

COMPLAINT ABOUT THE POLICE



Complaint Reference Number:

[Redacted]

Complainer(s) Full Name:

[Redacted]

Section 1 – Complainer

Time, Date & Place Complaint Received

Complainer(s) Full Name(s) Age D.O.B.

Gender Self Class Ethnicity (as per guidelines)

Address (include postcode)

Tel. No. Home:

Business:

Mobile:

E mail Address

Statement Taken Y/N Y

How Received: Personally Letter Telephone Fax E-mail

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

Date Complaint Commenced

Name of I.O.

Date I.O. Appointed

Date to APF - Initial

- Full

PDR Updated Y/N

Section 2 – Officer/Police Staff/Special Constable

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

| | Rank | No. | Name | Age | DOB | Service | DOA | Div | Station/Team |
|---|------|-----|------------|-----|------------|---------|-----------|-----|--------------|
| 1 | PC | 694 | Alan Paton | 45 | ███/███/63 | 7 | 13.9.2001 | C | ██████████ |
| 2 | | | | | | | | | |
| 3 | | | | | | | | | |
| 4 | | | | | | | | | |
| 5 | | | | | | | | | |
| 6 | | | | | | | | | |

Section 3 – On Duty Complaint

Time and Date of Incident
 Locus of Incident

- | | | | |
|-------------------|--------------------------|-----------------------------|-------------------------------------|
| 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 type="checkbox"/> |
| Detention Room | <input type="checkbox"/> | Street/Road/Public Place | <input checked="" type="checkbox"/> |
| Interview Room | <input type="checkbox"/> | Other Location | <input type="checkbox"/> |

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

- | | | | |
|--------------------------------|-------------------------------------|--|--------------------------|
| 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 checked="" 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 type="checkbox"/> | 11 Other – Criminal | <input type="checkbox"/> |
| 6 Traffic Irregularity/Offence | <input type="checkbox"/> | 12 Other – Non Criminal | <input type="checkbox"/> |

Brief Description of Complaint –

Section 4 – Off Duty Complaint (Attach Police Report)

Time and Date of Incident
 Locus of Incident
 Police Report Ref. No.

Nature 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"/> |

Brief Description of Complaint –

[Redacted]

Section 5 – Quality of Service

Time and Date of Incident [Redacted]
Locus of Incident [Redacted]
Divisional Ref. No. [Redacted]

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

1 Policy/Procedure 3 Service Outcome
2 Service Delivery

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

[Redacted]

Section 6 – Enquiry Officer's Action

Complaint Received By: [Redacted] Rank/No. [Redacted] Div: [Redacted]

Photocopy of Notebook (including inside front cover) attached Y/N

List of Associated Documents

[Redacted]

Time Spent on resolution [Redacted] hrs

Section 7 – Divisional/Departmental Determination

a) Minor complaint: Resolved Unsubstantiated Corrective Advice Reg 5(3) warning
b) Resolved by Conciliation
c) Complaint: appropriate for DCC referral
d) Criminal Complaint
e) Complaint against a Special Constable in terms of Police (Special Constables) (Scotland) Regs.
f) Complaint against a member of Support staff appropriate for referral to Human Resources Dept.

Divisional Commander's Opinion

There is insufficient evidence to substantiate this allegation although I am of the opinion that a remark may have been made. Officer and colleague have been spoken to by me regarding expected standards of professionalism.

Divisional/Departmental Officer: [Redacted] *CM 5017*

Signature [Redacted] *Ch 5017* Date: *29/5/09*

Section 8 – Divisional Commander's Action

Minor Complaint Resolved
Disposal: Noted – No Action Resulting in Advice

Minor Complaint – Reg 5(2) Divisional Warning Complaint – DCC Referral
 Previous Complaint History Y/N
 Divisional Commander Date

Section 9 – Action at Headquarters

Minor Complaint: **Resolved** / Unsubstantiated – no further action Regulation 5(3) warning
 Serious complaint: Non-criminal complaint – further investigation Criminal Complaint - APF
 Investigating Officer:
 Deputy Chief Constable Signature Date:

Section 10 – Submission of Report (Non-criminal complaint)

Enquiry is now complete. The file, report and relevant statements are returned herewith for consideration by the Deputy Chief Constable. (Nominated Officer in relation to Support Staff Disciplinary reports).

Investigating Officer: Date:

Section 10a – Further Action

Misconduct Hearing: Regulation 6(6) Warning: Counselling No Action
 DCC/Nominated Officer Signature: Date:

Section 11 – Submission of Report (Criminal complaint)

Criminal Complaint Report submitted to Area Procurator Fiscal:
 Reporting Officer: Date:

Section 11a – Criminal Complaint: Area Procurator Fiscal's Decision

Criminal Proceedings: No Criminal Proceedings: Misconduct Issues (see section 10): No Action

Section 12 – Final Disposal

Allegation No. 1

Allegation Disposal

Withdrawn by complainer
 Abandoned due to non co-operation of complainer
 Unsubstantiated by available evidence
 Resolved by explanation to complainer
 Leading to No Proceedings by Procurator Fiscal
 Leading to criminal proceedings
 Leading to criminal conviction
 Resulting in advice
 Resulting in misconduct procedures

Staff Disposal

Unsubstantiated
 Staff member to be re-skilled
 Resulting in advice
 Reversion to Efficiency Regulations
 Resulting in misconduct procedures
 Leading to criminal proceedings
 Staff member no longer employed

Allegation No. 2

Allegation Disposal

Withdrawn by complainer
 Abandoned due to non co-operation of complainer
 Unsubstantiated by available evidence
 Resolved by explanation to complainer
 Leading to No Proceedings by Procurator Fiscal

Staff Disposal

Unsubstantiated
 Staff member to be re-skilled
 Resulting in advice
 Reversion to Efficiency Regulations
 Resulting in misconduct procedures

Leading to criminal proceedings

Leading to criminal conviction

Resulting in advice

Resulting in misconduct procedures

Leading to criminal proceedings

Staff member no longer employed

Allegation No. 3
Allegation Disposal

Withdrawn by complainer

Abandoned due to non co-operation of complainer

Unsubstantiated by available evidence

Resolved by explanation to complainer

Leading to No Proceedings by Procurator Fiscal

Leading to criminal proceedings

Leading to criminal conviction

Resulting in advice

Resulting in misconduct procedures

Staff Disposal

Unsubstantiated

Staff member to be re-skilled

Resulting in advice

Reversion to Efficiency Regulations

Resulting in misconduct procedures

Leading to criminal proceedings

Staff member no longer employed

Section 13 – Notification To (Complainers)

Final letter sent to complainer(s) on:

File completed on:

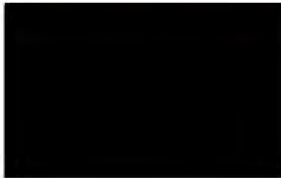
Head of Department signature:

FIFE CONSTABULARY
 PROFESSIONAL STANDARDS
 03 JUN 2009
 SUPERINTENDENT

RECORD OF ACTIONS TAKEN THROUGHOUT INVESTIGATION.

| ACTION NO | DATE | ACTION | STAFF MEMBER |
|------------------|-------------|--|---------------------|
| 1 | 28.3.09 | Complaint received, arrangements made to meet with complainer 29.3.09 | [REDACTED] INSP |
| 2 | 29.3.09 | Statement noted from complainer | [REDACTED] Insp |
| 3 | 31.3.09 | PC Paton/ PC [REDACTED] interviewed in presence of Insp [REDACTED] both denied allegations. Operational statements requested to cover their recollections of conversation with complainer. Statement received for PC Paton, lacked detail required, instructed to resubmit. | [REDACTED] Insp |
| 4 | 31.3.09 | Statement noted from [REDACTED] | [REDACTED] Insp |
| 5 | 1.4.09 | Revised statement received from PC Paton. Statement received from PC [REDACTED] | [REDACTED] Insp |
| 6 | 15.4.09 | Complainer re contacted advised of outcome of complaint. | [REDACTED] Insp |
| 7 | 15.4.09 | CAP papers submitted to CI [REDACTED] | [REDACTED] Insp |
| 8 | 6.5.09 | <i>CAP Paton received for amendment</i> | [REDACTED] |
| 9 | 7.5.09 | <i>Papers submitted to CI [REDACTED]</i> | [REDACTED] Insp |
| 10 | 8.5.09 | <i>Papers received from CI [REDACTED]</i> | [REDACTED] Ch Supt |
| 11 | 11.5.09 | <i>Letter to complainer</i> | [REDACTED] Ch Supt |

NOT PROTECTIVELY MARKED



Central Division Headquarters,

COPY

Email:



QPM
Chief Constable

Your Ref:

Our Ref:



Date: 10th May, 2009

Complaint Against the Police - Incivility

Dear [Redacted]

I refer to the above and to your recent meeting with Inspector [Redacted] when you raised concerns regarding the manner in which one of my officers spoke to you on Saturday 28th March.

Inspector [Redacted] has investigated the matter fully and his findings have been delivered to me. I understand that on behalf of Fife Constabulary, he has offered you an apology for the manner in which you were treated and you are satisfied with this course of action. I will address the issue personally with the officer concerned.

I would like to take this opportunity for thanking you for bringing this matter to my attention, I can assure you this is not the standard that I expect from my officers and add my own apologies for the poor service that you have experienced.

Yours Sincerely



Chief Superintendent



NOT PROTECTIVELY MARKED



[REDACTED]

FIFE CONSTABULARY

MEMORANDUM

Date: 15th April 2009

To:

Chief Superintendent [REDACTED]

From:

Inspector [REDACTED]

Complaint Against the Police – Incivility

Complainer

[REDACTED]

Nature of Complaint

About 1530 hours on Saturday 28th March, 2009 PC Paton whilst carrying out enquiry [REDACTED] made inappropriate and offensive comments regarding [REDACTED] namely that he would learn his lesson whilst in jail if he became someone's 'wife'.

Background Information

[REDACTED]

[REDACTED] Enquiries were then tasked to Team 2 [REDACTED] to progress. The enquiry was allocated to PC Alan Paton on the 28th March 2009.

Summary Of Circumstances

During the afternoon of Saturday 28th March 2009 complainer was within her home at [REDACTED]

About 1530 hours, same date, [REDACTED] left [REDACTED] and entered her motor car which was parked nearby. Complainer remained within her garden and the two women continued conversing as [REDACTED] was parked outside complainers front gate. As they did so they observed PC's Alan Paton and [REDACTED] making their way towards them. Witness [REDACTED] made some comment about [REDACTED] which was confirmed by PC Paton. PC Paton engaged complainer and [REDACTED] in conversation, during this PC Paton was advised that [REDACTED]

PC Paton was heard by both complainer and witness [REDACTED] to comment

"He'll maybe learn his lesson"

and

"Never mind if he's made into somebody's wife, he'll maybe learn his lesson"

Complainer replied that [REDACTED] was not that way inclined to which PC Paton replied in a similar vein and made some comment with regards to [REDACTED] not being so keen to go [REDACTED] to jail.

Complainer did not challenge PC Paton any further and returned to her home where she advised [REDACTED] of the conversation. Witness [REDACTED] left the area and later telephoned [REDACTED] to confirm the context of PC Paton's statement.

Later same date, [REDACTED] attended at [REDACTED] Police Station and spoke with PS [REDACTED] with regards to the comments made by PC Paton, arrangements were made for me to contact the complainer the following day.

On Sunday 29th March 2009 I attended at complainer's home and noted a statement from her, I found her to be a very reasonable individual who had been genuinely upset by the comments which were made during a light-hearted interaction with PC Paton and his colleague. She was clear that she was wishing the officer spoken to regarding his inappropriate remarks and this would suffice to resolve her complaint.

On Tuesday 31st March 2009 I made PC Paton aware of the complaint made against him in the presence of Inspector [REDACTED]. PC Paton denied the allegation completely and gave a narrative of a friendly conversation between complainer and himself. He was clear that no inappropriate language had been used but his attitude during interview was poor and he was dismissive of the complaint and somewhat petulant.

PC [REDACTED] was interviewed shortly afterwards, he intimated that he was present throughout the interaction with the complainer and had not heard any inappropriate comments being made.

Both PC Paton and [REDACTED] indicated their recollection was that witness [REDACTED] had left in her vehicle within a couple of minutes of their arrival and before any detailed questions had been asked of [REDACTED] whereabouts.

Officers were requested to submit operational statements which they did prior to the end of their shift, however PC Paton's statement lacked any significant detail and he had to be re-tasked to submit a comprehensive account of his conversation with the complainer.

About 2230 hours, same date, I contacted witness [REDACTED] at her home and noted a detailed statement from her. She recounted the events as narrated by complainer and although she was unable to remember the exact context of PC Paton's comment, she was clear that the inference was that [REDACTED] being the subject of sexual abuse whilst in jail may serve to teach him a lesson. Witness [REDACTED] was also clear this had had an immediate effect on complainer, her facial expression and tone changing immediately.

Observations

The narrative of events provided by complainer and witness [REDACTED] is clearly at odds with that of both officers. I found both the complainer and [REDACTED] to be honest, genuine individuals with no apparent agenda against the police. Complainer is not seeking any punitive action taken and my belief is PC Paton has either made the comment as described or been grossly misunderstood. Whatever the comment made, the effect on the complainer was significant and she was clearly upset and disappointed in the lack of professionalism she believes PC Paton displayed.

Recommendation

Whilst there is a clear disparity between the complainers accounts and that of PC Paton and [REDACTED], the complainer and [REDACTED] have in my opinion provide the more credible narrative of events. In the circumstances I recommend that PC Paton be given corrective advice regarding his comments.

Complainer was recontacted by me on 15th April 2009 and advised of the outcome of my investigation and offered an apology. She accepted this and considers her complaint to have been resolved to her satisfaction.

SW,

Whilst there is a disparity in the accounts given by the complainers and the police, I would agree that PC Paton has left the complainer with a poor view of the police and corrective advice would be appropriate.

[REDACTED]

ck
26/5/09.

PC^s Paton & [REDACTED] seen by me
and advice given

