

[Applicant's name and address]

PCCS/00013/11

10 August 2011

Dear [Applicant]

I refer to your complaints about Strathclyde Police and write to inform you of my decision in respect of these.

Your complaints arise from you being issued with a fixed penalty notice for failing to stop your vehicle when requested to do so by the police, and Constable A's behaviour towards you thereafter. You made the following complaints to Strathclyde Police about this incident:

1. that Constable A asked you to stop your vehicle in a place where it was not safe to do so; and
2. that Constable A was unprofessional and aggressive in his manner when dealing with you.

Following receipt of your complaints Strathclyde Police appointed Inspector B to enquire into the circumstances. Inspector B obtained statements from you and your mother, who was with you at the time of the incident, and Constables A and C. Chief Inspector D then wrote to you in response to your complaints.

In relation to your first complaint Chief Inspector D informed you that under the Road Traffic Act 1988 police officers are permitted to stop vehicles. You were also informed that it is a matter for the police to determine whether it is safe to stop motorists. In this case both Constables A and C state that your vehicle was stopped in a safe place. As a result Strathclyde Police found there to be no irregularity in the actions of Constables A and C. However, Chief Inspector D informed you of the option to challenge the fixed penalty in court.

I consider your first complaint to amount to a challenge to the fixed penalty notice issued to you. The appropriate way to challenge the issuing of the fixed penalty is by declining to pay the fine and state your defence at any subsequent court proceedings taken against you. In advising you of this possibility I believe that Strathclyde Police dealt with this complaint in a reasonable manner.

In relation to your second complaint Chief Inspector D informed you that both officers had denied behaving in the manner alleged by you. As a result Chief Inspector D concluded that it was difficult to determine what took place and what was, or was not, said during the incident.

In the circumstances I agree with Chief Inspector D's position on this matter. The available evidence in relation to this complaint consists to two opposing accounts of equal weight (yourself and your mother on the one hand; Constables A and C on the other). Accordingly it is not possible to determine on a balance of probability which account is correct. It follows that your complaint cannot be substantiated. In these circumstances, I consider that Strathclyde Police dealt with this complaint in a reasonable manner.

My involvement in your case is now at an end.

In line with normal procedures, a copy of this letter will be published, in fully anonymised form, on my office's website. This will occur on 15 August 2011.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J McNeill', written in a cursive style.

**JOHN MCNEILL**  
**Commissioner**