

# Report of a Complaint Handling Review 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 manner in which Fife Constabulary dealt with complaints about the police made by him previously. This report should be read in conjunction with report reference PCCS/00494/10/PF-FC(A-D).

Of the six complaints reviewed, the Commissioner found that five were dealt with in a reasonable manner while the remaining complaint was not. Two recommendations were 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

The complaints contained within this review arise largely from complaints dealt with by the Commissioner in a separate report (reference PCCS/00494/10/PF-FC(A-D)) ("the previous complaints").

In his application to the Commissioner's office regarding his previous complaints, the applicant made a number of additional complaints which, according to Fife Constabulary's complaints file, did not appear to have been made previously to the police. It was the applicant's position that he had made these complaints to Fife Constabulary.

On 25 April 2011 the applicant emailed Fife Constabulary raising these additional complaints. He received a letter of response from Fife Constabulary dated 10 May 2011; however he continued to correspond with Fife Constabulary regarding its findings. The applicant subsequently received letters from Superintendent K and the Deputy Chief Constable in respect of his complaints.

## 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 the applicant has not received personal apologies from the officers involved in his complaint;
- (2) that Inspector G admitted to the applicant during his visit that he knew Mr A personally;

- (3) that Inspector G admitted to the applicant that he and the other officers involved in the case did not know the law concerning firearms;
- (4) that Constable C lied and used his position whilst off duty to obtain information from the applicant's veterinary surgeon;
- (5) that Inspector J refused to view CCTV footage of an incident the applicant had previously complained about; and
- (6) that the Chief Constable did not personally respond to letters and emails sent to her from the applicant and his MP.

## The Commissioner's Review

This section sets out the Commissioner's views on the manner in which the complaints were handled by Fife Constabulary. Each complaint is set out in turn and is followed by details of Fife Constabulary's handling of it and the Commissioner's views on this.

### Complaint 1: No personal apologies

In his email dated 25 April 2011, the applicant described this complaint as follows:

*" ... I have not received personal apologies from the officers involved in my complaint."*

#### Internal Handling

In his response to the applicant dated 10 May 2011, Superintendent K wrote:

*" ... I note your request to receive personal apologies from the officers involved in your complaint. You have received letters in explanation of the outcome of the complaints you made during 2010 and have been advised of the action taken against police officers in respect of those aspects of your complaint allegations that were substantiated.*

*You have already received apologies offered by me in my letter of 26<sup>th</sup> July 2010. In particular, I apologised for errors that you identified in previous correspondence from me to you, which related to factual inaccuracies.*

*I also apologised to you on behalf of Fife Constabulary, in relation to the manner in which the initial report of the reckless discharge of a firearm by [Mr A] on 11<sup>th</sup> March 2010 was handled.*

*I further apologised to you in my letter of 13<sup>th</sup> August 2010, given my misunderstanding that you had been updated by Inspector [J] surrounding the airgun incident in 2001 and that the incident involving [Mr A] shaking a stick had been investigated and concluded as insufficient evidence.*

*The latter incident was then subsequently investigated and in my letter to you on 24<sup>th</sup> October 2010, which provided explanation in relation to this respect of your complaint, I offered a further apology to you on behalf of Fife Constabulary.*

*In conclusion to this point, therefore, I am satisfied that where apologies have been necessary, they have been offered by me on behalf of Fife Constabulary. I do not consider it necessary for personal apologies to be provided by individual officers."*

The applicant replied as follows in his letter of 30 May 2011:

*“... I was not asking for more pointless apologies from you as you cannot possibly apologise for the manner in which the officers concerned spoke to me, particularly [Constable D]. I respectfully request that the officers involved in this fiasco apologise personally for the serious errors they made and for the manner in which they spoke to me.*

*In conclusion I consider it necessary for personal apologies to [be] made from the officers concerned.”*

Superintendent K issued the following response on 10 June 2011:

*“In relation to your request for personal apologies from the officers concerned, I maintain my position as stated to you in my letter of 10<sup>th</sup> May and regret that I will not be inviting the officers to provide you with a personal apology.*

*I also note that you make reference to the manner in which you were spoken to by the officers and in particular [Constable D]. I have referred to the statements you have provided during the investigation into your complaints and note that at no time previously have you made any complaints regarding the manner in which you were spoken to by any of the officers who were involved in the complaints made by you with the exception of [Constable C].*

*On that basis and given you have had adequate opportunity to raise this as an issue previously, I do not consider it proportionate to investigate this matter further given the time that has elapsed since your initial complaint in April 2010 and the investigation that has already taken place.”*

### Consideration

In March 2011 the Commissioner issued statutory guidance regarding the handling of complaints about the police. The following guidance is given in respect of offering apologies:

*“If there has been an organisational failing, a manager should apologise on behalf of the organisation. If there has been an individual fault, and the officer or staff member is willing to apologise, they should receive support from organisation. It may be that a supervisor can issue an apology on behalf of the officer or staff member. An apology is the best way to defuse a situation and allow a satisfactory resolution.”*

Accordingly, it is a matter for the officers subject to complaint to decide whether to give personal apologies, albeit it is not normal practice in situations such as these for personal apologies to be given. Given the apologies the applicant has already received from Superintendent K on behalf of Fife Constabulary, the Commissioner does not consider it necessary for personal apologies to be given by the officers concerned. In the Commissioner’s view, the letters of response issued by Fife Constabulary adequately explain its position.

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

### Complaint 2: Inspector G’s knowledge of Mr A

The applicant stated the following in his email of 25 April 2011:

*“... [Inspector G] admitted to me during his visit that he knew [Mr A] personally. Therefore I do not think it was appropriate that the Inspector was sent to my home to take a statement. (I have a witness to this).”*

## Internal Handling

Superintendent K provided the following response in his letter of 10 May 2011:

*“... I note the comments you make which amount to another element of dissatisfaction with the police investigation. I have also referred to the statement noted from you by Inspector [J] on 20<sup>th</sup> August 2010, which you signed and in which you stated, ‘there is no other issue I can think of that I wish to raise as a complaint about the police’.*

*In previous letters you have received from Chief Inspector [H] and me regarding the investigation of the reckless discharge incident of 11<sup>th</sup> March 2010, you have been provided with information that explained the positive role taken by Acting Inspector [G] in ensuring a proper investigation into the allegation you made which was contrary to the wrong decision taken by the supervisor of [Constable D], not to pursue your original complaint.*

*I consequently note the inference that you seem to be making from Acting Inspector [G’s] admission of personally knowing [Mr A]. However, I am satisfied from all the information available that Acting Inspector [G’s] actions were appropriate and professional despite any knowledge he had of [Mr A].*

*I do, however, acknowledge your concerns and am confident that had Acting Inspector [G] declared his personal knowledge of [Mr A] then he would not have been appointed to undertake the initial investigation. I have no information that suggests he declared his knowledge of [Mr A] prior to undertaking the complaints investigation but from my review of your complaint investigation, I am satisfied that if he did or does know [Mr A], it has not affected his professional judgement and decision making associated with his involvement in the investigation of your complaint.*

*Given the passage of time and consideration of the adequate opportunities that you have had through the exchange of previous correspondence and/or interview with Inspector [J] to raise this issue previously, I do not consider it is proportionate or necessary to now record this new issue as a complaint about the police and instigate further investigation.*

*Nevertheless, in view of your raising this matter, I will ensure that your concerns are raised with Acting Inspector [G] as a learning point.”*

On 11 May 2011, Superintendent K emailed Inspector G, stating:

*“I have replied to [the applicant] that I have no information to suggest that you had declared a personal knowledge of [Mr A] but was confident that if you had then you would not have been allocated the investigation. I have also stated to him that regardless, if you did have a personal knowledge of [Mr A], this does not seem to have affected your professionalism and judgement in dealing with his complaints and that he has previously received information in letters from [Chief Inspector H] and myself of the positive role you took in the investigation into the reckless discharge.*

*I have stated that given he has raised it with me, I would ensure that you were made aware of his concerns. In future, if you are to be deployed in a complaints investigation role where there is a potential conflict of interest given your personal knowledge of the complainer or any other person involved in the circumstances of that complaint, you should declare this to a senior officer so that an assessment can take place of your appropriateness to continue with the investigation.”*

In his letter of response to Superintendent K dated 30 May 2011, the applicant stated the following:

*“... At that moment in time when [Inspector J] ‘sprung’ the ‘there is no other issue I can think of’ on me (his words not mine), it is possible I could think of no other issue there and then.*

*Also it isn’t any different from you signing and sending out several letters to me full of serious errors and blatant lies. Surely there is not one rule for you and another for the rest of us Superintendent, is there?*

*I am not satisfied that it was appropriate for [Inspector G] to attend my home after admitting to knowing [Mr A]. Whatever you think is not relevant, the fact remains this should never have taken place given [Inspector G’s] admission he personally knew [Mr A] and I do not accept it did not affect his personal judgement (he even changed the wording in my statement to ‘keep the peace’ – his words). Now if that is not wrong, then pray tell what is?” [emphasis in original]*

Superintendent K responded by letter on 10 June 2011, stating:

*“I note your comments in relation to the points in you letter numbered 2, 4, 5 and 6...*

*I acknowledge you were rightly entitled to raise the complaints you did in relation to the policing services you received and you have been provided with detailed letters of response in explanation of police action. Errors were identified in relation to the quality and thoroughness of elements of the police investigations into your various complaints and you have been provided with detailed explanation in respect of whether your specific allegations were substantiated or not. You have also been provided with explanation of the actions taken against any officers whose conduct identified as a consequence of your complaints, was deemed to be inappropriate and/or fell short of the service expected to be provided by the officers of Fife Constabulary. As part of that process you have also been provided with apologies where it was considered necessary and appropriate to do so.*

*I regret that you continue to be dissatisfied with the manner in which your complaints have been handled and the outcomes. However, I am satisfied your complaints have been thoroughly investigated but given your continued dissatisfaction, I respect your decision and right to seek recourse to the Police Complaints Commissioner for Scotland (PCCS) who will ultimately now determine whether the handling of your complaints by Fife Constabulary was reasonable or not. If the determination by the PCCS following review is that the handling of your complaints was unreasonable then, I will ensure that any elements are addressed in line with any recommendations made ...*

*In light of your recent e-mail of 25<sup>th</sup> April 2011 and your letter of 30<sup>th</sup> May 2011, I consider that your demands for further explanation are now becoming excessive and that you are raising additional matters of complaint, which you have had the opportunity to raise at an earlier stage of the complaints process. The e-mail and letter also raise issues specific to allegations and the outcome of those allegations, which have already been investigated and responded to.*

*Significant time and resources have rightly been dedicated to the investigation of the complaints you made in 2010, however in light of your continuing requests for explanation and raising of additional matters, I no longer consider it proportionate to undertake further investigation given the detailed investigations that have already taken place.”*

### **Consideration**

The issue raised by the applicant is effectively that due to Inspector G’s alleged personal knowledge of Mr A he ought not have been involved in dealing with the applicant’s earlier complaint.

In the Commissioner's view, the first step that ought to have been taken in dealing with this complaint was to establish the nature and extent of any personal relationship between Inspector G and Mr A. In terms of Fife Constabulary's complaints file, however, this has not been done.

Regardless of whether Inspector G knew Mr A personally, there is no evidence that Inspector G's involvement had any adverse impact upon the handling of the applicant's complaint. Indeed, as a result of Inspector G's involvement, Mr A was charged with an alleged firearms offence and reported to the Procurator Fiscal. It is difficult to imagine a more favourable outcome to the applicant in this connection.

Nevertheless, this complaint concerns the procedural issue of whether Inspector G ought to have declared any personal knowledge of Mr A prior to the complaint being allocated to him. As noted above, in order to address this issue, it was essential for Fife Constabulary to determine whether, and if so to what extent, Inspector G knew Mr A.

As there is no evidence Fife Constabulary did so, the Commissioner does not consider that this complaint was dealt with in a reasonable manner. The Commissioner recommends that Fife Constabulary establishes the nature and extent of any relationship between Inspector G and Mr A and provides a further response to the applicant detailing its findings.

### Complaint 3: Alleged lack of knowledge

The applicant stated the following in his email of 25 April 2011:

*"... [Inspector G] admitted to me that he & the police officers did not know the law concerning firearms. (I have a witness to this)."*

#### Internal Handling

In his response to the applicant dated 10 May 2011, Superintendent K wrote:

*"... You state that Acting Inspector [G] admitted that he and the Police Officers involved did not know the law concerning firearms.*

*I consider that you have had ample opportunity to raise this as an issue previously if you considered it relevant to your complaints but have chosen not to. I neither consider it proportionate or necessary to now undertake further investigation in this regard.*

*In essence, it would be reasonable to conclude that the officers and supervisor connected with the investigation into the incident on 11<sup>th</sup> March 2010 were not as knowledgeable about the law concerning firearms given the errors that were made during the early investigation of this criminal complaint from you. You have already been fully advised of the outcome of the investigation into this aspect of your complaint in letters to you dated 28<sup>th</sup> June 2010 and 26<sup>th</sup> July 2010. I would add that on the basis of the information available to me and as I have explained [above], Acting Inspector [G's] involvement led to a proper investigation into the allegations you made.*

The applicant responded as follows in his letter dated 30 May 2011:

*"[Inspector G] in front of witnesses, admitted he did not know the law concerning firearms. Therefore I DO consider it both proportionate & necessary to investigate this further. Again feel free to contact the witnesses."* [emphasis in original]

Details of Superintendent K's response dated 10 June 2011 are quoted above under complaint 2.

### Consideration

The Commissioner agrees entirely with Superintendent K's response. Given that the incident was subsequently reported to the Procurator Fiscal, the Commissioner is unable to see what would be achieved by investigating this complaint further. The Commissioner agrees with Fife Constabulary's assessment that it would not be proportionate to carry out further enquiries in this connection.

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

### Complaint 4: Alleged behaviour of Constable C

The applicant stated the following in his email of 25 April 2011:

*"... [Constable C] has consistently lied and used his position whilst off duty to obtain information from my vet. ([Constable D] confirmed that [Constable C] told him the breed of dog I had, information [Constable C] obtained from the vet and told the vet he was a police officer)."*

### Internal Handling

In his response to the applicant dated 10 May 2011, Superintendent K wrote:

*"... I note this new information you provide in support of your complaint against [Constable C]. This information has not been previously raised as a complaint about the police and again I refer to the statement noted by Inspector [J] on 20<sup>th</sup> August 2010, which you signed, and in which you stated, 'there is no other issue I can think of that I wish to raise as a complaint about the police'.*

*On that basis, I do not consider that it is proportionate to undertake further investigation into this matter unless you can demonstrate why you did not raise this as a complaint about the police at the time of your initial complaint or when seen by Inspector [J] on 20<sup>th</sup> August 2010. I note that you recorded the conversation with Inspector [J] on the latter date and presumably this maybe an issue that you referred to him and which you state was not relayed back to me. If this is the case, I would be grateful to receive a copy of the recording.*

*Inspector [J] has since retired from Fife Constabulary therefore I do not have the opportunity to discuss this matter with him.*

*I will await your response prior to consideration of further action."*

The applicant replied as follows in his letter of 30 May 2011:

*"I have been advised not to hand over any of my recordings to Fife Constabulary. Any further enquiries you have about my recordings should be made through my solicitors ...*

*... As regards [Constable C] and your unwillingness from day one to take this seriously, I refer to your several letters signed and sent out by you containing many, many errors AND lies which you were quite prepared to put your name to so once again ask – why is it one rule for you when it comes to changing your mind?" [emphasis in original]*

Superintendent K responded as follows in his letter of 10 June 2011:

*"I note your comments in relation to the points in you letter numbered 2, 4, 5 and 6.*

*I have already provided explanation to you in relation to the actions of [Constable C]. Your complaint against him was dealt with in line with your expectation as reiterated in the statement of complaint noted from you and which you signed. My position as stated in my letter of 10<sup>th</sup> May therefore remains the same.*

*I also note your position in relation to the recording of conversations with Inspector [J]. I do not intend to pursue this with your lawyer. If you consider it relevant to your complaints then the information should have been made known before now or you would be prepared to provide this information willingly in support of your position."*

### **Consideration**

In his original statement to Fife Constabulary the applicant stated clearly the manner in which he wished his complaint against Constable C to be dealt with (see complaint 2 of PCCS/00494/10/PF – FC (A)). In light of this, and the position he has adopted in relation to providing recordings of the interview, the Commissioner believes the decision reached by Fife Constabulary in respect of this complaint was reasonable.

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

### **Complaint 5: Alleged refusal to view CCTV footage**

The applicant stated the following in his email of 25 April 2011:

*"... I suggested to [Inspector J] that he review CCTV footage of the event with [Constable C] outside the [location]. [Inspector J] refused to do this."*

### **Internal Handling**

On 9 May 2011 Detective Sergeant U issued the following email to Superintendent K:

*"About 1545 on 09/05/2011 [Constable Q] and [Detective Constable V] attended at [location] to enquire about CCTV which they have.*

*Staff confirmed there was no outside CCTV at all, the only coverage is inside the premises."*

Superintendent K stated the following in his response of 10 May 2011:

*"... As I have stated, Inspector [J] has since retired so I am unable to confirm his thought process surrounding his apparent refusal to undertake this CCTV review. There is however no public space CCTV that covers [location] and no CCTV available from the [bank at location] that provides a view of [street] therefore the decision by Inspector [J] is immaterial to this aspect of your complaint.*

*In addition and having referred to the information and evidence gathered as part of the investigation into your complaints, I note that in the initial statement of complaint noted from you by Inspector [G], which you signed, you intimated you would be content with the officer being spoken to regarding his behaviour. In particular, you stated, 'In respect of [Constable C], as a resolution to my complaint I would like to see him spoken to regarding his behaviour. 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'.*

*In the letter to you from Chief Inspector [H] dated 28<sup>th</sup> June 2010, he stated that there was no evidence to substantiate whether or not [Constable C's] actions and comments were intimidating but on the basis of your stated position that you were intimidated, your concerns were brought to the attention of [Constable C] and he was provided with appropriate advice.*

*In conclusion therefore even if the gathering of CCTV was an option to support the investigation of your complaint, it seems clear that this aspect of your complaint against [Constable C] was concluded in line with your expectation at that time your initial statement was noted."*

The applicant replied as follows in his letter of 30 May 2011:

*"... No CCTV on [street name] is exactly my point. The ATM CCTV, the hairdressers CCTV & the [hotel name's] CCTV would all have shown I was NEVER in [street name]. They would however have shown where I was, where my vehicle was parked, what was in it AND where [Mr C] accosted me!" [emphasis in original]*

Again, the terms of Superintendent K's response of 10 June 2011 are quoted above.

### *Consideration*

The applicant raised his concerns regarding CCTV some time after the event and not at the time of his original complaint. In light of this, and the applicant's previous comments as to how he wished his complaint to be dealt with, the Commissioner does not consider it was necessary to obtain any CCTV footage. The Commissioner accepts the explanation provided to the applicant by Fife Constabulary and has nothing further to add to this.

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

### **Complaint 6: Personal response from Chief Constable**

The applicant made this complaint via Fife Council on 25 April 2011:

*"[The Chief Constable] has consistently refused to personally answer letters and emails from both myself and my MP regarding a former civilian member of staff firing a shotgun on 2 occasions to intimidate me.*

*[The Chief Constable] had someone else answer ONE letter, which was addressed to her. The letter was wrong, did not answer the question & contained incomplete details, showing that neither [the Chief Constable] nor her staff had actually looked properly into this matter, therefore allowing this man to retain his gun licence. I find this totally unacceptable."* [emphasis in original]

### *Internal Handling*

The Deputy Chief Constable responded to this complaint in a letter dated 12 May 2011:

*"In respect of the points which you make in the correspondence regarding the role of the Chief Constable in responding to letters personally, you will understand that in an organisation such as this a large volume of correspondence is received which is addressed to the Chief Constable. This volume makes personal handling of each item by the Chief Constable impossible and therefore a system of delegation on the basis of subject matter is*

*employed. This would mean your letter being forwarded to the appropriate Department for attention and response.*

*As I indicated above, as the Deputy Chief Constable I am responsible for complaints about the police and as such would be happy to address the issues which you raise regarding a particular letter which you have received from the Force. If this is acceptable, please let me know the letter to which you refer and I will cause appropriate enquiry to be made.”*

The applicant replied as follows in his letter of 30 May 2011:

*“I respect that such a large organisation has a large volume of mail. I do not accept that the Chief Constable does not concern herself personally with something as serious as firearms. Apart from the personal letters & emails from me I have sent [the Chief Constable], the fact that she had someone else ([the Deputy Chief Constable at the time]) answer a letter from my MP, [MP’s name], on this very serious matter shows her contempt in my opinion. His reply... was quite wrong and omitted to mention that twice this individual has been reported to the police for using a shotgun to intimidate me. However as this man proudly boasts of his ‘connections’ in the force and is an ex civilian employee, he gets away with it!*

*The way I see it is, either staff at [Fife Constabulary Headquarters] do not keep their Chief Constable informed on issues as serious as firearms or [the Chief Constable] is happy to ignore serious issues on her ‘patch’.*

*Either way it is totally unacceptable and [the Chief Constable] must accept responsibility for the actions (or lack of!) of officers and staff under her command.” [emphasis in original]*

The Deputy Chief Constable responded as follows in his letter of 10 June 2011:

*“I acknowledge your comments in relation to the actions of the Chief Constable.*

*My position on this matter remains as I stated to you in my previous letter.*

*In addition, following a recent review by the Police Complaints Commissioner for Scotland (PCCS) relating to a similar complaint about a Chief Constable from another force, I am aware that the Commissioner took the view that he did not believe it would be reasonable or practical for a Chief Constable to personally respond on each occasion a letter is addressed to him/her. Consequently, he also did not believe that a failure to do so would amount to personal misconduct on the part of the Chief Constable.*

*The position taken by the Commissioner on that occasion allows me to consider that my response to you is therefore entirely appropriate.”*

The applicant replied as follows in his email of 17 June 2011:

*“I acknowledge your comments in relation to the actions (or lack of) of the Chief Constable.*

*My position on this matter remains as I stated to you in my previous letter.*

*In addition I can see no point in you mentioning the complaint about a Chief Constable from another force other than a deliberate attempt to try to influence the decision of the PCCS by quoting the outcome in a case concerning another force.*

*I also doubt that the complaint about the other Chief Constable was ‘similar’, in that I doubt it was about something as serious as firearms.”*

The Deputy Chief Constable responded by letter dated 23 June 2011:

*“Having had the opportunity to consider the points which you make in response to my letter of 10 June 2011 it is apparent you do not accept my position.*

*On further consideration I am of the opinion that all of the points which you raise have been responded to or indeed are currently under consideration by the PCCS. On that basis I have copied this response to the PCCS and will await the outcome of the review. Should any issues in relation to Fife Constabulary’s handling of your complaints be identified by the review I will of course take appropriate action.”*

### **Consideration**

The Commissioner acknowledges that Chief Constables are ultimately responsible for dealing with policing matters in their respective forces. Chief Constables are, however, supported in this by other officers and staff. In the eight Scottish police forces, handling of complaints against the police is the responsibility of the Deputy Chief Constable. Indeed, as Chief Constables may be required to deal with appeals from officers found guilty of misconduct, it is not appropriate for them to become involved in the earlier stages of the complaints process. In any event, in line with previous decisions he has made on this issue, the Commissioner does not consider that any failure on the part of a Chief Constable to personally respond to correspondence would amount to misconduct.

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

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

In respect of virtually all his complaints, the applicant has remained dissatisfied with the enquiries conducted and responses provided. Whilst he is perfectly entitled to adopt this position, as can be seen from both this report and report reference PCCS/494/10/PF-FC(A-D), a substantial amount of resources has been expended by Fife Constabulary in dealing with the applicant’s complaints and subsequent correspondence. Whilst the Commissioner has identified one area in which further work is required, the vast majority of the applicant’s complaints were dealt with in a reasonable manner. Indeed, Fife Constabulary is to be commended for the efforts it has made in seeking to address the applicant’s complaints to his satisfaction.

In light of these factors, the Commissioner recommends that, aside from the implementation of the recommendations contained within this report, Fife Constabulary no longer considers or responds to any complaint made by the applicant which is directly related to those dealt with in this report and report reference PCCS/494/10/PF-FC (A-D). The Commissioner does not make this recommendation lightly, but for the reasons given above he considers it necessary to do so in the present case.

### **Complaints 1, 3, 4, 5 and 6**

In the Commissioner’s view, the handling of these matters by Fife Constabulary was reasonable. Accordingly no further action is required in this connection.

## Complaint 2

For the reason given, the Commissioner does not believe that this complaint has been handled in a reasonable manner. The Commissioner recommends that Fife Constabulary establishes the nature and extent of any relationship between Inspector G and Mr A and provides a further response to the applicant detailing its findings.

**John McNeill**  
**Police Complaints Commissioner for Scotland**

Hamilton House  
Caird Park  
Hamilton  
ML3 0QA