

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's complaint arises from a visit made by two police officers to premises where she worked.

The Commissioner did not consider the handling of this complaint to be reasonable and made a single 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 8 January 2010 Constables A and B were conducting routine visits of licensed premises. The premises included the shop where the applicant works. The applicant saw Constables A and B arrive in their patrol car and closed the doors of the shop. The following is taken from the applicant's letter of complaint:

"As soon as I saw this, I grabbed the keys and I dashed very quickly around the other side of the counter in order to close the outside doors so as to prevent any police officer from coming into the shop."

Constables A and B left the premises but returned a short time later and saw that the doors were open. As Constables A and B entered the shop the applicant attempted to close the doors and initially refused them entry. The following is quoted from the applicant's letter of complaint:

"I instantaneously became extremely scared, I grabbed the keys again and I dashed around to the other side of the counter in a vain attempt to close and lock the outside doors ... as I dashed towards the front door as quickly as I could, one of the police officers came running down the pathway and started to press physical force against the outside doors in order to prevent me from closing them."

After being given entry by the applicant, Constable A asked to speak to Mrs C, who was the license holder of the premises. During the discussion with Mrs C, Constable A suggested that the applicant was not a suitable person to be left in charge of the shop. Following his visit, Constable A completed a Visit to Licensed Premises ("VLP") form detailing the circumstances of his visit.

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 made offensive comments and shouted at the applicant.

The Commissioner's Review

This section sets out the Commissioner's views on the manner in which the complaint was handled by Strathclyde Police.

On 11 January 2010, the applicant wrote to Strathclyde Police providing her account of the incident. In the letter she made the following allegations against Constable A:

- that he advised Mrs C that "this is the second time [the applicant] has given us attitude"; and
- that he told Mrs C that the applicant was not responsible enough to be left in charge of a shop.

According to the applicant, when she questioned Constable A about his comments regarding her attitude, one of the officers started "hollering" at her in an aggressive manner. The applicant claims that Constable A was shouting so loudly that her brother, who was in the house upstairs, could hear him. The applicant suggested that Constable A's conduct amounted to "bullying".

The applicant also stated in her letter that she "hated" the police and experienced acute anxiety when she sees them.

Internal Handling

On 22 January 2010 Inspector D emailed the applicant seeking her guidance on how to progress her complaint without causing her further distress. Inspector D offered to meet with the applicant while not wearing a police uniform, or discuss her complaint over the phone or with a family member.

On 24 January 2010 the applicant replied stating that she suffered from agoraphobia and that she did not think talking on the phone would be very productive. She suggested that communication occur via a series of emails.

On 8 February 2010 Inspector D emailed the applicant stating that in order to progress her complaint he needed to obtain statements from Mrs C and the applicant's brother. In his email Inspector D provided his interpretation of the applicant's complaint, stating:

"As far as I can tell your letter specifies one complaint only regarding the conduct of one officer which you identify as 'bullying', can you confirm this is the case..."

On 18 February 2010 the applicant replied stating:

"Before I proceed further I would also like to say that there is still no excuse what so ever for the officer to state that 'this is the second time she's given us attitude'. This is blatant LIES and it is part of my complaint and it is extremely offensive to me ...

... Another part of my complaint is as follows. The officer said twice to [Mrs C]; 'maybe she is not responsible enough to be left in charge of a shop'."

The applicant also stated that Mrs C and her brother would not provide the police with statements. As a result Inspector D obtained statements from Constables A and B, both of whom refuted the applicant's allegations. Both officers also stated that they acted professionally at all times. Inspector D compiled and submitted a report to Chief Inspector E on 5 March 2010. He found the applicant's complaint to be unsubstantiated.

On 2 April 2010 Chief Inspector E provided the following response to the complaint:

"It is regrettable that you perceived this officer's behaviour, and that of the wider police service, as oppressive. I can assure you that our policing objectives and our standards of service delivery aim to be the complete opposite to your perception, and I hope your dealings with Inspector [D] have emphasised this.

The officer subject to this complaint has served the public in the [area] for over six years and has gained the trust and respect of the community. At all times I would expect him to display the very highest of standards in his dealings with the public. He is deeply concerned that you viewed his approach as oppressive; however he now has a better understanding of your concerns and will ensure any future contact with you respects these concerns.

Having viewed the entire circumstances of your complaint it has been deemed appropriate not to take further action against this officer. However, as highlighted above, he has been made fully aware of the impact of his approach on your wellbeing."

Consideration

The applicant mentions the following specific areas of dissatisfaction regarding Constable A's actions:

- (1) that he advised Mrs C "this is the second time [the applicant] has given us attitude";
- (2) that he shouted at the applicant when she challenged him on this point; and
- (3) that he told Mrs C that the applicant was not responsible enough to be left in charge of a shop.

Both officers believe that they acted professionally throughout their visit and refute the applicant's allegations. Clearly, Mrs C would have been in a position to support either the applicant's or the officers' accounts. However, the applicant did not wish Inspector D to make contact with Mrs C or her brother. Consequently, there is no evidence to substantiate the applicant's version of events in relation to (1) and (2).

In relation to (3), Constable A does not dispute that he informed Mrs C that the applicant was not a suitable person to leave in charge of a shop; indeed, this comment is confirmed within the remarks section of the VLP form. However, Inspector D does not come to any view as to whether these remarks were acceptable. For this reason, it is the Commissioner's view that this complaint has not been handled in a reasonable manner and recommends that Strathclyde Police now write to the applicant with its view on Constable A's comment that the applicant was not responsible enough to be left in charge of a shop.

Conclusions, Recommendations and Learning

In the Commissioner's view, the manner in which this complaint was dealt with by Strathclyde Police was not reasonable and for the reason given, recommends that it now write to the applicant with its views on Constable A's comment that the applicant was not responsible enough to be left in charge of a shop.

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