

Report of a Complaint Handling Review in relation to Police Scotland

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1. Role of the 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 applicant’s endeavours to tackle speeding on the street where he lives. One complaint was reviewed, namely the applicant’s dissatisfaction at the lack of police presence and enforcement action.

The review found that the complaint was not dealt with to a reasonable standard. One recommendation was made.

3. Background

Since January 2014, the applicant has been involved a longstanding campaign to tackle speeding in and around the street on which he resides. During this campaign, he has engaged with both Police Scotland and his local authority in an effort to have speed reduction methods put in place alongside appropriate action and enforcement.

On 23 September 2016, the applicant contacted Police Scotland's Professional Standards Department directly to make a complaint. Inspector A was appointed as enquiry officer and the applicant received a response to his complaint in writing from Chief Inspector B in a letter dated 13 December 2016.

4. The Review

The Complaint

The applicant complained about the lack of police presence and enforcement action in relation to speeding on Avenue X. In particular, the applicant highlighted the lack of fixed penalty notices issued.

Police Handling of the Complaint

Chief Inspector B responded to the applicant's complaint as follows:

"...You have been engaged in a long campaign to have Police and the local authority proactively target speeding motorists. You are dissatisfied at the lack of Police presence and enforcement action on [Avenue X].

This allegation was recorded as a Quality of Service issue and I have not upheld your complaint for reasons I will detail below.

Firstly, I wish to thank you for your ongoing commitment to Road Safety and I wish to reassure you that Police Scotland is committed to keeping Scotland's roads safe. Road Safety and Road Crime is one of our force priorities...

...In order to achieve a reduction in the number of people injured on Scotland's roads, supporting each of the 13 Divisional Commanders throughout Scotland are dedicated Divisional Road Policing Units (DRPU's) and Trunk Road Patrol Groups (TRPG), each led by a Road Policing Inspector which are based at strategic locations throughout the country...

...These units provide support to the local policing teams and carry out high visibility patrols of the road network in order to influence and improve road user behaviour.

To ensure these officers are deployed at the correct time and location we carry out analysis of collisions and as a consequence roads with the highest number of injury collisions are identified as priority routes.

In addition to focusing on these priority routes, Road Policing officers regularly provide support to Local Area Commanders in relation to addressing community speeding and road safety concerns and [Avenue X] has been previously identified as one of these locations.

Analysis of [Avenue X] does not identify this as an area with a high number of collisions therefore it is not one of our identified priority routes.

However, [Avenue X] has been a focus for Road Policing crews and speed checks have taken place on several occasions in response to concerns raised by the community.

As you will appreciate, there are a number of competing demands on a limited amount of resources and it would be unreasonable for officers to focus on one particular route to the detriment of other areas where concerns regarding speeding and road safety have been raised.

I can however, assure you that although our focus will remain on our identified priority routes, we will continue to provide support whenever possible to Local Area Commanders regarding speeding concerns within local communities.

In considering all of the circumstances, I am content that [Avenue X] has received and will continue to receive proportionate speeding enforcement from Police Scotland.”

Consideration of the Complaint

In relation to the deployment of resources, the response explains to the applicant that routes with the highest number of injury collisions are identified as priority routes. The response in this connection is supported by Police Scotland’s Standard Operating Procedure on Speeding, paragraph 5.7.6 of which states:

“There is a need to prioritise the deployment of resources to those sites which represent the greatest risk. Routine enforcement of any site, irrespective of posed speed limit, should only be undertaken where considered necessary and in the interests of casualty reduction.”

The response further explains that, although Avenue X is not identified as a priority route, it has nevertheless been a focus for road policing crews and speed checks have therefore taken place on several occasions in response to concerns highlighted by the community. This increased police presence is acknowledged by the applicant within his statement to Police Scotland and his correspondence with the PIRC. It is considered that the response to the complaint in this connection is adequately reasoned and in line with the relevant procedures.

However, although the applicant accepts that Police Scotland has responded to community concerns with periods of increased police presence and speed checks, he highlights in his statement to the police his belief that officers have not actually taken any enforcement action. In particular, the applicant mentions a reply to a freedom of information request he received in June 2016, which highlights that only one fixed penalty notice has been issued to a driver on Avenue X in the last six years. Accordingly, the applicant contends in his statement to the police that, although Police Scotland has deployed officers to carry out speed checks, this method has been largely ineffective as no enforcement has taken place in the form of issuing fixed penalty notices.

It is noted that the freedom of information reply was provided to Police Scotland during the complaint investigation, as was data captured by monitoring equipment installed by the local authority which lists the speed of motorists on Avenue X.

Despite this information having been available to Police Scotland, the response does not consider the freedom of information reply or monitoring data, nor does it address the applicant's respective concern that officers have not issued any tickets to speeding motorists during the period of enforcement action. It is therefore considered that the response to the complaint in this respect is insufficient and does not take account of all the material information available.

5. Conclusion

For the reasons given above, it is concluded that this complaint was not dealt with to a reasonable standard.

It is recommended that Police Scotland revisits the complaint to take into account the information highlighted above. The applicant should thereafter be issued with a fresh response which addresses the freedom of information reply, the monitoring data and the applicant's specific concern that no fixed penalty notices were issued during the period of enforcement action.

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