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Police Investigations &  
Review Commissioner

PIRC/00623/17  
February 2019

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

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# What we do

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We obtain all the material information from Police Scotland and the applicant. We then use this to review how the complaint was dealt with and conclude whether the complaint was handled to a reasonable standard\*. In doing so, we consider factors such as:

- whether Police Scotland carried out sufficient enquiries into the complaint;
- whether Police Scotland's response to the complaint was supported by the material information available;
- whether Police Scotland adhered to the relevant policies, procedures and legal provisions in dealing with the complaint;
- whether Police Scotland's response was adequately reasoned; and
- where the complaint resulted in Police Scotland identifying measures necessary to improve its service, that these measures were adequate and have been implemented.

Finally, where we consider appropriate we make recommendations, issue reconsideration directions and identify learning points for Police Scotland.

\*Sections 34 and 35 of the Police, Public Order and Criminal Justice (Scotland) Act 2006 as amended ("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.

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# Executive Summary

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## The Complaints

The complaints in this case arose after the applicant made a number of allegations to the police, including one of dangerous driving. The applicant was subsequently charged with wasting police time. We have reviewed four complaints, namely that:

1. in July 2017, an officer did not carry out proper enquiries into a stalking allegation made by the applicant and her daughter;
  2. during an enquiry into a dangerous driving incident, an officer insisted that the applicant's daughter provide him with a statement when she did not wish to do so;
  3. an officer provided the applicant's daughter with incorrect information whilst he was charging her with wasting police time; and
  4. the applicant believes that she is being persecuted by the police for being Catholic and of gypsy descent.
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## Police Scotland's Decision

Police Scotland did not uphold any of the applicant's complaints.

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## Our Findings

We have found that Police Scotland have not handled any of the applicant's complaints to a reasonable standard.

Consequently, we have made three recommendations to address the shortcomings that we have identified in Police Scotland's handling of each of the complaints. In summary, we recommend that a full and auditable investigation is carried out into complaints 2, 3 and 4. A further response should then be sent to the applicant.

No further action is required in relation to complaint 1.

We expect our recommendations to be implemented by Police Scotland within two months of the date of this report.

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# Background

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In July 2017, the applicant and her daughter, Miss A, made allegations of stalking against her daughter's former boyfriend, Mr B. In October 2017, the applicant and Miss A also made allegations of dangerous driving against Mr C, a friend of Mr B. Constable D investigated the alleged stalking and dangerous driving incidents. At the outcome of his investigation, the applicant and Miss A were charged with wasting police time in November 2017 regarding their dangerous driving allegation against Mr C.

The applicant submitted her complaints to Police Scotland via letter dated 11 August 2017, within which she expressed dissatisfaction at Constable D's investigation into the stalking allegations against Mr B. On 19 November 2017, the applicant submitted further complaints via email regarding Constable D's investigation into the dangerous driving incident involving Mr C, and her subsequent charge for wasting police time. At this time, the applicant also alleged that Police Scotland were discriminating against her based on her religious and ethnic origin.

On 5 December 2017, Inspector E appointed Constable F to attempt to obtain the applicant's statement of complaint and complete the Heads of Complaint form. Inspector E then notified the Professional Standards Department of the applicant's complaints on 1 January 2018, advising them that he had taken ownership of the complaint investigation.

A response letter was sent to the applicant by Chief Inspector G dated 21 February 2018.

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# Complaint 1

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The applicant complained that, in July 2017, an officer did not carry out proper enquiries into a stalking allegation made by the applicant and her daughter – Miss A.

Her position was that Constable D did not take statements from her son, her mother, or Mr B's girlfriend as part of his enquiry; and that Constable D failed to charge Mr B with stalking.

## Police Scotland's Handling of Complaint 1 (not upheld by the police)

Chief Inspector G's response letter provided the applicant with a summary of the definition of stalking as contained within section 39 of the Criminal Justice and Licensing (Scotland) Act 2010<sup>1</sup>. She advised the applicant that the area in which Mr B had been seen was "*a substantial housing area containing a popular row of shops*". She also advised the applicant that both her and Miss A had stated that Mr B would not have expected to have seen Miss A at the location of the alleged stalking incidents, and that both had described him as being surprised to see them. Chief Inspector G advised the applicant that Mr B had been interviewed to establish if a crime had been committed and that, while he had agreed that he may have been in the area, he was able to provide a perfectly valid reason for this. She advised the applicant that there was no evidence to substantiate that a crime had been committed. As a result of this, Chief Inspector G said that there was no need to carry out any further enquiries into the allegations made by the applicant and Miss A against Mr B. The applicant's complaint was not upheld.

## Our Review of Complaint 1

We consider that there are two aspects to the applicant's complaint – i) that insufficient enquiry was carried out by Constable D into the stalking allegation, and ii) that Constable D failed to charge Mr B with stalking. Both aspects of the complaint will be considered in turn.

### (i) Insufficient enquiry

The crux of the applicant's complaint is that Constable D failed to carry out a proper enquiry into the stalking allegations that both she and Miss A made against Mr B in July 2017. The applicant's position is that Constable D did not take statements for her son, her mother, or Mr B's girlfriend as part of his enquiry.

We have been provided with copies of the statements taken from the applicant and Miss A in relation to their allegations of stalking against Mr B. We have also been provided with a copy of the crime report that has been raised in response to this allegation.

The complaint file shows that the statements provided by the applicant and Miss A were examined by Constable D. The crime report records that Constable D's examination of the statements had led him to consider that no crime had been committed. We have assessed both the applicant and Miss A's statements as part of our review, and we agree with Constable D's decision in this regard.

In their respective statements, both the applicant and Miss A describe two incidents – one that occurred on 8 July 2017 and the other on 23 July 2017. Their statements both indicate that Mr B was seen

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<sup>1</sup> The full response to the applicant's complaint can be found at paragraphs 9 – 13 of the appendix to this report.

driving vehicles close to them and in the general area near to where they reside. In relation to the incident on 8 July 2017, both the applicant and Miss A state that they were in Miss A's car, and speak to having passed Mr B at a mini-roundabout near to where their caravan was located. At this time, the applicant said that Mr B "...didn't look in our direction. However, it was my feeling that he knew that we were there and that we'd seen him, he knew he'd been caught bonny, but didn't want to acknowledge us". Miss A said that Mr B "...looked surprised or sheepish at having been seen so close to where we stayed". In respect of the incident on 23 July 2017, both the applicant and Miss A stated that they were driving a hire car along with the applicant's mother and her son, when they passed Mr B at the same mini-roundabout as they had seen him at on the 8 July 2017. Both the applicant and Miss A said that, on this occasion, Mr B looked directly at them and saw them in their car. However of note is that, in her statement, Miss A described Mr B on this occasion as being surprised to see them, citing the fact they were in a hire car as being a possible explanation for this. Furthermore, we note that Miss A also stated that, on the date of the second incident, they had already moved from the site, and that Mr B would not have expected to see them.

As Chief Inspector G's response states, Section 39 of the Criminal Justice and Licensing (Scotland) Act 2010 ("the Act") states that an offence of stalking is committed by any person who engages in a course of conduct that causes, or with the intention to cause, another fear or alarm. Section 39.6 of the Act defines a 'course of conduct' as "*conduct on at least two occasions*". Accordingly, although the applicant and Miss A described two incidents in which they alleged that Mr B had been stalking them, their statements cast doubt over whether Mr B was deliberately engaged in a course of conduct designed to cause either of them fear or alarm. Instead, the applicant and Miss A's statements indicate that Mr B was in the vicinity of where they resided/previously resided. We consider that Chief Inspector G's response would have been strengthened if this had been adequately explained to the applicant

Notwithstanding the above, we can confirm that, despite Constable D considering that no crime had been committed, the decision was taken for Mr B to be traced and interviewed under caution voluntarily. The crime report records that the reason for this decision was due to the "*complainers fears*".

The crime report contains an account of Mr B's interview. From this, we can confirm that Mr B was questioned about the incidents of 8 July 2017 and 23 July 2017 respectively on 12 November 2017. During the interview, Mr B said that he was unable to recall the incident of 8 July 2017 owing to the passage of time, but confirmed that he had seen the applicant and Miss A on 23 July 2017. Mr B said that, on that date, he was in the company of his then girlfriend, and provided a valid reason for being at the locus. The crime report also records that there was insufficient evidence obtained from this interview in which to detain Mr B, and that the decision was taken to file the matter as no crime having taking place. This is because if Police Scotland accept the reason that was given by Mr B for having been at the locus on 23 July 2017, the police did not have evidence to support that Mr B had been stalking the applicant and Miss A given that the Act states that the 'course of conduct' involves conduct on at least 2 occasions. We consider that Chief Inspector G's response would have been strengthened if this had been explained to the applicant.

The crux the applicant's complaint is that insufficient enquiry was carried out by Constable D as statements were not taken from her mother, her son, and Mr B's ex-girlfriend to inform the enquiry, who the applicant said were present on the 23 July 2017. However, as reflected in the crime report, Mr B confirmed his presence on this date and provided a valid reason for being at the locus which was accepted by the police. Accordingly, it was considered by Constable D that there would be no merit in obtaining statements from the witnesses identified by the applicant. We consider that Chief Inspector G's response would have been strengthened if this had been fully explained to the applicant.

Nonetheless, from the information available to us, we are satisfied that sufficient enquiry has been carried out. Statements have been obtained from the applicant and Miss A; a crime report was raised;

and Mr B was voluntarily interviewed. Accordingly, we consider Chief Inspector G's response that there was no need to carry out further enquiries into these two incidents is supported by the material information available. For this reason, we consider that Chief Inspector G was justified in not upholding this aspect of the complaint.

Nonetheless, we consider that Chief Inspector G has not provided a sufficient explanation and summary of the information available in which to demonstrate to the applicant why her complaint was not upheld. Accordingly, we conclude that this aspect of the complaint has not been handled to a reasonable standard. However, as we have provided the applicant with the necessary information, no further action is required in this connection.

#### (ii) Mr B not charged

The second aspect of the applicant's complaint relates to her dissatisfaction that Mr B was not charged with stalking.

As we have mentioned above, we consider that sufficient enquiry has been carried out by the police into the applicant's and Miss A's stalking allegations against Mr B. We also agree with their decision that there was insufficient evidence to establish that a crime had been committed. Accordingly, we agree with Police Scotland's rationale not to charge Mr B, and that their decision not to uphold the complaint is supported by the material information available. We therefore consider that this aspect of the complaint has been handled to a reasonable standard.

Notwithstanding the above, in cognisance of the shortcomings we have identified in Police Scotland's handling of the first aspect of this complaint, we conclude that, overall, this complaint has not been handled to a reasonable standard. However, as we have provided with applicant with a sufficient explanation of the available information, no further action is required by Police Scotland in this connection.

## **Our Conclusion on Complaint 1**

We conclude that Police Scotland have not handled this complaint to a reasonable standard.

No further action is required of Police Scotland in relation to this complaint.

## **Observation**

Having read the crime report, we note that there are discrepancies between the information available and that which has been presented to the applicant in the complaint response. We consider this to be a short-coming on the part of the complaint-handler for having failed to accurately summarise and explain the available evidence to the applicant. We consider this to be poor complaint handling practice. Despite this short-coming having been identified, no further action is required of Police Scotland in this connection. This is because our position is that it does not affect the overall consideration of the complaint as we consider that, for the reasons we have outlined above, Police Scotland were justified in their decision not to uphold the complaint.

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## Complaint 2

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The applicant complained that during an enquiry into a dangerous driving incident, an officer insisted that her daughter – Miss A - provide him with a statement when she did not wish to do so.

### **Police Scotland's Handling of Complaint 2** (not upheld by the police)

Chief Inspector G stated that this matter was the subject of ongoing criminal proceedings against the applicant, therefore it would be inappropriate and sub-judice for her to comment on information that may be used as evidence at any trial<sup>2</sup>. However, she also stated that she had examined the circumstances and could find no evidence to substantiate any misconduct by any officers. She stated that, on this basis, the applicant's complaint was not upheld. She further advised the applicant that no further enquiry would be carried out in relation to this complaint unless directed by either the court or the Procurator Fiscal.

## Complaint 3

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The applicant complained that an officer provided her daughter – Miss A - with incorrect information whilst he was charging her with wasting police time.

### **Police Scotland's Handling of Complaint 3** (not upheld by the police)

Chief Inspector G stated that this matter was the subject of ongoing criminal proceedings against the applicant, therefore it would be inappropriate and sub-judice for her to comment on information that may be used as evidence at any trial<sup>3</sup>. However, she also stated that she had examined the circumstances and could find no evidence to substantiate any misconduct by any officers. She stated that, on this basis, the applicant's complaint was not upheld. She further advised the applicant that no further enquiry would be carried out in relation to this complaint unless directed by either the court or the Procurator Fiscal.

### **Our Review of Complaints 2 & 3**

Police Scotland have assessed that the applicant's complaints relate to incidents that have resulted in both the applicant and Miss A having been referred to the Crown Office and Procurator Fiscal Service (COPFS). In this regard, Police Scotland are not expected to provide the applicant with a full and detailed response to the complaints given that criminal proceedings are ongoing. Police Scotland's position in this regard is that to do so would be sub-judice, with the potential to prejudice the trial against the applicant and Miss A. This is in accordance with section 6.14.12 of the Complaints about the Police Standard Operating Procedure ("CAP SOP"), which states that:

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<sup>2</sup> The full response to the applicant's complaint can be found at paragraphs 16 – 17 of the appendix to this report.

<sup>3</sup> The full response to the applicant's complaint can be found at paragraphs 18 – 19 of the appendix to this report.

*“Consideration must be given to the degree of information that it is possible to disclose. For example, is the information likely to be sub-judice?”*

However, section 6.14.12 of the CAP SOP also states that “...as much pertinent information should be given to the complainer as is reasonably possible”.

Accordingly, whilst Chief Inspector G has provided a response to the applicant, and has reached a determination not to uphold her complaints, the response letter has not adequately explained how Chief Inspector G has used the material information available to come to this determination. For this reason, it may have been more appropriate for Chief Inspector G to have delayed providing a response to the applicant’s complaints until such time as the criminal proceedings involving both her and Miss A had concluded. This would have enabled Chief Inspector G to have responded to the applicant’s complaints in full.

However, it is our position that the complaints that the applicant has made are sufficiently separate from the criminal proceedings against her and Miss A. For example, the applicant’s position is that an officer insisted that her daughter provide a statement to inform the dangerous driving incident when she did not want to. If indeed this was the case, insisting that someone provide a statement is different from insisting upon or unduly influencing what information is contained in that statement. When considered in this context, we cannot see any justifiable reason for Police Scotland not to have investigated and responded in full to either of the applicant’s complaints.

Furthermore, our role is to come to a view on whether the material information available supports Chief Inspector G’s decision not to uphold the complaint. It is not possible for us to come to a view on that as the complaint casefile contains no auditable account or record of Chief Inspector G’s examination and/or enquiry of the circumstances relative to the applicant’s complaints. In cases of this nature, we expect complaint handlers to keep a proper record of their decision-making rationale, fully explaining why they considered responding to the complaint might be sub-judice, and what assessment of the evidence has been carried out.

Accordingly, we conclude that the complaints 2 and 3 have not been handled to a reasonable standard.

## **Our Conclusion on Complaints 2 & 3**

We conclude that Police Scotland did not handle these complaint to a reasonable standard.

We recommend that Police Scotland carry out a full and auditable enquiry into the applicant’s complaints. A further response letter should then be issued to the applicant. This should make clear whether the complaints have been upheld, and fully explain the conclusions made and provide an apology if appropriate to do so.

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# Complaint 4

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The applicant complained that she believes that she is being persecuted by the police for being Catholic and of gypsy descent.

## **Police Scotland's Handling of Complaint 4** (not upheld by the police)

Chief Inspector G advised the applicant of the standards expected of all officers of Police Scotland in respect of dealing with members of the public with fairness and impartiality at all times<sup>4</sup>. She advised the applicant that she had been unaware of her religious or ethnic heritage until receiving her emails of 16 November and 12 December 2017. Chief Inspector G stated that the applicant had provided no evidence to support her allegation that she had been discriminated against on the basis of her religious or ethnic heritage. She also advised the applicant that she had examined the incidents referred to by the applicant and was satisfied that all decisions made were evidence based and with a clear rationale. On this basis, the applicant's complaint was not upheld.

## **Our Review of Complaint 4**

The applicant's allegation of discrimination is serious, and it is our view that the response letter from Chief Inspector G should have provided a more substantive response. We acknowledge that the incidents referred to by the applicant may be subject of ongoing criminal proceedings and, as such, Chief Inspector G may well be precluded from discussing them in any great detail until such time as these proceedings have concluded. That said, we also recognise that any enquiry into this allegation may have been limited owing to the fact that the applicant has not provided any specific examples to support why she considers that she is being discriminated against. We consider that the enquiry officer should have made sufficient enquiry with the applicant in order to accurately detail what she meant by this allegation as this would have helped to focus the complaint investigation accordingly. In the absence of any additional information from the applicant, we consider that it would be very difficult for Chief Inspector G to provide a detailed response to this allegation.

However, as we have already explained, our role is to come to a view on whether the material information available supports Chief Inspector G's decision not to uphold the complaint. It has not been possible for us to come to a view on this as the complaint casefile contains no auditable account or record of Chief Inspector G's examination and/or enquiry into the incidents that she has referred to in her response.

Accordingly, we consider that the complaint has not been handled to a reasonable standard.

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<sup>4</sup> The full response to the applicant's complaint can be found at paragraphs 22 – 26 of the appendix to this report.

## **Our Conclusion on Complaint 4**

We conclude that Police Scotland have not handled this complaint to a reasonable standard.

We recommend that Police Scotland provide us with a full and auditable record of the enquiry that was carried out during the complaint investigation into this complaint. A further response should thereafter be given to the applicant, fully explaining the information that has been reviewed and the conclusions reached. The further response should also make it clear to the applicant whether the complaint is upheld/not upheld, and provide an apology if appropriate to do so.

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## What happens next

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We have made three recommendations. We expect these to be implemented within two months of the date of this report. We will continue to liaise with Police Scotland until such time as we consider that the recommendations have been implemented to our satisfaction.

**Ann McGruer**  
**Review Officer**

**Jacqui Jeffrey**  
**Senior Review Officer**

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# Appendix

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## Copy of Police Scotland's response letter dated 27 February 2018

(Redacted and paragraphs numbered)

1. *I refer to your recent contacts, commencing in November 2017, in which you highlight concerns regarding the manner in which officers of Police Scotland have attended to a number of incidents involving you and your daughter. In order to ensure that the fullest enquiry may be carried out in relation to any complaint it is important that the police note a statement from the person reporting. [Constable F] has discussed some of the concerns with you and noted a statement however you have declined to provide any further information in statement form. I appreciate your decision, which follows you being charged in relation to a statement you provided. Nevertheless your emails have outlined your discontent and enquiry has been carried out based on the information available to us.*
2. *It is important that I remind you of the observations I made in my letter of 7 December 2017 in which I expressed my concerns in relation to the veracity of allegations made by you and your daughter, my uneasiness being drawn from the comments made by a Sheriff who, having examined the credibility of both you and your daughter, had much disquiet about the honesty of each of you and the ongoing issue of both you and your daughter recently being charged with making a false criminal accusation.*
3. *That said, before addressing the salient points, I will stress that the purpose of any complaints investigation is to examine the conduct of the officers complained about and assess whether their actions, in respect of the allegations, were lawful and proportionate and to determine whether they undertook their duties fairly and professionally with due regard to the parameters of acceptable procedural practice. In doing so, I will try to provide detailed responses to the various issues that you have identified as being matters you wished specifically addressed. My findings will be evidenced based.*
4. *I understand your concerns are that:*
5. *1. On Tuesday 14 November 2017 you were assaulted by [Constable H] at Dundee Sheriff Court. The officer demanded that you leave the court as he mistakenly thought you were using your mobile telephone. When you went through the doors he twice grabbed you by the arm. When you told him he was assaulting you he had gritted teeth and told you that you had better watch what you were saying to him. He was absolutely beside himself with aggression.*
6. *Enquiry was made with your daughter however she declined to provide a statement in relation to this allegation.*
7. *Enquiry was made at the court and with other witnesses. It has been ascertained that there is evidence to substantiate that this is a false accusation against the officer. As a result of this a report will be submitted to the Procurator Fiscal for consideration of criminal proceedings against you. It would be inappropriate and sub-judice for me to make comment on any information which may form part of the evidence at trial.*
8. *Having examined the evidence in the case I am satisfied that you were not assaulted by the officer therefore this aspect of your complaint is not upheld.*
9. *2. In July 2017, you and your daughter reported [Mr B] for stalking her. [Constable D] made enquiry but failed to charge [Mr B] with stalking. [Constable D] did not make proper enquiry and did not note statements from your son, your mother or [Mr B's] ex-girlfriend [Ms J].*
10. *Section 39 of the Criminal Justice and Licensing (Scotland) Act 2010 creates an offence of stalking which is committed by any person who engages in a course of conduct with the intention*

of causing another fear or alarm. The legislation is clear as to what amounts to stalking, for example following, spying, monitoring or entering premises where the target is likely to be.

11. The statements provided by you and your daughter have been examined. You both advised that you saw [Mr B] on two occasions leaving the area of your previous address. This was a substantial housing area containing a popular row of shops. You reported your belief that [Mr B] knew you had moved address away from the area, that he would not have expected to have found you at this place and that he looked surprised to see you. As your daughter was not likely to be in this place, this did not suggest that he was stalking your daughter however, in order to establish if any crime might have been committed, [Mr B] was interviewed by officers. [Mr B] agreed that he may well have been in the area you saw him and provided a perfectly valid reason for being there.
12. There was not [sic] evidence to substantiate a crime had been committed therefore no further police enquiry was deemed necessary, thus your mother, son and [Mr B's] passenger were not interviewed. I am satisfied that sufficient enquiry was carried out into this allegation therefore this aspect of your complaint is not upheld.
13. I am conscious that you are currently the subject of criminal proceedings following allegations that you and your daughter had stalked [Mr B]. Concerns have been expressed that you and your daughter have made this allegation of stalking against [Mr B] in an effort to discredit the case against you. Consideration has been made as to whether your allegation constitutes a false accusation against [Mr B] however no further action will be taken in respect of this, at this time.
14. 3. In November 2017, you and your daughter were charged with wasting police time after reporting [Mr C] for dangerous driving earlier that year. The charge is just an example of police harassment and discrimination against you.
15. I am aware that the circumstances of this incident are still the subject of criminal proceedings therefore it would be inappropriate and sub-judice for me to make comment on any information which may form part of the evidence at any trial. However I can confirm that after being charged a report was compiled for the Procurator Fiscal which will be assessed and considered for prosecution all of which provides me assurance that this has been a lawful process. I can also advise that I have examined the circumstances and have found no evidence which substantiates misconduct from officers or causes me initial concerns. This being the case, this aspect of your complaint is not upheld. Please be aware that no further enquiry will be carried out into this matter unless we receive comment from the court or Procurator Fiscal.
16. 4. During the enquiry into the dangerous driving of [Mr C], [Constable D] insisted your daughter provide him with a statement when she did not wish to do.
17. Further to the update provided at point 3 above, enquiry was made into the circumstances following an allegation of dangerous driving made by you. I am aware that the circumstances of this incident are still the subject of criminal proceedings against you therefore it would be inappropriate and sub-judice for me to make comment on any information which may form part of the evidence at any trial. I can advise that I have examined the circumstances and have found no evidence which substantiates misconduct from officers or causes me initial concerns. This being the case, this aspect of your complaint is not upheld. Please be aware that no further enquiry will be carried out into this matter unless we receive comment from the court or Procurator Fiscal.
18. 5. When charging my daughter with wasting police time, [Constable D] provided her with the wrong dates.
19. Further to the update provided at point 3 above, I am aware that the circumstances of this incident are still the subject of criminal proceedings against you therefore it would be inappropriate and sub-judice for me to make comment on any information which may form part of the evidence at trial. I can advise that I have examined the circumstances and have found no evidence which substantiates misconduct from officers or causes me initial concerns. This being the case, this aspect of your complaint is not upheld. Please be aware that no further enquiry will be carried out into this matter unless we receive comment from the court or Procurator Fiscal.

- 20.6. *The statements we allegedly gave to [Constable D] and signed, which led to us being charged with wasting police time, were never read back to us.*
21. *Further to the update provided at point 3 above, I am aware that the circumstances of this incident are still the subject of criminal proceedings against you therefore it would be inappropriate and sub-judice for me to make comment on any information which may form part of the evidence at trial. I can advise that I have examined the circumstances and have found no evidence which substantiates misconduct from officers or causes me initial concerns. This being the case, this aspect of your complaint is not upheld. Please be aware that no further enquiry will be carried out into this matter unless we receive comment from the court or Procurator Fiscal.*
- 22.7. *You believe you are being persecuted by the police as you are Catholics and of gypsy descent while everyone else is a freemason.*
23. *Police Scotland expects officers to comply with our standards of professional behaviour at all times. Officers must act with fairness and impartiality and never discriminate unlawfully or unfairly. A person should never be persecuted due to their heritage or religion.*
24. *Until your emails of 19 November 2017 and 12 December 2017 I was unaware of your religion and heritage. Additionally you have presented no evidence to substantiate that either characteristic has been used as a consideration by the police when interacting with you. Please also be aware that I have no involvement with freemasonry and believe that females are not allowed to join the organisation.*
25. *The disposal for all police enquiries must be evidence based and capable of withstanding scrutiny. I have examined each of the incidents you have referred to and am satisfied that all decisions have been evidence based with a clear rationale.*
26. *As you have presented no information to substantiate that you have been discriminated against and there is evidence to support the police decisions, this aspect of your complaint is not upheld.*
27. *In keeping with your desire to only communicate with certain officers, [Constable F], [named police officer] remains your point of contact. I would stress, like anyone else, should you need the services of the police in an emergency situation then please always telephone 999 or speak with any officer present. For all other occasions you may telephone 101 and ask for [Constable F].*
28. *I appreciate that, following these recent contact with the police, you will be reported for a further false accusation. This should not deter you for contacting the police should you be in genuine need of assistance or require to discuss any concerns. I will stress however that any report you make must be factual and you must not make any further accusation to the police knowing same to be false.*