

Report of a Complaint Handling Review in relation to Dumfries and Galloway Constabulary

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

Summary and Key Findings

In 2006 the applicant was interviewed and subsequently arrested by Dumfries and Galloway Constabulary (D&G) in relation to criminal allegations made against him by his former partner. At around the same time he reported that his former partner had assaulted him. The applicant lodged a number of complaints against D&G in relation to the way in which it dealt with him during the course of its investigations.

The Commissioner found that D&G dealt with the majority of the complaints in a reasonable manner. However, the Commissioner found that one complaint (complaint 5) had not been dealt with reasonably. This complaint concerned an alleged failure by D&G to establish the veracity of the alibi provided by the applicant's former partner in respect of the allegation he made against her. The Commissioner found that although sufficient enquiries were made by D&G into this matter following receipt of the applicant's complaint, the applicant was not provided with details of any enquiries conducted by D&G at the time it was first notified of the alibi. The Commissioner recommended that D&G provide the applicant with any such details.

As a learning point, the Commissioner highlighted the potential for compromise where a Chief Constable becomes involved in the handling of a complaint.

The Commissioner also identified, as a further learning point, the fact that D&G did not maintain an effective and auditable record of discussions that had taken place with a senior officer during the course of the investigation. While not doubting the accuracy of the information provided to his office, the Commissioner reminded D&G of the importance of maintaining accurate and auditable records in respect of complaints investigations.

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 applicant. 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 applicant. 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 applicant in a reasonable manner.

Background

The applicant is a civilian employee of Dumfries and Galloway Constabulary (D&G). At the time of his complaint he was stationed at a particular police office.

At the time of the incidents the applicant resided in the same house as his former partner, Ms H. The relationship had faltered in later years with both parties essentially leading separate lives but continuing to live in the same house.

The applicant alleged that on 15 October 2006 he was within the bedroom of his home when Ms H entered the room and assaulted him. The applicant did not report the incident to the police at that time.

On 20 October 2006 the applicant was alone and asleep in his home when he became aware of someone at the outside door. He got up to answer the door and saw a local police officer, Sergeant A, in the process of leaving the garden.

Later that day, on his way to work, the applicant called into a police office to make enquiries about Sergeant A having been at his home earlier that day. The applicant was advised that Ms H had made an allegation that he had assaulted her. The applicant was then interviewed in relation to this allegation. He was not charged with the alleged offence and was allowed to leave.

Following consultation with his solicitor, the applicant decided to report Ms H's alleged assault upon him to the police. On 20 November 2006 he attended a police office for this purpose. The following day he contacted the same police office by telephone seeking an update on the enquiry into Ms H's alleged assault on him. He was advised that Ms H had denied the allegation and that

no further action would be taken. In July 2007 the applicant was interviewed and later reported to the Procurator Fiscal for wasting police time in relation to his allegation of assault against Ms H, which was alleged to be false.

On 18 December 2006 the applicant was contacted by Detective Sergeant B of the Family Protection Unit (FPU) who asked to speak to him in relation to fresh allegations made against him by Ms H.

On 19 December 2006 the applicant attended voluntarily at a police office where he was interviewed on tape in respect of the allegations. There were four allegations in total and, following interview, the applicant was charged with a breach of the peace. The charge concerned an incident that took place at his home in 2000 when he was alleged to have lost his temper and kicked a handle off a door. The circumstances were later reported to the Procurator Fiscal.

On 26 April 2007 the applicant wrote to D&G making a complaint. On 10 May 2007 his letter was acknowledged by D&G and arrangements were made to obtain a statement regarding this. This statement was noted on 23 May 2007.

On 31 May 2007 the applicant's solicitor wrote to D&G listing a number of allegations which the solicitor asked to be treated as grievances in relation to future Employment Tribunal proceedings. The letter was acknowledged by D&G on 4 June 2007.

On 5 July 2007 the Deputy Chief Constable wrote to the applicant detailing the outcome of his complaints.

On 20 August 2007 the applicant's MSP wrote to the Chief Constable of D&G listing a number of complaints and asking that they be investigated. The Chief Constable replied to the MSP on 3 September 2007 enclosing copies of relevant correspondence.

The Complaints

Based on the contents of the application form, the correspondence received from the applicant and the information obtained from D&G, the Commissioner has identified the following complaints:

- (1) D&G failed to apply domestic abuse protocols in respect of him as a victim;
- (2) D&G was discriminatory towards him in terms of the investigation of the crime he reported;
- (3) D&G was pressured by another police body to take action against the applicant;
- (4) D&G was "heavy handed" and "harsh" in its dealings with the applicant as a suspect; and
- (5) D&G failed to make enquiry to establish the veracity of the alibi provided by Ms H.

The Commissioner's Review

As noted above, the applicant is a civilian employee with D&G. In terms of sections 34(1) and (6) of the Act, the Commissioner may deal with particular kinds of complaints about the police made by "members of the public". The Commissioner has interpreted the term "member of the public" as excluding serving police officers making "on duty" complaints about other police officers or the police service in general. The same approach has been adopted by the Commissioner in respect of police civilian employees.

In the present case, however, the Commissioner considers that the applicant's complaints are generally made in his capacity as a member of the public rather than as a member of police staff. Accordingly, the Commissioner is prepared to review the handling of his complaints.

The applicant first contacted the Commissioner's office via his solicitor on 22 November 2007. He thereafter completed an application form which was submitted to the Commissioner's office on 10 December 2007.

On 11 March 2008 the applicant's solicitor wrote to the Commissioner's office and advised that the applicant was to commence civil proceedings against D&G. It was therefore agreed that the Commissioner's review be placed on hold until the conclusion of those proceedings. Notification was received from the applicant's solicitor on 25 November 2008 that the civil proceedings had been concluded. This was later confirmed by D&G.

Although the applicant submitted his application to the Commissioner's office on 10 December 2007 he was in contact with D&G after that date regarding his complaints. Specifically, in August 2008 the applicant contacted a senior officer at D&G intimating concern about his complaint handling. A further statement was noted from him which led to a meeting with a senior officer and further correspondence from the Deputy Chief Constable. The Commissioner has included details of this further contact in his review.

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

Complaint 1: Failure to apply domestic abuse protocols

This complaint relates to the applicant's allegation that he was the victim of domestic abuse on 15 October 2006 at the hands of Ms H. The applicant also believes that D&G did not offer him support as a victim of crime.

Internal Handling

In his letter dated 26 April 2007 the applicant raised a number of complaints about his treatment by D&G. This complaint was not among them. In the text of his letter, however, the applicant stated that he did not receive a domestic violence "follow up", which he understood to be D&G policy.

The Deputy Chief Constable (then Acting Chief Constable) wrote to the applicant advising that he had appointed Detective Inspector D to interview him and obtain a statement regarding his complaints. In his internal memorandum to Detective Inspector D the Deputy Chief Constable advised him that he was not to conduct an investigation but simply to obtain a statement.

On 23 May 2007 Detective Inspector D obtained the applicant's statement in which he raised a number of complaints. In particular, he stated that he did not receive any information from the Domestic Violence Unit, was not offered victim support and did not receive any counselling or support from line managers.

The enquiry into this complaint was dealt with by Chief Inspector E of the Complaints and Professional Standards Unit. Chief Inspector E was aware that the applicant had met with Superintendent C in relation to his concerns and Chief Inspector E undertook to speak to Superintendent C about this. Chief Inspector E established that Superintendent C had met with the applicant on 13 February 2007, at his request, within a particular police office. During the course of that meeting the applicant had expressed concern at the lack of support provided to him following his allegation that Ms H had assaulted him. The applicant's position was that he was an innocent party and felt unsupported. Superintendent C noted the matters discussed at the meeting and told the applicant that she would provide him with an update later that week.

On 15 February 2007 Superintendent C provided a written response to the applicant in the form of a memorandum. She advised that a domestic abuse referral had been completed in respect of him and had been sent to the FPU. According to Superintendent C, the applicant had unfortunately not been sent the letter that would normally have been sent to victims of domestic abuse. This letter would have introduced members of the FPU and invited the victim to make contact should they require advice, support or guidance. However, Superintendent C stated that as a member of staff working within the same police office as the FPU, the applicant would have had no difficulty in accessing staff at that office had he chosen to do so. Superintendent C advised that she was aware that around this time the applicant had discussed his concerns with Inspector F who was then head of the FPU.

In respect of the perceived lack of support from colleagues Superintendent C advised the applicant that the police had a duty to be fair to all parties involved and would not show or attempt to show unfair bias towards one party over another. Superintendent C also offered to refer the applicant to Occupational Health and Welfare but he declined this.

On receipt of the update from Superintendent C, Chief Inspector E prepared a report for the Deputy Chief Constable.

On 5 July 2007 the Deputy Chief Constable wrote to the applicant reminding him of his meeting with Superintendent C and of the response he had received from her. While the Deputy Chief Constable was content that support had been offered by D&G, he apologised to the applicant for the failure to provide him with the standard letter forwarded to all victims of domestic abuse.

Consideration

The Commissioner notes that on receipt of the complaint an officer was appointed to meet the applicant and obtain a statement concerning his complaints. This is good practice and was, in the circumstances of this complaint, essential as the letter of complaint was not entirely clear in its terms.

It is important to reiterate that the Commissioner has no role in examining whether D&G, as an employer, gave adequate support to the applicant in light of his allegation that he was assaulted by Ms H. As noted above, the Commissioner's review must focus on whether the applicant was given the same level of support as any member of the public who had claims to have been the victim of domestic violence. Accordingly, to the extent that the applicant's complaint is that D&G, as an employer, failed to support him as an employee, it is beyond the Commissioner's remit.

Superintendent C identified that the applicant was in contact with Inspector F from the FPU at or around the time of the alleged assault upon him by Ms H. Unfortunately, there is no record of that contact and therefore no evidence of the support that may have been offered to the applicant at that time. At the meeting with the applicant on 13 February 2007 (albeit a number of months after he made the allegation against Ms H) Superintendent C reminded him that he could have accessed the support given to victims of domestic abuse from the FPU himself. The Commissioner acknowledges this position. This is not intended to excuse the failure to offer the support contained in the standard letter the applicant ought to have received; it is merely an observation about how the original failure could have been rectified by the applicant had he raised his concerns earlier.

The failure to provide the applicant with the support normally offered to victims of domestic abuse has been addressed by D&G and the applicant offered an apology. In these circumstances, the Commissioner considers that the complaint was handled reasonably by D&G. Accordingly, the Commissioner does not require any further action in relation to this complaint.

Complaint 2: Alleged discrimination against the applicant

The applicant's position is that the allegation he made against Ms H was not progressed in any meaningful way; but that when he was the alleged assailant the enquiry was pursued vigorously.

Internal Handling

In his statement of 23 May 2007 the applicant said that an unnamed officer had told him that Ms H had provided an alibi to the police. According to his statement, the applicant knew this alibi to be false. The applicant explained that the same officer informed him that the enquiry officers had been told by senior officers to "back off". The applicant would not name his apparent source. The applicant stated via his solicitor that no formal investigation had been undertaken into his allegation and that Ms H was not interviewed.

Chief Inspector E established that on receipt of the applicant's allegation against Ms H, enquiries were conducted by local officers. Ms H was interviewed on the same day the allegation was made. According to Chief Inspector E, Ms H denied the allegation and, as there was no other evidence available at that time, she was released without charge.

Chief Inspector E also established that the applicant had met with Superintendent C on 13 February 2007. During that meeting the applicant raised concerns about the delay in his being updated with the result of the enquiry undertaken in respect of his allegation against Ms H. In her memorandum to the applicant of 15 February 2007, Superintendent C advised that a suspect had been interviewed on the same day the allegation was made. The applicant had also received an update the following day from the enquiry officer.

Chief Inspector E also established that following the initial interview further evidence became available relating to an alibi which Ms H had provided (see complaint 5 below).

In his response to this complaint, the Deputy Chief Constable referred to the memo which had been sent to the applicant by Superintendent C on 15 February 2007. The Deputy Chief Constable also advised that the allegation made by him against Ms H was the subject of formal investigation and that there had been no "departure from accepted procedures".

Consideration

As noted above, Ms H was interviewed about the allegation on the same day the applicant informed the police about it. It appears that the applicant was advised of these steps the following day. This version of events is reflected in the memorandum sent to the applicant by Superintendent C on 15 February 2007. It is difficult to reconcile this version of events with the applicant's apparent lack of knowledge of the enquiry as described by his solicitor in a letter dated over three months later. It is not clear how such a misunderstanding could have occurred but, in the Commissioner's view, the Deputy Chief Constable's letter to the applicant of 5 July 2007 provides sufficient clarification of the issue.

Having examined the papers provided by the applicant, the applicant's solicitor and D&G the Commissioner considers that the circumstances of the applicant's arrest and subsequent treatment were clearly documented. The outcome of the enquiries into the applicant's allegations against Ms H was clearly different from that relating to the allegations she made against him. However, from the information available it appears that this was a consequence of the strength of evidence in relation to each allegation, rather than any difference in the way in which D&G treated the allegations.

In these circumstances, the Commissioner considers that this complaint was handled by D&G in a reasonable manner. Accordingly, no further action is required of D&G in relation to this complaint.

Complaint 3: Alleged pressure by another police body

The applicant's position is that another police body – Police Body M, Ms H's employer - exerted influence over D&G in respect of its investigations.

Internal Handling

In his statement of 23 May 2007 the applicant claimed that he had been told by “people involved in the investigation” that Police Body M had put pressure on D&G to take action against the applicant. In his statement of 10 September 2008 the applicant repeated that D&G was under immense pressure from Police Body M to deal with him; however, the applicant continually refused to name his source.

In his letter of 5 July 2007 the Deputy Chief Constable asked the applicant to provide information about “sources close to the investigation” so that his allegations of interference could be investigated. The applicant did not provide those details.

The applicant was also advised by the Deputy Chief Constable that no-one would influence the investigation, which had been directed by managers from D&G on behalf of the Procurator Fiscal.

In his memorandum to the applicant dated 27 October 2008 Chief Superintendent G provided a further explanation. Chief Superintendent G advised that the actions taken in response to his allegation were driven by a desire to achieve a fair outcome and prevent any increase in tension or potential for violence between the applicant and Ms H. He acknowledged that any public service will be pressured by interested parties but said that such pressure would not, in itself, lead to a particular conclusion.

In his letter to the applicant of 21 November 2008 the Deputy Chief Constable advised that enquiries were carried out without “fear, favour, malice, ill will or prejudice and were based solely upon the circumstances and evidence”. The Deputy Chief Constable acknowledged that direct line management within Police Body M would have an interest in their employee. However, he was satisfied that this interest did not in any way influence or direct the investigation.

Consideration

The papers made available to the Commissioner confirm that there was communication between Police Body M and D&G. However, this was in relation to the welfare of Ms H as an employee of Police Body M. Ms H had reported to Police Body M that she had been the victim of a number of incidents at her home. The initial communication between D&G and Police Body M was in relation to making the necessary arrangements to interview her in relation to her allegations. There is no evidence within those communications of any attempt to influence the progress of the investigation.

No evidence has been presented to the Commissioner to suggest that Police Body M sought to influence D&G's investigations. In these circumstances, the Commissioner considers that this complaint was handled by D&G in a reasonable manner. Accordingly no further action is required of D&G in relation to this complaint.

Complaint 4: Alleged “heavy handedness” and harshness

The applicant believes that his arrest in respect of an alleged crime committed 5-6 years previously was “heavy handed”. He also believes that he was treated harshly as the officers interviewing him could not be specific as to the year, month or day he was alleged to have been involved in the incident.

Internal Handling

This complaint was raised in the applicant's letter dated 26 April 2007 and further developed in his statement noted of 23 May 2007.

As well as obtaining a statement from the applicant, Chief Inspector E made enquiries with local officers. He established that in December 2006 Ms H made a number of criminal allegations against him of a domestic nature. They had apparently occurred during the course of 2000 although the exact dates were not specified. The applicant had agreed to attend voluntarily at a police station on 19 December 2006 for interview in relation to these allegations. During the course of the interview it was established that there was a sufficiency of evidence to charge the applicant with one of the crimes alleged. He was therefore arrested and charged. D&G then took relevant samples from him prior to his release from custody. A report was later prepared for the Procurator Fiscal.

In his letter to the applicant of 5 July 2007 the Deputy Chief Constable told the applicant that appropriate procedures were followed and that there was "no time bar in terms of allegations of a common law nature". The Deputy Chief Constable also made reference to comments in the memorandum which Superintendent C sent to the applicant on 15 February 2007. Superintendent C had advised the applicant that, where criminal allegations are made, officers will investigate and report the circumstances as appropriate.

Consideration

The Commissioner acknowledges that there was a considerable gap between the commission of the alleged crimes and Ms H reporting them to the police. However, that is not something for which D&G can be held responsible. Having been approached by Ms H, D&G was obliged to conduct enquiries into the allegations. The applicant was contacted by the enquiry officer at an early stage and told that allegations had been made against him. He was given the opportunity to attend voluntarily for interview, which he did the following day.

It is true that the applicant's former partner was unable to provide the exact dates of the alleged offences. Again, however, this is not something for which D&G can reasonably be criticised. The officers who interviewed the applicant about the allegations made it clear that these related to offences which had occurred 5-6 years previously. At the end of the interview, when the applicant was charged with the offence, the time frame given was "an unspecified date in early 2000". The report to the Procurator Fiscal provides that the alleged offence occurred between 1 January and 31 December 2000 inclusive.

In conclusion, the Commissioner does not consider that the applicant was dealt with in a "heavy handed" way, or treated "harshly" during the course of the original investigation. As noted above, D&G cannot be held responsible for the fact that Ms H did not report the alleged offences for a number of years, or that she was unable to specify the dates on which they allegedly occurred.

That said, the explanation provided by D&G to the applicant and his solicitor could have included a more detailed explanation of the reasons for the actions taken at the time of the original investigation. That may have allowed the applicant and his solicitor to understand more fully the circumstances surrounding the investigation. Although the Commissioner believes that the responses could have been more detailed, in his view the overall handling of the complaint was reasonable. Accordingly, the Commissioner does not require any further action of D&G in relation to this complaint.

Complaint 5: Failure to establish the veracity of an alibi

It is the applicant's belief that the alibi provided by Ms H in relation to the alleged assault upon him was not the subject of any enquiry to establish if it was true.

Internal Handling

Some time after Ms H was interviewed in connection with this allegation she remembered that she had been on a short break with her family on the date the offence was alleged to have been committed. She thereafter made officers aware of this information.

As a result of the applicant's subsequent complaint about D&G a review of the original investigation of the alleged offence was conducted. Simultaneously, Ms H also asked that the matter be reviewed. Ms H was re-interviewed and clarified her position with regard to where she was at the time she was alleged to have committed the offence. Two witnesses provided support for the account given by her. Another witness, a hotel manager, was able to confirm a hotel booking for Ms H's family. However, he was unable to provide evidence as to the identity of those who stayed at the hotel over the relevant period. The statements from these witnesses were noted on various dates between 2 June and 22 June 2007.

In his letter of 5 July 2007, the Deputy Chief Constable advised the applicant that a review of the original investigation had been conducted and a report forwarded to the Procurator Fiscal.

The applicant raised this complaint again during the course of his meeting with Chief Superintendent G on 15 October 2008. Chief Superintendent G provided a verbal response at the meeting and sent the applicant a written response dated 27 October 2008 (in the form of a memorandum). Superintendent G explained that there was sufficient of evidence to support Ms H's position that she was in another town at the time of the alleged crime. Superintendent G provided the applicant with a detailed account of the evidence obtained during the course of the review.

Consideration

As a result of the applicant's allegation against Ms H, D&G created an incident report. This report does not contain any reference to the alibi provided by Ms H. Any action taken by D&G at that time to establish the truthfulness or otherwise of the alibi is not evident from the papers provided to the Commissioner's office.

As noted above, following receipt of the applicant's complaint, D&G carried out further enquiries including interviews with relevant witnesses. This culminated in the applicant being interviewed on 3 July 2007 in connection with allegedly wasting police time. This matter was subsequently reported to the Procurator Fiscal.

In his letter of 5 July 2007, the Deputy Chief Constable advised the applicant that the matter had been reported to the Procurator Fiscal. However, the Deputy Chief Constable did not comment in his letter on what action, if any, D&G had been taken to investigate the alibi at the time it was first provided by Ms H.

The applicant raised this complaint again in the statement he provided to Chief Inspector E in September 2008. In his memorandum to the applicant Chief Superintendent G provided an explanation about the enquiry conducted in relation to Ms H's alibi. Again, however, there is no reference to what action, if any, was taken by D&G to investigate the alibi at the time it was first mentioned by Ms H.

In conclusion, the applicant has not been informed of the details of any enquiries that were undertaken to investigate Ms H's alibi at the time she first provided this. The Commissioner has not been provided with any information that might have allowed him to include such details in this report. The Commissioner therefore finds that, in this respect, the complaint was not handled by D&G in a reasonable manner. Accordingly the Commissioner recommends that D&G provides the

applicant with details of any enquiries it undertook in relation to the alibi at the time this was first communicated by Ms H.

Conclusions, Recommendations and Learning

Complaint 1: Failure to apply domestic abuse protocols

In the Commissioner's view, the manner in which this complaint was dealt with by D&G was reasonable. Accordingly, the Commissioner does not require D&G to take any further action in relation to this complaint.

Complaint 2: Alleged discrimination against the applicant

In the Commissioner's view, the manner in which this complaint was dealt with by D&G was reasonable. Accordingly, the Commissioner does not require D&G to take any further action in relation to this complaint.

Complaint 3: Alleged pressure by another police body

In the Commissioner's view, the manner in which this complaint was dealt with by D&G was reasonable. Accordingly, the Commissioner does not require D&G to take any further action in relation to this complaint.

Complaint 4: Alleged "heavy handedness" and harshness

In the Commissioner's view, the manner in which this complaint was dealt with by D&G was reasonable. Accordingly, the Commissioner does not require D&G to take any further action in relation to this complaint.

Complaint 5: Failure to establish the veracity of an alibi

In the Commissioner's view, the manner in which this complaint was dealt with by D&G was, in one respect, not reasonable. Accordingly, the Commissioner recommends that D&G provides the applicant with details of any enquiries it undertook in relation to the alibi at the time this was first communicated by Ms H.

Learning points

(1) When the applicant first wrote to D&G in April 2007 the response he received was from the Deputy Chief Constable. At that time, however, the Deputy Chief Constable was the Acting Chief Constable and the correspondence identified him as the holder of that office. Similarly the Deputy Chief Constable's internal memorandum to Detective Inspector D (see page 3 above) was sent in his capacity as Acting Chief Constable. In the letter to the applicant's solicitor on 4 June 2007, and in all correspondence after that date the Deputy Chief Constable has written in his substantive capacity as that post-holder.

The Police (Conduct) (Scotland) Regulations 1996 ("the Regulations") place a responsibility on Assistant Chief Constables to prepare and maintain procedures in respect of reports, allegations or complaints where it may reasonably be inferred that an act or omission amounts, or may amount, to misconduct. That responsibility is generally discharged by the person occupying the post of Deputy Chief Constable. In terms of paragraph 20 of the Regulations, where the chairman of a misconduct hearing finds that a constable's acts or omissions constitute misconduct, the Chief Constable acts as an appeals mechanism in relation to that finding. In the Commissioner's view, the Chief Constable's role in the process could be compromised where, as here, he becomes involved in an earlier stage of the complaints process. Accordingly, given the possibility that

complaints can result in misconduct proceedings, the Commissioner considers that Chief Constables should avoid any involvement in the handling of these.

(2) During the course of the complaints enquiry Chief Inspector E and Chief Superintendent G discussed the applicant's complaints with Superintendent C. That discussion was entirely appropriate and related to Superintendent C's contact with the applicant regarding the concerns he expressed in February 2007. It appears that the record of those discussions comprises notes from both Chief Inspector E and Chief Superintendent G which were later included in briefing papers and memoranda prepared by them. However, these notes would appear to have been disposed of. There is therefore no auditable record of the discussions that took place between Superintendent C, Chief Inspector E and Superintendent G. The Commissioner has no grounds to challenge the accuracy of the reports produced. He does, however, wish to highlight the importance of maintaining accurate and auditable records in relation to anything founded upon in complaints investigations and resolution.

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