

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 three complaints dealt with in this report arise from incidents which occurred following the breakdown of the applicant's marriage to Miss A, a serving police officer with central Scotland Police.

The Commissioner considered that all three complaints were dealt with by Central Scotland Police in a reasonable manner. However, in respect of one of the elements of complaint 1, the Commissioner, though agreeing with Central Scotland Police's conclusion, did not agree with the reasoning followed in reaching that conclusion.

The Commissioner's role

Section 35 of the Police Public Order and Criminal Justice (Scotland) Act ("the Act") gives the Commissioner the B 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 lived with his wife, Miss A (a serving officer with Central Scotland Police) in a house that was bought with a mortgage in the sole name of Miss A. On 17 October 2007, the applicant left the house to attend a job interview. Later the same day, the applicant telephoned Miss A who told him that their relationship was over and that she had changed the locks to the house.

The applicant states that after speaking to Miss A he returned home but could not gain entry to the house. The applicant telephoned Miss A and informed her that he had been able to get into the garage and had obtained tools which he was prepared to use to force entry to the house. The applicant states that during this conversation Miss A told him that she would bring keys to the house. Instead, Miss A contacted Central Scotland Police's Force Command Communication Centre ("the FCCC") and informed the operator that the applicant was at her house and was going to break in.

Constables B and C were dispatched to attend the house and upon arrival entered into a discussion with the applicant. The applicant recorded part of this discussion with the officers on an audio device. The applicant told Constables B and C that the house was his marital home and as such he was entitled to enter the property. The officers asked the applicant to move away from the house and take legal advice in relation to his right to enter. The applicant states that he then left the house and was informed by three separate lawyers that he could have legally forced entry to the house.

On 2 November 2007, the applicant returned to the house and was granted entry by Miss A. Following a conversation, Miss A asked the applicant to leave but he refused. An argument then ensued, which culminated in Miss A activating an emergency care service alarm, alerting the

police who then attended at the house. By the time the police arrived the applicant had left. Miss A provided a statement to police in which she made an allegation of breach of the peace against the applicant. Miss A also made two allegations of assault against the applicant, one in respect of an alleged incident in December 2005, the other in relation to an incident between January and April 2007.

On 3 November 2007 the applicant attended a police station believing the police to be looking for him. The applicant was detained, interviewed and later arrested in relation to the allegations made by Miss A. At this time the applicant made an allegation of assault against Miss A. It is unclear when this alleged assault occurred.

On 4 June 2008, Constable D and Detective Constable E attended the applicant's home in response to various allegations of breach of the peace (unconnected to his dispute with Miss A). Detective Constable E informed the applicant that he was being detained regarding the allegations. The applicant states that he told the officers that he was not prepared to go with them (to a police station) unless he was under arrest. Detective Constable E states that he explained the detention procedure to the applicant, at which point the applicant asked if he could get washed and dressed. He was allowed to do so and thereafter accompanied the officers to a police station. However, according to the applicant Detective Constable E placed him under arrest prior to his attending the police station. Later the same day the applicant was interviewed in relation the allegations and charged with breach of the peace.

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) that police officers forced the applicant to leave his marital home;
- (2) that the applicant's allegation of assault against Miss A was not properly investigated; and
- (3) that on 4 June 2008 Detective Constable E used incorrect procedures when detaining and arresting the applicant.

The Commissioner's Review

The applicant first contacted the Commissioner's office by email on 11 September 2008. He thereafter submitted an application form on 3 October 2008.

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: Police forced the applicant to leave his marital home

According to his statement of 4 June 2008, the applicant told Constables B and C that the property was his matrimonial home and that he was only trying to gain entry. The applicant states that one of the officers told him to telephone a lawyer and explain the situation. He was told that the lawyers' offices would be closed in an hour's time which the applicant took to mean that he should get off the property. The applicant told the officers that he was not leaving, in response to which they repeated that he should leave and see a lawyer. However, the applicant maintained his position, repeated that the property was his home and stated that he did not see why he should have to leave. According to the applicant he asked the officers what would happen if he did not leave, to which one of the officers replied that they would "report it back to a superior and ...would be tasked back." The applicant asked whether he might be arrested and, according to him, one of

the officers said “possibly”. According to the applicant the officers then repeated that he should “just walk off the property...” The applicant took from this that if he did not leave the property he would be “lifted”.

According to the applicant, while speaking to Constables B and C there was “no question as to [his] identity”. Both officers had, the applicant said, addressed him by name. According to the applicant, “It wasn’t as if they thought [he] was an intruder.”

The applicant believes that Constables B and C were acting on the instructions of Miss A and illegally used police time and resources to respond to a private matter. As such, the applicant believes that Miss A abused her position as a police officer. In addition, the applicant has stated that he felt intimidated by Constables B and C due to their appearance and the manner in which they dealt with him.

Internal Handling

Following upon the applicant’s statement, a complaint about the police (CAP) form was completed, which categorised this complaint as one of irregularity in procedure and oppressive conduct by Constables B and C. Inspector F investigated the complaint and obtained statements from, among others, Miss A and Constables B and C. He also produced a transcript of the recording which the applicant had made of his discussions with Constables B and C, and obtained a recording of Miss A’s call to the FCCC.

According to Miss A, she had telephoned the FCCC because the applicant had been shouting and swearing at her over the phone and said that he would force his way into the house if she did not let him in. She led him to believe that she was leaving work to come to the house; however, she felt the best way of dealing with the matter was to call the FCCC. She could not recall what she said to the FCCC, but she did not want damage done to the house. Miss A claimed not to be friendly with Constable B.

Constable B stated that he had been directed to attend the property in relation to a “possible domestic disturbance”. He was advised that it was the home of a police officer (Miss A) who feared going home as she suspected her husband might be violent towards her. Miss A was at that time still at work but she had asked that her husband be removed before she returned. On arrival at the property Constable B approached the applicant and explained why he was there. In response the applicant explained to Constable B that he had been locked out. The applicant stated that he was trying to contact Miss A on her mobile telephone to find out what was going on.

According to Constable B, he suggested to the applicant that “it would perhaps be advisable to contact his lawyer in relation to the locks being changed and deal with the matter that way.” Constable B stated that at no time were his actions meant to be threatening and he found it difficult to understand how they could have been perceived as such.

According to Constable B, he informed the applicant that he and Constable C were there only to prevent a possible domestic breach of the peace. Constable B explained that if any breach of the peace was committed then the person responsible might be arrested. He politely asked the applicant to walk away from the property and sort things out as amicably as possible through his lawyer.

Constable C’s statement is in similar terms to that of Constable B. However, unlike Constable B, Constable C makes no reference to having been told that Miss A was fearful of returning home due to the applicant’s potential violence.

In his briefing note dated 19 August 2008, Inspector F states the following:

*“The evidence gleaned... suggests the Police were in a difficult position. Here was a man [the applicant] who could not gain access to a house because he didn’t have the right keys. Even though he said he was married, and was entitled to be in the house, **which in the end turns out to be correct**, this information was not sufficiently clear to the Police at that time.”* (emphasis in original)

In his report dated 19 August 2008, Inspector F commented as follows:

“[Constable B and C’s] advice to [the applicant] to contact a lawyer was in my opinion correct. Had he, in their presence, began to force entry to the property they would have been left with no option but to instigate a detention procedure under Section 14 of the Criminal Procedure (Scotland) Act 1995 to allow further enquiries to be made which would have invariably commenced with an interview of [Miss A].

“I would submit then that if [Miss A] had provided the information she had it would have been learned that [the applicant] was a ‘non entitled spouse’...”

“Therefore [the applicant’s house] I would submit was the matrimonial home and he was entitled to occupy that as a non entitled spouse...”

Deputy Chief Constable G responded to this complaint in a letter dated 1 September 2008. The letter states the following:

“... the officers had responded to a complaint recorded in the Force Command and Communication Centre regarding your presence at the house. There is no evidence to suggest they were sent there by any particular person and their immediate supervisor was not aware of the nature of the call and provided no specific instructions to them... Having considered the circumstances of their attendance at [address] I am of the opinion that the Police were faced with a difficult situation that day. You were in the possession of keys which did not allow you entry to the house and they suggested that you seek legal advice before you took further action. The precise nature of your relationship and your residency, was not known with any certainty to the Police, and had you taken any action at that point to force, or attempt to force your way into the house, the Police Officers may have had no option but to detain you until the full circumstances could be established.

Having been advised of the nature of the recorded conversation I find that there is nothing in it that causes me any concern in relation to the adoption of any alleged intimidating attitude towards you. The officers [sic] actions that day were carried out in their normal line of duty, responding to a complaint, and as such their use of a police vehicle and their time was authorised.”

Deputy Chief Constable G also stated that in terms of the Matrimonial Homes (Family Protection) (Scotland) Act 1981 (“the 1981 Act”) the applicant’s status was that of a “non-entitled spouse” (meaning that he had occupancy rights in relation to the property) but that this was “not clearly evident to the Police at that time”. Accordingly, Deputy Chief Constable G was of the view that the officers acted appropriately and had given the applicant “the opportunity to leave and seek legal advice”.

Deputy Chief Constable G’s letter also states that Constables B and C were dressed in normal police uniform and that there was nothing to suggest that their presence was intimidating. Although Deputy Chief Constable G had concerns relating to the language which the officers had used when speaking to the applicant, he did not consider this to have been intimidating. He explained, however, that Constables B and C had been provided with advice on the use of such language.

Deputy Chief Constable G concluded his response to this complaint by stating that he was unable to substantiate any of the complaints relating to this incident.

Consideration

The first element of this complaint concerns whether Constables B and C acted appropriately in the steps they took to achieve the applicant's departure from the matrimonial home. It is therefore important to be clear about what Constables B and C said to the applicant during the incident. It is clear from the transcript of the recording that Constables B and C advised the applicant on several occasions to leave the property and seek the advice of a lawyer. Both officers suggest in their statements that they informed the applicant he would be arrested only if he committed an offence. However, the following excerpt of the conversation supports the applicant's impression that a mere refusal to leave the property might result in his being "lifted".

"APPLICANT: Sorry mate I'm no walking away just now

POLICE: Listen to me, right, I'm telling you for a fact, if I tell a supervisor I've left you here he'll tell me to come back and remove you 'cause we're detaining you...

APPLICANT: So if I don't walk away the next thing I know your supervisor will tell you to lift me?

POLICE: Possibly

APPLICANT: For being on my own property?

POLICE: Possibly."

The 1981 Act generally provides occupancy rights to spouses who otherwise have no formal title to occupy a matrimonial home. The term "entitled spouse" is used in the Act describe the spouse who has legal title to occupy the property; the term "non-entitled spouse" describes the spouse who, but for the Act, would have no title to occupy the house.

Section 1(3) of the 1981 Act is particularly important in the context of this complaint:

"If the entitled spouse refuses to allow the non-entitled spouse to exercise the right conferred by [the Act], the non-entitled spouse may exercise that right only with the leave of the court under section 3(3) or (4) of this Act."

In the Commissioner's view, Miss A's changing of the locks to the matrimonial home, and her apparent unwillingness to allow the applicant entry, amount to a refusal by her to allow him to exercise his occupancy rights under the 1981 Act. Accordingly, in order to exercise those rights it was necessary for the applicant to apply to the court for an order allowing him to do so. It follows that Constable B and C's advice to the applicant to leave the property to seek the advice of a lawyer was correct in terms of the 1981 Act.

Accordingly, although the Commissioner agrees with Central Scotland Police that the actions of the officers were justified, he does not agree with its reasons for reaching that conclusion. Both Inspector F and Deputy Chief Constable G based their approaches to this complaint on Constables B and C not being fully aware of the applicant's relationship with Miss A. However, even if Constables B and C had been fully aware of this, their advice to the applicant to leave the property and seek the advice of a lawyer would still have been appropriate in terms of the 1981 Act.

In the Commissioner's view, the approach taken by Inspector F and Deputy Chief Constable G to this issue was doubtful for other reasons. Firstly, there is evidence to suggest that Constables B and C were indeed aware of the nature of the applicant's relationship with Miss A. In his statement

Constable B describes being told that he was attending the home of a police officer who was in fear of going home due to her husband's behaviour. In addition, Constable C states that he and Constable B informed the applicant that it made no difference that his "estranged wife" was a serving police officer. There is also a reference in the transcript to one of the officers saying to the applicant, "Obviously you're married."

Secondly, even if the officers were not aware of the nature of the applicant's relationship with Miss A, there appears to have been nothing preventing them from clarifying the position with Miss A. It is clear from the recording of her call to the FCCC that Miss A left telephone and other contact details in the event that anyone required to speak to her. Moreover, it is clear from Miss A's statement that she was in contact with Constables B and C around the time of their attendance at the property. The following passage is quoted from Miss A's statement:

"I remember speaking to [Constable B] about it, possibly twice. He did explain to me on one of these occasions that his hands were tied and that they had just kind of talked to him. I'm sure, at one stage, he said he had put the tools back in the garage and was just heading off... The last impression I got from [Constable B] that day was that he had been reasonable enough, they had come to some sort of agreement and he had left."

The incident report also states that Constable C would "point to point caller [Miss A] re this matter." Again, this indicates that there was direct contact between Miss A and Constable C around the time of the incident.

In conclusion to this element of the complaint, although the Commissioner doubts the reasoning adopted by Central Scotland Police, he considers that the officers were indeed justified in advising the applicant to speak to a lawyer. Accordingly, the Commissioner considers that Central Scotland Police's response to this complaint was ultimately correct.

The applicant has also raised concerns that Constables B and C were acting on the instructions of Miss A and that their attendance at the property was beyond their normal policing duties. As such, the applicant believes that Constables B and C have misused police time and resources.

As explained, Miss A contacted the FCCC and reported the circumstances to the operator, who then dispatched a police patrol to the house. Constables B and C attended the house on the basis of the assessment of the incident made by FCCC staff. Miss A's involvement in the decision to send officers to the house appears to have extended no further than reporting the incident to the FCCC. Although there is evidence that Miss A engaged in discussions with Constable B it appears that these took place after the officers were asked by the dispatcher to attend the house.

In these circumstances, the Commissioner considers that the use of police time and resources in attending the applicant's home was authorised. The Commissioner is satisfied that Deputy Chief Constable G's letter of 1 September 2008 adequately addresses this element of the complaint.

The applicant has also raised concerns that Constables B and C were intimidating towards him, highlighting in particular their appearance and the manner in which they dealt with him. In their statements Constables B and C state that they were wearing standard police uniforms. There is no other evidence available describing the appearance of Constables B and C and therefore nothing to support the applicant's view that this was intimidating. The Commissioner notes from the recording of the conversation between the applicant and Constables B and C that on more than one occasion the officers swear. It is clear from the transcript, however, that this language was not used in an attempt to intimidate the applicant. Deputy Chief Constable G's letter confirms that Constables B and C had been given advice on the use of such language. In the Commissioner's view, this is a reasonable response to this element of the complaint.

In conclusion, despite his doubts as to the reasoning adopted by Central Scotland Police in relation to the first element, overall he considers that this complaint was handled in a reasonable manner.

Complaint 2: Allegation of assault not properly investigated

The applicant is of the view that Central Scotland Police did not investigate his allegation of assault against Miss A in the same manner that they pursued Miss A's allegation against him. Accordingly the applicant feels that he was not treated in a fair and just manner. In correspondence with Central Scotland Police the applicant suggests that Miss A's status as a police officer influenced the nature of the investigation in relation to him and that he was discriminated against due to his gender. It appears that the applicant has come to this conclusion because ultimately he was charged with assault whereas Miss A was not. In raising this complaint the applicant asked Central Scotland Police a number of questions regarding its handling of the allegation he made against Miss A. These can be summarised as follows.

- (1) Is a complaint about an off-duty officer treated as a complaint about the police?
- (2) Is a police officer cautioned when they are suspected of committing a criminal act?
- (3) How many witnesses were interviewed in relation to the allegation against Miss A?
- (4) Was Miss A cautioned and charged?
- (5) What evidence did Central Scotland Police have to justify his arrest and detention on 3 November 2007?

Internal Handling

The applicant raised this complaint in a letter dated 8 March 2008 which was initially sent by him to the Area Procurator Fiscal and then passed to Central Scotland Police. A CAP form was completed which categorised the complaint as one of irregularity in procedure. Inspector F undertook enquiries in relation to the complaint.

Deputy Chief Constable G responded to the complaint in a letter dated 4 April 2008 in which he stated the following:

"In relation to your complaint against your wife, details of your allegations were noted from you in the form of a statement which you provided on 5 November 2007. On 6 November 2007... the Deputy Chief Constable wrote to you and informed you that the allegations had been recorded as a complaint against the police and would be investigated accordingly.

The investigation of the allegations against your wife were [sic] progressed and reported in line with the Lord Advocate's guidelines for the investigation of such matters and a report was subsequently submitted to the Area Procurator Fiscal on 12 March 2008."

Following this response the applicant entered into further correspondence with Central Scotland Police. Deputy Chief Constable G wrote to the applicant on 25 April 2008 answering questions (1) and (2) above by providing a web link to the Lord Advocate's Guidelines. Deputy Chief Constable G commented in his letter as follows:

"... I would like to give you an assurance that the investigation of the issues you raised in respect of your wife was extremely thorough and when reported to the Area Procurator Fiscal, a large volume of evidence was provided. I should also perhaps explain that that investigation was completed in accordance with the instructions of the Area Procurator Fiscal who instructed that all your allegations be investigated and reported under the Lord Advocate's Guidelines on the investigation of complaints against the police."

Inspector F's investigation report was completed after these responses had been sent to the applicant. In his report Inspector F concluded that the responses sufficiently answered this element of the complaint.

Questions (3) and (4) above were dealt with in the form of a Freedom of Information request. Central Scotland Police wrote to the applicant in response to this request on 9 June 2008. Its response stated that the information requested by the applicant was exempt under Section 18 of the Freedom of Information (Scotland) Act 2002.

Inspector F's investigation concluded that the applicant should be provided with details of the evidence on which his detention and arrest was based. Deputy Chief Constable G provided the following information in a letter dated 1 September 2008:

"I can advise that an allegation of Breach of the Peace, within a domestic environment having been made against you, and corroboration of which was gained from an independent witness, resulting in a decision being taken to keep you in custody pending your appearance at court. Central Scotland Police, along with other Scottish Police Forces and the Crown Office and Procurator Fiscal Service have considered allegations of domestic related crime as a high priority and have agreed that, unless there are exceptional circumstances, any person accused of domestic related crime will be detained in custody pending their appearance at court. The decision was taken by the duty officer who authorised that you were to remain in custody. ...The position where the applicant was a serving Police Officer had no bearing on that decision."

Consideration

In respect of the 5 questions raised by the applicant, two of these ((1) and (2)) were answered by the provision of a web link to the Lord Advocate's guidelines. The Commissioner is satisfied that provision of the guidelines would have provided the applicant with the relevant information. In the Commissioner's view, Central Scotland Police also provided the applicant with a reasonable response in relation to the evidence used by the police to hold him in custody.

Two other questions ((3) and (4)) were treated as requests for information under the Freedom of Information (Scotland) Act 2002 and are therefore for the Information Commissioner to determine rather than the Commissioner.

In the Commissioner's view, Central Scotland Police dealt with this complaint in a reasonable manner.

Complaint 3: Incorrect use of procedures during detention and arrest

On 4 June 2008, Detective Constable E attended the applicant's home to detain him in relation to an allegation of breach of the peace. The applicant states that he refused to attend the police station unless he was placed under arrest. The applicant is dissatisfied with the procedure used by Detective Constable E and, in particular, believes that he was arrested at his home before attending the police station. The applicant also believes that he was detained in custody for an unnecessary period of time and that a lack of consideration was given to his medical condition.

Internal Handling

The applicant made this complaint in a letter to Central Scotland Police on 12 June 2008. A CAP form was completed, which categorised this complaint as one of irregularity in procedure and neglect of duty against Detective Constable E. Inspector F obtained a statement from Constable D and Detective Constable E in relation to the complaint.

The complaint was initially passed to the Area Procurator Fiscal who considered that it contained no evidence of criminality. It was thereafter considered by Central Scotland Police as a non-criminal complaint.

Deputy Chief Constable G responded to this complaint in a letter dated 1 September 2008 in which he stated the following:

“The investigation by Inspector [F] has clarified that the two Police Officers who attended at your house detained you under the terms of Section 14 of the Criminal Procedure (Scotland) (Act) 1995 in relation to allegations made against you. This is not an arrest procedure, and is a detention procedure afforded by the aforementioned Act, that allows the Police to remove you to a police station or other premises to make further enquiries regarding the investigation, which includes any questions that can be put to you. At [a police station] when you were first presented at the custody charge bar, it was made clear to you by the custody officer that your status there is one of a detained person, and you do not challenge that. After the interview with you by Detective Constable [E] he took the decision to arrest you and that is why you were returned to the charge bar and your status changed to that of an arrested person.”

In relation to the applicant's concerns about the lack of consideration given to his medical condition and the period of time taken to release the applicant from custody, Deputy Chief Constable G's letter states:

“I can advise that the custody officer was fully aware of your medical condition and facilitated it by placing you in a quiet cell close to the charge bar and away from any situation that could affect you... The interview that was conducted with you by Detective Constable [E] was carried out... in a room that does have windows in it. The record indicates that aside from the interviews conducted with you, you were visited 7 times and no complaints were made by you.

... It is recorded that Detective Constable [E's] second interview with you finished at 1126 am on 4 June 2008, and a final decision as to when, and under what circumstances, you would be liberated was not taken until 1 pm. This was after the duty Inspector had been contacted and advised of the full circumstances. I can advise that technical difficulties were then encountered accessing the original crimefile report and once these difficulties were overcome you were the subject of a photograph and finger print process at 3.30 pm, same date. The custody officer, mindful of the length of time it had taken to overcome these difficulties accelerated the process to have your finger [print] impressions confirmed, a process that normally takes anything between 2-3 hours to complete. Subsequently you were liberated at 4.20 pm same day....

... Given all of the above information I am of the opinion that full consideration was taken of your medical condition and that the custody officer took into account the delays encountered and you were liberated as soon as possible thereafter.”

Consideration

In relation to the first element of this complaint the applicant believes that he was arrested at his home prior to being taken to the police station. Detective Constable E disputes this and in his statement advises that he detained the applicant at his home after explaining the detention procedure to him. When the applicant was later arrested by Detective Constable E at the police station he questioned this and stated his belief that he had already been arrested.

Detective Constable E and Constable D have a different version of events from that of the applicant in relation to the discussion that took place at the applicant's home. In the Commissioner's view, there is nothing to support the applicant's account of what was said at that

time. In any event the Commissioner notes that according to Inspector F, having viewed CCTV footage of the applicant at the police station, he considered that this complaint may have arisen from confusion on the applicant's part as to the meaning of "arrest" and "detention" in the context of police procedure in Scotland. According to Inspector F's report, upon his arrest at the police station the applicant questioned this and Detective Constable E then explained the detention procedure. In response to this the applicant asked in relation to detention and arrest, "is that not the same?" This supports the view that this complaint has arisen from a misunderstanding of police procedure on the applicant's part. In the Commissioner's view, Central Scotland Police have provided the applicant with a reasonable explanation of the meaning of both terms.

While the applicant was in custody a vulnerability assessment was carried out in accordance with Central Scotland Police's Care and Custody Policy and Procedures. The assessment identified the applicant's medical condition and did not assess the applicant as being a special risk. The applicant was placed in a cell close to the charge bar and the custody record confirms that he was regularly visited in his cell and made no complaints about his medical condition. As such it is difficult to see what further action could have been taken by Central Scotland Police to address the applicant's medical condition.

In relation to the period of time the applicant was held in custody the Commissioner notes that the custody record relating to the his detention/arrest shows that the applicant was initially detained at 9.22 am until his arrest at 10.46 am. He was then released at 4.23 pm. The custody record confirms that there was a problem accessing the applicant's crime report and that after this problem was resolved at 4.13 pm the applicant was released. In the Commissioner's view, Central Scotland Police provided the applicant with a reasonable explanation in relation to the delay he experienced in being released from custody.

Conclusions, Recommendations and Learning

Complaint 1: Police forced applicant to leave his marital home

For the reasons given, the Commissioner considers that this complaint was handled in a reasonable manner. Accordingly, no further action is required in this connection.

Complaint 2: Allegation of assault not properly investigated

For the reasons given, the Commissioner considers that this complaint was handled in a reasonable manner. Accordingly, no further action is required in this connection.

Complaint 3: Incorrect use of procedures during detention and arrest

For the reasons given, the Commissioner considers that this complaint was handled in a reasonable manner. Accordingly, no further action is required in this connection.

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