

Report of Complaint Handling Reviews in relation to Fife Constabulary

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

Summary and Key Findings

The applicant's complaints arise from the way in which Fife Constabulary handled a number of criminal allegations he had reported to it.

Nine complaints are examined in this report, which consists of four separate reviews. The Commissioner found that all were dealt with in a reasonable manner. No recommendations were made in this report, although two recommendations are made in an accompanying report (reference PCCS/116/11/PF-FC) which deals with a number of additional complaints made by the applicant.

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/00494/10/PF-FC(A)

Background

The complaints dealt with in this review arise from two incidents in March 2010 involving the applicant and his dogs.

Incident 1

On 11 March 2010 the applicant was walking his three dogs (two Borzoi Russian hunting dogs and a Parson Russell Terrier). According to the applicant, Mr A emerged from behind a tree and shouted to him that his dogs were hunting dogs and should not be in the area. The applicant claims that he told Mr A they were, in fact, show-dogs and that Mr A then shouted "don't come over here". According to the applicant, at this point Mr A, who was approximately 10 feet away, loaded a gun which he had, pointed it down towards the ground and fired twice. The applicant thought it was Mr A's intention to shoot one of his dogs.

The applicant claims he was "terrified" and "upset" and that he took his dogs and left the area. According to the applicant, as he was walking away Mr A started shouting "I'm the polis, I'm the polis."

According to Mr A, he and Mr B were out shooting with his dog (Mr A is a licensed firearm holder and has permission to shoot on the land in question) when he saw two Russian hunting dogs which he knew belonged to the applicant. Mr A states that the dogs then ran up to and tried to

attack his own dog. According to Mr A he kicked at both dogs and said to Mr B that he may have to shoot them. Mr A states that he felt he had to do something and that he therefore loaded his gun and fired a single shot into the ground. According to Mr A the applicant was approximately 200 yards away from him at this point and did not see the shot being fired.

Mr A states that he informed the applicant at the time of his intention to phone the police in connection with the actions of his dogs.

Incident 2

Constable C states that on 15 March 2010, while off duty, walking with his wife, son and dog, he noticed "two huge dogs" coming from the direction of a blue 4x4 vehicle which was parked approximately 200 yards away. Constable C states that the two dogs ran up behind them, circled them, then ran away.

According to Constable C, the dogs then "ran straight for" and attacked his own dog. Constable C's wife unsuccessfully tried to get both dogs away by swinging a lead which she had in her hand. Constable C states that his own dog managed to get away and that the other two dogs ran off in the direction of the blue 4x4 vehicle. Constable C later found that his dog had two one-inch cuts on her left side. Constable C's account is corroborated by his wife.

According to Constable C, he then "went back" to look for the blue 4x4 vehicle and found it parked on a particular street [Street X]. Constable C states that he saw the applicant walking towards the vehicle and that the following then occurred:

"I asked [the applicant] if he had been down at the fields and owned the two dogs to which he confirmed, I saw two dogs that looked exactly the same in the back of his vehicle. I showed him the injury to [my dog] and he was really apologetic and said he would pay for the vet costs. He said he saw people walking in the fields but didn't realise they had a dog."

According to the applicant, he was approached by Constable C on a different street [Street A] and asked if he and his dogs had earlier been in the same vicinity as Constable C and his family. The applicant replied that he had. The following is taken from the applicant's statement of complaint:

"[Constable C] said, 'I'm a policeman' and asked for my details and alleged my dog had attacked his. He took my name, address and car registration. I asked if I could see his dog. He agreed and took me to his car and showed me a black Lab that had two tears on its back and I said I found it hard to believe that my dog would have caused such injuries."

... [Constable C] explained that he had not actually seen what happened but that he noticed the injuries to his dog later on. Again he stated he was a policeman and wrote down his details for me. He was big and I felt intimidated."

... I asked if he wanted me to pay his vet's bill and he said 'yes, that would be great, I don't want any trouble over this'. He went on to say 'I'm sorry, I'm not saying your dogs were out of control and it was probably the way my dog turned and reacted, as she does this'. I asked him what exactly happened. He said he never exactly saw what happened as his dog had slipped under a fence and through some bushes. I then left, checked my dogs; they were uninjured and had no signs of blood on them."

Later the same day, Constable C reported the incident to the police.

Constable D was appointed to investigate Mr A and Constable C's allegations and on 28 March 2010 he attended the applicant's home in this connection, along with Constable E. The applicant

was interviewed under caution. Following interview, the applicant was cautioned and charged with two contraventions of the Dangerous Dogs Act 1991.

According to Constables D and E, the applicant informed them that he intended to report Mr A for the way in which he had used his shotgun on 11 March 2010, but that he wished to consult with his solicitor before doing so. Constable D states that he arranged to call the applicant on 30 March 2010. According to Constable D, he called the applicant on that date who advised him that he indeed wished to report Mr A for his alleged actions on 11 March 2010. Constable D states that he made arrangements to obtain a statement from the applicant, but was later told by Sergeant F not to do so. The reason given by Constable D was that there was corroborated evidence of the following:

“... the shotgun was fired into the ground in an effort to protect themselves and their dog about 50 yards away from [the applicant], and [the applicant] had not provided information to the contrary, it did not constitute a case of reckless discharge of a firearm.”

On 4 April 2010, Constable D called the applicant to inform him of the police position on the matter. On 12 and 13 April 2010, the applicant formally complained to Fife Constabulary in respect of Constable D's failure to progress his allegation against Mr A, and also Constable C's alleged intimidating manner.

The Complaints

Based on the contents of the application form, the correspondence received from the applicant, and the information obtained from Fife Constabulary, the Commissioner has identified the following complaints:

- (1) that despite confirming he would do so, Constable D failed to further the applicant's report that Mr A had recklessly discharged his shotgun; and
- (2) that Constable C used his position whilst off duty to intimidate the applicant into paying a veterinary surgeon's bill.

Complaint 1: Refusal to progress allegation against Mr A

The applicant stated the following in his email to Fife Constabulary of 12 April 2010:

“At around 10.30 am on Sunday the 4th April [Constable D] called to say he was refusing to come and take my complaint ...

Under the above act [Police, Public Order and Criminal Justice (Scotland) Act 2006] I would like to complain to the Chief Constable and to professional standards as to the conduct of [Constable D], his refusal to take my complaint despite saying he would ...

[Mr A] had told me he was ‘the police’ and had ‘contacts’. (apparently he was once civilian support staff). [Constable D] should note that the law is here to protect all of us, not just those with police contacts who can manipulate it. This is particularly disturbing as it involves a firearm and is not the first time I have had to call police regarding this man intimidating me with a shotgun. That this man can terrorise me with a shotgun and the police will not allow me to press charges or complain about it, is frankly unbelievable.”

The applicant stated the following in the statement he provided to Fife Constabulary dated 15 April 2010:

“I contacted Fife Police on 12th April 2010 and wrote a letter of complaint as I had asked [Constable D] to note details of a complaint in respect of [Mr A's] actions and discharge of a

firearm. [Constable D] had contacted me and said he would not be attending to note these details.”

Internal Handling

This part of the applicant's complaint was investigated initially by Inspector G who obtained statements from Constables D and E. A statement was thereafter obtained from Sergeant F in which he confirmed that Constable D had approached him for advice regarding the applicant's allegations. According to Sergeant F he took the following actions in this connection:

“I explained to [Constable D] that given the circumstances he had relayed, that it did not constitute ‘Reckless Discharge’, specifically as the male had fired into the ground in an effort to prevent his dog being injured and his shot had not been anywhere near [the applicant]. I told [Constable D] to re-contact accused and tell him that we would not be investigating his complaint of reckless discharge as the circumstances did not meet the criteria of the crime.”

On 23 April 2010, Inspector G submitted a report of his findings to Chief Inspector H. In respect of complaint 1, Inspector G noted:

“... the two officers present state [the applicant] intimated that he wished to speak with his solicitor first before making any complaint of reckless discharge. This is contrary to what the complainer states regarding the issue.

In the interim, [Constable D] consulted with [Sergeant F] and the circumstances at that stage were interpreted as not being reckless discharge due to the attack by [the applicant's] dog, its refusal to desist and the remote distance of [the applicant] to [Mr A] when he shot into the ground. This being corroborated by another witness.

After speaking with [the applicant] I considered it prudent to have [Mr A] dealt with regard to reckless discharge and a report submitted to the Procurator Fiscal for his consideration of the facts.

There is no evidence to suggest a neglect of duty on the part of [Constable D], who acted only after consulting with [Sergeant F].

[The applicant] now considers this matter resolved.”

On 26 May 2010 Sergeant F was given advice by Chief Inspector H regarding this complaint. On 28 June 2010 Chief Inspector H sent to the applicant the following response to the complaint:

“Following receipt of your complaint and the subsequent involvement of A/Inspector [G], he adopted a different view of the incident and was of the opinion the matter should be referred to the Procurator Fiscal, for independent scrutiny. A/Inspector [G] was of the opinion that it was not for the police to make a decision on the reckless discharge of the firearm. That being the case, A/Inspector [G] instructed [Constable D] to submit a report on the circumstances to the Procurator Fiscal. I can confirm that report has since been compiled and submitted.

Having considered all the evidence pertaining to this particular aspect of your complaint, it is clear that the advice given to [Constable D] by his supervisor, whilst not entirely incorrect, was based upon the supervisor's assessment of the evidence available and not taken out of any allegiance to the other people or being in any way discriminatory against you. There is absolutely no evidence presented to indicate this decision taken was due to the person who discharged the firearm being a previous civilian employee of Fife Constabulary. I am satisfied the supervisor concerned made an honest assessment of the available evidence,

albeit I concur with the decision taken by [Inspector G] to report the matter to the Procurator Fiscal for independent scrutiny. I have raised my views with the supervisor concerned and given him advice should he be faced with any similar incidents in the future.

I am therefore satisfied that [Constable D] did investigate this matter properly but was directed by his supervisor at the conclusion of his investigation not to report the matter, which ultimately was the catalyst for your complaint. However, following the involvement of [Inspector G] a report was submitted to the Procurator Fiscal and the supervisor concerned offered appropriate advice.”

On 5 July 2010, the applicant wrote a further letter to Fife Constabulary identifying what he perceived were factual inaccuracies and defects in within Chief Inspector H’s response. The applicant also raised new issues in which he alleged that the service provided to him by the police over the years had been lacking.

On 14 July 2010 Inspector J obtained a statement from the applicant in this connection. Inspector J investigated all the issues raised within the applicant’s letter and on 15 July 2010 submitted a report detailing his findings. On 26 July 2010, Superintendent K provided the following response:

“... I concur with the findings of Chief Inspector [H], but would additionally add that I consider this aspect of your complaint to be substantiated. Putting that into context however it is clear that the actions of [Constable D] not to investigate this matter further was based on the guidance of his supervisory officer who had wrongly assessed the evidence in this case. I am satisfied however, that very quickly thereafter, A/Inspector [G] has directed the case be reported to the Procurator Fiscal.

The supervisory officer has now been provided with corrective advice in relation to the error he made to allow him to learn from his mistake. Following my review of the case, I concur with Chief Inspector [H’s] view that there is no evidence to indicate the judgement of the supervisory officer was based on any allegiance to a former member of police staff or with the intention of discriminating against you.

In conclusion to this aspect, I apologise that this error appears to have led to your dissatisfaction with the handling of your criminal complaint and hope that your faith has been restored through explanation that the matter was fully investigated.”

Consideration

Following receipt of the applicant’s complaint Inspector G instructed further enquiry and on 14 April 2010 Mr A was interviewed under caution. Based on the information he gathered, the interviewing officer felt the actions of Mr A were indeed reckless. Mr A was consequently cautioned and charged, reported to the Procurator Fiscal and his guns removed in the meantime.

In light of this, and the fact that Sergeant F has been provided with advice regarding how to deal with any future allegation of this kind, it is clear that Fife Constabulary has acknowledged that the initial handling of the applicant’s allegation was inadequate. In the Commissioner’s view, however, the action taken by Inspector G remedied the deficiencies. The applicant also received an apology from Superintendent K regarding the error.

For these reasons, the Commissioner considers that this complaint was dealt with in a reasonable manner.

Complaint 2: Alleged behaviour of Constable C

The applicant stated the following in his statement of 15 April 2010:

“On 13 April 2010, I also wrote a separate letter to Professional Standards in relation to [Constable C’s] behaviour off duty. I consider he was intimidating and sought to influence my decision in respect of his vet’s bill, using his position.”

The applicant also stated how he wished this complaint to be resolved:

“In respect of [Constable C], as a resolution to my complaint, I would like to see him spoken to regarding his behaviour off duty. I would ask he is made aware of how he is perceived when he is a large male and mentions his occupation on several occasions.

I would, in any case, had their evidence been presented to me, paid any vet’s bill for any member of the public if I considered my dogs had injured another dog.

I am satisfied that should [Constable C] understand my point and learn from my experience, my complaint will be resolved to my satisfaction.”

Internal Handling

Inspector G noted the following in his report:

“In discussion around [Constable C’s] actions, the complainer had no desire for any action to be taken. He opined that he wished [Constable C] to consider how his actions and manners would be presumed by other members of the public, but added he could understand that he may have reacted in such a way through concern for his injured dog.”

Inspector G went on to state:

“With regard to the incident between [the applicant] and [Constable C] (off duty) [the applicant] states he felt intimidated by his size and the fact he revealed he was a police officer. At no time did [Constable C] threaten the complainer but there is no doubt he is a tall and well-built person.”

On 26 May 2010 Chief Inspector L provided Constable C with advice in connection with this complaint. Chief Inspector H provided the following response to the applicant:

“From the evidence presented in [Inspector G’s] report, there is no evidence presented to establish whether or not the off duty officer’s actions and comments were intimidating. None the less, it is your position that you did feel intimidated and for that reason your concerns have been brought to the attention of the officer concerned and again appropriate advice has been given.”

The applicant’s response of 5 July 2010 detailed his dissatisfaction with Chief Inspector H’s comment that there was no evidence to establish whether Constable C’s actions were intimidating. The letter stated:

“You accept he is tall and well built, I am positioned between him and the bank wall and he tells me he is a police man then asks for my ‘details’ and you don’t think that sounds intimidating?”

The issues raised by the applicant were investigated by Inspector J, who noted the following in his report of 15 July 2010:

“[The applicant] states that he was positioned between [Constable C] and the bank wall and [Constable C] stated he was a police officer and asked for his details. This is how he felt intimidated.

There is no evidence presented in any statement indicating that there were any threats made or implied by [Constable C].

There is no doubt in my mind that this is dealt with in the letter to [the applicant] with [Constable C] being advised appropriately by [Chief Inspector L] in this respect.”

On 26 July 2010 Superintendent K issued the applicant with the following response:

“I note your comments surrounding the physical stature of [Constable C] in support of your position of being intimidated. Chief Inspector [H] acknowledged your position in his consideration of your complaint about [Constable C] but concludes that it cannot be established whether or not the off duty officer’s comments were intimidating. I note that in view of your perception that you were intimidated, Chief Inspector [H] raised your concerns with [Constable C]. I consider this to be entirely proportionate and am satisfied that this aspect of your complaint has been appropriately dealt with.”

Consideration

Nowhere in the applicant’s letter of complaint or statement does he suggest that Constable C threatened him with police action if he did not pay the vet’s bill. The applicant simply alleges that due to Constable C’s physical size and his references to being a policeman, he felt intimidated. In his statement of 15 April 2011, the applicant advised that he would consider the complaint resolved if Constable C was made aware of his perception.

In accordance with the applicant’s wishes, Constable C was provided with advice regarding the applicant’s perception. The applicant was informed by Chief Inspector H that this had been done. In taking this action, Fife Constabulary dealt with the complaint in the manner which the applicant had stipulated. In light of this, the Commissioner considers that this complaint was dealt with in a reasonable manner.

Unfortunately, Fife Constabulary’s handling of this complaint went further than was strictly required. Instead of simply advising Constable C of the applicant’s perception of his behaviour, Fife Constabulary sought to rebut the complaint by stating that there was “no evidence presented to establish whether or not [Constable C’s] actions and comments were intimidating”. In the Commissioner’s view, this went beyond what was required in order to deal reasonably with the complaint and resulted in the loss of an opportunity to resolve the matter to the applicant’s satisfaction. While it is true that no evidence was presented to actually “establish” whether Constable C’s behaviour was intimidating, this must be seen within the context that no enquiries were in fact undertaken in respect of this complaint.

As noted above, the Commissioner considers that this complaint was essentially dealt with in a reasonable manner. However, Fife Constabulary should bear in mind the above comments when dealing with similar situations in the future.

Conclusions, Recommendations and Learning

Complaint 1: Refusal to progress allegation against Mr A

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

Complaint 2: Alleged behaviour of Constable C

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

Background

As noted above, following receipt of Chief Inspector H's letter of 28 June 2010, the applicant made a number of additional complaints. These were contained within a letter sent to the Chief Constable on 5 July 2010. A statement was obtained from the applicant on 14 July 2010 by Inspector J in this connection. Inspector J submitted a report of his findings on 15 July 2010 and on 26 July 2010 Superintendent K wrote to the applicant in response to the complaints.

The complaints made by the applicant in this connection are listed below.

- (1) that Fife Constabulary did not fully investigate an incident that took place in March 2001, where a gunshot was fired into the applicant's bedroom window;
- (2) that Fife Constabulary did not fully investigate an incident that took place in January 2006, where a gun was fired outside the applicant's house;
- (3) that Fife Constabulary did not fully investigate an incident that took place in March 2010, where Mr A jumped out in front of the applicant's car and shook a stick at him; and
- (4) that Fife Constabulary did not fully investigate an incident that took place in April 2010, where Mr A followed the applicant home to find out where he lived.

Complaint 1: Incident in March 2001

The applicant stated the following in his letter of 5 July 2010:

"Police were called to my previous house in 2000 when a shotgun pellet shattered a pane of glass in my bedroom window. [The police] did nothing about it."

The applicant also commented in his statement that he had not been updated on the police investigation.

Internal Handling

Inspector J stated the following in his report:

"I found that the complainers then partner ... whilst the complainer was at work, reported this incident. Two young people had been seen with an air rifle nearby and a pane of glass was at that time broken in a window of the house ... This crime remains undetected but was investigated at the time. There is no apparent connection between this matter and [Mr A]."

Superintendent K provided the following response:

"I understand that this [incident] occurred whilst you were at work and that [Inspector J] has since explained to you that two young people had been seen with an air rifle nearby. This incident was recorded as a crime, was investigated albeit it appeared there was no apparent connection between this matter and [Mr A]."

I regret that you consider the actions of the police were inadequate but it appears that police action was taken, the crime recorded and investigated and accordingly cannot substantiate your complaint that the police did nothing about this matter."

Consideration

Fife Constabulary has explained to the applicant that the incident in question was investigated. In light of this, the applicant's complaint that nothing was done in respect of the incident is not supported by the facts. In the Commissioner's view, Superintendent K provided a reasonable response to this complaint.

In respect of the applicant's concern that he was not updated following the police enquiry, as noted above the applicant delayed almost ten years before making this complaint. The reason for this delay is unclear. However, even if it could be established whether or not the applicant or his partner were updated, given the period of time which has elapsed the Commissioner does not consider it proportionate to recommend further action by Fife Constabulary in this connection.

Following receipt of Superintendent K's response, the applicant complained to Fife Constabulary about the reference in the letter to Inspector J having "since explained" the police investigation which had been undertaken. This was found to be incorrect and the applicant was provided with an apology from Superintendent K in this connection. In the Commissioner's view, although the apology was reasonable in the circumstances, such a minor error does not affect the substantive handling of this complaint.

Overall, the Commissioner considers that this complaint was dealt with in a reasonable manner.

Complaint 2: Incident in January 2006

The applicant stated the following in his letter of 5 July 2010:

"In 2005 the police were called after [Mr A] fired his shotgun right outside my living room window (which he admitted) and [the police] did nothing about it."

The applicant added the following in his statement of 14 July 2010:

"I refer in my letter (dated 5/7/10) to an incident in 2005. This should be 2006. It was afternoon and I was in the house with my civil partner when I heard what appeared to be an explosion. The dog, who had just had pups, was screaming. I ran and checked they were okay. We then both went out the house and [Mr A] was standing at the back gate. He was with the same man who was with him at the recent incident. He walked away like he didn't want involved. [Mr A] was carrying a shotgun. I asked him what he thought he was doing. He said 'don't live in the country if you can't take it'. I told him I had spent all my life in the country and never came across anyone shooting outside houses. I said I was calling the Police. He replied 'I am the polis, I am the polis'. He seems to repeat things when he gets excited.

As we turned to go indoors he [Mr A] shouted something like 'you are just a pair of poofs'. I phoned the Police. They didn't attend for two days.

The Police went down to his house and came back about half an hour later. They said to me they were telling me the same thing as him and we should avoid each other. They did not note the background. We just told them what happened that day. That was the end of that incident."

Internal Handling

Inspector J stated the following in his report:

“This in fact refers to an incident in January 2006 where [the applicant] was within his home, which was a remote house at [location], and a shotgun was discharged outside. No damage or injury was caused although [the applicant] was alarmed. When he went outside he found [Mr A] with his shotgun. The police were contacted and following investigation it was found that [Mr A] had shooting rights over the land and both parties were given advice by the officers.”

Superintendent K issued the following response:

“I am now aware this in fact refers to an incident in January 2006 when you were within your home at [location], and a shotgun was discharged outside. No damage or injury was caused albeit I can understand your alarm when you found [Mr A] outside with his shotgun. I also understand the police were contacted and following investigation it was found that [Mr A] had shooting rights over the land and that advice was provided to you and [Mr A].

In contrast to your stated view, it appears that the police did become involved albeit there was no evidence of a crime having been committed and that they also spoke to [Mr A]. Again, I do not consider that the police did nothing about this matter.”

In his reply dated 5 August 2010, the applicant stated:

“You should note [Mr A] may have had the shooting rights on land leased to [location] (odd that he should lose those rights that year) but he certainly did not have the shooting rights on my driveway, on the private road leading to my house nor the field in front of the house as NONE of these were leased to [location]. Additionally can you tell me if the two officers who attended challenged [Mr A] about the homophobic names he called me in front of witnesses, as they were certainly informed about it? Did they challenge [Mr A's] claim in front of witnesses that he was a 'police officer'? Did they interview the fourth person present that day? Most importantly of all can you shed any light on why it took the police a further two days to attend a fire arms incident? Could it be that when I called the police I gave them the name and address of the accused?” [emphasis in original]

Superintendent K responded to the applicant by letter dated 13 August 2010. Superintendent K advised the applicant that the incident would now be investigated as a complaint about the police. Enquiries were thereafter carried out by Chief Inspector H who in his report stated the following regarding the length of time taken attend the applicant's home:

“About 1300 hours on 24th January 2006 [the applicant] reported that [Mr A] had fired a shotgun near to his home without permission or the authority to shoot thereat. The call card also intimates that [Mr A] made a threat towards [the applicant] that he was a 'marked man'. It is also endorsed on the call card that [the applicant] would 'appreciate a mutual time to provide a statement' ...

About 1540 hours same date, a call was made to [the applicant's] telephone by the Force Contact Centre (FCC) but there was no reply.

About 1810 hours same date, the call card is endorsed that the FCC received a further telephone call from [the applicant] at which point it is intimated he can be seen prior to 2200 that evening.

About 2135 hours same date, the FCC make further telephone contact with [the applicant] stating that there are no free units and arrangements made that he be contacted after 1400 hours the following day, 25th January [2006]. This appeared to meet with [the applicant's] approval.

About 1410 hours on 25th January [2006] the call card is endorsed that the 'complainer is now available to be seen'. It is not clear if this followed further telephone contact with [the applicant].

About 1545 hours [Constable L] and [Constable M] (now resigned) attend at [the applicant's] home.

From all the foregoing it is clear that contrary to [the applicant's] letter dated 5th August 2010, it did not take the police "a further two days to attend" and in fact had been managed by appointment, in line with his initial request. This also completely negates his belief that the police were delayed due to the fact [Mr A] was the accused party."

Chief Inspector H also obtained a statement from Constable L who stated the following in respect of his involvement in the incident:

"... [Constable M] and I arrived at locus and met with [the applicant] ... who stated that a male named [Mr A] had been shooting near to his land and he wished him spoken to in relation to this matter.

As this incident occurred almost 5 years ago I am unable to recall what the nature of the alleged abuse was, however I can say that it was definitely not of a homophobic nature, as this would have been dealt with robustly at the time."

Constable L further stated that after attending the applicant's home he attended at the home of Mr A. Mr A provided written authority to shoot at the locus. Constable L stated:

"I cannot recall where the shots were allegedly fired in relation to [the applicant's] dwelling. [Mr A] stated that he was retired and did not imply that he was a police officer at all. If he stated otherwise this would have had no bearing on the enquiry ...

About 2050 hours same date [Constable M] and I thereafter attended at [Mr B's] address, as I believed that he was [Mr A's] shooting partner. There was no evidence of any crime having been committed and as a result no statements were noted."

A further statement was thereafter taken from Mr B by Sergeant N, as Chief Inspector H had identified that Mr B was the "fourth person" referred to by the applicant in his letter of 5 August 2010. In this statement, Mr B advised that on the date in question he was part of a shooting syndicate when they were approached by a man who began shouting at Mr A. Mr B went on:

"At no point did [Mr A] raise his voice or shout at the male. There was no name calling. I have been asked specifically about homophobic name-calling. [Mr A] certainly did not use such language. The male threatened [Mr A] stating 'he was going to knock him into next week'. Due to the behaviour of the male we considered phoning the police but didn't and just walked off."

Chief Inspector H reached the following conclusion in respect of this complaint:

"To conclude, due to the passage of time and the fact that no statements were noted, the events in 2006 remain unclear. There is no evidence available that [Mr A] discharged a firearm on [the applicant's] driveway, private road leading to his house or the field in front of his house. There is no evidence in regard to the alleged homophobic names, albeit [Constable L] completely refutes that allegation. He states that had this been brought to his attention at the time he would have investigated that 'robustly'. There is no evidence presented that [Mr A] claimed to be a 'police officer' although again [Constable L] denies this was ever mentioned and even if it had been, would have had no bearing on this

enquiry. I have confirmed through direct telephone contact with [the applicant] that the 'fourth person' mentioned by [the applicant] is [Mr B]."

Chief Inspector H went on to note:

"I respectfully recommend that [Constable L] be dealt with separately by way of corrective advice/counselling or if deemed to be more suitable, a Regulation 5(2) warning in terms of the Police (Conduct) (Scotland) Regulations 1996. Whilst in hindsight it is less than satisfactory that [Constable L] did not note full statements, it could be argued that as he was completely satisfied no offence has occurred, there was no requirement to note full statements. He is crystal clear in his operational statement that no homophobic comments were made by [Mr A], which has since been corroborated by [Mr B], albeit [Mr B] is a friend of [Mr A] and unlikely to incriminate him. He is however the 'fourth person' as alluded to by [the applicant]. [Constable L] also confirmed at the time the shooting rights of the syndicate to be on [location] and therefore was again of the opinion no offences had taken place."

On 24 October 2010, Superintendent K issued the applicant with a further letter of response. Superintendent K advised the applicant of Chief Inspector H's findings in respect of the time it took officers to attend his home in connection with the incident. The applicant was also advised of the action taken by Constable L at the time the incident was reported, in speaking to Mr A and Mr B. Superintendent K also informed the applicant of Mr B's position in respect of the incident, as detailed in his most recent statement. Superintendent K went on:

"To conclude, due to the passage of time and the fact that no statements were noted, the events in 2006 remain unclear. There is no evidence available confirming [Mr A] discharged a firearm on your driveway, private road leading to your house or the field in front of your house. There is no evidence in regard to the alleged homophobic names, albeit the attending [officer] completely refutes that allegation. He states that had this been brought to his attention at the time he would have investigated that 'robustly'. There is no evidence presented that [Mr A] claimed to be a 'police officer' although again the attending officer denies this was ever mentioned and even if it had been, would have had no bearing on his enquiry..."

Unfortunately however, as no statements were noted at the time of the incident, the exact details of what did or did not occur and what was or was not said is not entirely clear, primarily due to the passage of time. Clearly, your version of events differs from [Mr A's] and [Mr B's]. However, the evidence from the officer who attended is clearly that no crime had been committed, no homophobic comments made and as such, he did not feel it necessary to note statements from those involved. The subsequent email submitted to the Firearms Licensing Unit at the time is equally clear that no crimes or offences have been committed. In such circumstances, the police are not always required to note statements but unfortunately on this occasion the lack of relevant statements has only served to complicate matters. As such, the officer concerned is to receive counselling and corrective advice, which in my view is proportionate in the circumstances."

On 4 November 2010 the applicant emailed Fife Constabulary disputing the explanations provided by Superintendent K in his letter. In his memorandum of 11 November 2010 Inspector J noted the applicant's concerns but concluded that they did not alter the response already provided to him.

In his letter to the applicant dated 26 November 2011, Superintendent K stated the following:

"I note your position ... however, I am satisfied that on the basis of the evidence available to me, my response to you remains accurate."

It is disappointing that the actions of the officer, failing to note statements at the time, has led to dispute over what was or was not alleged at the time. As I stated to you the officer

has received corrective advice in relation to this matter. Regardless of that fact, on the basis of the investigation that has now taken place as a consequence of you raising this matter again, there is insufficient evidence that a crime was committed in 2006.

I am satisfied that your complaint in relation to this aspect has been thoroughly investigated and that failings have been identified in relation to the actions of the police officer involved. I regret that you remain dissatisfied with that outcome.”

Consideration

In respect of the applicant’s complaint that Constable L “did nothing” in relation to his allegations, Fife Constabulary has explained to him the nature of the enquiries undertaken at the time. Fife Constabulary’s response is supported by the police log of the incident. As there is clear evidence that enquiries were undertaken at the time, the applicant’s complaint is unsubstantiated. In the Commissioner’s view, Superintendent K issued a reasonable response to this complaint.

In respect of the applicant’s complaint that Mr A’s alleged homophobic remarks were not investigated, the incident log (a contemporaneous record of what was reported by the applicant at the time) shows that the applicant called Fife Constabulary reporting that Mr A had fired a shotgun “yards away” from his property and had called him “a marked man”. No mention is made in the log of any homophobic remarks having been uttered by Mr A. Furthermore, Constable L does not recall any allegation that Mr A made such a remark. Mr B denies that any such remark was made; indeed, Mr B claims that it was the applicant who had threatened Mr A.

Given that no statements were taken by Constable L during his investigation, the exact details of what occurred cannot be ascertained. In the Commissioner’s view, however, Fife Constabulary has made reasonable attempts to establish the facts and has reached reasonable conclusions in the circumstances. In addition, Constable L has been counselled regarding the failure to obtain statements during his investigation.

In terms of the actual handling of this complaint, however, Superintendent K stated in his letter of 24 October 2010 that there was “no evidence” in respect of the allegation that Mr A had made a homophobic remark and had claimed to be a police officer. While it is true that no evidence was found to *corroborate* these allegations, it was incorrect to state that there was no evidence at all in relation to them: the applicant’s account clearly amounts to such evidence. This is a minor point, but it is understandable why a complainer in such circumstances might feel aggrieved when they themselves have provided evidence. In the Commissioner’s view, Fife Constabulary should bear this issue in mind when preparing written responses to complaints in the future.

Overall, however, the Commissioner considers that this complaint was dealt with in a reasonable manner.

Complaint 3: Incident in March 2010

The applicant stated the following in his letter of 5 July 2010:

“On the 30th March 2010, [Mr A] jumped out in front of my car shouting abuse and shaking a stick at me. I reported it to the police and they did nothing about it.”

He added the following in his statement of 14 July 2010:

“... on 30th March 2010, I was driving at [location]. I was coming home. I saw the man standing at the side of the road. As I got closer he moved out in front of me. He [Mr A] had his dog in one hand and his stick in the other. He started waving his stick. I could see his mouth go but I couldn’t hear anything. I swerved around him and continued on. This was

reported to the Police and [Constable D]. It was the response squad that came out. This was in my initial complaint."

Internal Handling

Inspector J stated the following in his report:

"Having spoken to [the applicant] he states that he was driving home when he saw [Mr A] move into the road and shake his stick at him although he could not hear what he was stating. It is apparent that this matter formed part of the original complaint and he is merely attempting to show harassment from [Mr A]. Officers dealt with this matter at the time although there was no evidence of any criminal charges."

Superintendent K stated the following in his letter of response of 26 July 2010:

"I understand that the police did investigate your complaint albeit concluded that there was insufficient evidence. Again, I have to conclude that the police did take action in response to the complaint you made."

The applicant replied as follows on 5 August 2010:

"You say the police did investigate this incident. How intriguing, considering to date NO police officer has been to take a statement from me. So again, the police did NOTHING." [emphasis in original]

In his response of 13 August 2010 Superintendent K advised that the incident would now be investigated as a complaint about the police. Enquiries in this connection were conducted by Chief Inspector H who obtained the following statement from Constable D:

"On 4 April 2010 I was on duty from 0800 to 1700 hours in uniform attached to [location] Community Team.

On this day I contacted [the applicant] by phone, of which I have already made reference to in my original statement. [The applicant] made reference to the ongoing problems he had been experiencing with [Mr A] over the past 10 years including an incident regarding [Mr A] raising a stick in the air when [the applicant] drove past him in a motor vehicle.

This was the first and only time this was brought to my attention following two earlier contacts with [the applicant]. I took this information as being historical background information and no complaint regarding this alleged incident was forthcoming. At the conclusion of the phone conversation I urged [the applicant] to contact the police should he have any further problems with [Mr A]."

Chief Inspector H established that the applicant had called Fife Constabulary later that day to make a complaint regarding this incident and the reckless discharge of a shotgun. As a result of this, Constables P and Q had attended at the applicant's home. Constable P's statement reads:

"[The applicant] was talking about a firearms incident whereby a male known as [Mr A] had discharged a firearm at one incident whereby he was charged with a dangerous dogs act. I again informed [the applicant] that I was unaware of the incident. [The applicant] thereafter continued to talk about how unfair he had been treated regarding the incident and I informed [the applicant] that it would be more appropriate if the reporting officer who was dealing with the incident were to contact him. [The applicant] agreed with this. At no time within [the applicant's] home address were there any mention of a stick incident or any remarks made by any person. I then left said address and on return to [police station] I

informed [Constable D] of the incident. I updated the call card and left it for the attention of [Constable D].”

Constable P's account was supported by Constable Q.

Chief Inspector H instructed Constable R to take a statement from the applicant in respect of his complaint. This was done on 21 August 2010. In her statement, Constable R advised:

“I explained to [the applicant] that there appeared to be very little evidence of any crime and depending on any admissions from the other person responsible there may be no further Police action. [The applicant] understood this and was happy that the other party was made aware of the complaint ...

About 1635 hrs on Friday 27th August 2010, along with [Constable E], I attended at [Mr A's home] and made him aware of the complaint. During conversation [Mr A] stated that he does not use a stick to walk in [location] and that the incident had not happened as [the applicant] had stated. [Mr A] alleged that whilst walking his dog [the applicant] had slammed on the brakes of his vehicle and pointed his finger at him. It was explained yet again that there was no evidence of any crime occurring, but that I would make [the applicant] aware.

I thereafter contacted [the applicant] by telephone and updated him accordingly.”

Chief Inspector H noted the following in his report:

“I respectfully recommend that [Constable D], [Constable Q] and [Constable P] receive counselling/corrective advice in failing to note the original complaint from [the applicant] regarding the allegation that [Mr A] jumped out in front of his car and the ancillary allegations. [Constable D] indicates in his operational statement that [the applicant] did mention the stick shaking incident but he believed it to be background information in regard to the ongoing harassment being experienced by [Mr A]. Irrespective, [Constable D] should have identified this to be a separate incident requiring investigation.

[Constables Q and P] indicate in their operational statements that they do not recollect [the applicant] making any allegation about a stick shaking incident and that his concerns were around the earlier incident already being investigated by [Constable D]. Whilst I am sceptical about the accuracy of their recollections, the stick shaking scenario is clearly marked on the relevant call card and had either officer properly assessed the content of the original call or taken time to properly question [the applicant] about exactly what he was reporting, this separate incident would have been picked up and investigated.

Collectively, all three officers have not dealt with this matter properly, failed to identify a separate complaint and failed to act on that complaint. This reflects poorly on Fife Constabulary.”

In his letter of response dated 24 October 2010, Superintendent K explained the circumstances that led to his allegation not being investigated. Superintendent K also explained the action which had been taken by Constable R in investigating his complaint, as detailed in her statement above. Superintendent K concluded his letter by stating:

“Whilst it is reported to me that no crime or offence occurred on 30th March 2010, the actions of the officers involved at the initial stage when you were attempting to report the matter fell short of what I would expect from officers of Fife Constabulary. As such, I would wish to offer my apologies at the level of service you received. Whilst it may be the result in a breakdown of communication, it is none the less unacceptable. All the officers concerned are to receive corrective advice and counselling.”

The applicant replied by email on 4 November 2010, stating the following:

“As far as incident No. 3 goes, I accept it is my word against [Mr A’s]. However I find the selective memories of the officers involved quite disturbing.”

Superintendent K replied to the applicant stating that his comments had been noted.

Consideration

Fife Constabulary established that it had failed to investigate the applicant’s allegation, offered an apology and explanation in relation to this and provided the officers concerned with advice. In addition, enquiries were carried out into the incident itself but it was found that a criminal act had not occurred. The applicant was fully advised of all of these actions by Fife Constabulary and accepts that it is simply his word against that of Mr A.

In light of this, the Commissioner considers that this complaint was dealt with in a reasonable manner.

Complaint 4: Incident in April 2010

The applicant stated the following in his letter of 5 July 2010:

“On the 1st June 2010 I reported [Mr A] to the police re him contacting my former landlords agents about the incident already investigated by the police and they did nothing about it.”

The applicant added the following in his statement of 14 July 2010:

“In April it was about the back of three when the school was coming out. I had been to the doctor in [location]. I was about [location] and I seen [Mr A] in his [description of car] behind me. I thought he was going home. He continued behind me to my house where I parked. He turned when I stopped. He didn’t say anything or do anything.

On 1st June I received a letter from my former landlords agents basically advising me about the previous incident being investigated by the Police. I assumed that [Mr A] got my address when he followed me and passed it on to them. I did phone [Sergeant S] regarding the letter and she advised that I should see a solicitor about taking out an injunction.”

Internal Handling

Inspector J noted the following in his report:

“As a result [the applicant] received a letter from the agent warning him about controlling his dogs whilst exercising his right of way on their land. [The applicant] states his address was passed to the agents by [Mr A]. [Mr A] having got the address by following the complainer home one day. This is obviously not an offence but again [the applicant] is using it to add to his allegation of harassment.”

Superintendent K issued the following response dated 26 July 2010:

“On 1st June 2010, you reported an incident to the police in relation to [Mr A] contacting your former landlord’s agents about an incident that had already been investigated by the police. [Inspector J] advised me that following discussion with you, he considers this does not amount to an act of a criminal nature by [Mr A].

Again, I cannot accept your assertion that the police took no action.”

The applicant replied on 5 August 2010, stating:

“[Mr A] gave them my address, complained to them about an incident already investigated by the police, sullied my name with lies, asked them to ban me from the land and asked them to write to me. Now if that’s not harassment, I don’t know what is and the last time I checked harassment was a crime.

As for [Inspector J] telling me this was not a crime. When and where did he do this? Remember I had a witness when he visited.

Now lets move on to how [Mr A] obtained my address. Either one of your officers gave him it or he obtained it when he was seen by THREE independent witnesses following me home.” [emphasis in original]

Superintendent K stated the following in his response of 13 August 2010:

“I note your comments regarding the incident (Incident 4) involving [Mr A] disclosing information to your former landlord’s agents. I regret to inform you that currently harassment is not a crime in Scotland albeit will likely be in the future. The advice you received from [Inspector J] advising you to record further incidents involving [Mr A] was well made as collectively a number of incidents can provide evidence of behaviour which maybe sufficient to add up to a Breach of the Peace. In the circumstances you describe I do not believe this amounts to a Breach of the Peace. In conclusion to this matter and your comments, whilst I am advised this was discussed with you, I accept your position that you felt it was not.

In relation to your comments about [Mr A] obtaining your name and address, stalking is not a crime in Scotland albeit in certain circumstances, the actions of following an individual may amount to the common law crime of Breach of the Peace. In the circumstances you describe, I concur with [Inspector J] and I am of the opinion that a crime has not been committed. There is no evidence to indicate that the officers have provided [Mr A] with your name and address and in addition all police officers and staff have a responsibility to protect and not disclose personal information they learn in the course of their duties.”

On 20 August 2010 Inspector J obtained a statement from the applicant, in which he said the following:

“Inspector [J] discussed with me that the issue with regard to the letter to my landlord and how he got my address. He stated that this did not constitute a crime ...

I disagree with the issues in that when he [Mr A] followed me home is that not a crime when a lunatic is loose with a shotgun and he has used it twice in my presence.”

Chief Inspector H stated the following in his report of 17 September 2010:

“This incident is covered in your letter dated 13th August 2010, where you have provided a full explanation to [the applicant]. However, during his subsequent visit to [the applicant] on 20th August 2010, Inspector [J] explained the legal situation regarding harassment and informed [the applicant] that he could not recall the exact content of their conversation during their earlier contact or if he fully explained the position, although he believed he had provided clarification. In any event, Inspector [J] has since confirmed with [the applicant] in their subsequent meeting that the circumstances presented did not constitute a crime.”

In his letter to the applicant dated 24 October 2010, Superintendent K wrote:

“I maintain my position as articulated in my letter dated 13th August 2010 and my subsequent explanation provided to you in regard to this particular point. I am also aware that during his subsequent visit to you on 20th August 2010, Inspector [J] explained the legal situation regarding harassment. It is the position of Inspector [J] that during that meeting he also informed you that he could not recall the exact content of your conversation during your initial meeting or if he fully explained the position, although he believed he had provided clarification. In any event, I understand that Inspector [J] has since confirmed with you in your subsequent meeting that the circumstances presented did not constitute a crime. As such, I do not intend to take any further action in that regard.”

The applicant continues to remain dissatisfied with the responses provided to him.

Consideration

Fife Constabulary has repeatedly explained to the applicant that the incident he reported did not constitute a crime and therefore did not merit further investigation. The applicant has also been given advice on recording any further instances that might occur. In the Commissioner’s view, this amounts to a reasonable approach to this complaint. The Commissioner has nothing to add to what the applicant has been told in this connection.

In the Commissioner’s view, the manner in which this complaint was dealt with by Fife Constabulary was reasonable.

Conclusions, Recommendations and Learning

In the Commissioner’s view, these complaints were dealt with in a reasonable manner. Accordingly no further action is required in this connection.

Background

During the course of the investigation of his earlier complaints, the applicant made two additional complaints, both of which are listed below.

(1) that Inspector J admitted to the applicant that “young officers can allow themselves to be influenced” and then later retracted what he said; and

(2) that the letters of response the applicant received from Fife Constabulary contained serious errors which Fife Constabulary later had to retract.

Complaint 1: Comment by Inspector J

On 5 August 2010 the applicant wrote to Fife Constabulary advising that Inspector J had told him the following during a meeting on 14 July 2010:

“I’ll be the first to put my hand up and say, young and inexperienced officers can be influenced by people like [Mr A].”

According to the applicant Inspector J’s comments vindicated his belief that officers of Fife Constabulary had been influenced by Mr A.

Internal Handling

In his memorandum to Superintendent L dated 17 September 2010 Chief Inspector H stated the following:

“... [Inspector J] has clarified these comments during his subsequent visit. [Inspector J] explained that whilst he may have used words similar to that quoted, this statement was qualified by the fact that [Inspector J] stated there was no evidence in this case to infer the officers had in fact been influenced by [Mr A].”

Superintendent K stated the following in his letter of response of 24 October 2010:

“... I understand that [Inspector J] explained that whilst he may have used words similar to those quoted by you, this statement was qualified by the fact that he indicated there was no evidence in this case to infer the officers had in fact been influenced by [Mr A]. From my own perspective, based on my personal knowledge of [Inspector J], I would suggest you have taken his comments out of context. Whilst this is very much regrettable, I do not intend to pursue that matter any further and trust that [Inspector J’s] personal update to you helped to reinforce his position.”

Consideration

Of the five allegations made by the applicant against Mr A, Fife Constabulary has acknowledged defects in its investigation of each of these and provided advice to the officers involved. Based on the information supplied to the Commissioner’s office, however, there is no evidence to suggest that these defects were as a result of Mr A influencing the decision-making of those officers.

In the Commissioner’s view, Inspector J’s comments were unfortunate given the applicant’s long-standing perception. However, Inspector J’s position - that there is no evidence of officers having been influenced by Mr A - is correct based on the available information.

In these circumstances, the Commissioner considers that this complaint was dealt with in a reasonable manner.

Complaint 2: Errors contained in letters of response

During the course of Fife Constabulary's handling of his complaints, the applicant has written on numerous occasions highlighting alleged errors within the responses provided to him. The applicant believes that these errors demonstrate a lack of proper investigation into his complaints.

In the Commissioner's view, Fife Constabulary has responded to each of the alleged errors and other issues raised by the applicant in this connection. The vast majority of these issues do not affect the substance of his complaints and consist mainly of minor errors in the detail of the responses issued to him. Where the points raised by the applicant have been substantiated, Fife Constabulary has acknowledged this and rectified the error. Where appropriate, an apology or further clarification has been given to the applicant in this connection.

In the Commissioner's view, this complaint was dealt with in a reasonable manner.

Conclusions, Recommendations and Learning

In the Commissioner's view, these complaints were dealt with in a reasonable manner. Accordingly no further action is required in this connection.

Case reference PCCS/00494/10/PF- FC (D)

Background

In the course of the investigation into his other complaints, the applicant made a further complaint through his MP. Specifically the applicant claimed that Fife Constabulary had refused to revoke Mr A's firearms licence.

On 13 August 2010, the applicant met with his MP in connection with his concerns over Mr A's suitability to hold a firearms licence. On 19 August 2010, the applicant's MP wrote to the Chief Constable, stating the following:

"[The applicant] has expressed anxieties about his own safety and of others because he feels that [Mr A] has behaved in a reckless way in discharging a firearm. Such is his level of concern that he has asked me to write to you to request that [Mr A's] firearm certificate – and the firearm – be removed from his possession."

Internal Handling

Upon receipt of the MP's letter, a review of the circumstances surrounding the applicant's concerns was undertaken by Mr T of the Firearms Licensing Unit. In his memorandum to the Chief Constable dated 25 August 2010 Mr T stated the following:

"Following consideration of the memo and crimefile I would respectfully suggest that there is little, if any, evidence of [Mr A] recklessly discharging his shot gun. In fact I would suggest that his actions were anything but reckless. The fact that in fear of the safety of his dog, his colleague [Mr B] and himself, he loaded one shot gun cartridge into his double barrelled shot gun and then discharged this into the ground to the side of the dogs, demonstrates a careful and considered response to what he clearly perceived was a serious threat to him and his dog. Following consideration by The Procurator Fiscal this case was marked 'No Proceedings' ...

Following a careful study of the letter from [the applicant's MP] I do not believe that he has introduced any new evidence, which could be used to conduct a further review of [Mr A] and his suitability to remain a certificate holder."

On 20 September 2010 the Deputy Chief Constable provided the following response to the applicant's MP:

"As a consequence of the information provided by you, I instigated a review of the circumstances surrounding the incidents and the subsequent decision that supported the grant of a firearms licence to [Mr A]. Having considered fully the details of that review, I am satisfied that the decision-making and rationale which supports that are robust, proportionate and appropriate. In all of these terms, I am content with the decision which allows [Mr A] to retain his firearms certificate."

In a letter to the applicant dated 26 November 2010, Superintendent K stated:

"I understand that representation made on your behalf to the Chief Constable, by [the applicant's MP] in relation to the appropriateness of [Mr A] being legally entitled to possess a shotgun has already been responded to."

In correspondence with the Commissioner's office, the applicant has expressed his dissatisfaction with the decision not to revoke Mr A's firearms licence.

Consideration

It is clear that Fife Constabulary has reviewed the circumstances of the alleged reckless discharge of the firearm by Mr A and found no new evidence to support the claim that Mr A was unsuitable to hold a firearms licence. The Commissioner considers that the position adopted by Fife Constabulary is a reasonable one based on the available evidence.

In the Commissioner's view, the manner in which this complaint was dealt with by Fife Constabulary was reasonable.

Conclusions, Recommendations and Learning

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

John McNeill
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