

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

under section 35(1) of the Police Public Order and Criminal Justice (Scotland) Act 2006

Summary and Key Findings

The eight complaints raised by the complainer relate primarily to his arrest on a charge of rape in December 2003 and to the subsequent Central Scotland Police investigation into this offence.

Of the eight complaints reviewed, the Commissioner has decided that three were not handled in a reasonable manner and that consequently further action is required by Central Scotland Police.

In relation to Complaint 1 which concerns a possible failure to respond to the complainer's calls for assistance while in a police cell, the Commissioner has recommended that Central Scotland Police conduct a full investigation and, in particular, obtain statements from custody officers who were on duty at the time. Such an approach may clarify whether the complainer's calls for assistance were ignored by Central Scotland Police.

In relation to Complaint 2 which concerns the loss of potentially important evidence by Central Scotland Police, the Commissioner has recommended that a written apology be offered to the complainer and that details are disclosed to him as to how the loss may have occurred.

In relation to Complaint 3, which concerns a letter sent by Central Scotland Police to the complainer, the Commissioner has recommended that a written apology be offered to the complainer for the time taken to send this letter as well as for the poor quality of the letter itself.

The Commissioner's role

Section 35 of the Police Public Order and Criminal Justice (Scotland) Act ("the Act") gives the Commissioner the power to examine the manner in which a policing body has dealt with a "relevant" complaint, as defined in the Act.

The Commissioner is independent of the police service and performs his functions in a fair and impartial manner. Before considering a complaint, the Commissioner's office obtains all papers held by the policing body against which the complaint has been made. These papers are considered alongside information provided by the complainer. The Commissioner then assesses whether the policing body's handling of the complaint was reasonable in all the circumstances. The Commissioner will look at the entire handling process, from the initial investigation by the policing body to the final response issued to the complainer. Among the factors which the Commissioner takes into account are the following:

- whether the policing body's response to the complaint is supported by all material information available;
- whether in dealing with the complaint the policing body has adhered to all relevant policies, procedures and legal provisions;
- where the complaint has resulted in the policing body identifying measures necessary to improve its service, whether these measures are adequate and have been implemented;
- whether the policing body's response to the complaint is adequately reasoned; and
- whether the policing body has communicated with the complainer in a reasonable manner.

Background

On the evening of 23 December 2003 officers from Central Scotland Police were called to an address following a call reporting that a female there had been raped. On the arrival of the officers at this address the complainer was accused of rape and subsequently arrested. The complainer was then placed in a police vehicle outside the address where, he states, he was referred to in a derogatory manner by an unidentified Central Scotland Police officer. Specifically, while in the back of the police vehicle, the complainer states that the officer said of him to another unidentified officer:

"You catch the beast? Have you got him?"

The complainer was then taken to Police Station X and placed in a cell before being interviewed at 2.55 am on 24 December 2003. While in the cell awaiting interview the complainer states that his calls for assistance, through use of the cell buzzer, were ignored causing him to urinate on the cell floor. The complainer was released from police custody at 1 pm on 24 December 2003 pending further investigations. At the time of his release the complainer was asked by Detective Constables A and B, the investigating officers of the reported rape, to contact them if he had information which would assist them with their enquiries. The complainer maintains that in response to this he called Central Scotland Police CID numerous times, in the presence of witnesses, and left messages containing information that he believed would prove his innocence. The complainer states that Detective Constables A and B never replied to these messages, although both officers have denied ever receiving them.

On 28 June 2004 the complainer was re-arrested after the Procurator Fiscal issued a warrant to secure his attendance at court on a charge of rape. When at the charge bar on this occasion the

complainer states that he was spoken to in a derogatory manner. Specifically, after the complainer asked to keep his shoes before being placed in a cell, he states that Custody Officer G replied:

“You’ll no’ need them where you’re going.”

Following his conviction on a charge of rape in April 2005, in August 2005 the complainer sent a letter to Central Scotland Police from prison in which he expressed his concerns about certain matters relating to his case. Following receipt of this letter, on 16 August 2005 the complainer was visited in prison by two officers of Central Scotland Police, Detective Inspector C and Detective Sergeant D.

Detective Inspector C noted the complainer’s enquiries as being about:

- (1) The location of his mobile phone which was retained by Central Scotland Police as evidence in the rape investigation;
- (2) The location of a pair of underpants, retained as evidence in the rape investigation, which went missing while in the custody of Central Scotland Police; and
- (3) The circumstances of how his car came to be damaged in a police compound.

However, the complainer was expecting a wider review of his case to be carried out by Central Scotland Police and states that he was told by Detective Inspector C that he would receive a report on this. He maintains that he never received this report.

Remaining dissatisfied with certain aspects of the investigation into his case, in 2007 the complainer sent several letters to Central Scotland Police expressing his concerns. In all these letters he claimed that he was innocent of the rape for which he was convicted. The complainer states that none of these letters was ever responded to, which is disputed by Central Scotland Police. For its part, Central Scotland Police maintains that the visit made to the complainer on 30 October 2007 by Detective Sergeant E and Detective Constable F was in response to the further letters sent by the complainer.

In January 2008 the complainer wrote again to Central Scotland Police at which time his letter was categorised and treated as an official complaint about the police. An investigating officer, Inspector F, was appointed to look into the matter and took a statement from the complainer on 27 February 2008. From this statement came eight separate complaints which were recorded on a Complaint about the Police (CAP) form. Seven of the complaints related directly to the complainer’s arrest on the rape charge and the subsequent police investigation. One complaint related to alleged inaction by Central Scotland Police regarding incidents involving the complainer’s partner.

The Complaints

Based on the contents of the application form, and the information obtained from Central Scotland Police, the Commissioner has identified the following complaints:

- (1) Custody Officers at Police Station X failed to respond to the complainer’s calls for assistance on 23/24 December 2003;
- (2) Central Scotland Police lost important evidence related to the complainer’s case and could not account for its whereabouts;
- (3) Detective Inspector C failed to provide the complainer with a report into his case as promised during meetings with the complainer in 2005;

- (4) An unidentified police officer from Central Scotland Police made reference to the complainer in a derogatory manner immediately following his initial arrest in December 2003;
- (5) Detective Constables A and B failed to respond to relevant information provided by the complainer;
- (6) Custody Officer G made a derogatory comment to the complainer following his subsequent arrest on 28 June 2004;
- (7) Central Scotland Police ignored the complainer's letters sent in 2007; and
- (8) Central Scotland Police failed to respond to calls for assistance made by the complainer's partner.

The Commissioner's Review

The complainer first contacted the Commissioner's office by letter on 25 July 2008. He thereafter submitted an application form on 5 August 2008. Three additional letters were sent to the Commissioner by the complainer, two of which requested an update on how matters were proceeding. The third letter was sent by the complainer following a request by the Commissioner's office for further information.

The remainder of this section sets out the Commissioner's views on the manner in which the complaints were handled by Central Scotland Police. Each complaint is set out in turn and is followed by details of Central Scotland Police's handling of it and the Commissioner's views on this.

Complaint 1: alleged failure to respond to the complainer's call for assistance

While being held in police custody following his arrest on 23 December 2003 the complainer alleges that his calls for police assistance, through the use of the cell buzzer, were ignored. The result of this, he claims, was that he was forced to urinate on the cell floor.

Internal Handling

As with all the complaints made by the complainer which follow, this complaint was officially recorded by Central Scotland Police on 10 January 2008. This followed the receipt of a letter by Central Scotland Police from the complainer. On 21 January 2008 Superintendent G of Central Scotland Police's Professional Standards Department wrote to the complainer advising him that Inspector F had been appointed as the investigating officer regarding the complaints and would visit him to take a statement.

The complainer was first visited by Inspector F on 1 February 2008. However, as there was insufficient time to take a statement on that occasion Inspector F visited the complainer again on 27 February 2007. On this second visit a statement was taken from the complainer. Inspector F subsequently completed a CAP form on 27 February 2008, having correctly identified the eight complaints which are the subject of this review.

On 29 February 2008 Inspector F sought guidance from Superintendent G as to the nature of the investigation to be conducted. Superintendent G replied on 15 March 2008 stating that the review should be carried out by the Professional Standards Department of Central Scotland Police.

In relation to Complaint 1, Inspector F examined the complainer's custody record for the period in question. From this he noted that the complainer had:

“... 5 visits in the four hours that he was detained before interview. On one of those occasions he was allowed out for the toilet. Detention cells do not have toilets in them. On the other four visits he could have asked to use the toilet if he was so desperate. I didn't ask for operational statements here.”

Approving Inspector F's finding that the complainer was given an adequate number of opportunities to visit the toilet, Deputy Chief Constable L in his final letter to the complainer of 11 June 2008 wrote:

“I can inform you that you were allocated to a cell at approximately 11 pm on the date you were detained, 23 December 2003, a cell that did not have toilet facilities in it. Nearly 3 hours later at 02.55 am, it is recorded that you were taken for interview. Within that 4 hour period you were visited 7 times, 2 of which were for specific purposes and on 1 occasion it is recorded that you were allowed out to use the toilet. The regularity of these visits was proportionate and in relation to this area of your complaint, I find that there is no evidence available to me to substantiate it.”

Consideration

In the Commissioner's view, there are two aspects to complaint 1:

- (1) an alleged failure to allow the complainer to visit a toilet; and (more importantly)
- (2) an alleged failure to respond to the complainer's requests for assistance (i.e. the pressing of the cell buzzer).

While an examination of the custody record may show that the complainer was visited several times and on one of those occasions was permitted to use the toilet, what it does not show is whether the complainer's requests for assistance went unanswered at any time while he was held in police custody. On this point the complainer in his statement to Central Scotland Police on 27 February 2008 is adamant:

“I had pressed the buzzer on a number of occasions but no one came and let me out.”

In the Commissioner's view, Inspector F's investigation and Deputy Chief Constable L's response did not address the issue of whether the complainer's calls for assistance while in the police cell were ignored. The only way in which this aspect of the complaint could be addressed is by obtaining operational statements from the custody officers on duty at the time.

It is clear that this specific complaint has wider implications if it were the case that the complainer's calls for assistance were ignored. It is not hard to imagine a scenario where a person held in police custody uses the cell buzzer to make a request for urgent medical assistance. Any failure to respond to such a call could obviously have serious consequences for the individual concerned. The Commissioner recognises the pressures upon officers dealing with large numbers of individuals in custody, and also that the buzzer system is open to abuse by prisoners. However, there are clearly good reasons for the buzzer system, which would be undermined if calls made by prisoners are routinely ignored.

For these reasons, the Commissioner considers that all complaints of this nature from those held in police custody must be investigated in a thorough manner with all relevant witnesses interviewed. Only then can it be decided whether the complaint is substantiated or otherwise. In the present case, the investigation into this aspect of the complaint was less than thorough in that none of the custody officers on duty was interviewed. In his letter to the complainer of 11 June 2008, Deputy Chief Constable L found that there was “no evidence available to [him] to

substantiate [the complaint].” In the Commissioner’s view, given that none of the custody officers provided operational statements, that conclusion is hardly surprising.

Complaint 2: the loss of evidence important to the complainer’s case

The complainer maintains that Central Scotland Police told him that they had lost his mobile telephone which had been retained as evidence. According to the statement he gave in relation to his complaint, the telephone was returned to him by the police some time later via his solicitor.

In addition, the complainer maintains that the circumstances surrounding the loss of an item of the rape victim’s clothing (a pair of underpants) by Central Scotland Police were not fully explained to him.

Internal Handling

In August 2005 the complainer wrote a letter to Central Scotland Police requesting an interview and in response was visited in prison by Detective Inspector C. During this interview the complainer raised concerns about the location of certain pieces of evidence held by the police which were, he believed, important to his case. (Other issues were raised during this interview which are not relevant to this complaint). The items of evidence were a piece of clothing belonging to the rape victim and the complainer’s mobile phone. Detective Inspector C subsequently carried out an investigation and came to the following conclusions which are set out in his statement of 27 May 2008:

“The investigation I carried out revealed that [the complainer’s] mobile telephone was, in fact, still in the possession of Central Scotland Police. The underpants worn by the complainer were, in fact, missing, however, this had been reported to both the Procurator Fiscal and the Defence Agents acting on [the complainer’s] behalf.”

Despite these conclusions, which Detective Inspector C states were communicated to the complainer by letter on 9 March 2006, the complainer clearly remained dissatisfied since he raised the same issue in January 2008 as an official complaint about the police.

In relation, firstly, to the mobile phone, Detective Inspector F’s finding was that it was never lost. This conclusion is based on the prior investigations of Detective Inspector C and the fact that the recovery of the mobile telephone was highlighted to the Procurator Fiscal. Furthermore, in two of the operational statements sought by Inspector F for the purposes of investigating this complaint, Detective Constables A and B state that the mobile telephone was retained by Central Scotland Police and examined as evidence.

Secondly, in relation to the item of clothing, Inspector F acknowledged in his report of 10 June 2008 that this went missing while in the custody of Central Scotland Police although the exact circumstances surrounding the loss remained uncertain. Inspector F came to this conclusion by obtaining operational statements from all relevant officers involved in the case. These statements are consistent in stating that the item of clothing was not with the other productions when these came to be labelled. The operational statements also confirm that a search took place for this piece of evidence but that it could not be found. In none of the operational statements, however, do we read exactly how the evidence came to be missing.

Inspector F in his report of 10 June 2008 concludes that it is “probably difficult to establish who was at fault here” and that “we should acknowledge formally that their loss was the fault of the Police as they were in Police custody.”

Deputy Chief Constable L in his final letter to the complainer of 11 June 2008 confirms Inspector F’s findings that the mobile telephone was never lost or mislaid by Central Scotland Police. This,

he added, was “a fact borne out by its production later, and in particular, during the appeal process.”

As for the item of clothing, Deputy Chief Constable L acknowledged in his letter that these were lost while in police custody. He also said that this had been reported to the Procurator Fiscal and that no blame was or could be attributed to anyone in particular as the exact circumstances surrounding the loss of the pants could not be fully established.

Consideration

The safeguarding of evidence by police is an important duty and must be carried out with care and attention. Clearly the loss of evidence may be detrimental to any subsequent prosecution or the defence to a charge. In a situation where evidence is lost while in police custody, a thorough search must first of all be carried out. The Commissioner notes that such a search was undertaken in the present case. It is also necessary that an investigation be carried out to ascertain the exact circumstances surrounding the loss. The purpose of such an investigation is to prevent, as far as possible, a similar loss occurring in future.

To give credit to Inspector F, he sought operational statements from all police officers present when the loss of evidence was realised and also consulted prior documents detailing the loss. However, neither Inspector F’s report nor Deputy Chief Constable L’s final letter to the complainer detail how the item of clothing was likely to have gone missing, based on the available evidence. Furthermore, no apology was offered to the complainer for the loss of the evidence.

The operational statements taken from the police officers present when the item of clothing was noticed to be missing all point to it being lost by Police Constable N somewhere between them being obtained from the complainer and being transported to the CID office. It was Police Constable N who had responsibility for transporting the evidence to the CID office at Police Station X and it seems from the operational statements that she did this in a tired state having worked an extended shift. In his memo of 2 February 2004 Detective Constable A suggests that Police Constable N’s tired state at the time “may explain her misplacing of [the item of clothing].” All officers in the CID office at Police Station X who were present at the time in question are adamant that the item of clothing was not left there by Police Constable N.

In the Commissioner’s view, although it is true to say that the precise circumstances of the loss of the evidence were not fully established, the complainer ought to have been given such information as was available explaining the loss of the evidence. From the Commissioner’s perspective the identity of whoever was responsible for losing the evidence is not relevant. What is important is that Central Scotland Police learn from the incident by, for example, considering whether an officer who was clearly tired from working extended hours was best placed to be the custodian of potentially important evidence. In the Commissioner’s view, the complainer should also be offered an apology for the loss, given that the item in question might have been relevant to his defence to the charge.

In relation to the mobile telephone, Inspector F’s finding that it was never lost is justified by the available evidence. Accordingly no further action is required in relation to this aspect of the complaint.

Complaint 3: alleged failure to provide the complainer with a report

In August 2005 the complainer was visited in prison by Detective Inspector C who, he said, promised him a wide ranging report on his case. According to the complainer such a report never arrived.

Internal Handling

Inspector F interviewed Detective Inspector C in relation to this complaint. Detective Inspector C stated that a memorandum was produced in relation to three specific issues (the aforementioned mobile phone and item of clothing as well as one other issue) and submitted to Detective Superintendent M. Detective Inspector C attached to the memorandum a letter to the complainer which was signed by Detective Superintendent M. The letter, Detective Inspector C explained, was the report that he told the complainer he would receive at the end of his investigation.

Inspector F stated that he had not had the opportunity to ask the complainer if he had ever received the letter of 9 March 2006. However, he felt that because Detective Inspector C had stated that the letter was sent, this could be referred to in the response to the complainer. Deputy Chief Constable L endorsed this conclusion and said that he was unable to substantiate the complaint.

Consideration

As explained, Inspector F did not verify with the complainer that he had received the letter of 9 March 2006 which, according to Detective Inspector C, was the report that he had promised the complainer. The Commissioner's office therefore contacted the complainer to ask if he had received the letter. In reply the complainer stated that the only letter he received was in relation to his car which had been held in a police compound. Needless to say, by checking whether the complainer had received the letter Inspector F would have been given the opportunity to reissue it with an explanation that this was the report which had been promised. In the Commissioner's view, this might have led to a resolution of the complaint at that time.

The Commissioner is also concerned as to why it took eight months for the two page letter to be written up and sent out to the complainer. The Commissioner notes that Central Scotland Police's target for dealing with the resolution of complaints is eight weeks.

Moreover, the quality of the letter is poor. The letter merely states that no complaints could be substantiated after "lengthy enquiries" were carried out by Detective Inspector C. However, no details are given as to the nature of those enquiries, nor are there any specific reasons given as to how the complaints were found to be unsubstantiated. If the issues raised in the report were being classed formally as complaints then the standard of the response was well below adequate. Even if the issues were treated simply as enquiries, the response still fell short of a reasonable standard.

Complaint 4: alleged derogatory remarks by a custody officer

The complainer alleges that while at the charge bar of Police Station X on 24 June 2004 a custody officer (later identified as Custody Officer G) made a derogatory remark about him.

Internal Handling

Inspector F sought operational statements from Custody Officer G as well as Police Officers O and P who escorted the complainer. Custody Officer G stated that she could not remember processing the complainer and so could not comment on the allegation. Police Constable O could not recall any derogatory remarks being made and seemed to remember that "the whole thing went pretty smoothly." Police Constable P did not remember anything unusual occurring at all and said that there were no remarks made to the complainer that he (Police Constable P) considered degrading. Due to the passage of time, Inspector F was unable to obtain CCTV evidence.

Based upon this evidence, Inspector F concluded that the complaint was unsubstantiated. This conclusion was repeated by Deputy Chief Constable L in his final letter to the complainer of 11 June 2008.

Consideration

By interviewing all available witnesses, Inspector F carried out a thorough and entirely satisfactory investigation. In the Commissioner's view his conclusions, which were approved by Deputy Chief Constable L in his final letter to the complainer, were reasonable and based on the available evidence. The Commissioner finds that the manner in which this complaint was dealt with was entirely reasonable.

Complaint 5: alleged failure to acknowledge and respond to offers of further information

The complainer maintains that, in the presence of witnesses, he left telephone messages for the CID at Police Station X containing information which would help prove his innocence. He maintains that he received no response.

Internal Handling

Inspector F when investigating this complaint sought operational statements from Detective Constables A and B, the investigating officers of the rape for which the complainer was convicted. Furthermore, Inspector F states that he traced some of the witnesses said to have been present when these messages were left.

In their operational statements Detective Constables A and B are certain that they never received any of the messages which the complainer claims to have left. Furthermore, the witnesses located by Inspector F could not recall if they were present when the complainer made the calls to the CID. In his report of 10 June 2008 Inspector F wrote:

"I have traced some of the people he mentions as possible witnesses. They state that he could have made these calls but have been honest enough to admit they can't recall. Another possible witness is dead and one has a L.K.A [last known address] in ..."

Based upon this evidence, Inspector F concluded that this complaint was unsubstantiated. This finding was approved by Deputy Chief Constable L in his final letter to the complainer of 11 June 2008.

Consideration

In the Commissioner's view, the handling of this complaint would have been better if in his letter of 11 June 2008 Deputy Chief Constable L had emphasised that not all the witnesses named by the complainer had been interviewed. This is because in correspondence with the Commissioner's office the complainer continually makes reference to the fact that some of those witnesses were not interviewed. Furthermore, Inspector F ought to have officially recorded the statements of those witnesses he did interview.

However, on the whole the Commissioner considers that the manner in which this complaint was dealt with by Central Scotland Police was reasonable. The investigation by Inspector F was satisfactory and a reasonable conclusion reached on the available evidence. The Commissioner therefore requires no further action to be taken by Central Scotland Police in relation to this complaint.

Complaint 6: alleged derogatory remark by an officer

Immediately following his initial arrest on 23 December 2003 the complainer states that an unidentified Central Scotland Police officer said of him:

“You catch the beast? Have you got him?”

Internal Handling

Inspector F took four witness statements from officers who responded to the call made on 23 December 2003. These statements are summarised below.

- Police Constable H, whose statement was taken on 30 April 2008, stated that he could not recall any derogatory remark having been made about the complainer;
- Police Constable I, whose statement was also taken on 30 April 2004, stated with certainty that no derogatory remark was made about the complainer;
- Police Constable J, whose statement was taken on 8 May 2008, stated that he was not aware of any derogatory remark having been made about the complainer;
- Police Constable K, whose statement was taken on 23 May 2008, stated that he could not remember the incident and so could not comment on whether a derogatory remark had been made about the complainer.

Based on the content of these witness statements, Inspector F concluded that the complaint was unsubstantiated. This finding was endorsed by Deputy Chief Constable L in his final letter to the complainer dated 11 June 2008.

Consideration

Inspector F interviewed the majority of police officers at the scene on the night of 23 December 2003. In respect of the fact that only police officers were interviewed, it must be noted that the remark was alleged to have been made when the complainer was in the rear of a police vehicle. Accordingly there were no independent witnesses. Based on the fact that none of the officers interviewed said that derogatory remark had been made, Deputy Chief Constable L's conclusion that the complaint was unsubstantiated is entirely reasonable.

Complaint 7: the complainer's letters sent in 2007

Around October 2007 the complainer sent several letters to Central Scotland Police stating that he had complaints to make about the actions of the officers who investigated his case. He maintains that he received no reply to these letters.

Internal Handling

Inspector F established during his investigations into this complaint that the complainer was visited at the end of October 2007 by Detective Sergeant Q and that this visit was in response to the complainer's letters. Inspector F also identified a memo which Detective Sergeant Q prepared for a senior officer, Detective Inspector R, in which he detailed what took place during the visit. Inspector F noted that no letters were sent to the complainer following this visit.

As Inspector F believed that the visit to the complainer on 30 October 2007 was in response to the letters he sent, this complaint was viewed as unsubstantiated. In his final letter to the complainer on 11 June 2008 Deputy Chief Constable L confirmed Inspector F's findings but said that it would have been best practice for the complainer to have received a letter following the meeting with Detective Sergeant Q. Deputy Chief Constable L assured the complainer that the officers in question would be given advice in this regard.

Consideration

The Commissioner endorses Deputy Chief Constable L's view that the complainer should have received a letter following the visit which took place on 30 September 2007. Although the officers who visited the complainer may have believed that there was nothing they could do to assist the complainer, who was maintaining his innocence despite having been found guilty in a court of law, a letter explaining that no further action was being taken should have been sent. However, as this point was dealt with by Deputy Chief Constable L in his letter of 11 June 2008 the Commissioner requires no further action to be taken by Central Scotland Police.

Complaint 8: alleged failure to respond to calls for assistance made by Mrs S

This is a stand-alone complaint which does not relate to the incident that took place on 23 December 2003 or to the subsequent police investigation. The complainer maintains that Mrs S informed Central Scotland Police on numerous occasions that she was being harassed, but that her calls for assistance were ignored.

Internal Handling

Inspector F in his investigations into this complaint contacted Mrs S and asked whether she wished to comment on the matter. What she said in reply was noted and acted upon by Inspector F.

In addition Inspector F consulted Central Scotland Police's computer records to discover whether there had been any action taken in relation to the issues and individuals concerned. The records showed that Central Scotland Police responded several times to calls from Mrs S.

Inspector F therefore viewed the complaint as unsubstantiated, a finding that was approved by Deputy Chief Constable L in his final letter to the complainer.

Consideration

In the Commissioner's view, Inspector F took the correct course of action, firstly by contacting Mrs S, asking if she wished to comment on the matter, and thereafter following her directions. Inspector F went further by examining the relevant records which demonstrated that action had been taken in relation to the individuals concerned. In the Commissioner's view, the conclusion reached by Inspector F, and approved by Chief Constable L, was entirely reasonable based on the information available.

Conclusions, Recommendations and Learning

Complaint 1: alleged failure to respond to the complainer's call for assistance

For the reasons given the Commissioner does not consider the handling of this complaint to have been reasonable. The Commissioner therefore recommends that Central Scotland Police investigate the complaint fully by obtaining statements from the custody officers on duty at the time in question. The purpose of the investigation is to establish whether the officers in question ignored the complainer's calls for assistance while in the police cell. Central Scotland Police should thereafter write to the complainer addressing his complaint in full and providing him with details of its findings. Central Scotland Police should provide to the Commissioner a copy of its response.

Complaint 2: the loss of evidence important to the complainer's case.

In the Commissioner's view, the manner in which this complaint was dealt with by Central Scotland Police was not reasonable. The Commissioner therefore recommends that a written apology be offered to the complainer for the loss of the item of evidence in question (a pair of underpants) and also that the known facts in relation to their loss be disclosed to the complainer.

Complaint 3: the alleged failure to provide the complainer with a report

In the Commissioner's view, the manner in which this complaint was dealt with by Central Scotland Police was not reasonable. The Commissioner therefore recommends that a written apology be offered to the complainer for the amount of time taken to produce the letter of 9 March 2006 and for the quality of its contents.

Complaint 4: alleged derogatory remarks by a custody officer

In the Commissioner's view, the manner in which this complaint was dealt with by Central Scotland Police was reasonable. Accordingly, no further action is required.

Complaint 5: alleged failure to acknowledge and respond to offers of further information

In the Commissioner's view, the manner in which this complaint was dealt with by Central Scotland Police was reasonable. Accordingly, no further action is required.

Complaint 6: alleged derogatory remark by an officer

In the Commissioner's view, the manner in which this complaint was dealt with by Central Scotland Police was reasonable. Accordingly, no further action is required.

Complaint 7: the complainer's letters sent in 2007

In the Commissioner's view, the manner in which this complaint was dealt with by Central Scotland Police was reasonable. Accordingly, no further action is required.

Complaint 8: alleged failure to respond to calls for assistance made by Mrs S.

In the Commissioner's view, the manner in which this complaint was dealt with by Central Scotland Police was reasonable. Accordingly, no further action is required.

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