

COMPLAINT ABOUT THE POLICE (CD1)



Centurion Reference Number

[Redacted]

Section 1 - Details of Complainer

Full Name [Redacted] Age [Redacted] D.O.B. [Redacted]

Gender (Male/Female/Unknown) Male Self Class Ethnicity (see Appendix 1) 6 Ethnic Appearance (see Appendix 1) 1

Address (include postcode) [Redacted]

Tel. No. Home [Redacted]

Business N/A

Mobile N/A

E mail Address N/A

How Received Personally Letter Telephone Fax E-mail

Statement Taken Y/N Y

Details of any associated report pending against complainer(s) (Crimefile Case Ref. No.)

Not applicable

Received by Insp [Redacted]

Time, Date & Place Complaint Received 1050 hrs, Wednesday 22nd September 2010, [Redacted] Police Station

Enquiry/Investigating Officer Insp [Redacted] Date Allocated 22/09/2010

Section 2 – Officer/Special Constable/Police Staff

Member(s) of staff against whom the Complaint is directed (if known)

	Rank	No.	Name	Age	DOB	Service	DOA	Div	Station/Team	Allegation No.(s)
1.	PC	694	Alan PATON	36	[REDACTED]/73	9 YRS	13/09/01	CPD	[REDACTED] T2	1/2
2.										
3.										
4.										
5.										
6.										
7.										
8.										
9.										
10.										
11.										
12.										
13.										

Section 3 – On Duty Complaint

Time and Date of Incident: 0745hrs Monday 20th September 2010

Locus of Incident: [REDACTED]

- | | | | |
|-------------------|--------------------------|-----------------------------|-------------------------------------|
| Business Premises | <input type="checkbox"/> | Licensed Premises | <input type="checkbox"/> |
| Cell | <input type="checkbox"/> | Police Office | <input type="checkbox"/> |
| Cell/Passage | <input type="checkbox"/> | Police Vehicle (In/At/Near) | <input type="checkbox"/> |
| Charge Bar | <input type="checkbox"/> | Private House | <input checked="" type="checkbox"/> |
| Detention Room | <input type="checkbox"/> | Street/Road/Public Place | <input type="checkbox"/> |
| Interview Room | <input type="checkbox"/> | Other Location | <input type="checkbox"/> |

Head of Complaint (Enter 'X' for ALL that apply - Refer to Appendix 2 for definition)

- | | | | |
|--------------------------------|-------------------------------------|--|--------------------------|
| 1 Assault | <input type="checkbox"/> | 7 Oppressive Conduct/ Harassment | <input type="checkbox"/> |
| 2 Excessive Force | <input type="checkbox"/> | 8 Unlawful/Unnecessary Arrest or Detention | <input type="checkbox"/> |
| 3 Incivility | <input type="checkbox"/> | 9 Discriminatory Behaviour | <input type="checkbox"/> |
| 4 Neglect of Duty | <input type="checkbox"/> | 10 Corrupt Practice | <input type="checkbox"/> |
| 5 Irregularity in Procedure | <input checked="" type="checkbox"/> | 11 Other – Criminal | <input type="checkbox"/> |
| 6 Traffic Irregularity/Offence | <input type="checkbox"/> | 12 Other – Non Criminal | <input type="checkbox"/> |

Details of Complaint –

On Monday 20th September 2010, Pc Paton and [REDACTED] attended at the complainers home address to execute an apprehension warrant [REDACTED]. The complainer was at work and [REDACTED] witness [REDACTED] answered the door. PC Paton explained the reason for their attendance, and asked if [REDACTED] was within. Witness [REDACTED] immediately phoned the complainer and informed him of police attendance. The complainer states that he asked to speak to the officers, as [REDACTED] didn't understand what was going on, but that PC Paton continually refused to do so, despite witness [REDACTED] stating that she did not understand. He further states that the officers persisted in their actions, causing her to eventually grant them entry.

His complaint is:

- (1) One of the officers, PC Paton, refused to speak to him, a fluent English speaker, on the phone, when [REDACTED] struggled with English, and didn't fully understand what was going on.
- (2) That witness [REDACTED] informed the officers that she didn't understand, but that PC Paton persisted in the course of action.

The complainer wishes this matter to be resolved by the identified learning points being discussed with PC Paton.

Section 4 – Off Duty Complaint

Time and Date of Incident

Locus of Incident

Head of Complaint (Enter 'X' for ALL that apply)

- | | | | | | |
|---|---------------------------------------|--------------------------|----|-----------------------------------|--------------------------|
| 1 | Crimes of Violence | <input type="checkbox"/> | 6 | Miscellaneous Offences | <input type="checkbox"/> |
| 2 | Crimes of Indecency | <input type="checkbox"/> | 7 | Offences involving Motor Vehicles | <input type="checkbox"/> |
| 3 | Crimes of Dishonesty | <input type="checkbox"/> | 8 | Incivility | <input type="checkbox"/> |
| 4 | Fire-raising, Malicious Mischief, etc | <input type="checkbox"/> | 9 | Other | <input type="checkbox"/> |
| 5 | Other Crimes | <input type="checkbox"/> | 10 | Drugs/Alcohol Involved | <input type="checkbox"/> |

Details of Complaint

List of Associated Documents

SPT Number

Date

Submitted

Section 5 – Quality of Service

Time and Date of Incident

Locus of Incident

Quality of Service Allegation (Enter 'X' for ALL that apply)

- | | | | | | |
|---|------------------|--------------------------|---|-----------------|--------------------------|
| 1 | Policy/Procedure | <input type="checkbox"/> | 3 | Service Outcome | <input type="checkbox"/> |
| 2 | Service Delivery | <input type="checkbox"/> | | | |

Brief Description of Complaint – (Use Continuation Sheet if required)

complaint may have been avoided. PC Paton has shown a lack of awareness in failing to appreciate the needs of [redacted] and the cultural considerations in speaking to [redacted] to allow Police entry to the house.

I recommend local corrective advice is appropriate and in accordance with the wishes of the complainer

[redacted]
Chief Inspector

Print Name	Inspector [redacted]	Date	13/10/2010
Signature	[redacted]		

Section 8 - Divisional/Department Head's Determination

Ensure each allegation is clearly identified against individually named officers/police staff

Comments

Poor communication skills and feelings in his understanding of Cultural issues evidenced by Inspector [redacted]
Instructions given for PC Paton to be provided with corrective advice in relation to both heads of complaint which are substantiated

If concluded locally ensure Section 9 - Final Analysis is completed

Print Name

Signature Date

Professional Standards Determination

Minor Complaint Resolved/Unsubstantiated

Minor Misconduct

Regulation 5(3) warning

Serious Misconduct – IO to be appointed

Investigating Officer Date Appointed

Criminal Complaint – APF Referral Intimation Date

Full Report Required (Y/N) Due Date

Enquiry Officer Date Appointed

Criminal Proceedings

No Criminal Proceedings

Misconduct Minor

Serious

Investigating Officer Date Appointed

Print Name

Signature Date

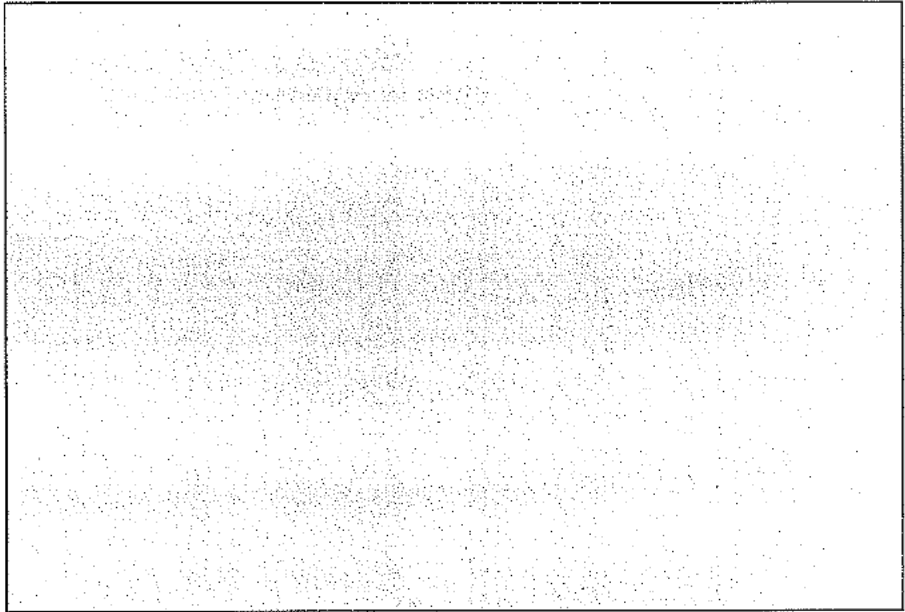
Section 9 – Final Analysis
 Refer to Appendix 3 for Disposal Codes

OFFICER/POLICE STAFF/SPECIAL CONSTABLE

Member(s) of staff against whom the complaint is about:

Officer	Allegation number(s)	Allegation Description	Allegation Disposal Ref. Code	Staff Disposal Ref. Code
1	1	Complaint 1 - Irregularity in Procedure	COAS	S5
	2	Complaint 2 - Irregularity in Procedure	COAS	S5
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				

Learning Outcome



Final letter sent to complainer(s) on

11/10/10

File completed on

1/11/10

Staff Informed of Outcome

Head of Department signature



RECORD OF ACTIONS TAKEN THROUGHOUT INVESTIGATION.

ACTION NO	DATE	ACTION	STAFF MEMBER
1	22/09/10	Note statement of complaint.	[REDACTED]
2	22/09/10	Require operational statements	
3	23/09/10	Arrange for Urdu interpreter to note statement from Witness [REDACTED]	
4	24/09/10	Submit items for typing	
5	30/09/10	Compile CD1/report	
6	03/10/10	Prepare final letter	
7	04/10/10	Submit further statement for typing	

Appendix 1 – Self Classification Ethnicity and Ethnic Appearance

Ref No	Self Class Ethnicity Description
1	White Scottish
2	White Other British
3	White Irish
4	White Other (Specify)
5	Indian
6	Pakistani
7	Bangladeshi
8	Asian Other (Specify)
9	Caribbean
10	African
11	Black Other (Specify)
12	Chinese
13	Mixed (Specify)
14	Other (Specify)
15	Declined To Provide Details
16	Gypsy Traveller
17	Unknown

Ref No	Ethnic Appearance
1	Asian
2	Black
3	Other
4	Unknown
5	White
6	Afrocaribbean
7	Irish
8	Chinese

Appendix 2 – Heads of Complaint

Assault	Allegation that a member of a police force was responsible for a criminal attack on another person as defined by the common law crime of assault. There must be an inference of criminal intent and not merely the use of force to effect a police duty.
Excessive Force	Allegation that a member of a police force used excessive force to effect an arrest or at any time during the course of their duty, where there is no inference of criminality.
Incivility	Allegation that a member of a police force was uncivil in manner of speech, language or demeanour, below that which may be construed as an allegation of the crime of Breach of the Peace.
Neglect of duty	Allegation that a member of a police force failed or neglected to perform a duty set out in common/statute law or under force procedures.
Irregularity in Procedure	Allegation that a member of a police force performed a duty in a manner not in accordance with standard/accepted practice or set out in Force procedures i.e. did something differently. If the member of the force had not done it at all, this would be categorised as neglect of duty.
Traffic Irregularity/Offence	Allegation that a member of a police force contravened road traffic legislation, force procedures or codes of practice relating to police vehicles and would include a member of the force driving or being in charge of a motor vehicle.
Oppressive Conduct / Harassment	Allegation that a member of a police force acted in a manner that was oppressive or pursued a course of conduct that was deemed to be harassment towards a member of the public but would not include an allegation encompassed by Neglect of Duty or Irregularity in Procedure.
Unlawful/ Unnecessary Arrest or Detention	Allegation that a member of a police force effected or assisted in an arrest that was not provided for in law, or that was unnecessary in all the prevailing circumstances.
Discriminatory Behaviour	Allegation that a member of a police force engaged in a course of action interpreted as discriminatory towards an individual or group. (Race, Sexual Orientation, Faith, Age, Gender, Disability.)
Corrupt Practice	Allegation that a member of a police force abused his /her role or position for personal gain or gain for others.
Other Crime	Allegation that a member of a police force committed any other crime known to the Law of Scotland, common law or statute, but not contained in other headings.
Other	Allegation that a member of a police force was responsible for any action not encompassed by the above headings.
Quality of Service - Policy/Procedure	This category encapsulates quality of service complaints in respect of policing policy, practice or procedure, where the complaint is about the latter rather than about the action of any particular officer or other member of the Force.
Quality of Service - Service Delivery	This category encapsulates quality of service complaints in respect of policing response. This would include policing presence, time and type of response.
Quality of Service - Service Outcome	This category encapsulates quality of service complaints in respect of the outcome of the policing action. It would also include quality of service complaints where the complaint was one of failure to take action or lack of satisfaction with action taken

Appendix 3 – Disposal Codes

Allegation Disposal - On Duty

- ON1 Withdrawn by complainer
- ON2 Abandoned due to non co-operation of complainer
- ON3 Unsubstantiated by available evidence
- ON4 Resolved by explanation to complainer
- ON5 Leading to No Proceedings by Procurator Fiscal
- ON6 Leading to criminal proceedings
- ON7 Leading to criminal conviction
- ON8 Resulting in advice
- ON9 Resulting in misconduct procedures

Staff Disposal

- S1 Unsubstantiated
- S2 Staff member to be re-skilled
- S3 Resulting in advice/counselling
- S4 Reversion to Efficiency Regulations
- S5 Resulting in misconduct procedures
- S6 Leading to criminal proceedings
- S7 Staff member no longer employed
- S8 Staff member re-skilled

Allegation Disposal - Off Duty

- OF1 Noted no action
- OF2 Withdrawn by complainer
- OF3 Abandoned due to non co-operation of complainer
- OF4 Unsubstantiated by available evidence
- OF5 Resolved by explanation to complainer
- OF6 Leading to no proceedings by Procurator Fiscal
- OF7 Leading to criminal proceedings
- OF8 Leading to criminal conviction
- OF9 Resulting in advice
- OF10 Resulting in misconduct procedures

Quality of Service Disposal

- Q1 Noted no action
- Q2 Withdrawn by complainer
- Q3 Abandoned due to non co-operation of complainer
- Q4 Resolved by explanation to complainer
- Q5 Change to policy/process
- Q6 Training needs identified

FIFE CONSTABULARY

MEMORANDUM

Date: 14th October, 2010

To:

Chief Inspector [REDACTED]
[REDACTED]

From:

Supt. [REDACTED]
[REDACTED]

discussed

CAP [REDACTED]

I have read and reviewed the CAP file submitted by Inspector [REDACTED] and would concur with his findings.

From the evidence presented I have concerns regarding the poor communication skills demonstrated throughout this incident by PC Paton, allied to his clear lack of understanding of cultural issues in dealing with muslim women and a basic respect for diversity related matters in terms of the provision of an interpreter.

Accordingly, I require that he be provided with corrective advice in this regard and that the matter be recorded on his PDR.

Please provide intimation to HQ Professional Standards when this has been completed.

COPY



Your Ref:

Our Ref:



Date: 11th October 2010

Dear [Redacted]

Complaint Against the Police – Irregularity in procedure

I refer to the above and to your statement of complaint, provided to Inspector [Redacted] on 22nd September 2010, during which time you complained about the behaviour of police officers, who attended at your home address on Monday 20th September, and the interaction that they had with both you and [Redacted] on that date.

I understand that there are 2 distinct parts to your complaint:

- (1) One of the officers, PC Paton, refused to speak to you, a fluent English speaker, on the phone, when [Redacted] struggled with English, and didn't fully understand what was going on.
- (2) That [Redacted] informed the officers that she didn't understand, but PC Paton persisted in his course of action and entered the house.

I instructed Insp [Redacted] to investigate this matter and am now in a position to respond to your concerns, and will address each matter in turn:

- (1) I am aware that officers attended at your home address on several occasions between 8th September and 19th September, to trace [Redacted] who was subject of an outstanding arrest warrant.

PC Paton was aware that officers had attended at your home address previously, without tracing [Redacted]

PC Paton accepts that on 20th September 2010, when attending at your home address, he did not speak to you on the phone, and acknowledges that had he done so, the matter could have been quickly explained and resolved, for the benefit of all parties. It is clear that he has failed to understand that it is our responsibility, as police officers, to fully explain legal procedures to those involved, in a manner and language of their understanding, as specified in the Fife Constabulary Race Relations Policy and our Interpreting Standard Operating Procedure.



I believe that there was nothing to exclude your involvement in this case, and indeed it may have ensured a more speedy resolution had PC Paton allowed you to do so.

I therefore find this allegation substantiated.



NOT PROTECTIVELY MARKED

(2) It is the evidence of both officers present and that of [REDACTED] that she provided consent for PC Paton to enter the house. I find however, that, as she was unable to fully understand what was being said in the first place, then she was clearly unable to provide full consent to the actions that followed thereafter. It further appears that [REDACTED] has been anxious by the actions of the police officers, by virtue of not fully understanding the actions that were being undertaken. This may have been minimised had PC Paton explained to you the powers granted to enter and search the premises [REDACTED] as authorised by the warrant.

I therefore find this allegation substantiated.

I would ask that you note that by virtue of Section 135, Criminal Procedure (Scotland) Act 1995, an arrest warrant implies authority, where it is necessary for its execution, to break open all shut and lockfast places. Entry into any house or building, therefore, may be effected by any constable in order to enforce the provisions of a warrant. If admittance is refused, doors may be broken open, but this should only be done as a last resort and only when actually in possession of the warrant. Before forcing his way into the building, the constable must reveal his identity and the nature of his business. On the occupier failing to admit him, he can then force an entry and he is answerable for the consequences of so breaking in, even although the accused person is not, and never has been, within the premises.

In line with your discussion with Insp [REDACTED] PC Paton shall be subject to corrective advice, to ensure learning points are highlighted and that there is no repetition of this breakdown. Fife Constabulary is rightfully proud of the links that have been built with its communities and there remains a clear onus on officers of Fife Constabulary to maintain these links, through meaningful communication.

I am sorry that you have been let down on this occasion, through lack of dialogue and apologise for any upset caused to you as a result.

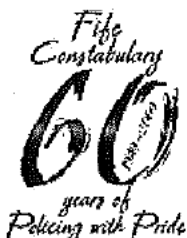
Finally, I would take this opportunity to thank you for taking the time to express your concerns and would wish to assure you that Fife Constabulary is committed to achieving and maintaining the highest possible standards of service delivery to the community.

Yours Sincerely

[REDACTED]
Chief Inspector

'If you are not satisfied with the way your complaint has been handled I would be grateful if in the first instance you could write to, [REDACTED] You should provide the reason you remain dissatisfied. Your complaint will be reviewed and you will receive a response indicating the findings.'

If following this review, you are not satisfied with the way your complaint has been handled, you may write to the Police Complaints Commissioner for Scotland (PCCS), 2nd Floor Hamilton House, Hamilton Business Park, Caird Park, Hamilton, ML3 0QA.'



NOT PROTECTIVELY MARKED



FIFE CONSTABULARY

POLICE REPORT

Date: 5th October 2010

To: Ch Insp [REDACTED]

From: Insp [REDACTED]

Complaint About the Police

Allegation: Irregularity in procedure x 2

Ref: [REDACTED]

1 Allegation/Nature of Complaint

On Monday 20th September 2010, PC's Paton and [REDACTED] attended at the complainers home address to execute an apprehension warrant [REDACTED]. The complainer was at work and witness [REDACTED] answered the door. PC Paton explained the reason for their attendance, and asked if [REDACTED] was within. Witness [REDACTED] immediately phoned the complainer and informed him. The complainer states that he asked to speak to the officers, but that PC Paton continually refused to do so, despite witness [REDACTED] stating that she did not understand. He further states that the officers persisted in their actions, causing her to eventually grant them entry.

His complaint is :

(1) Irregularity in procedure - PC Paton didn't speak to him, as a fluent English speaker, on the phone, when [REDACTED] struggles with English, and there are things she doesn't understand.

(2) Irregularity in procedure - That witness [REDACTED] informed the officers that she didn't understand, but that PC Paton persisted in the course of action, and entered the house.

2 Details of Complainer

[REDACTED] @ Pakistan. [REDACTED]
[REDACTED]

3 Details and Description of Officer Against Whom Complaint is Made

PC 694 Alan PATON, T2 [REDACTED]

4 Summary

Fife Constabulary Race Relations Policy states " We will ensure that any person becoming involved in the Criminal Justice system is able to understand fully all procedures which are relevant to them."

[REDACTED]

On Monday 20th September 2010, PC'S Paton and [REDACTED] attended at the complainers address, in relation to the warrant checks. Witness [REDACTED], who speaks fluent Urdu and broken English, answered the door, and the officers explained the reason for their attendance. She immediately contacted the complainer by phone, and told him that the police were back at the door. The complainer asked to speak to the officers on the phone,

and heard PC Paton refuse to speak to him. This continued for several minutes, with PC Paton continuing to refuse to speak to the complainer, but wishing access to the premises [REDACTED]. Eventually [REDACTED] granted the officers access, and they entered, checked the premises and left.

The complainer thereafter contacted Insp [REDACTED] to complain, as he believed that PC Paton should have spoken to him on the phone, as [REDACTED] didn't fully understand what was going on. Insp [REDACTED] noted his statement and made arrangements to note Witness [REDACTED] statement via an Urdu interpreter.

Both witnesses wished the matter to be resolved with the matter being raised with PC Paton and learning points discussed.

5 **Medical Evidence**

N/A

.6 **CCTV Footage**

N/A

7 **Analysis of Evidence**

Witness [REDACTED] speaks to being [REDACTED] speaking poor English, with Urdu being her first language. The police attending at the [REDACTED] house on several occasions [REDACTED]. On Monday 20th September 2010, working at [REDACTED] when [REDACTED] called stating that the police were at the door. Trying to speak with the attending officer, PC Paton, and hearing the officer refuse to speak to him. Hearing the officer persuade [REDACTED] to let them search [REDACTED]. Making a complaint to Insp [REDACTED] Wishing identified learning points to be discussed with PC Paton.

Witness [REDACTED] speaks to [REDACTED] Her first language being Urdu, and understanding some English. The police attending at the family house on several occasions [REDACTED]. On Monday 20th September 2010, being at home when the police came to the door. Phoning [REDACTED] to speak to PC Paton and the officer refusing to speak to him. Being persuaded to let the officers search [REDACTED]. Providing a statement to Insp [REDACTED] Wishing identified learning points to be discussed with PC Paton.

PC [REDACTED] speaks to being aware of an apprehension warrant for [REDACTED]. Attending at [REDACTED] on 8th September 2010, and speaking to [REDACTED]. On Monday 20th September 2010 attending at the address with PC Paton. The door being opened by witness [REDACTED]. PC Paton explaining the reason for being there and her trying to get PC Paton to speak to [REDACTED] on the phone, which was refused by PC Paton. Being allowed access and searching [REDACTED]

PC Paton speaks to being aware of an apprehension warrant for [REDACTED]. Attending at [REDACTED] on 19th September 2010, and speaking to [REDACTED]. On Monday 20th September 2010 attending at the address with PC [REDACTED]. The door being opened by witness [REDACTED]. Explaining the reason for being there and her trying to get him to speak to [REDACTED] on the phone, and refusing to do so, believing it served no purpose. Being allowed access and searching [REDACTED]

Insp [REDACTED] speaks to noting a statement from the complainer and arranging to note a statement from witness [REDACTED] via an interpreter. Requiring operational statements from PC's Paton and [REDACTED]. Being of the opinion that there is no justification for PC Paton refusing to speak to the complainer, and finding the complaints to be substantiated. Recommending PC Paton receive corrective advice.

Conclusion/Recommendation

Complaint 1 - Irregularity in Procedure - PC Paton didn't speak to him, as a fluent English speaker, on the phone, when his wife struggles with English, and there are things she doesn't understand.

PC Paton was aware that officers had attended at the home address of the complainer on several occasions to execute an apprehension warrant for [REDACTED] and that police attendance would be of no surprise to him.

PC Paton accepts that he did not speak to the complainer on the phone, but is unable to provide a reasonable basis for failing to do so. Had he done so, the matter could have been quickly explained and resolved, ensuring there were no grounds for a complaint on the part of the complainer. PC Paton has failed to understand that it is the responsibility of the police to fully explain legal procedures to those involved in a manner and language of their understanding, as specified in the Fife Constabulary Race Relations Policy and the Interpreting SOP. [REDACTED]

I therefore find this complaint substantiated.

Complaint 2 - Irregularity in Procedure - That witness [REDACTED] informed the officers that she didn't understand, but that PC Paton persisted in the course of action, and entered the house.

It is clear that had PC Paton believed that [REDACTED] was within then he would be entitled to enter the premises. By virtue of Section 135, Criminal Procedure (Scotland) Act 1995, an arrest warrant implies authority, where it is necessary for its execution, to break open all shut and lockfast places. Entry into any house or building, therefore, may be effected by any constable in order to enforce the provisions of a warrant. If admittance is refused, doors may be broken open, but this should only be done as a last resort and only when actually in possession of the warrant. Before forcing his way into the building, the constable must reveal his identity and the nature of his business. On the occupier failing to admit him, he can then force an entry and he is not answerable for the consequences of so breaking in, even although the accused person is not, and never has been, within the premises.

There is nothing to indicate that the officers believed [REDACTED] was within the premises. It is the evidence of PC Paton, PC [REDACTED] and [REDACTED] that she **did** provide consent for PC Paton to enter the house. It must follow however, that as she was unable to understand what was being said, she was unable to provide full consent to actions that followed thereafter.

I therefore find this complaint substantiated.

The complainer in this case wished that learning points be raised and discussed with PC Paton.

Under the circumstances I would agree and recommend that PC Paton receive corrective advice, in relation to this complaint, at a local level.

List of Witnesses

[REDACTED] @ Pakistan, [REDACTED]
[REDACTED] Pakistan [REDACTED]

Police Witnesses

PC 694 Alan PATON, T2 Community Policing Division [REDACTED]
PC [REDACTED]
Insp [REDACTED]