



Police Investigations &  
Review Commissioner

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

PIRC/00158/19  
January 2020



## What we do

Under the terms of the Police, Public Order and Criminal Justice (Scotland) Act 2006, as amended (“the Act”), we examine the manner in which non-criminal complaints about the police have been dealt with.

## How we do it

First, we obtain the relevant information from the police and the applicant. We then use this to review how the complaint was dealt with by the police and we reach a conclusion on whether the complaint was handled to a reasonable standard. In carrying out our review, we consider factors such as:

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

Finally, where we deem appropriate, we give reconsideration directions, make recommendations and identify learning points for the police.



## Executive Summary

The complaints in this case arose following the applicant's contact with the police over a two year period in relation to a neighbour dispute.

### The Complaints

We have reviewed the handling of four complaints, namely that:

1. a constable was uncivil and unprofessional towards the applicant and was biased when the applicant reported issues regarding a neighbour dispute to the police;
2. a sergeant was unprofessional towards the applicant and biased when the applicant reported issues regarding a neighbour dispute to the police;
3. the applicant alleged that the quality of service she received from another sergeant was not satisfactory when reporting a neighbour dispute to police; and
4. the quality of service the applicant received from officers at [named police station] was not satisfactory when reporting a neighbour dispute to the police.

### Police Scotland's Decision

Police Scotland did not uphold any of the complaints.

### Our Findings

We have found that Police Scotland handled all four complaints to a reasonable standard. There is no further action required of Police Scotland.



## Background

Between 2016 and 2018, the applicant was involved in an ongoing neighbour dispute that ceased when her neighbour moved house. During that period, the applicant and her neighbour both reported a number of neighbour issues to police requesting assistance, resulting in over 160 call outs to both the applicant and her neighbour's addresses.

On 19 June 2018, the applicant made a complaint to the police, within which she expressed dissatisfaction about the actions of number of officers and about the quality of service she had received. Sergeant A was appointed as complaint enquiry officer, with the complaint having been resolved via front line resolution. This was confirmed by the applicant in a statement she provided dated 16 November 2018, within which she said that she accepted her complaint had been fully investigated and that it had been resolved.

However, on 20 February 2019, the applicant provided a second statement of complaint, within which she continued to express dissatisfaction over how the police had dealt with the neighbour dispute. A new heads of complaint form was completed by Sergeant A dated 20 February 2019, who remained as complaints enquiry officer.

A letter of response dated 17 June 2019 was sent to the applicant by Chief Inspector B.

## Complaint 1

The applicant complained that Constable C was uncivil and unprofessional towards her, and biased in favour of her neighbour when she reported issues regarding a neighbour dispute to police.

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

In his response, Chief Inspector B explained that the applicant was unable to provide further detail regarding specific incident numbers, dates, times or provide examples of what officers said to support her allegations of bias or incivility against Constable C. Chief Inspector B then referred to the statement provided by the applicant's brother in support of the applicant's position. Chief Inspector B stated that the applicant's brother had referred to Constable C as having made a comment about the applicant's neighbour being "*a single mother with 4 children*" and that "*she had a lot to deal with*", which the applicant's brother had interpreted to mean that both he and the applicant were in some way being unreasonable. Chief Inspector B also said that the applicant's brother described Constable C as being smug and flippant by saying "*what a nice day it was*" and that he would "*smile smugly*".

Referring to Constable C's statement, Chief Inspector B advised the applicant that Constable C stated he had very limited dealings with the applicant's brother but had remained professional and polite at all times; that he felt he had a good relationship with all parties involved; that he remained impartial but had regularly reminded both parties that he could not take sides; and that he worked with the Council to resolve the situation for both parties.



Chief Inspector B outlined the various interactions that Constable C had with the applicant between February 2017 and November 2018 in an attempt to find a resolution within the powers available to him. This included telephone calls, personal visits and emails with the applicant. Chief Inspector B further explained that Constable C had provided regular advice to both the applicant and her neighbour.

Referring to the applicant's request for Constable C to be made aware of the complaint, Chief Inspector B confirmed that was done and that Constable C was surprised to hear of the complaint. Chief Inspector B referred to an account provided by Sergeant D, who had supervised the dispute and had said that Constable C provided him with regular updates; had acted impartially throughout; and had worked tirelessly in an attempt to resolve the issue for all parties, which did result in a successful resolution.

Chief Inspector B acknowledged the applicant's complaint, however explained that, in the absence of further information to support her position, he did not, on balance, uphold the allegation.

## **Our Review of Complaint 1**

We have examined the statements provided by the applicant, her brother, Constable C and Sergeant D, and can confirm that they have been accurately reflected by Chief Inspector B in his response to the applicant.

In his statement, Constable C provided a detailed account of his involvement in the dispute throughout 2017 and 2018. Constable C said that he reminded the applicant and her neighbour that he could not take sides; and that he had remained polite and professional throughout his dealings with the applicant. Constable C is supported in his position by Sergeant D, who said in his statement that he was provided with regular updates from Constable C; was satisfied that Constable C had acted impartially; and that Constable C had worked tirelessly in an attempt to resolve the issue for all parties involved.

The test used in non-criminal complaints about the police is the 'balance of probabilities'. This test is used to assess the available information in order to make a decision as to which version of events is more probably.

In this case, Chief Inspector B is presented with conflicting accounts. The applicant's position is that Constable C was uncivil and unprofessional towards her, showing bias in favour of her neighbour. The applicant is supported in her position by her brother. In contrast, Constable C denies being uncivil, unprofessional and biased in his dealings with the applicant, and is supported in his position by Sergeant D. Section 6.11.7 of the Complaints about the Police Standard Operating Procedure ("CAP SOP") states that, on occasions where the evidence is equally balanced and it is not possible to determine which version of events is more probable, the complaint should not be upheld. We therefore consider that Chief Inspector B's decision not to uphold the complaint is justified and supported by the provisions of the CAP SOP. Chief Inspector B's response would have been strengthened if he had explained the balance test to the applicant.



Notwithstanding the above, we consider that Chief Inspector B has provided a detailed response to the applicant, which is supported by the material information available.

Consequently, we are satisfied that this complaint was handled to a reasonable standard.

### Our Conclusion on Complaint 1

We conclude that Police Scotland handled this complaint to a reasonable standard.

No further action is required in this connection

## Complaint 2

The applicant complained that Sergeant D was unprofessional towards her and biased when she reported issues regarding a neighbour dispute to the police

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

Chief Inspector B advised the applicant that she had complained that Sergeant D's manner towards her was unprofessional and borderline rude, and that she felt Sergeant D had taken her neighbour's side; however, she was unable to provide any incidents numbers, dates, times, or provide examples of what officers said to support her position.

Referring to Sergeant D's operational statement, Chief Inspector B explained that Sergeant D refuted the applicant's complaints, advising that in January 2018, Sergeant D had invited the applicant to [named police station] in order to demonstrate his commitment to resolving the applicant's issue with her neighbour and ensure he was providing the applicant with the support she needed. Chief Inspector B further explained that Sergeant D said that this meeting took place on 9 April 2018, and provided an opportunity for the history of the neighbour dispute and issues to be discussed; to explain the extensive partnership working arrangements that were in place to assist; and to offer the applicant assistance in respect of mediation and victim support, both of which were refused by the applicant. Chief Inspector B highlighted an aspect from Sergeant D's statement whereby Sergeant D had referred to the applicant as having "*left the meeting on a positive note*". Chief Inspector B goes on to say that a call was made the same day by the applicant regarding her neighbour, which Sergeant D also attended, during which he had spent time explaining why the allegations made by the applicant against her neighbour were not criminal or antisocial in nature. Chief Inspector B also advised that, at that time, the applicant's neighbour had made a counter allegation to Sergeant D regarding the applicant.

Chief Inspector B explained that, following the above incident whereby advice was given to both parties, Sergeant D said that he had no further 'direct' contact with either the applicant or her brother.



Chief Inspector B concluded that, taking cognisance of the available information, he did not – on balance - uphold the complaint.

## Our Review of Complaint 2

Having reviewed Sergeant D's statement, we can confirm that Chief Inspector B's response has accurately set out the contents of his statement, and in particular, the specifics of his meeting with the applicant when he was newly appointed Community Sergeant.

On examining the applicant's statement, the crux of her complaint is that she considers that Sergeant D "*appeared to take the side of [the applicant's] neighbours... and he also did nothing to help [the applicant's] complaints*". However, we note that the applicant was unable to provide any specific details to explain why she holds this belief. We note that the statement provided by the applicant's brother supports her position. However, similarly to the comments made by the applicant in her statement, the comments made by the applicant's brother in his statement appear to be general observations, as opposed to containing specifics about a particular date, time and/or incident.

Accordingly, in this case, Chief Inspector B is presented with conflicting accounts. Whilst we note the applicant and her brother's position that Sergeant D was unprofessional and biased towards the applicant, neither have been able to provide specific examples beyond their general feelings and observations. However, Chief Inspector B has provided evidence to support that Sergeant D had provided assistance to the applicant in an attempt to resolve the neighbour issue, and that he had spoken with both the applicant and her neighbour. This is supported by Sergeant D's statement, alongside the accompanying incident report. We are therefore satisfied that Chief Inspector B was justified in not upholding the complaint.

We conclude that this complaint was handled to a reasonable standard.

### Our Conclusion on Complaint 2

We conclude that Police Scotland handled this complaint to a reasonable standard.

No further action is required in this connection

## Complaint 3

The applicant complained that the quality of service she received from Sergeant E was not satisfactory when reporting a neighbour dispute to Police.



The applicant feels that Sergeant E did nothing to help her when she complained and that he had taken her neighbour's side.

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

Chief Inspector B explained that the applicant's complaint is that Sergeant E did nothing to assist her and that she felt that he was taking her neighbour's side, despite which the applicant was unable to provide any further specific detail, examples, dates or times by way of an example to support her position. Referring to the statement provided by the applicant's brother, Chief Inspector B explained that the applicant's brother supported her position, having commented that, aside from the offer of mediation, there was a lack of action by Sergeant E in relation to the neighbour dispute.

Chief Inspector B advised that Sergeant E had provided an operational statement, within which he had refuted the applicant's allegation. Chief Inspector B provided the applicant with a narrative from Sergeant E's statement of the actions. Sergeant E said that between 17 October 2016 to 9 January 2018 (when he was deployed to another post) he had worked to assist the applicant, her brother, and their neighbour. Chief Inspector B advised that Sergeant E had said that he was in regular contact with the applicant; provided tasks to Constable C; and had responded to several items of correspondence from elected representatives acting on the applicant's behalf. Chief Inspector B reflected that Sergeant E said that he had also offered the applicant mediation; had explained antisocial behaviour legislation and why mediation would be have been helpful; and that he arranged for "*objective markers*" to be attached to the applicant's address so that officers would be aware of the issues between the applicant and her neighbour should they be required to attend. Chief Inspector B advised the applicant that Sergeant E had highlighted the "*extensive work*" that he had put into the applicant's ongoing dispute with her neighbour to help find a resolution for all parties involved, including making enquiries with regards to eviction and seeking information/feedback from the Council regarding the noise and investigations the Council had carried out on the applicant's behalf.

Chief Inspector B concluded that, upon reviewing all the evidence, he found that there was no evidence to support the applicant's allegation and therefore, on balance, he did not uphold the complaint.

### **Our Review of Complaint 3**

Having reviewed the statements of complaint provided by the applicant and her brother, alongside the operational statement provided by Sergeant E, we can confirm that Chief Inspector B's response was in line with the material information.

Chief Inspector B's response to the applicant clearly explains Sergeant E's position as per his statement, and the action that he had taken to assist the applicant given the powers available to him as a police officer. Accordingly, whilst we note that it is the position of the applicant and her





brother that Sergeant E failed to take any action, the available information – as presented by Chief Inspector B – does not support this position.

We are therefore satisfied that Chief Inspector B has provided a detailed response to the applicant that accurately reflects the material information available. Accordingly, we conclude that this complaint has been handled to a reasonable standard.

### Our Conclusion on Complaint 3

We conclude that Police Scotland handled this complaint to a reasonable standard.

No further action is required in this connection

## Complaint 4

The applicant complained that the quality of service she had received from officers at [named police station] in response to her neighbour dispute was unsatisfactory.

The applicant believes that her neighbour had the sympathies of the officers that attended the incidents and that the officers had readily accepted her neighbour's accounts; but had questioned the applicant's reports.

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

Chief Inspector B explained that the applicant's position is that her neighbours (with whom she was in dispute) had the sympathies of the police and that the police readily accepted everything her neighbour had reported, but had questioned the matters that she had reported. Chief Inspector B said that, as a consequence, the applicant had wanted officers of the Community Team to be provided with advice from supervisors regarding how they speak to people.

Chief Inspector B acknowledged that the applicant was not able to provide incident numbers, additional names of officers, dates, times or specific dialogue regarding this allegation; however, referred to the statement provided by the applicant's brother, within which he felt that officers from the Community Team had sided with the applicant's neighbour, and specifically referred to one police officer as having said "*have a nice day*" whilst smiling, which he believed to be unprofessional.

Chief Inspector B advised the applicant that in excess of 160 calls had been made to both the applicant's and her neighbour's respective addresses, which meant that, in the absence of specific



details (i.e. incident numbers, dates, and/or times), it was impossible to identify an officer(s) to whom the allegation referred to. Instead, Chief Inspector B highlighted that, in addition to the support that the applicant had received (as outlined earlier within his response) there were six charges made to the applicant and her neighbour during the period of dispute. Chief Inspector B's response listed the individual charges to demonstrate that both applicant and her neighbour and/or neighbour's partner had both been charged three times each for threatening and abusive behaviour in response to incidents reported by both parties.

Chief Inspector B concluded by stating that, having reviewed the information outlined in his response, he was unable to find evidence to support the applicant's allegation and therefore, on balance, did not uphold this allegation.

## **Our Review of Complaint 4**

In lieu of specific dates, officers or incident numbers being provided by the applicant, Chief Inspector B has referred to the information that he had already provided the applicant in response to her previous three complaints in order to highlight the support that the applicant received, directly and indirectly, by officers in respect to the neighbour dispute. Chief Inspector B highlighted that in excess of 160 calls had been made to Police Scotland from both the applicant and her neighbour seeking assistance. Chief Inspector B's response also outlined the charges that were made against the applicant and her neighbour in order to demonstrate that both parties had been treated equally.

In our view, we consider that Chief Inspector B has provided a detailed response that explains the actions taken by officers in response to the calls for assistance by both the applicant and her neighbour, and has used the available information to disprove the applicant's position. Accordingly, and in the absence of the applicant being able to provide specific information to support her position, we consider that Chief Inspector B was justified – on balance – not to uphold the complaint.

We therefore conclude that this complaint has been handled to a reasonable standard.

## **Our Conclusion on Complaint 4**

We conclude that Police Scotland handled this complaint to a reasonable standard.

No further action is required in this connection



## Observation

It is our view that Chief Inspector B provided a robust detailed response, which considered all of the applicant's complaints in full. This demonstrates that a thorough investigation was carried out into the applicant's complaints. The casefile received by the PIRC included comprehensive statements provided by the subject officers and a detailed contact log by Sergeant A. This is an a good example of complaint handling.

**Audrey Meikle**  
Review Officer

**Jacqui Jeffrey**  
Senior Review Officer

