

Report of a Complaint Handling Review in relation to Police Scotland

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1. Role of PIRC

Sections 34 and 35 of the Police, Public Order and Criminal Justice (Scotland) Act 2006 (“the Act”) provide that the Police Investigations and Review Commissioner (“the PIRC”) may examine the manner in which particular kinds of complaints are dealt with by Police Scotland and the Scottish Police Authority. Through agreements with UK police bodies operating in Scotland, the PIRC may also examine the manner in which these bodies deal with complaints. The PIRC cannot review complaints of criminal behaviour against police officers or police staff, or complaints made by persons serving, or who have served with the police, about the terms and conditions of their service.

In performing this review function, the PIRC obtains information from the police body which dealt with the complaint. This information is considered together with information provided by the person who made the complaint (“the applicant”). An assessment is then made as to whether in all the circumstances the complaint was dealt with to a reasonable standard. Among the factors taken into account when making this assessment are the following:

- whether sufficient enquiries into the complaint have been carried out by the policing body;
- 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;
- whether the policing body’s response to the complaint is adequately reasoned; and
- 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.

2. Key findings

The complaint in this case arose from the police investigation into an assault allegation made by the applicant’s wife. One complaint was reviewed, namely:

- that an officer submitted a report to the Procurator Fiscal that was inaccurate in relation to where the assault on his wife took place.

The review found that the complaint was dealt with to a reasonable standard. No recommendation was made.

3. Background

On 2 July 2015, the applicant's wife (Mrs A) was assaulted at her home address. Mrs A had been comforting one of her neighbours (Ms B), who was upset as she had just been involved in an altercation with another resident. That resident's daughter (Ms C) then arrived at the front door of the applicant's property. When she was informed that Ms B did not wish to speak to her, she began to shout and swear at Mrs A, "*grabbed*" her, and attempted to "*push past*". Mrs A states that she "*managed to get her out the door*" before closing it over.

At the time of the incident, the applicant was in the garden area of the property with a friend (Mr D). As the back door of the house was open, he had a view of the incident which he described as a "*struggle between his wife and another person*".

Mrs A reported the matter to Police Scotland. Constables E and F attended at her home address a short time later and witness statements were noted. Constable E thereafter submitted a report to the Procurator Fiscal.

The applicant submitted complaints about the police via the Police Scotland online complaint system on 3 March 2016. Inspector G was appointed to investigate the applicants concerns and met with him 22 March 2016, and again on 26 March 2016. After the second meeting, Inspector G recorded that the applicant's complaints had been resolved. In May 2016, the applicant contacted Inspector G requesting that his complaints be re-opened. Inspector G met with him on 25 May 2016 when a statement of complaint was noted and the Police Scotland Heads of Complaint form was completed. Chief Inspector H responded to the applicant's complaint by letter of 30 December 2016.

4. The Review

The Complaint

The applicant complains that the report submitted to the Procurator Fiscal by Constable E was inaccurate. It is the applicant's position that the report stated his wife was assaulted at the door of their home, when the assault actually occurred within the hallway, approximately 3 feet from the threshold.

Police Handling of the Complaint

Chief Inspector H provided the following response:

"I have reviewed the police report that was submitted to the Procurator Fiscal and would confirm that the report describes the locus of the assault on your wife by [Ms C] as at the front door of the dwelling house at [address provided]....

... In addition, I have also reviewed the statement from you, your wife, [Ms B] and [Mr D] in respect of this aspect. Within your statement you speak to being in your hut but the blind was up and you could see the front door. You further state that you could see someone manhandling your wife. You say that you then ran to the door and you could see a struggle but your wife had managed to shut the door.

[Mr D] states he was in your hut and says you said someone was at the door. He then followed you but he never saw what happened.

[Ms B] states she was in your house sitting on the couch when [Ms C] came to the door. She does not state that any entry was made to the house in her statement.

Finally, [Mrs A] states there was a knock at her door and when she answered it [Ms C] was there. She further states that [Ms C] lunged at her, grabbed her shoulders and tried to push past her. She then says she managed to get her out the door and closed it.

In considering this point I have 4 witness statements which are all endorsed with the witness's signature indicating each witness is content with their statement. On examining these statements there is no mention of this act occurring within the house or as you intimate 3 feet inside the hallway. I am therefore unable to uphold this aspect of your complaint as the report submitted by [Constable E] reflects the information obtained from the witness statements which, as said, are duly endorsed as a true and accurate account. I would however add that the fact remains that the police report clearly articulates your wife was assaulted by [Ms C].

Consideration of the Complaint

The Police Scotland response explains that, during the complaint investigation, the applicant's statement and those provided by Mrs A, Ms B and Mr D were reviewed. The information contained within the statements was clearly explained and supports the police position that no witness stated specifically that the assault took place within the applicant's home.

Copies of the witness statements and the Standard Prosecution Report (SPR) submitted to the Procurator Fiscal by Constable E in relation to the assault on the applicant's wife were provided to the PIRC during the review process. Although the applicant disputes the precise location of the assault, it is clear from the SPR that the full circumstances were reported to the Procurator Fiscal in a manner that accurately reflected the information gathered from the witness statements.

As the complaint response is supported by the material information available, it is concluded that the complaint was dealt with to a reasonable standard. No further action is required in this connection.

5. Conclusion

Complaint

It is concluded that this complaint was dealt with to a reasonable standard. No further action is required in this connection.

Lynn McCord
Review Officer

Ilya Zharov
Head of Reviews