal charges against Person D. Superintendent L concluded

"Whilst recognising your disappointment at such an outcome, I am satisfied that the police response was proportionate to the information available. Both officers maintain that notwithstanding your perception, with this being apparent to them from remarks made by

you at the time, they made efforts to reassure you as to their interest in your complaint from the outset and convey their impartiality in proceedings.”

Incidents 2 and 3

In his statement, Constable B stated that, upon his attending at the applicant's home on 11 October 2007, she described the incident that had taken place. Constable B then attended at the home of Persons D and E. He explained to Persons D and E that their taking photographs of the applicant could lead to an “allegation of causing ... alarm” to her. Person D then destroyed the film in the presence of Constables B and M. According to Constable B, he informed the applicant of this and she “seemed happy” about it.

Constable B returned to the applicant's home later that day in relation to a further allegation she made. At this time Person G was present and, according to Constable B, she repeatedly questioned his integrity by claiming that he was favouring Persons A, D and E. A similar account of these visits was given by Constable M, who also strongly denied the allegations made about Constable B.

Superintendent L considered of note the applicant's belief that Constable B had destroyed the camera film belonging to Person D. He explained that both police officers

“... have clarified that, having established that no criminal offence had been committed, [they] sought to address your concerns through advising [the neighbours] of your complaint and discussing their alleged conduct. As a consequence, having related a different version of events to that provided by yourself, [the neighbours] elected to destroy the film of their own volition in the presence of [Constable B] and his colleague, with this act not done nor requested by either officer.

I should perhaps clarify that in the absence of criminal conduct on the part of either party, neither the camera nor any photographs held on any film within it fell to be considered as a production in any criminal proceedings ...

Neither officer can explain as to how you were led to believe that such action was taken by them or under their instruction, however trust this clarifies the position.”

With regard to the second visit that day, Superintendent L wrote

“On interview, both officers acknowledge that they made efforts to reassure all parties as to the impartiality of the police in such matters, with this ultimately extending to highlighting the opportunity to express any concerns in this regard to a senior member of the force. The officers relate that such advice was proffered by way of an attempt to quell what was, in their view and supported in remarks made by [Person G] in her statement, becoming a heated and emotive discussion in which [Person G] appeared to be continually calling into question Constable [B]'s integrity.

... I am conscious that [Person G] indicated at that time that she had no intention of [raising a complaint]. Whilst this may have influenced the decision taken on the part of the officers not to raise this with a supervisor, I am disappointed that the officers did not consider bringing your concerns regarding the quality of service provided to the immediate attention of a supervisor. They may then, subject to operational commitments, have been able to attend to discuss such concerns with you. My view and expectations in this regard has been related to both officers.”

Incident 4

According to his statement, on 4 November 2007 Constable B accompanied Constable J to the applicant's home in order that Constable J could charge her with a breach of the peace. The alleged offence had occurred on 2 November 2007 and Constable J had made enquiries on 3 November. However, as Constable B was not on duty on those dates, he had no knowledge of the incident and therefore did not engage with the applicant verbally. According to Constable B, Person G, who was also present, turned to him and accused him of showing no interest in the matter. Constable B was taken aback by this and tried to explain that it was Constable J's enquiry, that he had no knowledge of it and that he just happened to be working with Constable J that day.

In his letter of response, Superintendent L explained to the applicant that Constable B was merely the corroborating officer on this occasion and was there to support Constable J, whose role was to caution and charge the applicant. He stated

"This being the case and in light of your previously directly voiced dissatisfaction with him, [Constable B] sought to limit his direct interaction with you in what now appears to have been a mistaken attempt on his part to avoid giving offence. As I understand it, Constable [J] took primarily responsible [sic] for answering any questions raised by you in relation to this matter."

Consideration

The Commissioner acknowledges the difficulties inherent in addressing complaints which essentially appear to be matters of perception and where conflicting accounts are presented about attitudes and behaviour.

In the Commissioner's view, this complaint has been adequately investigated by Inspector K and comprehensively addressed by Superintendent L. Superintendent L's response is based on an appropriate consideration of a range of statements and incident reports and provides a good deal of contextual explanatory information to the applicant. Superintendent L also adopted a conciliatory and helpful tone in his letter and displayed what appears to be a genuine attempt to resolve the complaints based on the evidence available to him.

For the reasons given, the Commissioner considers that this complaint was dealt with in a reasonable manner. Accordingly, no further action is required of Strathclyde Police in relation to this complaint.

Complaint 2: Ignoring requests for assistance

In her letter of 6 November 2007, the applicant told the police

"I have constantly over these many months asked your officers for help or guidance and apart from a few officers I felt this was lacking. Yet these aforementioned persons are being allowed to intimidate me outside of my own home and even more frightening, inside."

The applicant made no reference to this issue in her statement.

Internal Handling

Inspector K did not consider this complaint in his report. However, in his letter of response Superintendent L stated the following:

"You have also expressed an overall dissatisfaction that the police have failed to give you advice and guidance and believe that the police have allowed [the applicant's neighbours] to intimidate you inside and outside your home. It is of course regrettable that you consider we

have not supported you in this regard, especially when, from examination of our systems it would appear that the police have attended on numerous occasions in an attempt to do so. Indeed I note you commend the support provided by a number of officers in your letter ... Our records would indicate that even where there has been insufficient evidence to prefer charges, officers have attended at [the neighbours'] home and similarly warned them in the same impartial manner as when [they] have made complaints against you. This has been done in the hope that this will stop what appears to have turned into an acrimonious neighbour dispute escalating even further."

Superintendent L acknowledged the difficulties of police officers when facing a lack of corroboration or evidence and added

"The actions of officers are and, as is right and proper, will continue to be, confined to acting within the parameters of the criminal law system and on the evidence available."

Consideration

Strathclyde Police's file contains numerous records of calls from the applicant and her neighbours and details of action taken by officers in response to them. Inspector K noted 14 incidents having been initiated by the applicant on the STORM police reporting system since June 2006. In the same period, he noted that Persons A, D and E had initiated 5 incidents involving the applicant. On only two occasions out of 19 had there been sufficient evidence to report matters to the Procurator Fiscal..

It is clear from these records and the accounts given by those interviewed in respect of the applicant's complaints that officers have attended numerous incidents following calls from the applicant and have taken various forms of action in relation to them.

In the Commissioner's view, Superintendent L provided a reasonable response to this complaint. However, the Commissioner notes that this complaint does not appear to have been formally recorded as such by Strathclyde Police. The Commissioner therefore recommends that this is now done.

Complaint 3: alleged false breach of the peace charge

In her letter of 6 November 2007, the applicant states that she has been "falsely accused and charged" with breach of the peace and has two witnesses who could prove she was elsewhere at the time.

The applicant makes no reference to this issue in her statement.

Internal Handling

This matter was not addressed specifically by Inspector K in his report although Constable J referred to it in her statement. There, she stated that she had advised the applicant she could use her witnesses in the event that she was tried for the alleged offence.

In his letter of response, Superintendent L explained

"... officers are duty bound to prefer criminal charges where a complaint is made and there is a sufficiency of evidence. Thereafter a report is submitted to the Procurator Fiscal, who will, as an independent party, decide whether or not any action is taken, including whether the matter requires to be brought before a criminal court of law for any further deliberation.

In these circumstances [the applicant's defence to the charge] would normally be something that you would raise through legal counsel as part of any required defence at

any subsequent trial, rather than a matter for the police. I am advised that such a prospect is no longer necessary as the Procurator Fiscal has communicated that he/she has decided not to proceed against you in this connection ... it is my understanding that the direction made in this regard does not serve to undermine the propriety of the actions of the officers concerned who were acting upon the evidence provided by other parties.”

Consideration

In the Commissioner’s view, Superintendent L adequately explained to the applicant the procedure which is followed by the police in such circumstances. It appears from Constable J’s statement that a similar explanation was given to the applicant at the time of the incident.

The Commissioner therefore considers that this complaint was handled in a reasonable manner. However, it does not appear that Strathclyde Police formally recorded the complaint and the Commissioner therefore recommends that it now does so.

Conclusions, Recommendations and Learning

As well as a comprehensive response to the applicant’s complaints, Superintendent L also provided the applicant with a named point of contact for future enquiries, an officer who had also been tasked to “monitor the situation on an ongoing basis”. The Commissioner considers this to be an example of good practice in complaints handling and he commends Strathclyde Police for this approach.

The Commissioner also observes from the files the attempts made by officers to engage the applicant in mediation with her neighbours in an effort to resolve the dispute at the heart of her complaints about the police. Superintendent L repeated this advice in his letter of response and supplied the applicant with a booklet regarding the local authority’s mediation service. Again, the Commissioner commends Strathclyde Police for the efforts it made in this connection.

Despite the perceptions of the applicant, it appears to the Commissioner that Strathclyde Police has dedicated considerable resources to dealing with her allegations and has given the above complaints sufficient attention.

Complaint 1: Alleged poor attitude of Constable B

For the reasons given, the Commissioner’s view is that the manner in which this complaint was dealt with by Strathclyde Police was reasonable. Accordingly, no further action is required in this connection.

Complaint 2: Ignoring requests for assistance

For the reasons given, the Commissioner’s view is that the manner in which this complaint was dealt with by Strathclyde Police was reasonable. Accordingly, no further action is required of Strathclyde Police other than to formally record the complaint.

Complaint 3: Alleged false breach of the peace charge

For the reasons given, the Commissioner’s view is that the manner in which this complaint was dealt with by Strathclyde Police was reasonable. Accordingly, no further action is required of Strathclyde Police other than to formally record the complaint.

Background

On 29 December 2007, the applicant was visited at her home by Constables Q and R, who were investigating an allegation made by Persons A, D and E that the applicant was filming them on a camcorder while in her home. The conversation with the officers took place on the applicant's doorstep. The applicant did not dispute that she had been filming Persons A, D and E, but told Constables Q and R that she had done so on advice given to her son by officers at a police station. The applicant told the officers that she was taking this action to protect herself from false allegations that might be made against her by Persons A, D and E. She then closed her door on Constables Q and R, after telling them she "didn't want anything further to do with it".

In her statement to the police, the applicant stated that, after she had closed her door, Constable R "banged" loudly on it three times. She then opened the door again, following which Constable R shouted something like "if you do this again we will be back to arrest you." According to the applicant, she told the officer she had done nothing wrong and closed her door again. The applicant's friend, Person G, also claims to have heard "banging".

According to Constables Q and R, when the applicant first closed the door Constable R "chapped" it three times in an attempt to speak to the applicant to ensure she understood the reason for their attendance. When the applicant opened her door for a second time, the officers told her that an allegation had been made about her use of the camcorder and, if she did not desist, she may be charged with a breach of the peace.

The Complaints

Based on the contents of the correspondence received from the applicant and information obtained from Strathclyde Police, the Commissioner has identified the following complaints:

- (1) that the police intimidated the applicant when they banged loudly on her door;
- (2) that the applicant was not given a police presence when she requested one;
- (3) that nothing was done about the applicant's neighbour making derogatory remarks about her;
- (4) that the police continually attend at the applicant's home regarding false accusations; and
- (5) that two police officers intentionally did not attend court as witnesses on 8 April 2008.

The applicant contacted the police on 30 December 2007 by telephone to complain about the incident on her doorstep involving Constables Q and R. She was visited at home that day by Inspector K, who took a statement of her complaint and produced a report dated 14 January 2008.

Following Superintendent L's letter of response to complaint 1, dated 21 February 2008, the applicant sent a long and detailed letter to Strathclyde Police in which she expressed dissatisfaction with Superintendent L's letter and also raised complaints 2, 3 and 4.

An internal report, dated 3 April 2008, was prepared by Inspector O and reviewed and signed off by Inspector K. The report concluded that the applicant

"... is seeking conflict at every juncture and it would not be prudent to continue contact with her as it will only inflame the situation and more than likely generate further complaints against the police."

Additional text inserted in the report by Superintendent L states

“In such circumstances, there would appear to be little merit in continuing correspondence with [the applicant] on this matter as it may only serve to cause further unintentional upset. She has, as is her right, referred the matter to the Police Complaints Commissioner and, subject to any interim direction by Complaints and Discipline Branch, it is suggested no further divisional action be taken pending the outcome of any review on their part.”

No further correspondence with the applicant is evident from the files provided to the Commissioner’s office until a letter to her from Chief Superintendent P dated 7 July 2008. That letter acknowledged the applicant’s continuing dissatisfaction with Strathclyde Police over her complaints and referred to the fact that she had by that point contacted the Commissioner’s office. Chief Superintendent P noted that

“... in the course of preparing the [case file at the request of PCCS] it became clear that two specific issues that you raised – one in each of the two complaints – were not addressed in [Superintendent L]’s letters of response.”

Chief Superintendent P then went on to deal with complaint 2 (see below), as well as a separate matter which is not relevant to this review.

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 how Strathclyde Police handled it and the Commissioner’s views on its complaints handling.

As complaint 5 is an allegation of criminal behaviour on the part of police officers the Commissioner has not included it in his review.

Complaint 1: Alleged intimidation of the applicant

In her statement, the applicant complained that Constable R had banged loudly on her door three times and she claimed to have found this intimidating.

Internal Handling

The Complaint about Police (CAP) form relating to this complaint categorised it as one of oppressive conduct. Inspector K’s enquiries included his obtaining statements from Constables Q and R, the applicant and Person G and examining the relevant incident log. In his report, Inspector K summarised the accounts given by the various witnesses.

Superintendent L, in his response to the applicant dated 21 February 2008, described events at the applicant’s home on the day in question, including the applicant’s apparent comments that she had obtained advice about using the camcorder from an unnamed officer at Police Station X; that she had refused entry to police officers; that she had closed the door on them; and that there had been three loud bangs at her door before she opened it again.

Superintendent L also summarised the accounts given by Constables Q and R, in particular that Constable R had merely “knocked” on the applicant’s door. Superintendent L continued

“The issue at hand therefore would appear to be how forceful [the officers] were in this regard, which, in the absence of any indication of damage caused, I must presume was not excessive for the design or construction of the door.”

Superintendent L thereafter commented on a number of apparent inconsistencies in the accounts of the incident given by the applicant and Person G. He went on as follows:

“Finally, there is the officer’s claim to have simply knocked your door three times while you describe it as ‘banging’. Your neighbour [Person G] ... talks of ‘bangs’ coming from your address, although she is unable to say how many bangs and assumes it is being caused by [the applicant’s neighbours] until being informed otherwise by you in a telephone conversation. As previously related, I am unable to corroborate the actions being ‘excessive’ and neither I or my officers are qualified or able to comment on the acoustic quality of the door or surrounding environment which may have presented contributive factors to your own experience versus that of the officers. I must therefore simply note that there is a difference of opinion on this point.”

Superintendent L concluded

“The officers’ actions at your door were as a direct result of your initial refusal to allow them access to your home (which you were clearly at liberty to do) and in the absence of independent corroboration, do not consider that their knocking your door three times to gain a response, excessive.”

Consideration

It appears that underlying the applicant’s complaint was her perception that Persons A, D and E were receiving favourable treatment from the police. In the Commissioner’s view, Superintendent L’s letter was mindful of this in addressing the reasons for the attendance of police officers at the applicant’s door and their need to speak to her fully. Superintendent L expressed hope that the applicant would appreciate the identical approach which had been adopted by officers to the earlier allegation she had made about Persons A, D and E taking photographs of her. He explained that, having established that no offence had been committed on that occasion, officers nevertheless sought to address the applicant’s concerns by discussing the matter with Persons A, D and E.

Essentially, Superintendent L noted that there was disagreement as to whether the police action at the applicant’s door could be considered excessive. There was not, therefore, sufficient evidence to substantiate the applicant’s claim that their actions had been intimidating. In the Commissioner’s view, that conclusion was reasonable based on the available evidence. It is clear that there are competing accounts as to whether Constable R banged or knocked on the door.

The applicant has expressed her dissatisfaction with what she considered to be an implied criticism by Superintendent L in his highlighting of apparent inconsistencies in her account. However, in the Commissioner’s view Superintendent L’s detailed examination of the events - as described by both parties - displays an intent to explain, clarify and seek appropriate resolution. Indeed, the language and tone are, in the Commissioner’s view, conciliatory and the level of explanation provides support for the conclusions reached.

Taking all of the above into consideration, the Commissioner considers that this complaint was handled in a reasonable manner by Strathclyde Police. Accordingly, no further action is required in this connection.

Complaint 2: Refusal to provide a police presence

In her letter of 13 March 2008, the applicant wrote that, on a Thursday in November 2007, Persons A, D and E were taking Person A’s belongings to a vehicle because she was moving home. The applicant was unhappy to learn from other neighbours that what she referred to as “a gigantic white police lorry with a black grill” was parked near her home in order to “oversee” the removal. She explained that, although she wasn’t at home to witness this for herself, she understood from neighbours that Person E had made several trips to the police vehicle to chat to the officers inside.

The applicant maintained that Person E had previously “accosted and threatened” her while she was waiting to donate blood and so she had asked Inspector K some time in advance for a “police presence” on her next planned visit to give blood on 7 January 2008. The applicant said Inspector K had refused her request. She also stated that she had been assaulted by Person E (on 16 October 2007) and she had explained to Inspector K that she was frightened of him.

Internal Handling

As noted above, this complaint was raised by the applicant in her letter of 13 March 2008 (i.e. after Superintendent L’s letter of response to complaint 1).

As noted previously, Inspector O’s report of 3 April 2008 concluded that further contact with the applicant would not be “prudent”. Superintendent L endorsed that approach in an addendum to Inspector O’s report. A handwritten annotation on the report, stamped “21 April 2008 Complaints & Discipline”, which appears to have been inserted by Chief Superintendent P, states

“I have instructed no further action and no further correspondence be entered into with [the applicant] in regard to this matter at this time. Independent scrutiny of the way her complaint has been dealt with is welcomed.”

On 20 May 2008 Chief Superintendent P wrote to the Commissioner’s office advising that, in hindsight, there were certain aspects of the applicant’s complaints that had not previously been considered. Thereafter, statements were obtained in relation to Complaint 2 from Inspector K (undated) and from the applicant on 3 June 2008. In her statement, the applicant reiterated that her complaint about Inspector K was that, while her neighbours were able to secure a police presence when moving house, this was refused to the applicant despite her providing a good reason for needing one.

According to Inspector K, he had explained to the applicant that, because of the series of confrontations in the past between the applicant and her neighbours at their homes, “if requested the police would attend and stand by to ensure that there was no further trouble”. He informed the applicant that, had she made a request in those same circumstances, the police would have attended. According to Inspector K the applicant implied that her neighbours were receiving preferential treatment and then went on to request that police stand by while she donated blood. Inspector K went on

“I asked her if she had any specific information that [Person E] would be at this location at the material time. She did not ... I then advised her that should [Person E] be at the above locus when she called to give blood and she had concerns for her safety, to use the 999 system to summon police assistance ... As far as I am aware [the applicant] donated her blood without incident.”

In a letter dated 7 July 2008, Chief Superintendent P wrote to the applicant in response to her complaint. After giving an overview of the applicant’s concerns and the response that had been given to her at the time by Inspector K, Chief Superintendent P concluded

“I realise ... that you are unlikely to accept the Inspector’s position in this matter. However, having considered carefully [Inspector K]’s actions and comments to you, I cannot in all honesty disagree with his operational decision on this occasion. It seems clear to me that if a more substantial threat to your well-being had been established, then [Inspector K] would have re-considered his position and provided you with the appropriate police attention that you requested. I cannot therefore substantiate this element of your complaint.”

Consideration

According to his statement, Inspector K explained the operational reasons behind his decision and offered the applicant advice on how to access police support should it prove necessary. This was reflected in Chief Superintendent P's response. In the Commissioner's view, there was a clear distinction between the circumstances which led to a police presence during Person A's move from her home and those described by the applicant. In the former, it was reasonable to assume that the applicant would be at home during Person A's move and, given the history between the applicant and her neighbours, that an incident might occur. In the latter, according to Inspector K's statement, there was no indication that the applicant would come into contact with Person E while giving blood on this particular occasion. In the Commissioner's view, the approaches taken by Inspector K and Chief Superintendent P were reasonable based on the available evidence.

However, it appears to the Commissioner that enquiry into this complaint was only instigated after the Commissioner's office contacted Strathclyde Police for case papers in relation to the applicant's complaints. The likely reason for this omission is the instruction given by the then Complaints and Discipline Branch of Strathclyde Police in April 2008 that no further communication be entered with the applicant. As noted above, this decision appears to have been taken on the basis that the Commissioner would be scrutinising the applicant's complaints.

In the Commissioner's view, there are a number of difficulties with this approach. Firstly, although the applicant had contacted the Commissioner in relation to her complaints, it would not have been open to him to consider complaint 2 as this had not yet been dealt with by Strathclyde Police. Secondly, the Commissioner can find no evidence that the decision to discontinue contact with the applicant was communicated to her. At the time this decision was made, Strathclyde Police did not have in place a policy to deal with repeated complaints. Even without such a policy, however, it was clearly important that the decision not to engage in further contact with the applicant was communicated to her. The Commissioner understands that the implementation of such a policy has recently been approved by the Strathclyde Police Authority and will be included in Strathclyde Police's standard operating procedures for complaints handling. The Commissioner will be monitoring the use of these policies across the police service in Scotland. As a learning point, however, Strathclyde Police should ensure that any decision to restrict contact with complainers is communicated in writing to the individual concerned and an explanation given as to the reasons for this course of action.

Despite this omission, the Commissioner considers that the applicant's complaint was appropriately investigated and that ultimately she received a reasonable response. Accordingly, no further action is required of Strathclyde Police in this connection.

Complaints 3 and 4: Alleged failure to act/ attendance at the applicant's home

In her letter of 13 March 2008, the applicant stated

"[Person D] on more than one occasion has made derogatory remarks to me. Nothing was done."

No further detail was provided with regard to this complaint.

The applicant also stated in her letter

"When I turned to the police for help after being accosted by [Person E] , I felt they really weren't interested in my plight. Yet they continually came to my door with [that family]'s untrue accusations ..."

The applicant then gave information regarding some of these incidents where she felt police had either ignored the validity of a report she had made about her neighbours or where she had felt herself to be the victim of an untrue accusation by those neighbours.

Neither of these complaints appears to have been dealt with explicitly by Strathclyde Police. Again, this would appear to be because of the decision made by Chief Superintendent P to take no further action in relation to the applicant's additional complaints. However, it appears that the matter at the heart of these complaints (the applicant's perception that the police gave preferential treatment to Persons A, D and E) has been adequately addressed in Strathclyde Police's responses to her other complaints. In light of this, the Commissioner does not consider that any useful purpose is to be served by recommending further action by Strathclyde Police in this connection.

Conclusions, Recommendations and Learning

Complaint 1: Alleged intimidation of the applicant

In the Commissioner's view, the manner in which this complaint was dealt with by Strathclyde Police was reasonable. Accordingly the Commissioner does not require any further action by Strathclyde Police in this regard.

Complaint 2: Refusal to provide a police presence

In the Commissioner's view, the manner in which this complaint was dealt with by Strathclyde Police was reasonable. Accordingly the Commissioner does not require any further action by Strathclyde Police in this regard.

Complaints 3 and 4: Alleged failure to act/ attendance at the applicant's home

These complaints have not been dealt with explicitly by Strathclyde Police. However, for the reasons given, the Commissioner makes no recommendation in this connection.

Learning Point

As noted above, Strathclyde Police should ensure that any decision to restrict contact with complainers is communicated in writing to the individual concerned and an explanation given as to the reasons for this course of action.

Background

The applicant is the adult son of the applicant in PCCS/00306/PF-SP(A) and (B), above, and has been involved in representing her in relation to her complaints about the police.

On 29 December 2007, the applicant contacted a local police station by telephone following the visit of Constables Q and R to his mother's home. The applicant had not been present during that visit, which was in connection with allegations made by Persons A, D and E that the applicant's mother was filming them on a camcorder. As described above, Constables Q and R had talked to the applicant's mother on her doorstep following which she closed the door on them. The officers made attempts to speak to her again and she was informed that she could be charged with breach of the peace. The applicant's mother later complained that the officers had intimidated her by banging on her door.

The applicant telephoned the police later that afternoon to express his dissatisfaction that his mother had been told to stop filming from within her own home.

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 Constable R banged on the applicant's mother's door and this amounted to a breach of the peace;
- (2) that Superintendent L's letter to the applicant's mother of 21 February 2008 was "obnoxious" and "demeaning" and contained inaccuracies;
- (3) that Constables Q and R lied when they stated that the applicant's mother had slammed a door on them;
- (4) that Superintendent L failed to investigate properly the incident that took place at the applicant's mother's front door;
- (5) that while on the telephone to the applicant on 29 December 2007, Constable R spoke over him, called him a liar and slammed the phone down on him;
- (6) that Constable R lied to Superintendent L as it was not he but Constable Q who had spoken to the applicant's mother on 29 December 2007;
- (7) that Constable Q lied by supporting Constable R in saying that it was Constable R who had spoken to the applicant's mother on 29 December 2007;
- (8) that Constable Q told his mother she had done herself no favours in complaining about Constable B;
- (9) that Constables Q and R do not know the law in relation to the use of cameras;
- (10) that Inspector O did not question Persons A, D and E regarding allegations made about them by the applicant's mother; and
- (11) that Superintendent L did not respond to his mother's letter of 14 [13] March 2008.

The applicant wrote to Strathclyde Police on 26 June 2008 listing all the above complaints. His letter was acknowledged on 15 July 2008 and the complaints were allocated to Inspector Y for enquiry. A statement was thereafter taken from the applicant.

In conducting his enquiries, Inspector Y considered the earlier complaints files relating to the applicant's mother, including correspondence and investigation reports, as well as statements from the applicant, his mother, Person G, Constables Q and R, Inspector O and Superintendent L. Whilst statements had originally been provided by Constables Q and R regarding the complaints made by the applicant's mother, further statements were also obtained and considered in relation to the applicant's own complaints. Inspector Y also considered documents including police incident reports, crime reports, and print outs from the police duty rota.

The Complaint about the Police (CAP) form recorded the applicant's complaints as 10 counts of irregularity in procedure and 1 of incivility. Inspector Y's report was produced on 1 October 2008 and Chief Superintendent Z wrote to the applicant in response to his complaints on 10 November 2008. The CAP form was signed off on behalf of the Deputy Chief Constable on 11 November 2008.

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 how Strathclyde Police handled it and the Commissioner's views on its complaints handling.

In complaint 1 the applicant alleges that Constable R's alleged conduct in banging on his mother's door amounted to a breach of the peace. Although breach of the peace is a crime, the Commissioner has taken the view that, even if one accepts that Constable R banged on the door, such conduct could not amount to a criminal offence. The Commissioner notes that Strathclyde Police also deemed this complaint to be non-criminal in nature. In the circumstances, the complaint has been included in this review.

Complaint 1: Alleged banging on his mother's door by Constable R

In his statement, applicant 2 stated

"... when [Constable R] was at my mother's house on 29 December 2007 he committed a breach of the peace by banging the front door."

Internal Handling

In his report, Inspector Y described this complaint as follows:

"on 29 December 2007 ... [Constable R] banged at the front door of his mother's house."

He concluded that he was

"... unable to substantiate or unsubstantiate [sic] this allegation, and [considered] that it is down to a matter of opinion as to whether or not the conduct of [Constable R] on this occasion is considered to constitute an irregularity in procedure."

Chief Superintendent Z wrote the following:

"That one of the officers knocked on your mother's door for a second time is not in dispute. That knock may have been loud, as attested by [Person G]. However, I am entirely satisfied that the officer's action [sic] were in pursuit of a legitimate purpose. While I can broadly accept that any visitation by police officers can give rise to a degree of anxiety, the

officer's actions could in no way be deemed to infer criminality and specifically a breach of the peace as you have alleged, nor is there any evidence that the actions of the two officers were deliberately intimidating. Therefore I find the allegation unsubstantiated."

Consideration

In the Commissioner's view, Inspector Y conducted appropriate enquiries by considering the information obtained in respect of a similar complaint made by the applicant's mother. Chief Superintendent Z in his response presented a balanced assessment of the evidence and reached a reasonable conclusion in light of this.

For these reasons, and those given in report PCCS/00306/PF-SP(B), the Commissioner considers that this complaint was dealt with in a reasonable manner. Accordingly, no further action is required in this connection.

Complaint 2: Superintendent L's letter to his mother

In his statement, the applicant stated the following in relation to Superintendent L's letter of 21 February 2008 to his mother:

"... it was demeaning to my mother. There were a lot of innuendos in it. He called my mother a liar in relation to the use of my mother's camera. The letter was full of mistakes which he has not yet answered. Superintendent [L] stated that my mother was given advice by officers at [police station]. It was not my mother, it was me who received this advice. Also, stating my mother could be charged with a Breach of the Peace and a Contravention of Section 127(1a) of the Communications Act 2003 (sic) regarding my mother using offensive or menacing messages via the public telephone network is wrong. The terminology is totally wrong. Basically the information in the letter is totally wrong."

Internal Handling

According to Inspector Y's report, Superintendent L

"... [did] not consider the complaints ... 'objectively justifiable', that it was never his intention to cause offence and regrets that he has done so. He adds that the information in his letter was founded on detail available to him."

In his letter to the applicant, Chief Superintendent Z concluded

"[Superintendent L] has taken considerable care and effort to address each and every aspect of your mother's complaint fully and comprehensively, highlighting where any evidence exists in support of the allegation or otherwise, but at the same time adopting a sympathetic approach to the position which your mother has found herself in. I cannot find any basis for your description of the letter as 'obnoxious' or demeaning and I find that the letter accurately reflects the facts as presented to the Superintendent."

Consideration

As noted in report PCCS/000306/PF-SP(B) above, the Commissioner concurs with Chief Superintendent Z that Superintendent L's letter of 21 February 2008 provided a comprehensive and careful presentation of the information obtained following enquiries into the complaints made by the applicant's mother.

The Commissioner also observes that the reference by the applicant to his mother being charged with a breach of the peace and contravention of the Telecommunications Act 2003 is a

misinterpretation of Superintendent L's letter. In fact, the relevant passage in the letter refers to the applicant's alleged behaviour while on the telephone to Constable R on 29 November 2007.

In relation to the disputed source of advice about the use of the camcorder, the Commissioner notes that the applicant's mother in her statement of 30 December 2007 stated

"I said I had taken advice from a police officer my son had spoken to at [a police station] and I was entitled to have [the camera] there."

Superintendent L's letter to the applicant's mother of 21 February 2008 stated:

"As I understand it, this led to an acknowledgement on your part that you had placed a camera on your window ledge at your front window, with this apparently prompted following advice acquired by your son from an unidentified police officer from [a police station], who had confirmed that you were entitled to place it there."

In the Commissioner's view, there is nothing contradictory in these two accounts.

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 3: The alleged slamming of the door

In his statement, the applicant stated the following:

"I also want to complain about the lie told by Constables [Q] and [R] that my mother had slammed her door on them when they attended her house to tell her she wasn't allowed to use a camcorder on 29 December 2007."

Internal Handling

In his report, Inspector Y noted that only Constable Q had referred to the applicant's mother having "slammed" her door during the incident. Constable R described the applicant as having "closed" the door. Inspector Y considered that the matter was one of perception and interpretation and found that he could not substantiate the complaint.

In Chief Superintendent Z responded to the complaint as follows:

"Whether the door was slammed, forcibly shut or simply closed is a matter of perception and degree, and it appears to me from the available evidence that neither officer can necessarily be said to have been untruthful in this respect, at worst merely mistaken. I acknowledge that Superintendent [L] referred to Constable [Q]'s description of events in his letter but, overall, in the context of exploring Constable [R]'s reasons for again knocking on the door, this reference to the door being slammed was not intended as being pejorative in nature."

Consideration

In the Commissioner's view, Inspector Y carried out appropriate enquiries into this complaint and Chief Superintendent issued a reasonable response. The Commissioner does not consider there to be any evidence that Constable Q or R lied in this connection.

In the Commissioner's view, this complaint was handled in a reasonable manner. Accordingly, no further action is required in this connection.

Complaint 4: Superintendent L's alleged failure to properly investigate

According to the applicant, the incident of 29 December 2007 involving Constables Q and R was not properly investigated by Superintendent L.

Internal Handling

Inspector Y summarised Superintendent L's statement as follows:

"... he instructed [Inspector K] to investigate the complaint of [the applicant] and the events of 29 December 2007 and ... his own role was to relate the findings of [Inspector K]'s enquiry and outcome in a letter to the complainer."

Inspector Y concluded

"... all practical lines of enquiry were explored in the course of the investigation of [the applicant's mother's] earlier complaints of the events of 29 December 2007 and as such the allegation is unsubstantiated."

Chief Superintendent Z responded to the complaint as follows

"... while co-ordinated locally, the report and response to [a] complainer is recorded centrally by my Department and a further review carried out before the file is concluded. Following [Inspector Y]'s report into your allegations, I have had the opportunity to review the initial investigation which was carried out and I am satisfied that all practical lines of enquiry were explored and that [Superintendent L] was in possession of accurate and sufficient information to allow him to respond to your mother."

Consideration

As noted in report PCCS/00306/PF-SP(B) above, the Commissioner considers that the complaint made by the applicant's mother about this incident was handled in a reasonable manner. The Commissioner is of the same view in respect of this complaint. Accordingly no further action is required in this connection.

Complaint 5: Constable R's alleged incivility

The applicant states the following in relation to his telephone call with Constable R on 29 December 2007.

"[Constable R] spoke over me, I was trying to explain and he just spoke over me ... In this same conversation [Constable R] called me a liar. He said 'no police officer ever told you that' when I explained I had been given advice by an officer at [a police station] regarding the use of the camcorder."

I was firm on the phone with [Constable R]. I was not abusive, but [Constable R] slammed the phone down on me."

Internal Handling

In his report Inspector Y noted Constable R's position that he had not called the applicant a liar during the telephone call. Inspector Y concluded that there was no independent evidence to support the applicant's allegations and accordingly found them to be unsubstantiated.

Chief Superintendent Z responded to the complaint as follows:

“[Constable R] states that you made disparaging remarks regarding both his and Constable [Q]’s impartiality in dealing with the matter and, despite counselling you to moderate your tone, he admits to being compelled to terminate the call. While he did not hear your side of the telephone conversation, [Constable Q] was present at the material time and, to that limited extent, supports [Constable R]’s account and confirms that the officer did not use the phrase which you allege.”

Consideration

The Commissioner notes that Constables Q and R both gave statements dated 29 December 2007 and provided further statements following the applicant’s complaint. The positions adopted by the officers in relation to the applicant’s telephone calls are consistent across all the statements they gave. In his statement of 29 December 2007 Constable Q recounted that, after Constable R had spoken with the applicant on the telephone, the applicant had called back and spoken to Constable Q. According to Constable Q the applicant had been hostile and abusive to him, as a result of which Constable Q had terminated the call.

In the Commissioner’s view, there is no evidence to support the applicant’s complaints, which are denied by both Constables Q and R. In these circumstances, Strathclyde Police’s position that the complaint is unsubstantiated was reasonable. Accordingly, no further action is required in this connection.

Complaints 6 and 7: Alleged lies by Constable Q and R

The applicant states the following in his statement

“[Constable R] lied to [Superintendent L] in saying he had spoken to my mother. It was not, it was [Constable Q].”

He adds

“[Constable Q] lied to [Superintendent L] by supporting [Constable R] in saying that [Constable R] was the officer who spoke to my mum regarding the initial complaint. This was on 29/12/07, when in fact it was [Constable Q] himself.”

Internal Handling

Inspector Y summarised his findings as follows:

“[The applicant’s mother] herself describes both Constable [R] and Constable [Q] speaking to her at the door on this occasion ... Constable [Q] similarly describes both he and Constable [R] talking to [the applicant] ... [Constable R] similarly describes both he and [Constable Q] talking to [the applicant].”

Inspector Y found both allegations unsubstantiated.

Chief Superintendent Z responded to the complaint as follows:

“I am persuaded that both officers in fact spoke to your mother on that occasion and, indeed, this was confirmed by what your mother told the original investigating officer. This is reflected in [Superintendent L]’s letter of February 2008 therefore I am content that no question of lying arises.”

Consideration

Having examined the information available to him, including the original statement provided by the applicant's mother and her letter of 13 March 2008, the Commissioner is satisfied that Strathclyde Police's conclusion is a satisfactory one and that these complaints have therefore been handled in a reasonable manner. Accordingly, no further action is required in this connection.

Complaint 8: Constable Q's alleged comments to the applicant's mother

The applicant describes this complaint as follows:

"[Constable Q] telling my mother that she had done herself no favours in complaining. I understand from this he was referring to the complaint made by my mother about [Constable B]..."

Internal Handling

According to Inspector Y's report, Constable Q had stated that during his conversation with the applicant's mother on 29 December 2007 she said the following to him:

"[(Constable) B] got a complaint. If you don't want one you better get away from my door."

In his statement, Constable Q refuted this allegation. Inspector Y found the complaint to be unsubstantiated.

In his response to the complaint, Chief Superintendent Z explained that Constable Q had refuted the allegation and recalled the applicant's mother making a comment to the effect quoted above. He concluded that

"[Inspector Y] was unable to find any evidence in support of your allegation, which comes down to two contradictory accounts of equal weight, making it impossible to establish the truth of the matter conclusively."

Consideration

In the Commissioner's view, there is some confusion over the exact nature of this complaint. In his statement, the applicant states that he wishes to complain about Constable Q telling the applicant's mother that she had done herself no favours by complaining about the police. However, in his earlier letter to Strathclyde Police of 28 June 2008 he states the following:

*"I would also like to state that while in conversation with [Constable Q], that he stated to **me** that my mother had not done herself any favours by complaining." (emphasis added)*

The Commissioner also notes that the applicant's mother makes no reference to Constable Q having made such a comment to her in her statement of 30 December 2007 or in her detailed letter to Strathclyde Police of 13 March 2008.

In any event, given that Constable Q has refuted the allegation, the Commissioner considers that Strathclyde Police's response to this complaint was reasonable. Accordingly, no further action is required in this connection.

Complaint 9: Constable Q and R's alleged lack of knowledge of the law

The applicant expands on this complaint in his letter to Strathclyde Police of 28 June 2008. The applicant described how he had first been told by the call centre at a police station that "a camcorder could be used as it would be used in court as evidence if required". According to the

applicant he was later informed by an Inspector S at another police station that “it was legal as we were only recording our own property”. The applicant explained that, after leaving a phone message for Constable Q informing him of the advice he’d received, he subsequently received confirmation from Constable Q that the applicant was correct. In his letter, the applicant also discussed the significance of whether the camera was stationary or able to be moved and handled during use.

Internal Handling

Inspector Y commented in his report that

“Given the vague and general nature of this allegation, other than to refute [it] [Constable R] and [Constable Q] offer no information.”

Elsewhere in his report, Inspector Y noted that Constable R had stated he was aware of advice from the Procurator Fiscal that, if witnesses were put in a state of fear and alarm by the use of a camcorder, it could constitute a breach of the peace. Inspector Y found that

“... the officers may be considered as being correct in their approach of dealing with the matter as representing a criminal charge of Breach of the Peace.”

Inspector Y added that he could not find the allegation that the officers did not know the relevant law to be either substantiated or otherwise.

In responding to this complaint, Chief Superintendent Z discussed the two officers’ intent to warn the applicant’s mother that her continued use of the camcorder may result in a breach of the peace charge. He also referred to the applicant’s perception that he had been given advice by other police staff which conflicted with the actions of those officers. Chief Superintendent Z described the law in this area as ambiguous, explaining

“The use of a camcorder or CCTV is generally lawful as a crime prevention measure within one’s own property. This may account for the advice given to you at [a police station]. However, the difficulty arises where a complaint is received that a camera may have captured inappropriate images, for example, of private space or in circumstances where an individual’s right to privacy could be contravened or where it causes alarm or annoyance. This may then constitute a common law breach of the peace which the police have a duty to investigate.”

Chief Superintendent Z concluded

“Taking account of all the circumstances, I am not persuaded that the officers displayed an ignorance of the law but in fact attempted, in good faith, to deal with the matter in an even-handed and proportionate way, exercising their powers of discretion through the provision of advice.”

Consideration

In the Commissioner’s view, Chief Superintendent Z’s response was helpful and detailed, and went further than the information provided by Inspector Y in his report. Chief Superintendent Z described the ambiguity of the law in this area and reached the conclusion that the officers had acted correctly. In the Commissioner’s view, the recording of individuals on a camcorder in the circumstances described by the neighbours *could* constitute a breach of the peace and the officers concerned were entitled to take the steps that they did.

For these reasons, the Commissioner considers that this complaint was handled in a reasonable manner. Accordingly, no further action is required in this connection.

Complaint 10: Inspector O's alleged failure to question Persons A, D and E

The applicant states the following in his statement

"I want to complain about [Inspector O] not questioning [Persons A, D and E] regarding complaints made by my mother. This would be around 31 January 2008, the night of the alleged Breach of the Peace which led to my mother being charged."

Internal Handling

Inspector Y concluded that there was no evidence to substantiate the allegation. In support of this conclusion, Inspector Y made reference to various documents including crime reports and incident reports in relation to the matter in question.

In responding to this complaint, Chief Superintendent Z stated

"Inspector [Y] has reviewed the actions taken by Inspector [O] in this regard and is satisfied that the officer made diligent enquiries into the allegations. His enquiries revealed that Inspector [O] made contact with the [neighbours of the applicant's mother] on 4 February, but was informed that [Persons D and E] were going on holiday the next day. Arrangements were made to interview them on their return. He thereafter contacted your mother on 7 February by telephone, to clarify her complaints and to update her with his actions to date. On 22 February, [Persons A, D and E] were interviewed but denied any wrongdoing. [Person E] was counselled regarding stepping on the grass. In the absence of evidence to the contrary, no further action was taken and your mother was informed of the outcome by telephone. On the basis of the information available to me, I find this allegation is therefore unsubstantiated."

Consideration

The Commissioner notes the detail given in Inspector O's statement in relation to the issues he pursued and the attention he gave to them. This included his attempts to make contact with the applicant's mother in order to discuss her concerns further with her. The Commissioner also notes that Inspector O provided information about his having discussed the concerns of the applicant's mother with Persons A, D and E and thereafter providing updates to her by telephone. This was on the basis that the applicant's mother had stated she did not want Inspector O visiting her at home.

In the Commissioner's view, this complaint was handled in a reasonable manner. Accordingly, no further action is required in this connection.

Complaint 11: Alleged failure by Superintendent L to respond to a letter

Although the applicant's complaint refers to a letter which his mother sent to Superintendent L dated 14 March 2008, it appears that he is referring to a letter from his mother dated 13 March 2008.

Internal Handling

Inspector Y highlighted the fact that, following receipt of her letter, Inspector O had been tasked with making contact with the applicant's mother. Inspector O had made contact by telephone and thereafter reported his opinion, as outlined above, that further contact with her would not be prudent as it was likely to inflame matters and lead to further complaints. This decision was reviewed and endorsed by several senior officers. Inspector Y concluded

“... although the letter of 13 March 2008 was not in fact responded to in writing, [Inspector O] made contact with [the applicant’s mother] in connection with the matters raised.”

Chief Superintendent Z outlined the chain of events in his letter of response and acknowledged

“It very quickly became apparent to [Inspector O] that there was little scope for conciliation, the matter already having been referred by your mother to the Police Complaints Commissioner for Scotland. In light of this position, it was considered unhelpful to correspond or converse further with [your mother] although the circumstances as narrated were reported by [Superintendent L] to the Complaints and Discipline Branch for inclusion within the complaint file and ultimately for the information of the Police Complaints Commissioner, when requested.”

Chief Superintendent Z conceded that, whilst he felt that the complaint was adequately followed up by Inspector O, a simple letter of acknowledgment would have been appropriate. He apologised for the omission.

Consideration

The Commissioner’s views on the decision to restrict contact with the applicant’s mother are expressed in report PCCS/00306/PF-SP(B) above.

In the Commissioner’s view, the explanation provided by Chief Superintendent Z is helpful in informing the applicant of the decision to restrict contact with his mother. As explained the Commissioner considers that this should have been communicated to the applicant’s mother at the time.

In respect of this specific complaint, the Commissioner considers that, in providing a proper explanation and issuing an apology, Strathclyde Police handled it in a reasonable manner. Accordingly, no further action is required in this connection

Conclusions, Recommendations and Learning

Complaint 1: Alleged banging on his mother’s door by Constable R

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

Complaint 2: Superintendent L’s letter to his mother

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

Complaint 3: The alleged slamming of the door

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

Complaint 4: Superintendent L’s alleged failure to properly investigate

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

Complaint 5: Constable R's alleged incivility

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

Complaints 6 and 7: Alleged lies by Constable Q and R

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

Complaint 8: Constable Q's alleged comments to the applicant's mother

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

Complaint 9: Constable Q & R's alleged lack of knowledge of the law

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

Complaint 10: Inspector O's alleged failure to question Persons A, D and E

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

Complaint 11: Alleged failure by Superintendent L to respond to a letter

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

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