

# Report of a Complaint Handling Review in relation to Police Scotland

## Index

---

- 1. Role of the PIRC**
- 2. Key findings**
- 3. Background**
- 4. The Review**
- 5. Conclusions**

## 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 complaints in this case arose from the police response to a dispute involving the applicant and his neighbours. Three complaints were reviewed, namely:

- 1) that despite the police having been provided with various forms of evidence insufficient enquiry was conducted into threats made against the applicant by his former neighbours;
- 2) that officers failed to attend an appointment with the applicant on 14 September 2016; and
- 3) that when the applicant called 101 on 13 September 2016 to lodge a complaint the police failed to record this complaint.

The review found that none of the complaints were dealt with to a reasonable standard. Two recommendations were made and an additional matter highlighted.

### 3. Background

---

The applicant was involved in a dispute with neighbours at his previous address which resulted in police attendance on a number of occasions in the period from July 2016 until November 2016 (approximately).

During this period, the applicant made a number of complaints in writing and online regarding the police response to incidents he reported involving his neighbours.

Sergeant A was appointed as the enquiry officer and the applicant received a response to his complaints in writing from Chief Inspector B in a letter dated 23 December 2016

### 4. The Review

---

#### Complaint 1: Insufficient enquiry

The applicant complains that insufficient enquiry was carried out by officers in relation to threats made by his neighbour despite the officers having been provided with various forms of evidence.

#### Police Handling of Complaint 1

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

*“Sergeant [A] has investigated this allegation which referred to various neighbour disputes.*

*I can confirm that in relation to a complaint made by you on 30 July 2016 a man was given a recorded warning and in relation to a complaint made by you regarding the same man on 28 October a man has been reported to the Procurator Fiscal. Further to this in relation to a complaint you made against a woman regarding an incident which occurred on 26 August 2016 a woman is to be reported.*

*In view of this I do not uphold this allegation.”*

#### Consideration of Complaint 1

From reviewing the complaints file, it is clear that the applicant submitted several complaints via telephone and in writing to Police Scotland. The applicant's overall complaint appears to relate to lack

of police enquiry or investigation into the actions of his neighbours, despite providing the officers with various forms of evidence.

The PIRC requested copies of the incidents reported by the applicant which were examined during the course of the review. From the incidents, it is clear the applicant and one of his neighbours called the police on several occasions dating from 30 July 2016 until 19 November 2016.

The response explains that as a result of an incident reported by the applicant on 30 July 2016, the applicant's neighbour was issued with a recorded warning. The response in this connection is supported by the relevant crime file, a copy of which was also examined during the course of the review and which confirms that a statement was noted from the applicant, his CCTV footage of the incident was reviewed and officers thereafter cautioned and charged (Mr C) and issued him with a recorded warning.

As further explained in the response, following an incident reported to the police on 28 October 2016, the applicant's neighbour, Mr C, was reported to the Crown Office and Procurator Fiscal Service (COPFS). The response in this connection is again supported by the relevant police report, a copy of which was examined during the course of the review and which confirms that the applicant's CCTV was reviewed and the applicant's neighbour was cautioned and charged and reported to the COPFS. It is noted, however, that part of the applicant's complaint in this respect focuses on a further incident which occurred and was reported on the same date. Within his correspondence to the PIRC, the applicant contends that officers failed to take a statement from a neighbour who witnessed the further incident. However, from reviewing the relevant police report, the officer submitting the report outlines the initial circumstances of this incident and states that the witness could not be traced. Furthermore, examination of the relevant crime file includes several entries to support efforts made by officers to trace this witness, including an entry to the effect that the witness was traced and spoken with and intimated to officers that she did not wish to become involved and felt pressured by the applicant. Accordingly, although not addressed in the response, the evidence provided by Police Scotland in this respect again supports the position that officers carried out sufficient enquires into the applicant's allegations and acted on information he provided to them.

The response then states that, following an incident reported on 26 August 2016, a female is to be reported. However, from reviewing the respective crime file created following this incident, the incident in question was not dealt with by means of a report to the COPFS. Rather, the female neighbour was issued with a recorded warning. Accordingly, any suggestion within the response that the neighbour was to be reported for the alleged offence is not supported by the material evidence available. However, notwithstanding this fact, examination of the relevant crime file confirms that the officers again viewed the applicant's CCTV footage and thereafter issued the applicant's neighbour with a recorded warning. Furthermore, from reviewing the crime file, although the applicant was initially informed that this neighbour would be reported for the offence, subsequent entries on the crime file confirm that the applicant was updated about the alternative disposal by the officer investigating the alleged offence.

Accordingly, it is considered that the response in this connection explains the action taken by the police in relation to these particular incidents and is supported by the material evidence available.

However, during the course of the review, the PIRC requested all the incidents reported by the applicant over the time period in question. In addition to the incidents outlined in the response, the applicant reported a further six incidents, three of which appear to mention threatening and abusive behaviour. Notably, these incidents are not commented on or reflected in the response.

For this reason, it is considered that insufficient enquiry has been carried out into the complaint.

It is concluded therefore that this complaint was not dealt with to a reasonable standard.

It is recommended that Police Scotland review these incidents and provide the applicant with a further response which outlines the level of enquiry carried out into these incidents and reassesses the complaint taking into consideration the findings in respect of all of the incidents reported by the applicant that allege threatening or abusive behaviour by his neighbours

## Complaint 2: Failed to attend appointment

The applicant complains that officers failed to attend an appointment with him on 14 September 2016.

### Police Handling of Complaint 2

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

*"In relation to this allegation, as Sergeant [A] explained to you when you spoke, Officers will always try their best to attend any appointments made but with the nature of Policing, occasions arise when due to matters outwith the officer's control these must be cancelled, sometimes at extremely short notice.*

*I understand that you accepted this explanation therefore I do not uphold this allegation."*

### Consideration of Complaint 2

From the response, it appears to be a point of concession that officers did not attend a pre-arranged meeting with the applicant. In her decision not to uphold the applicant's complaint, Chief Inspector B states that, on occasion, the police might be required to cancel appointments due to matters out with their control.

From reviewing the relevant STORM incident log, the entries would suggest that officers made concerted efforts to arrange and meet with the applicant but the information as to why they did not or could not attend is not included on the incident log.

Accordingly, although there may be circumstances when the police are unable to attend pre-arranged appointments, the reason for the non-attendance is not explained to the applicant in the response, nor

is there any evidence to indicate that he was provided with any update or information as to why officers could not attend at the time. Furthermore, there is nothing in the paperwork to indicate to the PIRC that Police Scotland made any enquiry to ascertain why the officers did not attend or could not attend the meeting.

Accordingly, for these reasons, it is considered that the response is inadequately reasoned. It is therefore concluded that this complaint was not dealt with to a reasonable standard.

It is recommended that Police Scotland revisit the complaint to consider if the applicant was properly updated that officers would not attend at the time and provide him with a further response which also fully explains the non-attendance on this occasion.

### Complaint 3: Failed to record complaint

The applicant complains that a member of staff failed to log his complaint when he called 101 on 13 September 2016.

#### *Police Handling of Complaint 3*

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

*"In relation to this I can advise that a recording of this conversation has been listened to. It is clear from listening to this conversation that no specific complaint was made. Indeed it is clear that you made a number of spurious comments which made any meaningful conversation impossible.*

*In view of this I do not uphold this allegation."*

#### *Consideration of Complaint 3*

In her decision not to uphold the applicant's complaint, Chief Inspector B states that the phone call made by the applicant on 13 September 2016 was listened to and no specific complaint was made.

The PIRC has not been provided with the copy of the recoding in question so cannot assess whether the response in this connection is supported. Nevertheless, there is evidence within the complaints file that the call made by the applicant on this date was logged and recorded as a complaint by Ms D, a call service advisor.

Accordingly, and for this reason, it is considered that the response in this connection is inadequately reasoned and is not supported by the material evidence available.

It is therefore concluded that this complaint was not dealt with to a reasonable standard. However, as the evidence available suggests that the applicant's complaint was logged in the first instance and this information is reflected within this review, no further action is required.

## Additional matters

Within his application to the PIRC, the applicant highlighted the further complaint that he was lied to by a Sergeant at a Police Office, who told him that compact discs of footage he had submitted were not held at that police office when they were.

Police Scotland have not responded to or recorded this complaint.

From reviewing the police complaints file, the investigating officer finalised the heads of complaint to be investigated with the applicant's agreement on 23 October 2016.

After this date, the applicant continued to send lengthy letters of complaint to Police Scotland which appear to re-iterate many of the same concerns and which notably include profane language. In a letter dated 5 December 2016, the applicant does mention the above concern. However, Police Scotland do not identify this matter as an additional complaint. Rather, there is a file note within the file dated 9 December 2016 to the effect that the whereabouts of the applicant's compact discs should be ascertained and arrangements for collecting them notified to him.

Accordingly, although the letter of 5 December 2016 is headed and intended as another letter of complaint, it reiterates many of the same issues already identified, and although the applicant mentions the compact discs, it is not clear from the letter that he intend to make a complaint in this respect and Police Scotland do not interpret this issue as a new complaint.

It is further noted that the applicant has forwarded a further letter to Police Scotland dated 10 April 2017 in which he clearly highlights and frames a number of other complaints, including the complaint stated above. Therefore, although the applicant has brought this complaint to the PIRC for review, as this complaint was not identified or recorded by Police Scotland, and in light of the new complaint that the applicant has made to Police Scotland in this respect, the PIRC does not intend to consider or review this complaint at this stage.

## 5. Conclusions

---

### Complaint 1: Insufficient enquiry

It is concluded therefore that this complaint was not dealt with to a reasonable standard.

It is recommended that Police Scotland review these incidents and provide the applicant with a further response which outlines the level of enquiry carried out into these incidents and reassesses the complaint taking into consideration the findings in respect of all of the incidents reported by the applicant that allege threatening or abusive behaviour by his neighbours

### Complaint 2: Failed to attend appointment

It is concluded that this complaint was not dealt with to a reasonable standard.

It is recommended that Police Scotland revisit the complaint to consider if the applicant was properly updated that officers would not attend at the time and provide him with a further response which also fully explains the non-attendance on this occasion.

### Complaint 3: Failed to record complaint

It is concluded that this complaint was not dealt with to a reasonable standard. However, as the evidence available suggests that the applicant's complaint was logged in the first instance and this information is reflected within this review, no further action is required.

**Kirstin McPhee**  
Review Officer

**Ilya Zharov**  
Head of Reviews and Policy