

Report of a Complaint Handling Review in relation to Northern Constabulary

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

Summary and Key Findings

The applicant's complaint arose from the attendance of two police officers at his home to discuss an allegation made by his neighbour.

The Commissioner found that the complaint was not dealt with in a reasonable manner. The Commissioner made a single recommendation in this connection.

The Commissioner's role

Section 35 of the Police Public Order and Criminal Justice (Scotland) Act ("the Act") gives the Commissioner the power to examine the manner in which a policing body has dealt with a "relevant" complaint, as defined in the Act.

The Commissioner is independent of the police service and performs his functions in a fair and impartial manner. Before considering a complaint, the Commissioner's office obtains all papers held by the policing body against which the complaint has been made. These papers are considered alongside information provided by the applicant. The Commissioner then assesses whether the policing body's handling of the complaint was reasonable in all the circumstances. The Commissioner will look at the entire handling process, from the initial investigation by the policing body to the final response issued to the applicant. Among the factors which the Commissioner takes into account are the following:

- whether the policing body's response to the complaint is supported by all material information available;
- whether in dealing with the complaint the policing body has adhered to all relevant policies, procedures and legal provisions;
- where the complaint has resulted in the policing body identifying measures necessary to improve its service, whether these measures are adequate and have been implemented;
- whether the policing body's response to the complaint is adequately reasoned; and
- whether the policing body has communicated with the applicant in a reasonable manner.

Background

On 18 March 2011 the applicant's neighbour contacted Northern Constabulary to report that dog faeces and rubbish had been thrown into their garden. The neighbour suspected that the applicant's family were responsible and wished them to be spoken to by the police.

On 23 March 2011 Constables A and B attended at the applicant's home to discuss the allegation. According to Constables A and B, during this conversation the applicant began a "rant" about the police, local authority and local councillors alleging that each was corrupt and in collusion with his neighbours. Both Constables A and B state that the conversation degenerated to the point where they could not engage in normal conversation with the applicant. As a result both officers left the applicant's home.

The Complaint

Based on the contents of the application form, the correspondence received from the applicant, and the information obtained from Northern Constabulary, the Commissioner has identified a single complaint, namely that police officers attended the applicant's home with biased opinions and a bullish attitude

The Commissioner's Review

This section sets out the Commissioner's views on the manner in which the complaints were handled by Northern Constabulary.

On 12 May 2011 Sergeant C attended the applicant's home following receipt of several letters from him, raising a variety of matters, including Constables A and B's attendance at his home. Sergeant C obtained a statement from the applicant in which the applicant stated the following:

"Sergeant [C] attended at my home address tonight to discuss the complaint I sent, dated 30th March 2011, in respect of Constables [A] and [B]. My complaint described how these officers had attended my home address with biased opinions in relation to an incident which had been reported. These officers had been bullish in their attitude and had upset myself, my son [Mr D] and Mrs [E]."

Within the same statement the applicant added:

"Having discussed this with Sergeant [C] I am happy for this individual complaint to be dealt with by means of Sergeant [C] discussing my complaint with the officers concerned, raising my grievances with them, and this being passed to [Chief Inspector F]."

Internal Handling

Sergeant C subsequently discussed the matter with Constables A and B who both provided statements in relation to the complaint. On 22 May 2011 Chief Inspector F wrote to the applicant in response to the complaint, stating:

"Sergeant [C] discussed, at length, the conduct of the officers and your complaint when he attended and spoke with you at your home address. Having listened to your grievance, a discussion took place as to how these proceedings could be concluded satisfactorily. It was agreed that Sergeant [C] would specifically discuss the complaint with both Constables [A] and [B]."

I can confirm that Sergeant [C] spoke to both these officers on Friday 13th May, 2011 and the issues were discussed as agreed at your meeting.

The Constables' position in respect of the allegations made differs from your own. Both officers state that they attended at your address merely to make you and your family aware of an allegation that had been made. This was a courtesy and entirely in keeping with procedure. Indeed you have been visited on many previous occasions by officers in a similar manner. On presenting their point they feel they were unable to engage in reasonable dialogue as numerous incidents from many years ago were brought to the fore and a series of allegations were voiced in respect of neighbours being involved in witchcraft, devil worshipping ... money laundering and such like. This is reflected by correspondence and I must suggest to you that this type of wild, unsubstantiated language does nothing to lend any credible weight to whatever grievances you consider you may have.

The officers maintain they were unable to satisfactorily convey their message and were not given the opportunity to carry out their role and, due to this, had no choice but to depart.

They refute wholly the claim that they were bullish or biased in their dealings with yourself, your son [Mr D] or Mrs [E]. They maintain they were firm, professional, polite and unbiased throughout. I am satisfied that they were merely trying to make you aware of an allegation that had been made and this did not constitute any direct accusation on the part of the police ...

[The officers] are obviously now aware that you feel their handling of the situation was not adequate and have been made aware by Sergeant [C] of your perception of the matter."

Consideration

Given the terms upon which the applicant was prepared to treat his complaint as resolved, it would have been proportionate for Sergeant C to have simply discussed the applicant's concerns with Constables A and B. Doing so would have been in accordance with the applicant's wishes and would therefore have been sufficient to allow the complaint to be treated as resolved.

However, by obtaining statements from Constables A and B Northern Constabulary effectively began conducting enquiries into the complaint. Once these enquiries had begun the only way to conclude the complaint satisfactorily was to also obtain statements regarding the complaint from Mr D and Mrs E. Northern Constabulary's approach resulted in the complaint being only partially investigated and effectively rebutted based purely on the accounts of the officers concerned. In light of this, the Commissioner does not consider that the complaint was dealt with in a reasonable manner.

In circumstances such as these, the Commissioner would normally recommend that statements were obtained from Mr D and Mrs E. However, in correspondence with the Commissioner's office the applicant and Mr D have confirmed that their concerns do not lie with this specific incident. Instead their concerns focus on numerous separate incidents involving their neighbours which both the applicant and Mr D consider have not been dealt with appropriately by Northern Constabulary.

Accordingly, rather than permitting a satisfactory resolution of the present complaint, the Commissioner considers that obtaining statements from Mr D and Mrs E would be likely to result in the repetition of complaints that have already been subject to investigation by Northern Constabulary. In light of this, and the fact that the applicant's initial request for Constables A and B to be spoken to has been satisfied, the Commissioner does not consider it appropriate to recommend further enquiries in respect of the complaint.

The Commissioner is aware that a substantial amount of resources was expended by Northern Constabulary in dealing with the applicant's complaints arising from his involvement with his neighbours. These complaints were subsequently reviewed by the previous Commissioner, following which the applicant was provided with a further response from Northern Constabulary addressing his concerns.

Despite this, the applicant has continued to correspond with Northern Constabulary regarding these complaints. In the circumstances, the Commissioner recommends that Northern Constabulary no longer considers or responds to any complaint made by the applicant which is directly related to those which it has already considered. The Commissioner does not make this recommendation lightly, but for the reasons stated considers it necessary to do so.

Conclusions, Recommendations and Learning

In the Commissioner's view, the manner in which this complaint was dealt with by Northern Constabulary was not reasonable. The Commissioner recommends that Northern Constabulary no longer considers or responds to any complaint made by the applicant which is directly related to those which it has already considered.

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