



**Request for complaint handling review of a complaint about**

**Grampian Police**

**under the provisions of  
the Police, Public Order and Criminal Justice (Scotland) Act 2006**

**July 2008**

Case reference: PCCS/0807/00055/PF-GP

# **CONTENTS**

## **Introduction**

- 1. Request for review**
- 2. Power to conduct a complaint handling review**
- 3. Background**
- 4. Force internal handling**
- 5. PCCS review**
- 6. Consideration**
- 7. Conclusion**

## **Introduction**

The role of the Police Complaints Commissioner for Scotland was established by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (“the Act”) to consider and review the way police authorities, police forces and policing agencies handle complaints from the public. I was appointed by the Scottish Ministers as the first Police Complaints Commissioner for Scotland, taking up my powers from 1 April 2007. My office provides a free and independent service, reviewing the handling of complaints fairly, looking at both sides of what has happened and looking at the facts.

I aim to review complaints in an independent, open and fair manner. In line with this aim I will publish the reports of my complaint handling reviews, whilst bearing in mind individuals’ rights to confidentiality. The following report therefore details my consideration, but does not include individual names of complainers, police officers or others affected by the events detailed therein.

## 1. Request for review

The complainer has requested that I review the handling of her complaints about Grampian Police. The concerns raised by the complainer originate from contact she has had with the force following investigations conducted into a series of incidents from 1997. I refer to the complainer's dependant as X throughout this report. X is a vulnerable person with significant learning difficulties.

There are nine grounds of complaint confirmed with the complainer:

**Complaint 1** - That the charge against Relative A in 1997 was not proceeded with by police;

**Complaint 2** - That an allegation of fraud regarding Relative B's Will did not result in any action or recovery of assets;

**Complaint 3** - That in May 2000 the complainer reported allegations of domestic abuse to Constable D who failed to instigate proper enquiry or provide further information;

**Complaint 4** - That in August 2000 the complainer reported allegations to Detective Constable E that X had been the victim of abuse and proper enquiry was not instigated;

**Complaint 5** - That Detective Constable E instigated action to have medical authorities 'section' the complainer under Mental Health legislation because of the allegations she had brought forward on behalf of X;

**Complaint 6** - That Detective Sergeant F failed to carry out proper enquiry into allegations of sexual abuse of X;

**Complaint 7** - That a female officer accompanying Detective Sergeant F when he visited the complainer's home made an inappropriate comment that the complainer believes demonstrated sympathy towards Relative C;

**Complaint 8** - That an apology was apparently made to Relative A after he had been interviewed by police in connection with the alleged abuse of X; and

**Complaint 9** - That in March 2005 Mr G, a member of Grampian Police Support Staff, made offensive comments at a Criminal Injuries Compensation Hearing.

In addition I note that there are three areas of concern that the complainer referred to in her statement of complaint to the force which were not raised in the form of complaints about the police. These concerns are listed as follows:

**10** - That the sudden death of Relative B in 1997 was connected with him allegedly witnessing Relative C abusing X;

**11** - That the complainer is concerned about the extent of the enquiry carried out in 2000 into the allegation that Relative C abused X, specifically whether any DNA evidence was obtained; and

**12** - That the complainer does not know what was done with two psychologist reports provided to the force by her.

Finally, there are two further grounds of complaint considered and addressed by the force:

**Complaint A** - That Detective Constable H said to a third party that the complainer had shouted at her. The complainer is unhappy that Detective Constable H said this.

**Complaint B** - That in 2000 officers failed to follow up the complainer's allegations of domestic abuse by Relative C.

For the sake of completeness and to allow the complainer to be content in the knowledge that all areas of complaint and concern brought to me have been considered I have reviewed all of the above.

Although the complainer asked that I review her complaints, I note that HMIC has previously reviewed the force's enquiries into concerns raised by the complainer in 2005. I have not reviewed enquiries conducted by the force before HMIC's involvement.

## **2. Power to conduct a complaint handling review**

Section 35 of the Act provides me with the authority to examine the manner in which an appropriate authority has handled a complaint about a police officer, member of police staff or the service provided by a relevant authority.

In order to carry out such a complaint handling review I request the complaint case papers from the force in question. I examine the facts of the complaint case, looking at information provided to me by both the complainer and the police force. I consider whether the information available does, or does not, support the complaint, and whether or not the force has responded to the complaint in a reasonable manner. I also consider whether the force communicated with the complainer in a reasonable manner, including whether the police force handled the complaint within a reasonable timescale. I then come to a view whether the conclusions drawn by the force in handling the complaint were reasonable in all the circumstances.

Once I have reached my conclusions I prepare a report which details the findings of my case handling review. This is then forwarded the relevant authority in accordance with section 35(3) of the Act. The complainer will be advised of the conclusions of this review and of what action, if any, I propose to take in consequence of those conclusions. Where the complaint is in respect of an act or

omission by an individual police officer that person will also be informed of the conclusions of this review.

## **2.1 Relevant complaint**

Section 34 of the Act provides that I may review the handling of a complaint where the complaint is “a relevant complaint”, defined as

*(1) ... a complaint which is given or sent ... to the appropriate authority in relation to the complaint.*

*(2) .... “complaint” means a written statement expressing dissatisfaction about an act or omission...*

*(3) But “complaint” does not include*

*(a) any statement made by a person serving with, or who has served with, the police, about the terms and conditions of that person's service with the police; or*

*(b) a statement which consists of or includes an allegation of an act or omission which constitutes a crime.*

The complainer has supplied a written statement expressing dissatisfaction about an act or omission by a force. The complaint is therefore a relevant complaint.

## **2.2 Relevant complainer**

The Act further provides that I may review the handling of a complaint where the complainer falls within one of the following categories (section 34(6)):

*(a) a member of the public who claims to be the person in relation to whom the act or omission took place;*

*(b) a member of the public not falling within paragraph (a) who claims to have been adversely affected by the act or omission;*

*(c) a member of the public who claims to have witnessed the act or omission;*

*(d) a person acting on behalf of a person falling within any of paragraphs (a) to (c)*

The complainer is a member of the public who claims to have been adversely affected by an act or omission by the police. The complainer is therefore a relevant complainer under the terms of section 34(6)(a)

### 3. Background

The complainer has raised a number of complaints and concerns about Grampian Police that relate to a series of events which have occurred since 1997. On 23 March 2006 the complainer provided a statement to Superintendent J which was used as a basis for the force's enquiry. A second statement was obtained on 11 July 2006. The sequence of events, as outlined by the complainer in her statements and in a subsequent telephone call with the force, is detailed in chronological order below.

Relative A was charged with an offence of Breach of the Peace in relation to an indecent act on 21 October 1997. The complainer asserts that when she became aware that Relative A had been charged, Relative A advised her that *"he'd got off with it because the Police had made some sort of error"*.

On 16 November 1997 Relative B was taken to a local hospital and pronounced dead after being discovered in his car which was partially alight, smoke filled and parked on a disused track. A sudden death report was submitted to the Procurator Fiscal who instructed a Post Mortem which established the cause of death as smoke inhalation.

In May or June 1999 the complainer contacted the Fraud Squad and spoke to Detective Constable K regarding concerns she had over the handling of Relative B's estate by solicitors. In May 2000 the complainer contacted the Fraud Squad again regarding this matter. On 21 July 2000 the complainer reported that she suspected her home had been broken into and documents relating to Relative B's bank account had been taken. During the later enquiry into her complaints, Superintendent J states that the complainer told him that she contacted the Fraud Squad again in 2004 because she remained concerned that there had been no resolution regarding this issue. From the information available it is evident that Detective Constable L and Detective Constable M visited the complainer at her home regarding her allegations of fraud. The complainer told Superintendent J that this meeting occurred in January 2004. However, Superintendent J states in the Subject Report that the officers believe that this meeting occurred in 2001 or 2002.

The complainer states that in April 2000, Relative C assaulted her during a domestic dispute about documentation relating to Relative B's Will. Shortly after, in May 2000, she and X moved out of the family home and into alternative accommodation. Whilst in this accommodation the complainer states that X disclosed to her that Relative C had previously touched her inappropriately. From the information available it is evident that the complainer attended at a local police office on 18 May 2000 and reported the allegations of sexual abuse to Constable D. The complainer also maintains that whilst at the police office, she also reported that Relative C had assaulted her. Constable D states that she referred the allegations of sexual abuse to what was then known as the Community Protection Investigation Unit (CPIU) the following day. The enquiry was allocated to Detective Constable H.

The complainer states that on 19 May 2000 she and X spent almost the whole day and the next day at the police office and that she provided a lengthy statement to

Detective Constable H. A statement was also noted from X who saw Detective Constable H in the presence of Ms N, an Appropriate Adult. X was medically examined on 20 May 2000 by Doctor P and the complainer states that she was advised that there were signs of sexual activity. Detective Constable H re-interviewed X on 24 May 2000 in the presence of Ms N. Relative C was traced, detained and interviewed on 12 June 2000 by Detective Constable H and Detective Sergeant (later Mr) G. Relative C denied the allegations and the circumstances were reported to the Procurator Fiscal. The complainer states that she was later advised by the Procurator Fiscal's Office in a phone call that although there was insufficient evidence to proceed with the case this did not reflect on the credibility of X.

The complainer stated that some time after her meeting with Constable D on 18 May 2000 she attended at a police office to report the incident of domestic abuse that had occurred in April 2000 again. The complainer states that she spoke to Constable Q. and that following the discussion with Constable Q two officers, one male and one female, attended the accommodation where she and X were staying. She states that she informed them that she wished to make a complaint of assault against Relative C.

Thereafter the complainer stated that she requested and received copies of correspondence from her doctor, including a document that stated Detective Constable H was unhappy that the complainer had shouted at her.

The complainer said that in August 2000 she asked X whether Relative A had also touched her inappropriately and that X revealed that she had been touched inappropriately by Relative A. The complainer states that she asked X if anyone else had touched her inappropriately and that X said yes and disclosed a list of names. The complainer says that she phoned her local police office and informed them of this and an appointment was made for her to attend the police office at the end of August. The complainer states that at this time she contacted a solicitor and informed them of the circumstances. At the police office the complainer met Detective Constable E, and Ms N. The complainer states that Detective Constable E placed her in a room and on leaving the room the officer nodded to Ms N. The complainer comments that she remembers wondering why the officer nodded. She states that she was with Detective Constable E for around 15-20 minutes during which time she provided her with a list of people that X had named as having had sexual contact with her and information regarding how the individuals were connected. The complainer states that Detective Constable E noted this information on a pad of paper but did not say what she would do with the information. The complainer states that following the meeting she returned to X and found her crying, which was unusual. The complainer states that Ms N could not explain why X was crying.

In contrast to the complainer's account Detective Constable E maintains in her statement that when the complainer arrived for the meeting on Friday 25 August 2000 she objected to the presence of Ms N, a Social Worker acting as an Appropriate Adult for X. The complainer states that she believed that Ms N had been incompetent during the previous enquiry into the sexual abuse of X conducted by Detective Constable H in May 2000. Detective Constable E states that she spoke

to the complainer alone in a separate room while Ms N remained with X. Detective Constable E states that following an initial conversation with the complainer, the complainer informed her that she would not continue if Ms N was involved, and accordingly a new appointment was arranged for a joint interview to be conducted with X and an alternative Appropriate Adult. Detective Constable E states that she informed Ms N of the situation, who then left the building on her instruction. She states that X was placed in a room alone with a TV throughout the duration of the complainer's interview which lasted for around two hours. Detective Constable E states that the complainer left the building with X on the understanding that they would return the following Monday to allow X to be interviewed.

The complainer states that, on leaving the police office, she noticed that X's pupils were dilated and so she asked X if Ms N had done anything to her. The complainer stated that X informed her that the Social Worker had put a needle in her leg. The complainer and X returned to the police office, reported what X had said to Detective Constable E and asked to see a police doctor. The complainer stated that she waited in the police office for two hours before Detective Constable E returned and informed her that a police doctor could not be found. The complainer stated that Detective Constable E advised her to see her GP. She asserted that her GP would not take a blood sample but did take a urine sample which came back as negative. The complainer stated that she had no further contact with Detective Constable E.

In contrast to the complainer's account, Detective Constable E maintained that when the complainer and X returned to the police office she put the complainer and X in a room whilst she spoke to her superior, Detective Inspector R. Detective Constable E stated that she spoke with the complainer in the presence of Detective Inspector R and agreed that, as it was too late in the day to arrange a Social Worker to conduct an interview, the complainer and X would attend the following day for X to be interviewed and medically examined. Detective Constable E stated that the complainer attended the following day, 26 August 2000. Dr P stated that she examined X with a magnifying glass and could find no evidence of X being injected. Detective Constable E states that the complainer instructed the doctor to take a blood sample from X and that the complainer became angry at the doctor's refusal to take blood from X, as she had become distressed. She maintained that the complainer then refused to allow X to be interviewed and left the police office, stating that the force was not carrying out an effective investigation. Detective Constable E stated that she managed to arrange an alternative appointment for the complainer the following Monday, 28 August 2000, but that the complainer did not attend this appointment. On 28 August 2000, concerned about the welfare of X, Detective Constable E and Detective Sergeant G (later Mr) visited the complainer's home, but she refused to answer the door.

Detective Constable E stated that she had concern for the well-being of the complainer and for the safety of X as a result of contact with the complainer. Detective Constable E states that having discussed her concerns with a Senior Social Worker she contacted the complainer's GP and former GP. She further stated that she was later advised by a Social Worker and the complainer's GP that the complainer had failed to keep any appointments and, as a result, consideration was being given to visiting the complainer at home with the intention of detaining her under the Mental Health (Scotland) Act 1984 (Mental Health Act). In September

2000 the complainer was detained under the Mental Health Act and X was placed in respite care. Detective Constable E stated that it was agreed that X should be allowed to build a rapport with her social worker and, should she make any disclosure herself, consideration would be given to carrying out an investigation but that it would be inappropriate to question X further at that time.

The complainer stated that she recalls that in 2001 she was unhappy that the previous disclosures made by X had not been progressed. The complainer believed that through her solicitor an arrangement was made to speak to the police regarding the matter. The complainer did not recall providing a statement at this time, but believed that she gave a list of names of people identified by X to Detective Sergeant F. Detective Sergeant F asserted in his statement, compiled on 21 April 2006 that following receipt of correspondence from the complainer's solicitor some time after 21 June 2001, he saw the complainer and X on 12 July 2001. He stated that X was interviewed in the presence of an Appropriate Adult and that she said that numerous people, including Relative A, had touched her inappropriately on her body. Detective Sergeant F stated that he also interviewed the complainer in the presence of Detective Constable S. Detective Sergeant F stated that when she visited the complainer on 16 July 2001 she identified the individuals named by X in her interview.

On 20 July 2001 Detective Sergeant F met the complainer to inform her that, with the exception of Relative A, there was no evidence to justify further enquiry in relation to the individuals named. He stated that, whilst she did not agree, he believed that she accepted his rationale not to.

Following enquiry Relative A was traced and interviewed on 9 January 2002, after which he was released without charge due to the absence of evidence.

Following the interview of Relative A, Detective Sergeant F attended at the complainer's home on 14 January 2002 with Detective Constable T to update her. The complainer states that Detective Sergeant F informed her that Relative A had been traced and interviewed and that he had denied the allegation and there was insufficient corroboration to charge him. The complainer stated that, having been informed by Detective Sergeant F that he had not interviewed the other individuals named by X because that he could find no connections between them, she then provided information identifying several connections. In her statement the complainer places this meeting in December 2002 or January 2003. A subject sheet sent to the Procurator Fiscal on 8 March 2002 provided information regarding the circumstances of the enquiry and the rationale not to interview the list of people previously named. Detective Sergeant F stated that he had no further contact with the complainer until May 2003.

The complainer stated that at some point during the following period, X made allegations about Person U, a former carer, and her family, stating that Person U and her family had acted in a sexually inappropriate manner. In March 2003 the complainer, through her solicitor, advised the force that the children of Person U had also been the subject of abuse by the numerous individuals previously reported by X. Detective Inspector V, Head of the CPIU, responded to the complainer's letter on 3 April 2003 noting the allegations. He advised that, although an enquiry would be

instigated into these allegations, it was not his intention to interview X or the complainer. Detective Sergeant F was appointed to enquire into this allegation.

In June 2002 the complainer engaged the assistance of Ms W, a solicitor from an organisation that represents and supports people with learning difficulties (support organisation). Ms W arranged for X to be interviewed by a psychologist as part of the process for preparing a Criminal Injuries Compensation Authority (CICA) claim. X had previously been examined by a psychologist at the request of the complainer. On 9 April 2003 Ms W forwarded a copy of two independently obtained psychologist reports to the force. On 15 May 2003 Detective Inspector V replied to this letter stating that he had read the two psychologist reports, reviewed the files relating to the initial investigations and discussed the case in depth with the previous enquiry officers.

The CICA wrote to Detective Inspector V on 12 September 2003 requesting information prior to the hearing. Detective Inspector V wrote back to the CICA on 24 September 2003 stating that X had been examined by Dr P who had found evidence of penetration of X's private parts. He stated:

*"The investigating officer at this time, and others who have conducted further enquiry since, were all of the opinion that [X] had been the victim of penetrative sexual abuse at some point in the past...Although further enquiries were carried out, there was never a sufficiency of corroborative evidence to make prosecution of any viable person...I have now reviewed [X's] case in some detail, and have spoken to officers concerned. The position, as far as I can determine it, is that there seems a sufficiency of evidence to accept, on the balance of probability, that [X] was sexually abused, and that this has included penetration of her private parts. Given that [X], because of her disabilities, has been closely supervised throughout her life, the perpetrator is most likely to have been someone close to her who had regular, unsupervised access."*

The complainer and X attended a CICA hearing in March 2005. Detective Constable H was expected to give evidence at this hearing. However, she could not attend due to sickness and Mr G, now a member of Grampian Police Support Staff, attended in her place.

#### **4. Force internal handling**

The complainer wrote to Grampian Police on three occasions in 2005 to raise complaints and concerns. I note that the force subsequently conducted enquiries into these matters, but that the complainer expressed dissatisfaction with the force response and wrote to HMIC. Following a review of the papers provided by Grampian Police, HMIC requested that the force formally record the complainer's concerns and conduct a full enquiry.

An Initial Report and Assessment was completed on 24 February 2006 by Chief Inspector BB, noting that Superintendent J would be the enquiry officer for these

complaints. A Complaint Against the Police (CAP) form was also completed at this time.

A file note was completed by Superintendent J on 1 March 2006 outlining what he believed to be the complainer's issues from three letters dated 28 January 2005, 21 March 2005 and 14 October 2005 which she had previously sent to the force.

A meeting was arranged with the complainer at her home on 23 March 2006 and a statement outlining her complaints and concerns was noted. It appears that the force based its enquiries on the matters raised in this statement, in which the complainer raised Complaints 1, 4, 5, 6, 7, 8, 9, A and B and Other Matters 10, 11 and 12. As the complainer and X had moved away from the Grampian area arrangements were made with the complainer's local police force for an officer to visit the complainer to give her the opportunity to check and sign her statement. On 11 July 2006 two officers met with the complainer who checked and signed the original statement. At this time the complainer raised Complaint 3 which was noted as a new statement. This statement was sent to Superintendent J on 17 July 2006.

The complainer forwarded further information regarding an historic fraud enquiry to Superintendent J on 10 October 2006. He responded to the complainer on 13 October 2006, stating that the information contained in her fax had not been touched on in her original statement and that he required further clarification regarding the matters she had outlined. The complainer then raised Complaint 2 in a telephone call with Superintendent J on 15 December 2006.

A Subject Report was completed by Superintendent J on 9 May 2007 and Deputy Chief Constable Y wrote to the complainer on 9 May 2007 with his conclusions.

### **Complaint 1 - That the charge against Relative A in 1997 was not proceeded with by police.**

This complaint was raised in the statement taken from the complainer by Superintendent J on 23 March 2006. The complainer stated that Relative A had told her that the charge against him had not been proceeded with due to a police error. Superintendent J noted that the complainer had suggested in previous correspondence, and in her statement, that the force had somehow been involved in the matter not going to court. Superintendent J stated that he believed that this matter is connected to the complainer's belief that the force and other agencies had failed to investigate or respond to her concerns. The complainer had previously raised this matter in a letter to the force dated 21 March 2005, in which she stated that Relative A said Relative C had a part to play in him not being charged. The complainer also stated that she believed that Mr G (previously Detective Sergeant G) had been involved in this case.

Superintendent J noted in the Subject Report that Relative A was reported on 21 October 1997 in relation to an alleged indecent act in his car and the crime was reported to the Procurator Fiscal on 18 December 1997 as a Breach of the Peace. Superintendent J asserted that Scottish Criminal Records Office (SCRO) and Court Records state that the case was called three times at court and that Relative A pled

guilty and was admonished by the Sheriff. As such Superintendent J stated that the complainer's perception that the police did not progress the matter was unfounded. Superintendent J also confirmed that Mr G did not feature anywhere in the case.

Deputy Chief Constable Y stated in the final letter to the complainer dated 9 May 2007:

*"While your witness statement of 27 March 2006 indicates you believe [Relative A] had avoided Court action as a result of a Police error, I understand earlier correspondence indicated a belief on your part that there may have been some form of collusion on the part of Grampian Police which resulted in the matter not coming to Court. As this is a matter involving a third party I cannot comment expansively. However it is a matter of public record that the case in question did in fact come to Court on three occasions during 1998 culminating in a plea of guilty. While the final disposal of the case by the Court is not a matter for Grampian Police, I am content, on the basis of the information presented to me, that this matter was handled properly and appropriately by Grampian Police."*

## **Complaint 2 - That an allegation of fraud regarding Relative B's Will did not result in any action or recovery of assets.**

The complainer raised this complaint in a telephone call with Superintendent J on 15 December 2006. In his note taken from this telephone call Superintendent J stated that the complainer believed that she has been defrauded by the solicitor who was dealing with Relative B's estate, and that there was some sort of conspiracy involving Relative C. He further stated that the complainer expressed concern with the outcome of the enquiries into her allegations of fraud, and that the complainer said that she had had contact with Detective Constable M and Detective Constable L in 2004 regarding the earlier fraud allegations made in 1999 and revisited in 2000. Superintendent J stated that the complainer believed that she showed them paperwork but neither officer appeared interested.

Superintendent J noted in the Subject Report that the initial enquiries regarding the complainer's allegations of fraud were handled by Detective Constable K (now deceased). He stated that the brief records that exist indicated that the matter was referred to the Law Society of Scotland as police were unable to establish a basis upon which to progress a criminal enquiry. He stated that the complainer contacted the Fraud Squad again in 2000 and the records that remain confirm that no evidence of a crime was revealed and matters were still with the Law Society of Scotland. He stated that whilst there was no direct verification, the evidence pointed to the complainer being advised of this course of action.

With regard to the complainer's dissatisfaction with Detective Constables L and M, Superintendent J stated that contact with the complainer was estimated to be in 2001 or 2002, and not 2004 as asserted by the complainer. Superintendent J asserted that Detective Constable L recalled visiting the complainer and was of the view that the issues raised by the complainer at the time related to a theft of documentation which had previously been reported to the police. Detective Constable L also asserted in his statement compiled on 10 January 2007 that the

complainer did not provide any new information regarding Relative B's Will that altered previous lines of enquiry and that he confirmed this position with his superior. He also stated that he and Detective Constable M subsequently updated the complainer.

In the course of the enquiry Superintendent J tasked Detective Inspector Z, Head of the Fraud Squad, with reviewing the paperwork supplied by the complainer to Superintendent J. Detective Inspector Z noted in his statement compiled on 22 January 2007 that he understood that the complainer was unhappy with the value of the assets she had received, but that she was not able to identify what assets remained unaccounted for nor did she have any information about any debt Relative A may have been in at the time of his death. He stated that if the complainer had alleged that the solicitor had released an asset and then appropriated it, a police investigation would have been appropriate.

Deputy Chief Constable Y confirmed in his final letter to the complainer dated 9 May 2007 that there was no evidence of criminality and as such the matter was referred to the Law Society of Scotland. He stated that from the remaining documents there was a letter from the original officer, Detective Constable K, to the Law Society of Scotland asking to be advised if they uncovered any criminality during their own enquiry. He stated that the records showed that no such information was received. He further stated:

*"The Officer in charge of the Force Fraud Squad has also examined the documentation you provided. Having considered the contents of the documents I am advised that they do not provide a basis for launching a criminal investigation. While I realise that this may be disappointing for you, the initiation of a criminal enquiry does require an evidential basis upon which to progress...I am afraid that the remit of the Police does not extend to investigating the ability of a Solicitor to wind up an estate competently or to research the estate of a deceased individual in case some asset has been missed...While I realise that this is a complex area and acknowledge your continuing dissatisfaction with the outcomes I am satisfied that Grampian Police liaised consistently with the Law Society regarding your concerns into the way you believe the estate of [Relative B] was handled."*

**Complaint A - That Detective Constable H said to a third party that the complainer had shouted at her. The complainer is unhappy that Detective Constable H said this.**

In her statement of complaint taken by Superintendent J on 23 March 2006 the complainer confirmed that she was not happy about a reference contained in a letter she received from her local health board and was displeased that Detective Constable H made this comment.

Superintendent J commented that it was possible that Detective Constable H may have mentioned the nature of her interaction with the complainer to other professionals. He stated that it was not possible to conclude whether this comment was made.

Deputy Chief Constable Y stated in his final letter to the complainer that:

*“With regard to your understanding that Constable [H] may have indicated to a third party that you may have shouted at her, I feel this is a matter for the third party to be accountable for if they have chosen to represent matters in this way. My understanding is that the third party you referred to is not part of Grampian Police and therefore I cannot comment further. However, if Constable [H] felt that you had communicated with her in a certain way then this would largely be a matter of her opinion and in the absence of any obvious indication of malice I would not view this as a matter to be pursued further. However it is regrettable if you perceived any comment directly or indirectly attributable to Constable [H] as being in any way discourteous.”*

**Complaint 3 - That in May 2000 the complainer reported allegations of domestic abuse to Constable D who failed to instigate proper enquiry or provide further information.**

In a statement taken by local police officers on 11 July 2006, the complainer stated that when she met with Constable D on 18 May 2000 regarding X's disclosure of sexual abuse she also informed Constable D that she had left Relative C because he had assaulted her in April 2000. She states that she felt that Constable D was not interested in her situation, took no details of the assault, even though she wanted it investigated, and that no action was taken that she knew of. She also stated that she felt let down by Constable D who was not supportive and did not liaise with her about Relative C or the domestic abuse. The complainer asserted that there was previous evidence of physical abuse by Relative C reported to the police.

Superintendent J noted that these concerns amounted to allegations of neglect of duty and proceeded on that basis. He noted in the Subject Report that Constable D recalls that the matter reported to her was one of sexual abuse rather than domestic abuse.

Deputy Chief Constable Y stated in his final letter to the complainer:

*“Constable [D] does recall speaking with you at [a police office] on 18 May 2000. Constable [D's] recollection of her discussions with you are that the issue you raised was the allegation of sexual abuse of [X] by [Relative C] and possibly [Relative A]. Our records indicate that Constable [D] reported the issues you raised the following day to the Child Protection Investigation Unit and resulted in Constable [H] ultimately investigating these allegations.”*

**Complaint B - That in 2000 officers failed to follow up the complainer's allegations of domestic abuse by Relative C.**

In her statement of complaint taken on 23 March 2006 the complainer said that, following her meeting with Constable D on 18 May 2000, she did not hear anything from Constable D regarding the allegation of domestic abuse that had occurred in

April 2000. The complainer stated that as such she contacted the police again to report the allegation of domestic abuse. The complainer asserted that she went to the police office and spoke to Constable Q who advised that she would send officers to meet the complainer. The complainer stated that a male and female officer attended and she advised them that she wished to make a complaint of assault against Relative C regarding the incident in April 2000. The complainer maintained that the officers were not very helpful, telling her that it was Relative C's word against hers and that she would end up getting nowhere. The complainer asserted that she was covered in bruises and had a broken finger but that the officers appeared disinterested and did not take any photographs. She stated that she believed that the officers took a statement from her but that she did not hear anything else about the matter.

Superintendent J noted in the Subject Report that from the records available there was some evidence to indicate that attempts were made to speak to the complainer regarding domestic abuse issues in April 2000. He asserted that there was a note in the force records stating that Constable Clark and a female officer visited the complainer in June 2000, but that this was to report an historical episode of domestic abuse involving a 'hoover', not the assault in April 2000. Superintendent J stated that this appeared to be the incident the complainer had referred to in her statement of complaint of 23 March 2006, which she said had been handled satisfactorily. Superintendent J asserted that further enquiry with Constable Q indicated that she did not recall meeting the complainer. In addition, Superintendent J noted that there were no CrimeFile entries in relation to any allegations of domestic abuse involving the complainer.

Superintendent J concluded that the available records were not consistent with the recollection of the complainer. He observed that due to the passage of time insufficient information remained. Superintendent J identified learning points for the force in relation to record keeping and confirmed that action had been taken to ensure a more rigorous audit trail was kept.

In the final letter to the complainer from Deputy Chief Constable Y dated 9 May 2007 he stated:

*"As far as the allegation against two unnamed Officers who you understand you spoke with regarding a then recent alleged assault on you by [Relative C] I can advise you that our records from that date do not enable us to be certain who those Officers might have been or on what date you might have been interviewed...In conclusion the available records and the accounts of the Officers spoken to...appear to differ from your own recollections. Consequently and also taken into account the time that has elapsed I am not in a position to provide you with a more conclusive response in this regard."*

Deputy Chief Constable Y also confirmed that the force had taken steps to improve its approach to domestic abuse complaints and stated that he was sorry that the complainer was left with a negative impression in relation to how the matters were handled by Grampian Police.

**Complaint 4 - That in August 2000 the complainer reported allegations to Detective Constable E that X had been the victim of abuse and proper enquiry was not instigated.**

In her statement taken on 23 March 2006 the complainer commented that no arrangements were made or discussed to bring back X for a medical examination or to re-interview her in relation to the new disclosures raised. The complainer also stated that Detective Constable E's conduct was not very good as she was uncivil and did not take the allegations she was bringing to her attention seriously.

Superintendent J stated in the Subject Report that information provided by Detective Constable E, which was supported by her reports and several witness statements, confirm that further arrangements were made to re-examine and re-interview X regarding issues raised on 25 August 2000. He commented that, from the evidence available, various steps were taken with a view to progressing enquiries in challenging circumstances.

Deputy Chief Constable Y stated in his final letter to the complainer dated 9 May 2007 that the evidence indicated that arrangements were made for the complainer and X to attend at their local police office early the following week. He stated that the purpose of this was to interview X in relation to the allegations of abuse raised with Detective Constable E on 25 August 2000. He advised that a different Appropriate Adult recalled being asked by the force to attend on Monday 28 August 2000 for the interview of X. Deputy Chief Constable Y stated that the information available to him indicated that the complainer did not attend for the appointment, that she was contacted at home, and that evidence indicated that she did not wish to engage with officers. Deputy Chief Constable Y concluded that, on the basis of the evidence, he was satisfied that following the complainer's two discussions with Detective Constable E on 25 August 2000 arrangements were made to have X interviewed in the presence of an Appropriate Adult in relation to issues raised at this time.

**Complaint 5 - That Detective Constable E instigated action to have medical authorities 'section' the complainer under Mental Health legislation because of the allegations she had brought forward on behalf of X.**

The complainer stated in her statement taken on 23 March 2006 that following her release from the local hospital she requested documents from her local Health Board which indicated that the female officer she dealt with at the local police office had phoned her GP expressing concern about her mental health. The complainer stated that in her view it was wrong for the officer to do this. She stated that she interpreted the document to read that she had been "sectioned" because she had reported allegations that X had made. The complainer also added that she did not understand why the original warrant relating to her being "sectioned" seemed to have disappeared.

In the Subject Report Superintendent J commented that Detective Constable E had passed on genuinely held concerns regarding the mental welfare of the complainer to the relevant authorities. Superintendent J noted that statements from non-police

witnesses outlined a shared concern for the complainer amongst the appropriate professionals. He also noted that the statements of the non-police witnesses highlight that the information provided by Detective Constable E was part of a wider picture and that by not passing on these concerns the force would be failing to exercise her duty of care of X. He concluded that Detective Constable E was obliged to bring these concerns to the appropriate professionals.

Deputy Chief Constable Y stated in the final letter to the complainer that in the course of the police carrying out sensitive enquiries they liaise and share information with other relevant public bodies. He stated that the evidence indicated that Detective Constable E provided information of the circumstances of X's case as she found them. He further stated:

*“Evidence from non Police witnesses confirms that while information from members of other agencies is taken into account it is ultimately a matter for mental health practitioners who may have access to other information combined with their professional knowledge to determine whether any grounds exist to apply for a Warrant to detain someone under what was then the Mental Health (Scotland) Act 1984. I am advised that it was the decision of a Mental Health Officer to obtain a Warrant and as this power is exercised by a separate agency I am unable to comment on the basis upon which they sought the Warrant. On the basis of the information available to me I am satisfied that Detective Constable [E] liaised in good faith with other relevant agencies, with her primary focus being [X's] well being.”*

### **Complaint 6 - That Detective Sergeant F failed to carry out proper enquiry into allegations of sexual abuse of X.**

The complainer asserted in her statement of complaint taken on 23 March 2006 that Detective Sergeant F did not pursue any proper enquiry into the individuals identified by X as having sexually abused her. The complainer stated that she informed Detective Sergeant F of the connections between the individuals X had named but that he did not appear interested.

Superintendent J stated that he had contemporary checks carried out on police systems regarding the individuals named by X and confirmed that at the time of Detective Sergeant F's check there was nothing present on the systems to support any of the complainer's suspicions.

Superintendent J concluded in the Subject Report that the force had a consistent and transparent rationale for not pursuing enquiries into the allegations made by X about a range of individuals, which was documented in reports to senior officers and to the Procurator Fiscal, who could have instructed further enquiries to be conducted.

In his final letter to the complainer dated 9 May 2007 Deputy Chief Constable Y stated:

*“As I am sure you can appreciate, dealing with such issues is often demanding and requires sometimes difficult judgements to be made on the basis of the information or evidence available combined with the professional judgement of those charged with dealing with the matters.*

*As you are aware Detective Sergeant [F] interviewed [X] in the presence of an Appropriate Adult. Both Detective Sergeant [F] and the Appropriate Adult had some reservations regarding the manner in which [X] disclosed a lengthy list of people who I understand you believe may have abused [X]. Further questions to help establish whether [X] understood what telling the truth meant did not result in a position where those present were comfortable with accuracy of the general allegations being made. I understand that Detective Sergeant [F] discussed these issues with you at the time.*

*I can advise that Detective Sergeant [F] carried out background checks on all the individuals concerned to establish if there was any other basis upon which to proceed. However, there was nothing found as a result of these checks which supported the position....Given all the circumstances, background, proximity and opportunity a professional judgement was made to trace and interview [Relative A] in relation to the issues raised by [X]. I can advise you that enquiries were initiated through Interpol and that [Relative A] subsequently attended at [a police office] where he was interviewed under caution. There was insufficient evidence to support any charges.*

*With regard to the other persons named the allegations were non-specific and with no further information or intelligence available to support the general allegations a judgement was made that there were no immediate grounds upon which a wider investigation could be launched.”*

**Complaint 7 - That a female officer accompanying Detective Sergeant F when he visited the complainer’s home made an inappropriate comment that the complainer believes demonstrated sympathy towards Relative C.**

In her statement taken on 23 March 2006 the complainer asserted that the female officer who had accompanied Detective Sergeant F when he visited her home stated “[Relative C] has lost his [dependent]” in the presence of X. The complainer maintained that it was inappropriate and improper for the female officer to make this comment as it implied sympathy for Relative C as the victim, and that this upset X.

In the course of his enquiries Superintendent J obtained a statement from Detective Constable T who confirmed that she attended at the complainer’s home with Detective Sergeant F on 14 January 2002 to update the complainer following an interview with Relative A regarding allegations that he had sexually abused X. She stated that she is certain that she would have contributed to the conversation however she did not recall making any comment about Relative C. She states that she did not know his name and would not have known it at the time.

Deputy Chief Constable Y stated in the final letter to the complainer dated 9 May 2007:

*“The Officer concerned does not recall any such comment. However, if a comment was inadvertently made which you perceived as being unhelpful then this would, of course, be regrettable.”*

**Complaint 8 - That an apology was apparently made to Relative A after he had been interviewed by police in connection with the alleged abuse of X.**

In her statement taken on 23 March 2006 the complainer stated that she became aware that after Relative A was interviewed in connection with the allegations made by X, the police apologised to him. She commented that if this was true she would not be happy as he was a suspect in a sexual abuse case.

Relative A was interviewed by Detective Sergeant F and Detective Constable T on 9 January 2002. Detective Sergeant F stated that it was possible that he expressed civil regret that Relative A had been inconvenienced by the process. He stated that it was equally possible that Relative A made up the claim to upset the complainer. Detective Constable T asserted in her statement that she did not recall any conversation between Detective Sergeant F and Relative A.

Deputy Chief Constable Y stated in his final letter to the complainer dated 9 May 2007:

*“The Officer does not recall any apology being given. However, it is possible, as a common courtesy, that some form of comment regarding any disruption the enquiry might have caused was offered. This would not be uncommon where matters do not proceed to a charge and I would like to assure you that this would not be intended to suggest any impartiality.”*

**Complaint 9 - That in March 2005 Mr G, a member of Grampian Police Support Staff, made offensive comments at a Criminal Injuries Compensation Hearing.**

The complainer asserted in her statement of complaint that:

*“[Mr G] said words to the effect that mentally handicapped people ‘fiddled with each other and fiddled with themselves’.”*

The complainer stated that she thought that this comment was inaccurate and rude. She further stated that she was concerned that the evidence provided by Mr G was contrary to that of Detective Inspector V and that this may have had an adverse impact upon X's future.

Superintendent J stated in the Subject Report:

*“The response of Mr [G] who contends that he provided an honest response to questioning firstly in offering a view that evidence of previous penetration did not necessarily mean that sexual abuse had occurred. Mr [G] is of the view that to illustrate this point he did speak to the possibility of children,*

*without reference to disability, possibly injuring themselves internally in a manner which might indicate previous penetration. He believes he went on to say signs of penetration could happen accidentally in the course of children playing with themselves.”*

Mr G, in his statement taken on 20 June 2006, stated that he was fairly confident that the words in the allegation, “mentally handicapped people fiddled with themselves”, were not words he would use at any time and certainly not in a legal process.

Aide Memoir notes were obtained from the panel members at the Criminal Injuries Compensation Authority Hearing by Superintendent J. Superintendent J stated that the Aide Memoire notes of the panel members corroborated Mr G’s broad account that there was a possibility that penetration may have been caused by something other than sexual abuse. He noted that there was no mention in the notes that the comments related to people with learning difficulties.

Superintendent J obtained a statement from Ms W, the representative from the support organisation who acted on X’s behalf at the CICA hearing. He stated that Ms W could not recall actual words but referred to Mr G saying something along the lines that X could have touched herself and that was not uncommon in places like a day care centre. Ms W stated that she was taken aback by the difference between what was said by Mr G and what she understood the police evidence would be.

Detective Inspector V’s letters to the CICA regarding X’s case were also traced by Superintendent J during the enquiry.

Superintendent J noted in the conclusion that Mr G’s last-minute attendance at the CICA Hearing in place of Detective Constable H was due to illness. He identified as a learning point for the force that whilst witnesses should always provide honest responses there was a responsibility to familiarise themselves with the circumstances of a case. He noted that this may not have been the position in this case. He also commented that whilst there was insufficient information to support a specific allegation in this case it was imperative that care be taken in considering responses in sensitive matters to ensure, wherever possible, that opportunities for others to misinterpret were not provided.

Deputy Chief Constable Y concluded in his final letter to the complainer dated 9 May 2007 that:

*“...it appears that some comment was made in relation to evidence of previous penetration not necessarily being caused by a third party but potentially by a person injuring themselves accidentally. However Mr [G] denies making specific comments as outlined in your statement...Having considered the evidence available I have to conclude that the balance of evidence does not firmly point towards Mr [G] having made a specific comment in the way you recall it. I am aware that this is an extremely sensitive matter and I am sorry if you feel that what was said resulted in you perceiving it in a way that caused you offence.”*

## **Other matters raised by the complainer**

As previously stated the complainer also raised a number of other concerns and questions in her statement. Although these matters were not raised as complaints about the police, Superintendent J conducted an enquiry into the issues. As such, for a sense of completeness, I have addressed these below.

### **10 - That the sudden death of Relative B in 1997 was connected with him allegedly witnessing Relative C abusing X.**

The complainer asserted in her statement taken on 23 March 2006 that the fact that Relative B was found dead in strange circumstances, coupled with the disclosure made by X, concerned her. She maintained that at some point she informed Detective Sergeant F of this. However, she does not know what action was taken in relation to this information. Superintendent J noted in the Subject Report that the complainer did not specifically allege that there was anything sinister in Relative B's death, but that she had concerns that the events were connected.

Superintendent J conducted a review of the remaining documents regarding Relative B's death. He stated, on the basis of the information available, he could find no connection between X's disclosure that Relative B was present on an occasion when Relative C abused her, and Relative B's death. He noted that there was no prospect of checking whether there was any basis for the complainer's allegation. Superintendent J also stated that there was no evidence from officers who had been involved with the complainer in the past that she raised concerns that the death of Relative B was connected with him allegedly witnessing Relative C abusing X. Superintendent J noted however that there was reference to this matter in a report submitted from Detective Constable E in August 2000, and an annotation on a document forwarded by the complainer to the force. Superintendent J highlighted learning points from this enquiry.

Deputy Chief Constable Y stated in his final letter to the complainer dated 9 May 2006 that:

*"...all unexplained deaths in Scotland are investigated by the Police who do so on behalf of the Procurator Fiscal. This allows for independent scrutiny of both the evidence available and allows the actions of the Officer investigating the death to also be subject to independent oversight. A significant part of such investigations is the interviewing of witnesses and the examination of the scene. In the case in question I can advise you that our records indicate that a number of witnesses, including those who discovered [Relative B] on the night in question, were all interviewed. Their evidence, including identification evidence from you, formed the basis of a report to the Procurator Fiscal and also the Pathologists who subsequently carried out a post mortem. Having considered all the information which remains available from the original investigation, I am satisfied that the circumstances were reported to Grampian Police to both the Procurator Fiscal and the Pathologists in line with appropriate procedures."*

**11 - That the complainer is concerned about the extent of the enquiry carried out in 2000 into the allegation that Relative C abused X, specifically whether any DNA evidence was obtained.**

In the complainer's statement of complaint taken on 23 March 2006 she asserted that she became aware that officers had not gone to the family home during the investigation. She stated that if they did not she would not be satisfied as she would have thought there would have been important evidence and that: *"I am querying what was actually done in this case as I am still not certain as to how the investigation was conducted"*.

Deputy Chief Constable Y stated in his final letter to the complainer dated 9 May 2007 that:

*"...I can advise you that the recollection of the Officers who conducted the investigation are that no search of the family home was carried out. The recollections of the Officers concerned are that one of the major reasons for not doing so was that it was understood that the alleged abuse had not been in the recent past and therefore the likelihood of recovering evidence was negligible. This would appear to be consistent with the findings of the Police Surgeon who examined [X] in relation to this case. While no search was conducted I can confirm that the very serious allegations raised by [X] were pursued with the alleged offender subsequently taken into custody and interviewed under caution regarding the allegations. Whilst there was insufficient corroborative evidence to prefer charges the circumstances were nonetheless reported to the Procurator Fiscal for independent oversight."*

**12 - That the complainer does not know what was done with two psychologist reports provided to the force by her.**

The complainer stated in her statement of complaint taken on 23 March 2006 that the two psychologists reports obtained by her and the support organisation indicated that X was not lying. The complainer stated that she could not understand why these reports, which were given to the police in April 2003, were not forwarded to the Procurator Fiscal.

Superintendent J noted in the Subject Report that the psychologist reports were not acted upon in the sense that they did not prompt any further enquiry. He stated that the audit trail of correspondence showed that Detective Inspector V handled the issue. He commented that it was difficult to fully establish what weight was placed on the content of the psychologists' reports from the correspondence trail. Superintendent J stated that as a learning point, a more detailed rationale in terms of the weight placed on the psychologists report in determining courses of action or non-action would have been helpful.

Deputy Chief Constable Y stated in his final letter to the complainer dated 9 May 2007 that he was aware that two reports were forwarded to Grampian Police by psychologists who examined X in 2001 and 2003 and that Detective Inspector V,

who had now retired, corresponded with the support organisation in relation to these matters. He further stated:

*“Clearly it would be inappropriate for me to offer an opinion on the credibility or otherwise of these reports. However, I can confirm from our records that they were considered by the Officer who was then in charge of the Child Protection Investigation Unit. I do note that the weight of emphasis within the reports is on [Relative C and Relative A] as alleged perpetrators with less emphasis on the possibility of specific others being involved in alleged abuse.”*

### **Other matters arising**

As a footnote to his enquiries Superintendent J noted that he was aware that the complainer had provided an association chart to the force detailing her perceived connections between the individuals X named as her abusers. He stated that in this chart reference was made to Detective Sergeant F having contact with Person U in the context of a local pantomime and living in the same area as her. Superintendent J noted that a short statement was taken from Person U who advised that she had never met Detective Sergeant F prior to, or subsequent to, him noting a statement from her in the course of his enquiries. She also stated that whilst she had never performed in pantomime with him, she was in pantomime with an ex-police officer. Superintendent J stated that this officer has not featured in any of the complainer’s concerns. He also noted that Detective Sergeant F did not live in the same area as Person U.

I note that following Superintendent J’s enquiry Inspector AA noted the learning points raised from the enquiry in a File Note completed on 28 August 2007. He stated that there was a requirement for more rigorous and accountable recording of information and, with reference to an individual officer, a need for sensitivity with regard to comments made to others.

## **5. PCCS review**

On 21 June 2007 the complainer contacted my office by telephone. An application for review form was sent to the complainer the same day and returned signed and completed, together with a quantity of supporting documentation on 13 July 2007.

On 16 July 2007 my office asked Grampian Police and Her Majesty’s Inspectorate of Constabulary (HMIC) to provide the relevant complaint case papers by 30 July 2007. Grampian Police asked for an extension to this date in a telephone call on 18 July 2007 and in writing on 19 July 2007. On 10 September 2007 my office wrote again to the force requesting the papers. The information, which was substantial, was received from the force on 12 September 2007. My office also received papers requested from HMIC.

On several occasions between 20 July 2007 and 20 March 2008 the complainer forwarded to my office large quantities of documentation in support of her complaint, all of which has been considered in this review.

My office wrote to the complainer on 11 June 2008 asking her to confirm the grounds of complaint. After a number of discussions, both with the complainer and her advisor, the grounds of complaint were confirmed in writing on 8 July 2008.

During the review of the information provided by the force, additional correspondence not contained in the original files was requested from the force on 17 June 2008 and 9 July 2008. This information was received promptly.

## **6. Consideration**

### **Complaint 1 - That the charge against Relative A in 1997 was not proceeded with by police.**

The complainer asserted in her statement that she believed that the charge against Relative A had not been proceeded with due to a police error. This appears to contribute to the complainer's wider perception of inaction by the police.

In the course of the enquiry Superintendent J retrieved records which confirmed that Relative A had attended court three times, that he pled guilty and was admonished by the Sheriff. Deputy Chief Constable Y informed the complainer in his final letter dated 9 May 2008 that the final disposal of the case was not a matter for Grampian Police.

From the information available it is evident that the charge against Relative A did proceed and there is nothing other than the statement of the complainer to suggest otherwise. It is my view that the enquiry conducted by Superintendent J was thorough and the response provided to the complainer by the force was accurate and appropriate.

### **Complaint 2 - That an allegation of fraud regarding Relative B's Will did not result in any action or recovery of assets.**

The complainer is unhappy that the outcome of the fraud enquiries into Relative B's Will did not result in any action or result in the recovery of assets. It appears that the complainer firmly believes she has been defrauded by solicitors handling the Will.

Due to the passage of time there were few remaining documents regarding the fraud enquiry. From the information available the force position, as outlined by Superintendent J, was that as there was no evidence of criminality in the concerns brought to the force by the complainer and as such the matter was referred to the Law Society of Scotland in line with procedure and the complainer was updated accordingly. Superintendent J noted in the Subject Report that the complainer did not identify what assets remained unaccounted for and as such a police investigation

would not have been appropriate. Deputy Chief Constable Y stated in his final letter to the complainer that he was satisfied that the force liaised consistently with the Law Society of Scotland, that the action taken was appropriate, and that the complainer was updated accordingly. He also informed the complainer that it was not the role of the police to assess the competency of a solicitor to wind up an estate.

It is evident that action was taken on more than one occasion by the force regarding the complainer's allegations of fraud in that the allegations were referred to the appropriate body, the Law Society of Scotland, to deal with. It is my view that Superintendent J carried out a thorough review of the enquiries previously conducted into the allegations of fraud based on the information still available. The conclusions reached by the force were accurate and were communicated effectively to the complainer in the final letter from the force. It is unfortunate that the complainer is dissatisfied with this explanation.

**Complaint A - That Detective Constable H said to a third party that the complainer had shouted at her. The complainer is unhappy that Detective Constable H said this.**

Superintendent J noted that it was not possible to conclude whether Detective Constable H had mentioned the nature of her interaction with the complainer to another professional. Deputy Chief Constable Y stated in his final letter to the complainer that as the information was contained in documents from a third party, it was up to the third party to be accountable for the way they had chosen to represent matters. He commented that if Detective Constable H felt that the complainer had communicated with her in a certain way then it would be a matter of Detective Constable H's opinion. He stated that as there was no indication of malice he would not pursue the matter further.

I note that Detective Constable H did not raise this matter in her statement of complaint however, from the information available, I am satisfied that the force provided an appropriate response to the complainer.

**Complaint 3 - That in May 2000 the complainer reported allegations of domestic abuse to Constable D who failed to instigate proper enquiry or provide further information.**

Deputy Chief Constable Y stated in his final letter to the complainer that Constable D believed that the issues discussed during her meeting with the complainer related to allegations of sexual abuse of X and not of domestic abuse. As such Constable D states that the allegation of sexual abuse was referred to the relevant unit the following day.

I consider that, on the basis of the information provided by the force and the complainer, there is no further evidence to support the view of either party. It is my view that in the circumstances the force provided a satisfactory response to the complainer.

**Complaint B - That in 2000 officers failed to follow up the complainer's allegations of domestic abuse by Relative C.**

Superintendent J stated in the Subject Report that there was little information available regarding domestic abuse allegations made by the complainer and the records that are available did not correspond to the complainer's account of events. Superintendent J commented that it was unsatisfactory that there was no clear audit trail of activity and enquiry and as such it was not possible to tell what action Grampian Police had taken in relation to the complainer's allegation of assault. The Deputy Chief Constable stated in his final letter to the complainer that records available did not allow the force to be certain which officers may have spoken to the complainer, or on what date this may have occurred. He stated that he was unable to provide a more conclusive response.

From the information still available it is not possible to determine if any enquiry was conducted into the complainer's allegation that Relative C assaulted her. It is evident from the information supplied to my office that a male officer and a female officer visited the complainer in June 2000 regarding an historical allegation that Relative C had assaulted her with a Hoover. However I note that the complainer stated on 23 March 2006 that she was happy with the way this incident was handled. It is evident that the information provided by the complainer does not correspond to the data held by the force regarding reported allegations of domestic abuse. This, combined with record keeping issues highlighted by Superintendent J, has clearly had some bearing on the ability of the force to provide a more conclusive response to the complainer. Superintendent J confirmed that action has been taken since the time of the incident to ensure a more rigorous audit trail is kept. It is my view that the enquiry into this complaint by Superintendent J was thorough and, in light of the lack of information available, the force's response to the complainer was satisfactory.

**Complaint 4 - That in August 2000 the complainer reported allegations to Detective Constable E that X had been the victim of abuse and proper enquiry was not instigated.**

Deputy Chief Constable Y stated in his final letter to the complainer that the evidence indicated that further arrangements were made to have X re-interviewed in relation to the issues raised with Detective Constable E. This response was supported by Superintendent J who noted in the Subject Report that from the evidence provided by Detective Constable E, her enquiry reports, and from witness statements it was evident that further arrangements were made to re-examine and re-interview X regarding the issues raised in the meeting on 25 August 2000.

The complainer's account of events regarding her contact with Detective Constable E appears to differ from the statements provided by both police and non police witnesses. On the balance of the evidence provided to my office it is clear that further arrangements were made to have X re-interviewed and examined on Monday 28 August 2000 in relation to the allegations raised by X. It is my view that extensive enquiry was carried out into this complaint by Superintendent J and the force provided the complainer with a thorough response.

**Complaint 5 - That Detective Constable E instigated action to have medical authorities 'section' the complainer under Mental Health legislation because of the allegations she had brought forward on behalf of X.**

Superintendent J stated that Detective Constable E passed on genuinely held concerns, that were based on behaviour she had observed, to the relevant authorities. He noted that if Detective Constable E had not passed on these concerns then she would have failed in her duty of care. In the course of Superintendent J's enquiries he noted statements from non-police witnesses who maintained that the concerns raised by Detective Constable E were only a part of the information that contributed to the decision to seek a Warrant in terms of the Mental Health (Scotland) Act 1984. These witnesses confirm that concerns had been raised regarding the complainer's mental health before Detective Constable E became involved with the complainer. Deputy Chief Constable Y stated in his final letter to the complainer that he was satisfied that Detective Constable E acted in good faith and that her primary focus was X's wellbeing.

It is my view, based on the information supplied to my office, that Detective Constable E exercised her duty of care to raise any concerns she had for the complainer with the relevant authorities. There is no information, other than the complainer's assertion, to suggest that Detective Constable E acted wrongly by doing so. Furthermore, evidence suggests that Detective Constable E reported her concerns based on the complainer's behaviour which she observed during her investigations, and not because of the allegations brought forward by X, as suggested by the complainer. In my view the enquiry into this complaint conducted by Superintendent J was comprehensive and the response provided to the complainer reasonable.

**Complaint 6 - That Detective Sergeant F failed to carry out proper enquiry into allegations of sexual abuse of X .**

The complainer maintained that Detective Sergeant F failed to pursue proper enquiry into the individuals X had named as her abusers because he did not interview them.

Superintendent J stated that based on previous knowledge, the nature of the responses that X had provided and research on force systems of the individuals named by X, Detective Sergeant F concluded that, with the exception of Relative A, there were no grounds upon which to interview any of the people named. Superintendent J stated that this rationale was reflected in a report submitted by Detective Sergeant F to his superior. Superintendent J noted that following the interview of Relative A the complainer was updated in person by Detective Sergeant F and Detective Constable T.

From the information provided to my office it is evident that although the list of people X named were not interviewed, enquiry was carried out before this decision was reached and statements provided by two officers suggest that the reasons for not facilitating further enquiry were communicated to the complainer.

It is my view, based on the information provided to my office that the enquiry conducted by Superintendent J and the response provided by the Deputy Chief Constable were appropriate and accurate.

**Complaint 7 - That a female officer accompanying Detective Sergeant F when he visited the complainer's home made an inappropriate comment that the complainer believes demonstrated sympathy towards Relative C.**

Deputy Chief Constable Y stated in his final letter to the complainer that Detective Constable T did not recall making such a statement, but if a comment was made that the complainer felt was unhelpful then this would be regrettable. A statement was also taken from Detective Sergeant F who stated that he did not have a recollection of any comment of this nature being made by Detective Constable T.

It is my view, based on the information available, that there is nothing to confirm or contradict whether Detective Constable T made an inappropriate comment. A full investigation was carried out into this complaint and an appropriate response was provided to the complainer by Deputy Chief Constable Y.

**Complaint 8 - That an apology was apparently made to Relative A after he had been interviewed by police in connection with the alleged abuse of X.**

Deputy Chief Constable Y stated in his final letter to the complainer that the officer concerned does not recall providing Relative A with an apology although it was possible that he made a comment as a courtesy regarding any disruption the enquiry may have caused. He stated that this would not be uncommon when matters do not proceed to a charge. A statement was also obtained from Detective Constable T who stated that she could not recall Relative A being provided with an apology.

On the basis of the information provided there is no evidence to suggest that Relative A was offered an apology in the way the complainer suggests. Superintendent J carried out a thorough enquiry into this complaint and Deputy Chief Constable Y provided an appropriate response to the complainer.

**Complaint 9 - That in March 2005 Mr G, a member of Grampian Police Support Staff, made offensive comments at a Criminal Injuries Compensation Hearing.**

The complainer stated that:

*"[Mr G] said words to the effect that mentally handicapped people 'fiddled with each other and fiddled with themselves'."*

The complainer is also concerned that the evidence Mr G gave was contrary to that of Detective Inspector V.

Mr G stated in his statement that, although he offered the view that previous penetration did not mean sexual abuse and that to illustrate this he stated that

children may injure themselves internally while playing, he was fairly confident that he did not refer to disabled children or use the words in the complainer's allegation. This account appears to be supported by the Aide Memoire notes of the panel. I note that Mr G attended at the Criminal Injuries Compensation Authority hearing at the last minute in the place of Detective Constable H who was unwell. Superintendent J noted in the Subject Report that although witnesses should always provide honest answers they also have a responsibility to familiarise themselves with the circumstances and this may not have been the position in this case. He also noted that it was important that care be taken when giving responses in sensitive situations so that there is no opportunity for the response to be misinterpreted.

Deputy Chief Constable Y noted in his letter to the complainer that it appeared that a comment had been made, however the evidence did not firmly point towards Mr G having made the comment in the way that the complainer recalled it.

In my view, based on the information provided, there is no evidence to support the complainer's specific recollection of the statement made by Mr G. However I believe that the way in which Mr G stated he articulated his viewpoint was inappropriate. It appears that Mr G offered general opinions on how children might behave in a particular setting. I am concerned that he may not have had sufficient knowledge of this case and was therefore not qualified to provide evidence on these matters. I note that the complainer and her solicitor also raised the issue that the evidence provided by Mr G was contrary to that of Detective Inspector V which suggested that, on the balance of probability, X had been the victim of sexual abuse. This account was provided in writing to the CICA in advance of the hearing and was considered to represent the view of Grampian Police which, in my view, was a measured response based on case evidence. I am surprised that the force offered no opinion on Mr G's apparent contradiction of the view provided in writing by an Inspector on behalf of Grampian Police. Furthermore, considering the enquiry conducted into this complaint I would have expected Superintendent J, in addition to seeking aide memoire notes, to obtain statements from the members of the CICA panel in order to obtain a fuller account of the evidence provided by Mr G and the terms used.

It is therefore my view that the response provided by Deputy Chief Constable Y was not sufficient in addressing the complainer's concerns.

### **Other matters raised by the complainer**

#### **10 - That the sudden death of Relative B in 1997 was connected with him allegedly witnessing Relative C abusing X.**

This was raised as a broad concern by the complainer in her statement of complaint. Superintendent J carried out a thorough review of the circumstances surrounding Relative B's death. Superintendent J stated that there was no evidence to suggest a connection between Relative B's death and him allegedly witnessing Relative C sexually abusing X. I note that Superintendent J's conclusions regarding the link between the death of Relative B and him allegedly witnessing X being abused were not communicated to the complainer by Deputy Chief Constable Y. Deputy Chief Constable Y stated in his final letter to the complainer that he was satisfied that the

circumstances were reported to the Procurator Fiscal and pathologists in line with procedure.

**11 - That the complainer is concerned about the extent of the enquiry carried out in 2000 into the allegation that Relative C abused X, specifically whether any DNA evidence was obtained.**

The complainer did not raise this issue as a complaint about the police in her statement, although Superintendent J carried out an extensive enquiry into this complaint. Deputy Chief Constable Y stated that DNA evidence was not obtained in the course of the enquiry and the reason for not doing so was that the abuse had not occurred in the recent past. From the information supplied to my office it is evident that this position was supported by the police doctor. It is my view that the force provided a full and reasonable response to the complainer's question.

**12 - That the complainer does not know what was done with two psychologist reports provided to the force by her.**

The complainer did not raise this issue as a complaint about the police in her statement. Deputy Chief Constable Y stated that he could confirm that the psychologist reports were considered by the force. I note that Detective Inspector V had retired at the time of the enquiry into the complaints and a statement was not obtained from him. However, I also note that Detective Inspector V asserted in the letter to the support organisation that he had considered the reports and discussed them with the enquiry officers of the earlier investigations into X's allegations. Superintendent J stated that it was difficult from the information available to establish how much weight was placed on the psychologist reports. He identified as a learning point for the force that a more detailed rationale regarding the weight placed on the psychologist reports may have been helpful.

On the basis of the information available I support Superintendent J's view that it is not possible to ascertain what weight was placed on the psychologist reports. In my view the response provided by the force goes some way to answering the complainer's concern, but does not provide the complainer with a reason why these reports were not sent to the Procurator Fiscal for their consideration.

**Other matters arising**

The passage of time between the incidents that prompted the complaints about the police and the formal recording and enquiry into these complaints has had a profound effect on the ability of the force to provide the complainer with comprehensive response to some of her complaints or questions. The complainer is unable to recall in her statement specific dates and names, and full police records do not exist for some the incidents. Furthermore the passage of time has had a bearing on the ability of some of the officers to fully recall events. In my view, taking into account this passage of time, the force is to be commended for its thorough enquiry into the complainer's concerns.

I note that the length of time taken for the force to complete their enquiries into the complainer's complaints exceeded the specified date in their Standard Operating Procedures. Deputy Chief Constable Y acknowledged the delay in his final letter to the complainer and apologised. He stated that he had been advised that the complainer had been kept updated during the complaint process by Superintendent J.

On the whole, Superintendent J appears to have conducted a full and robust enquiry into the complainer's concerns. However the information obtained during this enquiry was not always communicated fully to the complainer in the final letter from Deputy Chief Constable Y.

## **7. Conclusion**

### **Complaint 1 - That the charge against Relative A in 1997 was not proceeded with by police.**

It is evident from the information provided to my office that Grampian Police proceeded with the charge against Relative A. In my view the force provided a full and reasonable response to the complainer. As such **I do not uphold this complaint.**

### **Complaint 2 - That an allegation of fraud regarding Relative B's Will did not result in any action or recovery of assets.**

From the information available to me it is evident that a full enquiry was conducted into the information held by the force regarding the investigations into the allegations of fraud and a full and reasonable account of the actions taken by the Fraud Squad Officers was communicated to the complainer. As such **I do not uphold this complaint.**

### **Complaint A - That Detective Constable H said to a third party that the complainer had shouted at her. The complainer is unhappy that Detective Constable H said this.**

The force stated that it was not possible to conclude whether Detective Constable H made this comment. I note that Detective Constable H did not raise this matter in her statement of complaint. Nevertheless in my view the response provided by the force to the complainer was reasonable and as such **I do not uphold this complaint.**

### **Complaint 3 - That in May 2000 the complainer reported allegations of domestic abuse to Constable D who failed to instigate proper enquiry or provide further information.**

The response provided by the force was reasonable and accurate. In the absence of any evidence to support or contradict the view of either party **I do not uphold this complaint.**

**Complaint B - That in 2000 officers failed to follow up the complainer's allegations of domestic abuse by Relative C.**

Due to the passage of time, from the information still remaining it is not possible to conclude whether enquiry was conducted into the complainer's allegations of domestic abuse. Therefore in the absence of any evidence to support the complainer's view **I do not uphold this complaint.** I note that Superintendent J has identified a learning point for the force regarding the recording of information.

**Complaint 4 - That in August 2000 the complainer reported allegations to Detective Constable E that X had been the victim of abuse and proper enquiry was not instigated.**

From the information available it is evident that the complainer's account of events differs from that of other police and non-police witnesses. From the evidence available, from both police and non-police witnesses, it is clear that the force did make arrangements with the complainer to have X re-interviewed, but that the complainer did not attend at the meeting. The response provided by the force was robust and accurate and as such **I do not uphold this complaint.**

**Complaint 5 - That Detective Constable E instigated action to have medical authorities 'section' the complainer under Mental Health legislation because of the allegations she had brought forward on behalf of X.**

The force stated that Detective Constable E held genuine concerns for the complainer's, and as a result X's, welfare and that these concerns were based on observed behaviours. From the information available it is evident that the decision to seek a Warrant in terms of the Mental Health (Scotland) Act 1984 was made by mental health officers. Furthermore evidence provided by non-police witnesses state that the information supplied by Detective Constable E formed only part of the decision to seek the Warrant. It is also clear that there were concerns for the complainer's mental health prior to Detective Constable E's involvement with the complainer. This position was communicated effectively to the complainer in the response from the force. On the basis of the information available there is no evidence to support the complainer's assertion and as such **I do not uphold this complaint.**

**Complaint 6 - That Detective Sergeant F failed to carry out proper enquiry into allegations of sexual abuse of X.**

From the information available it is clear that the force conducted enquiry before making the decision not to interview the list of individuals named by X as her abusers, with the exception of Relative A. The reasoning for not conducting these interviews was documented and evidence available suggests that this explanation was communicated to the complainer by Detective Sergeant F. The force provided a thorough and reasonable response to the complainer and as such **I do not uphold this complaint.**

**Complaint 7 - That a female officer accompanying Detective Sergeant F when he visited the complainer's home made an inappropriate comment that the complainer believes demonstrated sympathy towards Relative C.**

Detective Constable T denied making an inappropriate comment to the complainer and this was supported by Detective Sergeant F. There is no evidence other than the statement of the complainer to support her view. Enquiry was carried out into this complaint and an appropriate response was provided to the complainer by Deputy Chief Constable Y. As such **I do not uphold this complaint.**

**Complaint 8 - That an apology was apparently made to Relative A after he had been interviewed by police in connection with the alleged abuse of X.**

There is no evidence to suggest that Relative A was offered an apology in the way the complainer suggests. Appropriate enquiry was conducted into this complaint and Deputy Chief Constable Y provided a reasonable response to the complainer. As such **I do not uphold this complaint.**

**Complaint 9 - That in March 2005 Mr G, a member of Grampian Police Support Staff, made offensive comments at a Criminal Injuries Compensation Hearing.**

The force responded to the complainer stating that it was clear a comment had been made, although Mr G denies that it was in the form that the complainer recalls. From the evidence available there is nothing other than the complainer's statement to suggest that Mr G made this comment as worded by the complainer and as such **I do not uphold this complaint.** However, it is clear that Detective Inspector V did provide an account to the CICA confirming that, on the balance of probability, X had been sexually abused. I understand that this account was intended to represent the view of Grampian Police. The evidence that Mr G provided to the CICA hearing appears to have contradicted the account previously provided by Detective Inspector V. That Mr G was a last minute stand in for Detective Constable H is concerning. It is also unclear whether he had the appropriate knowledge to give evidence on this case. That in the course of the enquiry into this complaint Grampian Police focused its enquiries on the words spoken by Mr G and not on the impact of comments is a matter of concern. I now ask the force to satisfy itself that it has appropriate procedures in place to prevent such a situation from arising again.

**Other matters raised**

**10 - That the sudden death of Relative B in 1997 was connected with him allegedly witnessing Relative C abusing X.**

**11 - That the complainer is concerned about the extent of the enquiry carried out in 2000 into the allegation that Relative C abused X, specifically whether any DNA evidence was obtained.**

**12 - That the complainer does not know what was done with two psychologist reports provided to the force by her.**

Although the force could have provided a more detailed response to the complainer, in my view it conducted a robust enquiry into the concerns.

Jim Martin  
Police Complaints Commissioner for Scotland  
July 2008