

Report of a Complaint Handling Review in relation to Grampian Police

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

Summary and Key Findings

The applicant's complaint stems from criminal allegations she made against her neighbour.

The Commissioner found that the complaint was not dealt with in a reasonable manner. Two recommendations were made 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

The applicant's complaint arises from an ongoing dispute with her neighbours. According to the applicant, in the early hours of 2 December 2010, her neighbour's partner, Mr A, together with another male, pressed the buzzer of the applicant's flat, kicked and pushed at the ground floor communal door and shouted abuse towards the applicant and her husband. The applicant immediately telephoned the police.

According to the applicant, later the same day the applicant was outside her home with an elderly neighbour, when Mr A came out of his house and threatened her. The applicant also reported this incident to the police.

On 30 December 2010 Grampian Police received a letter of complaint from the applicant in which she claimed that officers had not been to see her since she reported the incidents of 2 December 2010. According to the applicant this contrasts with the police's treatment of an allegation against her by her neighbour made on 11 December 2010 when officers had spoken to the applicant the same day. The applicant's complaint was allocated to Sergeant B for investigation.

The Complaint

Based on the contents of the application form, the correspondence received from the applicant and the information obtained from Grampian Police, the Commissioner has identified a single complaint, namely that Grampian Police dealt with an allegation made against the applicant by her neighbour before an allegation the applicant made about her neighbour, despite the applicant making her allegation first.

The Commissioner's Review

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

On 17 January 2011 Sergeant B spoke to the applicant regarding her complaint. Sergeant B noted the following in this connection:

"At 1305 hours on Monday 17 January 2011, I spoke to the complainer on the telephone regarding the complaint. She confirmed the nature of her complaint and advised that she had reported an incident to the Police, but it had taken them a significant time to see her and they had still not interviewed the persons she named as suspects.

She was annoyed that her neighbour made a complaint to the Police about her and the Police saw the neighbour within hours and she had been interviewed the same day. She believed that the Police were siding with her neighbour and were not taking her complaints seriously."

Internal Handling

Sergeant B established that at the time the applicant made her allegation against Mr A, the officer investigating this, Constable C, had not yet interviewed any suspects. Following his discussion with the applicant on 17 January 2011, Sergeant B suggested to Constable C that her enquiries be conducted as a matter of urgency. Constable C thereafter interviewed Mr A on 18 January 2011.

Mr A was subsequently charged with a breach of the peace in relation to the first incident and a report was sent to the Procurator Fiscal. In respect of the second incident, as there was no corroborative evidence of the applicant's account no charges were brought against Mr A in this connection.

Sergeant B noted the following in his report:

"On 17 January 2011, I spoke to the complainer on the telephone and confirmed the nature of her complaint. I attempted to explain the process for prioritising calls and Police attendance, but she did not accept that. She felt that the Police were not taking her seriously or dealing with her complaints properly..."

I reviewed the CrimeFile and saw that the suspects had not yet been interviewed. The enquiry officer, [Constable C] and her Sergeant were advised of the complaint and I suggested the enquiry was completed as a matter of urgency.

On 18 January 2011, [Constable C] saw the suspects and completed the enquiry. She updated the complainer with the circumstances.

I spoke to the complainer again and advised her that the enquiry had been completed, but she was not satisfied because it had taken so long

In my opinion, the enquiry has taken too long to complete. There was a delay in seeing the complainer, but [Constable C] has fully updated the CrimeFile with the reasons and the attempts she has made. This was not unreasonable, but she appears to have done little enquiry to trace the suspects until she was made aware of the complaint...

... [Constable C] has been given advice regarding the speed of progressing enquiries."

On 28 February 2011 Superintendent D issued the applicant with the following response to her complaint:

“Sergeant [B] advised you of the processes that Grampian Police have in place to deal with calls by members of the public and how they are prioritised regarding urgency and seriousness.

It is unfortunate in this case that it took the Police some time to see you and saw your neighbour in a much shorter timescale. I would like to reassure you that this was down to available resources at the time each call was made and had no bearing on who made the call. Grampian Police strive to show independence and impartiality when dealing with calls and would not deal differently with either call.

Sergeant [B] reviewed the enquiry carried out by the officer who took your complaint and is of the opinion that she should have interviewed the suspects within a shorter timescale. Fortunately the delay in interviewing did not have a detrimental effect on the enquiry.

The officer has been given advice regarding completing her enquiries more quickly.”

Consideration

After speaking with the applicant regarding her complaint, Sergeant B ensured that the remaining aspects of Constable C's enquiries were carried out as quickly as possible. Constable C was also given advice regarding the need to complete enquiries more promptly. While these actions were appropriate, the Commissioner also considers that the applicant should have been provided with an apology in respect of the delay. It is clear that Grampian Police acknowledged the delay and it therefore appears that the absence of an apology is merely an oversight on its part.

There is also some indication in the complaints file that the applicant's allegations against Mr A were not allocated to Constable C until 14 December 2010 (i.e. almost two weeks after the alleged incidents). As noted above, one of the applicant's concerns is that she was not seen by the police in relation to her allegations until some time after the incidents had occurred. It is clear from the complaints file that between 15 and 21 December 2010 Constable C made various unsuccessful efforts to contact the applicant and her husband to arrange for statements to be taken from them. However, it is not clear from the complaints file why no such action appears to have been taken in the period between 2 to 14 December 2010. In the Commissioner's view, in order to address fully the applicant's concerns it was necessary for Grampian Police to explain why, during the period 2 - 14 December 2010 no efforts appear to have been made to obtain a statement from her and her husband.

For the reasons given, the Commissioner does not consider that this complaint was dealt with in a reasonable manner. The Commissioner's recommendations are set out below.

Conclusions, Recommendations and Learning

In the Commissioner's view, this complaint was not dealt with in a reasonable manner. The Commissioner makes the following recommendations:

- (1) that Grampian Police issues the applicant with an apology for the acknowledged delay in dealing with her criminal allegations; and

(2) that Grampian Police explains to the applicant why, during the period 2 – 14 December 2010 no efforts appear to have been made to obtain statements from her and her husband.

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