

# Report of a Complaint Handling Review in relation to Grampian Police

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

## **Summary and Key Findings**

The applicant's complaint arose from the attendance at her home by police officers, and her subsequent detention.

The Commissioner found that the complaint was handled in a reasonable manner by Grampian Police. No recommendations was made.

## 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 20 June 2010 the applicant was at home having a drink with her partner, Mr B, and some friends when she was visited by officers of Grampian Police. Constable A was wearing a body-worn video camera which recorded the interaction that followed.

Constable A informed the applicant and Mr B that she intended to detain them both on suspicion of having committed a breach of the peace earlier that evening. Following arrangements being made for the care of the applicant's child, Constable A and her colleagues escorted the applicant and Mr B from the flat and conveyed them to a police station for questioning. The recording of the interaction ends shortly after their arrival at the police station.

Following interview by Constable A and Constable D, the applicant was charged with breach of the peace.

## The Complaint

Based on the contents of the application form and the information obtained from Grampian Police, the Commissioner has identified a single complaint, namely that a constable was uncivil in her dealings with the applicant.

## The Commissioner's Review

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

In the complaint form she submitted to Grampian Police, the applicant stated that during her interview Constable A had "a real bad manner" towards her. She gave examples of lines of questioning and comments made to her during the interview, to which she appeared to take objection.

According to Sergeant C, who was appointed to conduct enquiries into the complaint, the applicant stated at interview that Constable A "had a bad manner and attitude both at [her] home and during the interview at [a police station], stating she was 'abrupt and nasty'". Sergeant C continued:

*"[The applicant] stated she felt [Constable A]'s 'hackles were up' straight at the start and she was surprised by this as [the applicant] was not a threat to her visibly or physically.*

*[The applicant] stated she had been 'in a state and was drunk' at the time of the incident.*

*She also stated that Constable [A] didn't explain what was going to happen when she left for the police office, stating she felt like she had been treated like something the officer had stood on.*

*When asked what [the applicant]'s specific complaint was, she stated it was the officer's 'attitude and body language'."*

### Internal Handling

As well as interviewing the applicant, Sergeant C also obtained Constable A and D's accounts of the incident. Sergeant C also viewed the footage recorded by Constable A's body-worn camera. He made the following comments on the footage:

*"Constable [A] was polite, continually using the word 'please' and was articulate and legislatively correct when carrying out detention of [the applicant] ...*

*Following detention [the applicant] is seen to become somewhat distressed and upset. This continues throughout from then and during this Constable [A] is very reassuring, attempting to calm [the applicant] down, whilst always remaining professional and polite."*

Sergeant C spoke to both Constable A and Constable D regarding the complaint. According to Sergeant C's note of these discussions dated 20 July 2010, Constable A refuted the allegations, stating that she was "polite at all times". Sergeant C noted Constable D's position as follows:

*"[Constable A] was professional and 'fine' throughout ... [the applicant] was annoyed and angry at the start of the interview and Constable [A] and [Constable D] ... both explained to [the applicant] the reasons she was there but [the applicant] remained defensive ...*

*[Constable A] didn't treat [the applicant] badly in any way, was not abrupt and was as fair as she possibly could have been. ... Constable [A] was firm at times during the interview, to clarify certain points, but nothing out of the ordinary when questioning a suspect."*

In his response to the complaint of 19 August 2010 Chief Inspector G stated the following:

*"The footage from the video camera shows that the officer's attitude and professionalism, whilst within your home and en route to police headquarters, was exemplary and thoroughly professional. There is no footage available from your subsequent interview [at*

the police station], *however both officers involved in the interview have been spoken to and refute the allegations you have made.*

*As a result I can only find your complaint unsubstantiated.”*

### **Consideration**

Having had regard to the video recording provided, the Commissioner shares Grampian Police’s view that Constable A’s conduct during the period of the recording was exemplary. In the Commissioner’s view, Constable A demonstrates admirable patience and tolerance when dealing with a difficult situation.

With regard to what occurred during interview, the applicant’s allegations are denied by both Constable A and Constable D. In addition, there is nothing within the transcript of the applicant’s police interview which would give the Commissioner cause for concern. Indeed, the questions asked of the applicant, and the manner in which they were put, appear to be wholly reasonable in the circumstances.

The applicant also asked the Commissioner’s office to comment on the tone of the correspondence she received from Grampian Police, which she perceived to be offensive. However, the Commissioner has found nothing within the correspondence which he considers to be offensive, unreasonable or otherwise objectionable.

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

In the Commissioner’s view, the manner in which this complaint was dealt with by Grampian Police was reasonable. Accordingly, no further action is required in this connection.

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