

Report of a Complaint Handling Review in relation to Northern Constabulary

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

Summary and Key Findings

The six complaints dealt with in this report relate to the applicant's detention and arrest following an alleged offence. Of those six complaints, the Commissioner found that four were not dealt with in a reasonable manner, largely because of inadequacies in Northern Constabulary's investigations and/or the responses given.

The Commissioner recommended that Northern Constabulary apologise to the applicant for the way in which it handled these four complaints.

The Commissioner also recommended that Northern Constabulary review its procedures on the use of appropriate adults in light of guidance issued on this topic in 2007.

As well as complaining about the police, the applicant sought to complain about a police surgeon and the appropriate adult appointed in his case. As a learning point, the Commissioner identified the need for police forces to advise complainers the agencies such complaints should be directed to.

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 complaints dealt with in this report arise from the arrest of the applicant after a criminal allegation was made about him on Thursday 10 August 2006. The criminal proceedings against the applicant were subsequently deserted by the Procurator Fiscal. The applicant is unhappy about his treatment during the period of his detention and subsequent arrest and also about the investigation into the alleged offence.

The applicant's version of events is that at around 4.30 pm on Thursday 10 August 2006 he went for a swim at a local swimming pool. Upon leaving the pool, the applicant went home for a time and then went out for the evening before finally returning home at around midnight. On arriving at his front door, he was met by two police officers (Detective Sergeant C and Detective Constable D) who informed him that a sexual offence had been committed at the swimming pool. The applicant was then taken to Police Station E.

The applicant's letter of complaint states that he informed Detective Sergeant C and Detective Constable D of various medical conditions from which he apparently suffers. He also informed them that, because of these conditions, he can compulsively or obsessively "check himself" (or, as it is described in the police complaints file, "arrange himself"). The applicant believed that these actions might have been misunderstood on the occasion in question.

The applicant claims that he also told Detective Sergeant C at an early stage that he was acquainted with Constable F, a community police officer, and asked that he be contacted. According to the applicant, Constable F was aware of the applicant's disabilities and good character. The applicant had hoped that the intervention of Constable F would have led to his release from Police Station E.

The police report on the applicant's detention notes that a doctor was called when, upon his arrival at Police Station E, the applicant declared himself to be a vulnerable person. At 1 am the Police Surgeon, Doctor G, found the applicant fit to be interviewed, following which an appropriate adult, Person H, was appointed.

The applicant was interviewed at approximately 2 am by Detective Sergeant C and Detective Constable D. According to the applicant, he became very distressed and his disabilities produced "heightened feelings of fear and anxiety."

The interview concluded with the applicant being arrested on a charge of public indecency. He was thereafter detained in police custody with a view to his appearing in court on the next lawful day. The police custody status form shows that it was decided at 11 pm on 11 August 2006 to release the applicant, following a review of his custody status by Inspector J.

The Complaints

Based on the correspondence received from the applicant and his solicitor, and the information obtained from Northern Constabulary, the Commissioner has identified the following complaints:

- (1) that Northern Constabulary paid insufficient attention to the applicant's disabilities;
- (2) that the applicant was not brought to court on 11 August 2006;
- (3) that Constable F was not informed of the applicant's arrest;
- (4) that Detective Sergeant C acted in an aggressive manner towards the applicant;
- (5) that Detective Sergeant C did not investigate the applicant's side of the story; and
- (6) the way in which the applicant was treated by the police surgeon and appropriate adult.

The applicant's solicitor first wrote to the Chief Constable of Northern Constabulary on 30 April 2008, enclosing his client's detailed letter of complaint about his arrest almost two years earlier. This letter detailed Complaints 1 – 5.

On 7 May 2008, the complaints were allocated to Detective Inspector N. In an attempt to conciliate the complaint, a meeting took place on 11 June 2008 between Detective Inspector N, the applicant and his solicitor. On 1 August 2008 the applicant's solicitor wrote to Detective Inspector N advising that the applicant was not satisfied with the explanations provided during the meeting. This letter also raised Complaint 6 and reiterated Complaint 5.

Detective Inspector N acknowledged in an email of 6 August 2008 that his attempts to conciliate the complaint had failed and that he required to submit a preliminary report on the matter. Detective Inspector N subsequently produced a report taking into account statements and other material which had been produced in relation to the incident for which the applicant had been detained.

Whilst reviewing this report on 17 September 2008, Inspector P noted that Detective Inspector N had not asked for operational statements from Detective Sergeant C and his corroborating officer. He therefore asked that Detective Sergeant C provide an operational statement regarding the complaints. Inspector P felt that he could not provide a full police perspective on the complaint without Detective Sergeant C's version of events. No statement was obtained from the applicant at any time.

After Detective Sergeant C had submitted an operational statement, Chief Inspector K wrote to the applicant and his solicitor on 6 October 2008 with his final response.

The Commissioner's Review

The applicant first contacted the Commissioner's office by telephone on 3 December 2007 advising that he had lodged a complaint with Northern Constabulary. Following a further telephone call on 4 December 2007, it became clear that the complaint had not yet been made to the police. The Commissioner's office thereafter sent the applicant details of how to make a complaint about the police.

The applicant telephoned the Commissioner's office again on 21 July 2008 explaining that he now wished to go ahead with a review of the handling of his complaints about the police. An application form was sent to him on 24 July and was received by the Commissioner's office on 4 August 2008.

On the same date the Commissioner's office requested the complaint file from Northern Constabulary. Northern Constabulary responded the following day stating that the case was still under investigation. On 15 October 2008 Northern Constabulary wrote again to the Commissioner's office advising that its investigation was complete and that a final response had been sent to the applicant and his solicitor. The applicant's solicitor wrote to the Commissioner's office on 4 November 2008 confirming that his client remained dissatisfied with the response received from Northern Constabulary. The papers relating to the complaints were received by the Commissioner's Office from Northern Constabulary on 24 November 2008.

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

Complaint 1: Insufficient attention paid to the applicant's disabilities

In what appears to be an undated letter to Northern Constabulary (described in the complaints file as being dated 30 April 2008), the applicant stated the following:

"... insufficient attention was given to my disabilities. Although I was seen by the police surgeon, she would not have had access to my medical records and I believe she had insufficient experience in dealing with persons suffering from my disabilities."

The applicant's solicitor raised similar issues in his letter of 1 August 2008 in which he wrote that the applicant was "obviously a very vulnerable person and ... was treated badly and shown no compassion."

Internal Handling

As part of his enquiries, Detective Inspector N took account of the incident log and the various statements which had been submitted to the Procurator Fiscal. Detective Inspector N's report contains the following passages:

"Prior to interview, the complainer stated that he was a recovering alcoholic, a vulnerable person, suffered from ADHD and was autistic. Detective Sergeant [C] arranged for him to be medically examined by Police Surgeon Doctor [G]. She deemed him fit to be interviewed."

Detective Sergeant [C] also arranged for an appropriate adult to be present while the complainer was interviewed. The witness [Person H] was present during the complainer's interview and states that the complainer, although agitated, was lucid and clearly understood what was going on."

Chief Inspector K's response of 6 October 2008 stated:

"Normally I would like to take this opportunity to address the points raised in your formal statement of complaint but no such statement has been obtained. I can only refer to the details contained within a letter submitted by your solicitor ... on 1 August 2008.

On Thursday 10th August 2006 you returned home at 2345 hours and were detained under Section 14 of the Criminal Procedure (Scotland) Act 1995. You were taken to [Police Station E], where your rights as a detained person were fully explained. You claimed the status of a 'Vulnerable' person and a doctor was called, subsequently declaring you fit to be interviewed. A properly trained 'Appropriate Adult', registered with the [local council], was provided to look after your interests whilst at the station. You were interviewed on tape under caution and gave details of your version of events. The manner and tone of the recordings make it very clear that you were treated in a proper way."

Consideration

Although Northern Constabulary has never taken a statement from the applicant, his letter suggests that Doctor G did not have access to his medical records and had insufficient experience of the conditions from which he apparently suffers. As Doctor G is not a police officer or a member of police staff, it is beyond the Commissioner's remit to consider any complaints about her clinical experience.

The Commissioner notes that the procedures which inform Northern Constabulary's approach to the detention of vulnerable persons is contained within its "Care and Custody of Prisoners Handbook" which was in place at the time of the applicant's detention and arrest. The relevant provisions are set out below.

"08 VULNERABLE PRISONERS

- 8.1 *There is no definitive definition of a vulnerable custody, however, the following will have a bearing on any such assessment:*
- (a) age or frailty of the custody*
 - (b) state of sobriety*
 - (c) known medical condition*
 - (d) mental disposition*
 - (e) suicide risk*
 - (f) drug dependency*
 - (g) previous history in custody.*
- 8.2 *When a custody is identified as vulnerable or potentially vulnerable, the Duty Officer will inform the Duty Inspector immediately.*

- 8.3 *Persons who have been detained under the Mental Health (Scotland) Act 1984, Section 118, will not be admitted to the custody suite. The police duty under the Act is to convey such persons direct to a hospital nominated as a place of safety.*
- 8.4 *If necessary, vulnerable custodies will be seen by a Police Surgeon to ascertain whether they are fit to be detained. If they refuse to see a Doctor, consideration must still be given to seeking medical advice by calling the Police Surgeon to view the custody. All medical advice must be recorded in the custody log."*

It is clear that Northern Constabulary adhered to paragraph 8.4 above when put on notice of the applicant's potential vulnerability. In light of this, the Commissioner considers that Chief Inspector K's response to this complaint was reasonable. Additionally, during his enquiry Detective Inspector N listened to the tape recording of the interview conducted by Detective Sergeant C. The Commissioner was provided with a copy of this recording and shares the view that Detective Sergeant C treated the applicant in a professional and dignified manner throughout the interview.

The Commissioner would, however, wish to raise a further issue regarding Northern Constabulary's policy on the use of appropriate adults. In November 2007, the Scottish Appropriate Adult Network, a body made up of representatives of the Scottish Government, local authorities and ACPOS, issued a document entitled "Guidance on Appropriate Adult Services in Scotland" ("the guidance"). The purpose of the guidance, which was published by the Scottish Government, is to provide a framework within which each appropriate adult service across the country can operate, without dictating systems or procedures at a local level.

In a recent published complaint handling review report (PCCS/00296/PF-CSP) the Commissioner recommended that Central Scotland Police review its Appropriate Adult Policy in light of the guidance. In order to promote consistency across all police forces with regard to how they approach such issues, the Commissioner recommends that Northern Constabulary also reviews its appropriate adult procedures in light of the guidance.

Complaint 2: The fact that the applicant was not brought before the court on 11 August 2006

In his letter to Northern Constabulary, the applicant stated the following:

"... I do not understand why it was not possible to bring me before the court [on the morning after my arrest] so that I could be released on bail. The police officers in charge of my detention had been told of my disabilities and my physical and mental vulnerability and distress must have been obvious to them. It would have required very little effort on the part of the police to take account of my difficulties and alleviate this by getting me released as soon as possible."

Internal Handling

As part of his enquiries Detective Inspector N considered the applicant's custody record. Detective Inspector N's report stated:

"At 2300 hours on Friday 11 August 2006, the custody status was reviewed by Inspector [J] and he decided to release the complainer on an undertaking to appear at [a local] Sheriff Court at 1200 hours Monday 14 August 2006. The reason for his decision is documented in the detailed copy of the custody record."

Chief Inspector K's response of 6 October 2008 stated:

"You were later released on an undertaking to appear at Court on the next lawful day. The Procurator Fiscal later deserted the case, which ended the police involvement in the matter."

As noted above, Chief Inspector K found that Detective Sergeant C had dealt with the incident properly and professionally.

Consideration

The applicant was arrested at 2.26 am on Friday 11 August 2006 and Detective Sergeant C decided to keep him in custody with a view to his appearing in court on the next lawful day. Taking into account the time of the applicant's arrest, the next lawful day would have been Monday 14 August 2006.

Section 22 of the Criminal Procedure (Scotland) Act 1995 governs the release from police custody of persons who have been charged with offences that may be tried summarily. Section 22(1) provides that the officer in charge of a police station may liberate such a person on a written undertaking to appear at a court at a specified time; liberate him without such an undertaking; or refuse to liberate him.

The Lord Advocate has also issued guidelines on this issue (Lord Advocate's Guidelines to Chief Constables: Liberation by the Police). The latest version of these guidelines was issued in March 2008 but the Commissioner understands that the relevant provisions were in place at the time of the applicant's arrest. The guidelines provide that the police should not liberate on an undertaking where there appears to be a substantial risk that the accused will commit further offences. The guidelines also provide that liberation is unlikely to be appropriate where there is reason to believe that the accused is a danger to the public.

Detective Sergeant C's statement explains the basis for his decision to keep the applicant in custody following his arrest:

"In making my decision to request [the applicant] appeared [in court] from custody I took into account the seriousness of the allegation, my concerns for public safety in the light of the corroboration of his having followed the two young girls from the [swimming pool], and his likelihood of reoffending. The applicant was desperately pleading to be released in order to [attend a music festival], an event attended by a very large number of children and young people."

Although the allegation that the applicant followed two young girls from the swimming pool is in fact uncorroborated, the Commissioner considers that it was nevertheless a factor on which Detective Sergeant C was entitled to rely in deciding whether the applicant should remain in custody.

As explained, however, upon reviewing the applicant's custody status at 11 pm on 11 August 2006, Inspector J took a different view from Detective Sergeant C. In particular, having taken into account the applicant's mental state, Inspector J decided that he should be released on the basis that the offence was at the "lower end of the scale of public indecency".

Northern Constabulary's Care and Custody of Prisoners Handbook states the following:

"Each custody will be subject to review at each change of shift. The reasons for continued custody will be recorded by the on-coming supervisor."

According to the custody status form relating to the applicant's detention and arrest, his status was reviewed on three occasions on 11 August 2006 (at 6 am, 2.40 pm and 11 pm). It was as a result of the third review that the decision was taken to release the applicant on an undertaking.

None of the above information was included in Northern Constabulary's response to this complaint. The letter sent to the applicant by Chief Inspector K simply provided him with a basic chronology of events. It did not deal with the essence of his complaint, namely that he was not released "as

soon as possible". It also failed to answer the applicant's query as to why he was not brought before the court on 11 August 2006. In light of this, the Commissioner does not consider that this complaint was dealt with in a reasonable manner. Normally in these circumstances the Commissioner would recommend that a response be given to the applicant addressing his complaint. However, the Commissioner considers that the foregoing consideration is sufficient to deal with the points raised by the applicant. A recommendation is, however, made at the end of this report.

Complaint 3: Constable F not being informed of the applicant's arrest

In his letter to Northern Constabulary the applicant complained that a community police officer, Constable F, should have been notified of his arrest "as soon as possible." According to the applicant, Constable F knew him and could have testified as to his disabilities and good character. The applicant believed that, had Constable F been contacted at an early stage in the process, he would not have spent time in custody.

However, the applicant also states in the same letter that Constable F was "concerned about me and he contacted a senior officer and eventually secured my release."

Internal Handling

This complaint was not considered by Detective Inspector N nor responded to by Chief Inspector K.

Consideration

This complaint does not appear to have been recorded nor did the applicant receive a response to it. Nevertheless, Detective Sergeant C's statement contains the following passage:

"[The applicant] throughout my dealings with him continually asked me to speak with Police Constable [F], who he stated knew him of old. I do not recall if I spoke with Constable [F] that night, but certainly did at some point. Indeed, Constable [F] seemed to be of the opinion that the conduct described was just [the applicant's] way', but this was not a professional opinion, and I have never dealt with anyone differently because they know a certain police officer."

It is clear from this passage that Detective Sergeant C discussed the applicant's arrest with Constable F, albeit it is not clear precisely when this took place. Insofar as the applicant is suggesting that Constable F ultimately secured his release, the Commissioner has seen no evidence to support this. Inspector J's justification for releasing the applicant on an undertaking is described above and there is no reference to any involvement by Constable F in that decision.

In the Commissioner's view, it is important to emphasise that the applicant was detained and subsequently arrested on the basis of a serious allegation made by a member of the public. It was appropriate in these circumstances that the applicant was detained and that enquiries were carried out by investigating officers. Simply because the applicant may know Constable F does not mean that he can expect to be treated differently from other persons involved in similar incidents.

Given that no response was issued by Northern Constabulary, the Commissioner considers that this complaint was not handled in a reasonable manner. However, the Commissioner considers that the foregoing is sufficient to deal with the points raised by the applicant and therefore does not recommend any additional response by Northern Constabulary. A recommendation is, however, made at the end of this report.

Complaint 4: Detective Sergeant C's alleged behaviour

The applicant alleges that Detective Sergeant C "acted in an aggressive manner towards me in the knowledge that I was a vulnerable adult."

Internal Handling

Detective Inspector N's report concluded:

"It is the investigating officer's opinion that the Reporting Officer dealt with the complaint in a professional manner and provided satisfactory measures to ensure the complainer was dealt with in an appropriate manner."

Chief Inspector K's response of 6 October 2008 stated:

"You were interviewed on tape under caution and gave details of your version of events. The manner and tone of the recordings make it very clear that you were treated in a proper way..."

...Your version of events where you claim to have been treated badly and without compassion is refuted by the officer in charge of the investigation. I am unable to offer you the recognition you seek. It is unfortunate that you seem to have suffered such trauma over the events and are unable to bring the matter to a close."

Consideration

Detective Sergeant C's statement gave a chronology of his contact with the applicant in which he denied having treated him in anything other than an appropriate way. In particular, he stated:

"... there was no reason to exhibit incivility or oppressive conduct towards this man, and I did not. To do so would have defeated the ends of what I was duty bound to do; namely investigate to the best of my ability an allegation of a sexual crime with public protection implications ... If I had been overbearing in any way then that would have been unprofessional and would not have resulted in the free narrative which [the applicant] provided in his interview ..."

... [Person H] and Doctor [G] should be able to provide an independent account of the way [the applicant] was treated."

As no statement was taken from the applicant, the Commissioner is not aware of the circumstances of any alleged aggressive behaviour towards him. Notwithstanding the professional and dignified way in which the applicant was treated during his interview with Detective Sergeant C, the Commissioner notes that Detective Sergeant C interacted with the applicant out-with this period. As such, it was important for the investigating officer to obtain statements from the applicant and any other persons who witnessed this interaction. Detective Sergeant C himself refers to two witnesses (Person H and Doctor G) who could have provided such accounts.

Person H provided a statement in connection with the investigation of the alleged offence, but it is unclear from this whether he was present at any time other than the police interview. Further enquiry with Person H could have established this and also whether the applicant had complained to him about Detective Sergeant C's behaviour towards him. The same enquiries could have been conducted with Doctor G.

Given that no statement was obtained from the applicant in this connection, and that no enquiries were carried out of the kind described above, the Commissioner does not consider that this complaint was handled in a reasonable manner. Normally in these circumstances, the

Commissioner would recommend that Northern Constabulary rectify this by carrying out further enquiries. However, given that almost four years have elapsed since the incident, the Commissioner does not consider it likely that further enquiries would yield reliable evidence. A recommendation is, however, made at the end of this report.

Complaint 5: Alleged inadequacies in Detective Sergeant C's investigation

In his letter to Northern Constabulary the applicant stated:

"...Although I explained to [Detective Sergeant C] about my compulsive and obsessive checking behaviour and how it might be misunderstood, in my opinion he did not make sufficient efforts to investigate my side of the story. He could have approached staff at [the swimming pool] who have known me as a customer for many years and are aware of the symptoms of my disability."

Additionally, his solicitor's letter of 1 August 2008 stated:

"...it appeared to [the applicant] that Detective Sergeant [C] had decided in his own mind that [the applicant] was guilty of an offence and was not prepared to consider the possibility that my client had not committed an offence ... Detective Sergeant [C] made no attempt to investigate [the applicant]'s story or recognise the degree of his disability."

Internal Handling

Detective Inspector N's report concluded:

"It is the investigating officer's opinion that the Reporting Officer dealt with the complaint in a professional manner."

Chief Inspector K's response of 6 October 2008 stated:

"The details of the incident have been scrutinised and it has been concluded that the police officer involved dealt with the incident properly and professionally."

Consideration

Detective Sergeant C's statement details his belief that there was evidence to corroborate the allegations made against the applicant. Specifically, he stated that there was "clearly sufficient corroborated evidence to report [the applicant] to the Procurator Fiscal for his conduct at [the swimming pool] that day."

Detective Sergeant C also stated that it was his duty to "investigate to the best of [his] ability an allegation of a sexual crime with public protection implications."

The Commissioner understands that the evidence referred to by Detective Sergeant C was an eye witness account and CCTV images of the incident. Unfortunately, due to the length of time between the applicant's arrest and his making his complaints, the CCTV images no longer exist. However, a copy of the CCTV images was included in the information provided to the Procurator Fiscal.

Detective Sergeant C approached staff at the swimming pool and their statements were also included in his report to the Procurator Fiscal. Notwithstanding the fact that the Procurator Fiscal later deserted the case, the fact that proceedings were raised at all suggests that Procurator Fiscal shared the view that there was sufficient evidence against the applicant in respect of the alleged offence.

Although the Commissioner considers that Detective Sergeant C investigated the incident thoroughly, Northern Constabulary's response to the complaint does not contain sufficient reasons to justify its conclusion. The response simply states that Detective Sergeant C dealt with the incident properly and professionally. Although such a conclusion may have been evident to Northern Constabulary the applicant was entitled to be given reasons to justify this.

Accordingly, the Commissioner does not consider that this complaint was handled in a reasonable manner. Again, however, the Commissioner considers that the foregoing is sufficient to deal with the issues he has raised. A recommendation is nevertheless made at the end of this report.

Complaint 6: Actions taken by the police surgeon and appropriate adult

In his letter of 1 August 2008, the applicant's solicitor stated that the applicant was "...unhappy with the manner in which he was dealt with by the police surgeon and the appropriate adult."

Internal Handling

In his letter of response of 6 October 2008, Chief Inspector K advised the applicant that any complaint he had in respect of the police surgeon or appropriate adult should be "directed to the respective agencies."

Consideration

As the police surgeon and appropriate adult are not police officers or members of police staff, this complaint is not within the Commissioner's power to consider. Chief Inspector K correctly advised the applicant that any complaint about these individuals should be directed to the agencies which employed them. However, it would also have been helpful if the applicant had been advised of the correct agencies to which his complaints should be directed. Given that the individuals concerned were utilised by Northern Constabulary and had no direct relationship with the applicant, he could not reasonably have been expected to know to which agencies his complaints should be directed.

Conclusions, Recommendations and Learning

For the reasons given, the Commissioner considers that complaints 2-5 were not handled in a reasonable manner. Overall, the Commissioner recommends that Northern Constabulary apologises to the applicant for the inadequacies in its investigation of and responses to these complaints.

Complaint 1: Insufficient attention paid to the applicant's disabilities

In the Commissioner's view, Northern Constabulary handled this complaint in a reasonable manner. However, the Commissioner recommends that Northern Constabulary reviews its procedures on the use of appropriate adults in light of the guidance issued in November 2007 by the Scottish Appropriate Adult Network.

Complaint 2: The fact that the applicant was not brought before the court on 11 August 2006

For the reasons given, the Commissioner does not consider that this complaint was handled in a reasonable manner. However, the Commissioner considers that the contents of this report deal sufficiently with the applicant's complaint and therefore (aside from apologising to the applicant) recommends no further action by Northern Constabulary.

Complaint 3: Constable F not being informed of the applicant's arrest

For the reason given, the Commissioner does not consider that this complaint was handled in a reasonable manner. However, the Commissioner considers that the contents of this report deal sufficiently with the applicant's complaint and therefore (aside from apologising to the applicant) recommends no further action by Northern Constabulary.

Complaint 4: Detective Sergeant C's alleged behaviour

For the reasons given, the Commissioner does not consider that this complaint was handled in a reasonable manner. However, given the time which has elapsed since the incident, the Commissioner does not consider that further enquiries would yield reliable evidence. Accordingly, aside from apologising to the applicant, the Commissioner makes no recommendation.

Complaint 5: Alleged inadequacies in Detective Sergeant C's investigation

For the reasons given, the Commissioner does not consider that this complaint was handled in a reasonable manner. However, the Commissioner considers that the contents of this report deal sufficiently with the applicant's complaint and therefore (aside from apologising to the applicant) recommends no further action by Northern Constabulary.

Complaint 6: Actions taken by the police surgeon and appropriate adult

For the reasons given, these complaints fall outside the Commissioner's statutory remit. However, as a learning point the Commissioner has identified the need for police forces to provide complainers with information on how to make complaints about individuals such as appropriate adults and police surgeons.

Concluding remarks

The Commissioner recognises that the inadequacies in the handling of these complaints may be historical. Indeed, Northern Constabulary has recently assured the Commissioner that improvements have been made in respect of its handling of complaints and that new processes are in place to ensure that specific allegations are addressed. The following comments are made in that context.

As noted above, Northern Constabulary based its investigation of these complaints largely on statements and other material produced at the time of the investigation of the alleged offence by the applicant. Detective Inspector N's report rehearsed the events leading up to and including the arrest and detention of the applicant. It does not detail the complaints made. Furthermore, at no time was a statement taken from the applicant in relation to his complaints. On the one occasion when police met the applicant in an attempt to conciliate the complaints, no statement was taken nor any written record made of the meeting. It is also apparent that Detective Sergeant C gave many explanatory and contextual comments in his statement that were capable of providing the basis for satisfactory responses to a number of the complaints. As it was, the responses the applicant received were, in many cases, insufficient to properly address the complaints.

The Commissioner will monitor the effect of Northern Constabulary's new processes on its handling of complaints

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