

# 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 applicant has been involved in a ongoing dispute with Mrs A and Mr B which has given rise to criminal allegations. The applicant made eight complaints relating to Central Scotland Police's handling of these allegations. The Commissioner found that six of these were handled in a reasonable manner by Central Scotland Police.

The Commissioner found that the seventh complaint made had not been recorded or responded to by Central Scotland Police and recommends that it now do so. In respect of the remaining complaint, as this is criminal in nature the Commissioner considered it beyond his statutory remit.

## 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

In 2005 the applicant's relationship with Mrs A came to an end. In 2006 Mrs A began a relationship with Mr B. Since the beginning of this relationship the applicant has been involved in a number of disputes with Mrs A and Mr B which have given rise to several criminal allegations being made. These allegations have included various acts of vandalism, threatening letters and telephone calls and abusive text messages. The allegations have attracted varying degrees of police involvement.

The applicant alleges that on 6 November 2007 he received an offensive phone call from Mr B. Central Scotland Police traced the call to a mobile phone owned by Mr B. On 25 March 2008 Mr B was interviewed by Inspector C and Sergeant F in relation to the allegation. Mr B denied the allegation and was released without charge.

On 7 December 2007, Mr B allegedly assaulted the applicant. During this altercation Mr B allegedly threw the applicant's mobile phone off a wall. The applicant was charged with a breach of the peace in respect of his own involvement in the matter. A report of the incident was submitted to the Procurator Fiscal. In the report Constable D listed a charge of assault against Mr B but did not include a charge of vandalism against him (arising from the damage caused to the applicant's mobile phone). After being informed by the applicant of this error, Constable D contacted the Procurator Fiscal on 29 August 2008 and informed him of the additional charge of vandalism against Mr B.

Following the alleged assault the applicant submitted a claim to the Criminal Injuries Compensation Authority ("the CICA"), which was turned down on the basis that the injuries he sustained were not serious enough to qualify for compensation.

On 16 June, 6 July and 21 October 2008 the applicant wrote to Central Scotland Police claiming that Mr B had provided a false address to police when he was bailed for the alleged assault upon him. In these letters the applicant states that during civil proceedings involving himself and Mrs A the latter stated to a court that she lived alone at the bail address which had been provided by Mr B. The applicant believes that this constitutes evidence that Mr B breached his bail conditions. Central Scotland Police informed the applicant on 14 January 2009 that Mr B had not breached his bail conditions.

The applicant has by some means obtained various police documents relating to the police investigation into his allegations. On 11 June 2009 officers of Central Scotland Police entered his home to search for these documents. The applicant was detained on suspicion of theft, breach of the peace and vandalism.

## The Complaints

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

- (1) that Central Scotland Police has failed to link and investigate several separate incidents which the applicant has reported;
- (2) that Chief Inspector E failed to respond to his allegation that Mr B had breached his bail conditions;
- (3) that Constable D did not correctly charge Mr B with vandalism;
- (4) that Central Scotland Police did not interview Mr B properly in response to the applicant's allegation that he had made threatening phone calls to him;
- (5) that Central Scotland Police took no action over threatening phone calls made to the applicant;
- (6) that Central Scotland Police has not responded to other issues raised by the applicant;
- (7) that the applicant was arrested on an occasion he does not specify; and
- (8) that Central Scotland Police illegally entered the applicant's home and stole documents.

## The Commissioner's Review

The applicant first contacted the Commissioner's office by letter on 3 December 2008. He thereafter submitted an application form on 8 December 2008. Following further correspondence with the Commissioner's office the applicant submitted a further application form on 18 May 2009.

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 handling of it and the Commissioner's views on this.

## Complaint 1: Failure to link incidents reported to police

The applicant sent five letters to Central Scotland Police each dated 6 March 2008 detailing a number of incidents which the applicant apparently reported to the police. The incidents allegedly took place at the applicant's home and place of work, which are in different parts of the area over which Central Scotland Police has jurisdiction. The incidents included the windows of his house being smashed, his receiving threatening phone calls and death threats, and his being assaulted.

The applicant is dissatisfied that these allegations have been investigated separately and were not linked by Central Scotland Police.

### *Internal Handling*

A complaint about the police (CAP) form was completed by Central Scotland Police which categorised the applicant's complaints as ones relating to service delivery.

Inspector C and Sergeant F met with the applicant on 20 March 2008 and established three separate incidents which the applicant had wished to have investigated together. These incidents included two separate threatening phone calls and the smashed window. Following this, additional enquiries were made which resulted in Mr B being interviewed (see complaint 4). Superintendent G wrote to the applicant on 3 April 2008 informing him that following additional enquiries there was insufficient evidence to prefer any charges in relation to these incidents.

In his letter Superintendent G states the following:

*"I understand that following a subsequent visit from Inspector [C] and Sergeant [F] on 2 April 2008, you have been fully updated on all the matters in your letters. Further to the explanations given by them I understand that you have no complaints to make against the police..."*

In concluding his response to this complaint Superintendent G states that Inspector C and Sergeant F were of the view that the matters raised by the applicant had not been linked together successfully. Superintendent G offered the applicant an apology for this oversight. In order to prevent a repeat of this scenario Superintendent G requested that the applicant direct future contact with the police to one of three officers which he named.

Central Scotland Police also identified the following learning point arising from the complaint:

*"Where a person lives and works in two different areas of the force there is the potentiality as in this case for there to be issues in both areas. Officers need to research persons they are inputting information on to ascertain if there is a background to calls and act on that information with neighbouring Area Commands."*

### *Consideration*

By accepting that the applicant's allegations were not successfully linked by officers, Superintendent G essentially substantiated the applicant's complaint. The applicant received an apology for this and a learning point was identified to prevent such an oversight occurring in future.

In the Commissioner's view, this complaint was handled in a reasonable manner. Indeed, the Commissioner considers that it is an example of good complaints handling.

## Complaint 2: Failure to respond to an allegation

The applicant wrote to Central Scotland Police on 16 June 2008 stating that Mr B did not live at the address he provided when he was granted bail. In his letter he states:

*"I was assaulted at the end of last year by [Mr B] who was charged and bailed to appear September this year. He gave his address as [address]. Twice this year I have been to the small claims court and been successful and been awarded full decree for cash sums due to me from [Mrs A] at the same address. However, she then applies to the court for an easy payment plan telling the court of her income and expenditure, she lives alone with a child etc."*

In his letter the applicant claims that Mr B counter-charged him with assault and states:

*"...therefore if he is not at [address] and my precognition officer requires witness statements I should be made aware of his address."*

Inspector C replied to the applicant on 17 June 2008 stating:

*"... I understand that you are seeking the address of [Mr B] for the pursuance of your civil case against another party...A check with our Data Protection Officer finds that as this is a civil action the police will not disclose these details to you."*

The applicant wrote again to Central Scotland Police on 30 June 2008 stating that he wanted his letter to be treated as a complaint about Inspector C's of 17 June 2008. In the letter the applicant states:

*"The issue here is not civil but criminal and the civil court cases involving the third party at [address] is the hard evidence that [Mr B] has given a false address to the police when he was bailed after assaulting me. The fact he counter charged me should justify the true address to be given to obtain witness statements from him."*

On 7 July 2008 Chief Inspector E wrote to the applicant acknowledging his dissatisfaction with Inspector C's letter. The letter states:

*"Having spoken with you on the telephone on Friday 3rd July 2008, I established that you required the information as to the current address of [Mr B]. This was in the event that you received a notification that an incident which had occurred in November 2007 was being pursued by the Procurator Fiscal...."*

*As stated to you on Friday, my enquiries reveal that you are not the subject of a current case involving [Mr B], apart from being a witness, and as such, you have confirmed that you will no longer either be entitled to this information or require it in preparation of your defence case.*

*I am aware that you are involved in a civil matter involving [Mrs A], however should you have any concerns regarding her current co-habitation with [Mr B], I would suggest that you may wish to pursue the matter with other agencies mentioned by you during our recent telephone conversation."*

On 21 October 2008 the applicant wrote to Chief Inspector E commenting on a number of issues unrelated to this complaint (discussed under complaint 6 below) and again stated his belief that Mr B had provided a false address when he was granted bail. This letter has been provided to the Commissioner's office by the applicant but is not contained within the papers supplied by Central Scotland Police. In response to this letter Chief Inspector E wrote to the applicant on 7 November

2008. In this letter Chief Inspector E addresses the issues unrelated to this complaint and does not discuss the applicant's belief that Mr B was in breach of his bail conditions.

### *Internal Handling*

On 1 December 2008 the applicant raised with the Commissioner's office his concerns about Central Scotland Police's apparent refusal to investigate the alleged breach of bail by Mr B. At that stage, however, the matter had not been considered by Central Scotland Police as a complaint about the police. As such the complaint was passed by the Commissioner's office to Superintendent H at Central Scotland Police.

A CAP form was completed which categorised the applicant's complaint as one of both policy and procedure, and service delivery. Inspector C met with the applicant on 14 January 2009 to discuss the complaint. The following passage is taken from Inspector C's report:

*"By his reckoning [Mr B] had breached his bail after the attack by giving his address as [address] with [Mrs A] when [Mrs A] had previously told the same Sheriff during civil proceedings that she lived alone at the address..."*

*Further, after we established that [Mr B] could not breach bail by giving a bail address AFTER the offence..."*

*Accordingly I looked at the potentiality of receiving a complaint against [Chief Inspector E] for having failed to take a complaint or indeed one of suppressing a complaint about the police.*

*Clearly I could not investigate such a complaint about the Chief Inspector, but as it was clear that an explanation and step by step breakdown of [the applicant's] assertions that his convoluted ideas were just that, convoluted and confused. An explanation was all that was required.*

*Once that explanation was given it was clear that he did not have a complaint to make."*

Inspector C thereafter quotes from a signed statement given by the applicant. The quote contains the following passage:

*"I can now accept that I will take action against [Mr B] through the Civil Court. I am happy with the explanation given to me by the Police."*

Inspector C's report also states that he spoke to the Procurator Fiscal and the Sheriff Clerk both of whom agreed that no breach of bail had taken place. Upon informing the applicant of this Inspector C states that the applicant said:

*"You are right it was not him that lied but her. I'll take it up in the civil court."*

On 13 February 2009, Superintendent G wrote to the applicant regarding this matter, stating the following:

*"...I understand that you had concerns regarding some of the correspondence that you had with Chief Inspector [E]... Following your meeting with Inspector [C] and the ability of both of you to air the issue, it is clear that the matter surrounding your concerns of [Mr B] having broken his bail have been resolved and that you now understand that he has in fact not committed any offence against his bail when he assaulted you in December 2007 and that bail conditions were set after that incident. As such, further advice was sought from both the local Procurator Fiscal and the Sheriff Clerk who agree that no breach of bail has taken*

*place. As such any issues that you had in relation to your correspondence with [Chief Inspector E] have been resolved.”*

### *Consideration*

It is clear from the applicant's statement he was satisfied with the explanation provided by Inspector C in relation to his allegation that Mr B had breached his bail conditions. Given that the applicant has accepted this explanation the Commissioner is unclear why the applicant has asked him to review the handling of this complaint.

The Commissioner considers this complaint to have been handled reasonably by Central Scotland Police. Accordingly, no further action is required in this connection.

### **Complaint 3: Failure to correctly charge Mr B**

The police report in relation to Mr B's alleged assault of the applicant states that Mr B vandalised the applicant's phone. However, the report passed to the Procurator Fiscal by Constable D did not include a charge of vandalism. The applicant wrote to Central Scotland Police on 20 August 2008 stating that he had been informed by the Procurator Fiscal that Mr B had been charged only with assault. The charge of vandalism against Mr B was then communicated to the Procurator Fiscal by Constable D on 29 August 2008.

On 5 December 2008 the applicant wrote to Constable D stating that “criminal injuries” (CICA) were waiting for a police report from her in order to continue with his claim. In his letter the applicant requested that when Constable D produced her report (presumably to the CICA) she included the “new charge that I have brought on board” (presumably a reference to the charge of vandalism not included in the original report to the Procurator Fiscal). The applicant also raised questions in his letter which can be summarised as follows:

- why was Mr B charged only with assault?;
- why and on the basis of what evidence was the applicant charged (with breach of the peace)?;
- should the applicant have been informed of Mr B's bail conditions?;
- “how [did the police] intend to fill in any claim form regarding [his] charges and... injury?”; and
- will the applicant see the police response to his claim for compensation to the CICA?.

In a further letter dated 30 March 2009, the applicant suggests that the omission of the charge of vandalism from the original report to the Procurator Fiscal resulted in the CICA receiving an erroneous report from Central Scotland Police. The applicant believes that this may have resulted in his claim for compensation being rejected by CICA.

A further letter from the applicant to Central Scotland Police (received there on 29 June 2009) states that he was refused compensation from the CICA on the basis that he was “charged” following the assault by Mr B on November 2007. The applicant states that he was not charged and requests that Central Scotland Police amend the report it sent to CICA.

### *Internal Handling*

A CAP form was completed in relation to this complaint, which categorised the complaint as one of both policy and procedure, and service delivery. Inspector C responded to the applicant on 10 September 2008, informing him that there was evidence for a charge of vandalism against Mr B and that a memorandum had been sent to the Procurator Fiscal in this connection.

Constable D states that she discussed the applicant's letter of 5 December 2008 with Sergeant J who confirmed that Constable D had completed all the necessary documentation for the Procurator

Fiscal. Sergeant J also advised Constable D that she should not enter into further correspondence with the applicant. Constable D then informed Inspector C of the correspondence, in the knowledge that he had dealt with the applicant in relation to previous complaints.

On 14 January 2009, the applicant met with Inspector C. Following the discussion the applicant provided a statement to Inspector C in which he stated the following in respect of this complaint:

*"I do not want the officer [Constable D] investigated in regard to a neglect of duty, but want her to have a successful career.*

*I am aware that this was an inexperienced officer who had been brought in to an ongoing incident without understanding the background of the incident and that a simple mistake had been made which I am now aware, has been rectified."*

On 13 February 2009 Superintendent G wrote to the applicant in response to the complaint. In his letter Superintendent G highlighted that the applicant had been sent a letter by Inspector C on 10 September 2008 confirming that an additional charge had been libelled against Mr B, as the applicant had requested. Superintendent G went on to explain that an error in completing the report to the Procurator Fiscal had led to the charge of vandalism being omitted. Superintendent G apologised to the applicant for this omission.

Superintendent G also addressed the questions raised by the applicant in his letter of 5 December 2008. In particular, Superintendent G informed the applicant that:

- he was unable to discuss evidence held against him (in relation to the charge of breach of the peace);
- that it was not the function of the police to set bail conditions and only in special circumstances are these conditions passed on to victims; and
- that the police are asked for information from CICA as an independent source and that this information is never given to any other body.

Superintendent G then wrote to the applicant on 22 June 2009 confirming that the report which Central Scotland Police had sent to the CICA in relation to his claim was accurate. Superintendent G also commented that the reason the CICA had not awarded compensation to the applicant was due to the nature and seriousness of the injuries sustained by him.

### *Consideration*

Upon being made aware that the charge of vandalism had not been reported to the Procurator Fiscal, Central Scotland Police corrected this oversight and informed the applicant of this had been done. In his statement provided to the police on 14 January 2009 the applicant clearly accepted the action taken by police in this regard.

Despite this, the applicant has sought to renew his concerns about the initial failure to include a charge of vandalism in the report sent to the Procurator Fiscal. Latterly, however, the applicant has become concerned that the same error was contained in the report sent by Central Scotland Police to the CICA and that this might be the reason why he was refused compensation.

As noted above, Superintendent G addressed this issue in his letter to the applicant of 22 June 2009 in which he stated that the report which had been sent to the CICA was accurate. The Commissioner would confirm that the report includes reference to the charges of assault and vandalism. In any event, the letter sent by the CICA to the applicant dated 26 February 2009 makes it abundantly clear that he was refused compensation on the ground that his injuries were not sufficiently serious to qualify.

In his letter received on 29 June 2009 by Central Scotland Police the applicant suggests that it incorrectly informed the CICA that he was charged following the assault. It does not appear that Central Scotland Police has responded to this issue. However, as noted above, it is clear that the applicant's claim for compensation was rejected on the basis that his injuries were not sufficiently serious to justify compensation.

In conclusion, the Commissioner considers that this complaint was handled in a reasonable manner. Accordingly, no further action is required of Central Scotland Police in this connection.

#### **Complaint 4: Failure to conduct a proper interview**

On 25 March 2008 Mr B was interviewed by Inspector C and Sergeant F in relation to an allegation that he had made threatening phone calls to the applicant. The applicant has obtained a copy of the transcript of the police interview and believes it demonstrates that Central Scotland Police did not question Mr B properly. In his letter to Central Scotland Police dated 30 March 2009 the applicant says of the interview, "you have him on the ropes and his interview ceases".

The applicant has also obtained a copy of a Central Scotland Police crime file in relation to the allegation against Mr B. A note on the crime file reads:

*"This individual [Mr B] is proving difficult to trace although indications are that he is still residing at the given address. The feeling is he has to be traced and interviewed as opposed to reported for this offence."*

The applicant believes that this note indicates that prior to Mr B's interview a decision had been taken not to charge Mr B.

#### *Internal Handling*

A CAP form was completed in relation to this complaint which categorised the complaint a one related to "service outcome".

Superintendent G responded to the complaint in his letter dated 22 June 2009, stating:

*"As you appear to be aware, from your possession of a section of a police document, [Mr B] was interviewed in March 2008. During the interview, [Mr B] was asked a series of questions but denied having been responsible for making the telephone call to you.*

*The conduct of the interview with a suspect is subject to certain rules and I am satisfied that the questions were appropriate. A suspect cannot be forced to answer questions...It appears that, regardless of what is suspected, there is insufficient evidence to justify charging anyone in connection with this crime."*

#### *Consideration*

In examining the handling of this complaint, the Commissioner has ignored the question of how the applicant came into possession of the transcript of Mr B's interview.

Having reviewed the transcript, the Commissioner notes that the interview does appear to end abruptly. The Commissioner sees no value in speculating about the reason for this but notes that no statements have been obtained from either of the officers who conducted the interview. Obtaining a statement from the officers involved in the interview might have enabled Superintendent G to have provided the applicant with a more comprehensive response to this complaint. In particular, it would have allowed an explanation to be given as to why the questioning of Mr B in relation to the alleged offence appears to tail off.

However, given that over 2 years have elapsed since the interview took place, the Commissioner considers it doubtful that further enquiries with Inspector C or Sergeant F are likely to yield reliable evidence. In any event, there is obviously no guarantee that further questioning of Mr B would have given rise to clear evidence of his involvement in the offence. The Commissioner also considers that the questions asked of Mr B during the interview were entirely appropriate.

The applicant has suggested to the Commissioner's office (but not to Central Scotland Police) that the actions of the police in this case represent a breach of Article 7 of the Universal Declaration of Human Rights, which reads:

*"All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination."*

The applicant appears to be suggesting that the decision of Central Scotland Police not to charge Mr B with making the alleged phone calls represents a breach of his human rights. Central Scotland Police has determined that there was insufficient evidence to charge Mr B. The Commissioner fails to see how this decision represents a breach of the above article.

Although the Commissioner considers that Central Scotland Police's investigation of this complaint could have been more thorough, on balance he considers that it was handled in a reasonable manner. Accordingly, no further action is required in this connection.

#### **Complaint 5: No action taken over threatening phone calls**

The applicant wrote to Constable K on 5 December 2008 asking what action had been taken regarding the threatening phone calls allegedly made by Mr B which he had reported some months previously. In his letter the applicant states that following these phone calls he was attacked and the windows of his home smashed. According to the letter, if his allegation regarding the threatening phone calls had been investigated properly the attack on him and the vandalism to his home may not have happened.

#### *Internal Handling*

Constable K discussed the matter with Inspector C who in turn met with the applicant on 14 January 2009. On 13 February 2009 Superintendent G wrote to the applicant in response to the complaint. In his letter Superintendent G stated that this matter had been addressed to the applicant's satisfaction in April 2008 when a suspect was interviewed by the police (see complaint 4). In making this comment, Superintendent G was referring to the meeting between the applicant, Inspector C and Sergeant F on 2 April 2008, which is discussed under complaint 1.

#### *Consideration*

The Commissioner has some difficulty understanding this complaint. Under complaint 4 above, the applicant raises concerns about the interview carried out as part of the enquiries into Mr B's alleged threatening phone calls. In doing so the applicant accepts that the police took action in relation to this allegation, albeit he is unhappy with the quality of this. Accordingly, the fact that the applicant has raised complaint 4 indicates that action was indeed taken in respect of his allegation, and undermines the validity of complaint 5.

The Commissioner notes that Mr B was interviewed after the applicant made complaint 1. As discussed under complaint 1, after Mr B's interview the applicant was informed by Superintendent G on 3 April 2008 that there was no evidence to charge anyone in relation to the matters he raised at that time, including the threatening phone calls. Accordingly the applicant was made aware of

the action which had been taken by Central Scotland Police in relation to the alleged threatening phone calls before making complaint 5.

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

### **Complaint 6: Failure to respond to issues raised by the applicant**

As noted above, the applicant wrote to Chief Inspector E on 21 October 2008 raising concerns about Mr B's bail conditions. These concerns are addressed under complaint 2 above. In addition to these concerns the applicant states:

*"Whilst it is appreciated that you did contact the P F submitting that there was [sic] grounds over and above the assault charged for compensation re my mobile phone [sic], as yet I have had no formal reply or response as to where a compensation order will be sought [sic]..."*

*"...On Monday 29<sup>th</sup> Sept 2008 I received a threatening letter through my door which I took to [a police station] around 10.30 pm that day. As yet I have heard nothing from C S Police."*

#### *Internal Handling*

Chief Inspector E wrote to the applicant on 7 November 2008 in response to his letter stating:

*"I am therefore somewhat confused as to where you received the information regarding any compensation regarding your mobile telephone which had originated from me. Indeed the matter of compensation or indeed any such order was not raised with me previously and in any case is a matter for the Sheriff Clerk as opposed to Central Scotland Police...."*

*... In terms of the telephone call to Central Scotland Police on 29 September 2008, you will recall that you were visited by the police in response to your enquiry.*

*The officer concerned details in his official police notebook, the fact that you merely wished [Mrs A] spoken to regarding the letter and if she had any knowledge of it. It appears you have signed this notebook as confirmation of your wishes at that time. I can confirm with you that this was carried out and she denies any knowledge of the letter."*

#### *Consideration*

It is clear from his letter that Chief Inspector E was unaware as to where the applicant received information regarding compensation for his mobile phone. In addition there is no evidence contained within the papers supplied to the Commissioner that Central Scotland Police communicated in any way with the Procurator Fiscal regarding compensation for the applicant's mobile phone. In the Commissioner's view, Chief Inspector E is correct that this is not a matter for Central Scotland Police.

In relation to the threatening letter allegedly received by the applicant it appears that he asked for Mrs A to be spoken to about this. Chief Inspector E confirmed to the applicant that this had been done.

In the circumstances the Commissioner considers these complaints to have been handled reasonably. Accordingly no further action is required of Central Scotland Police in this connection.

### **Complaint 7: The applicant's arrest**

In a letter dated 6 June 2008 the applicant provides details of an occasion when he was apparently arrested. In his letter the applicant asks the Central Scotland Police to justify his arrest.

Central Scotland Police does not appear to have recorded this as a complaint about the police or provided a response. The Commissioner therefore recommends that this complaint is formally recorded and that a response is issued to the applicant.

### **Complaint 8: Illegal entry to applicants home and theft of documents**

In terms of section 34(3)(b) of the Act, the Commissioner has no power to deal with complaints about the police which consist of an allegation of an act which constitutes a crime. Accordingly the Commissioner has no remit to consider the handling of this complaint.

## **Conclusions, Recommendations and Learning**

### **Complaint 1: Failure to link incidents reported to police**

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

### **Complaint 2: Failure to respond to an allegation**

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

### **Complaint 3: Failure to correctly charge Mr B**

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

### **Complaint 4: Failure to conduct a proper interview**

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

### **Complaint 5: No action taken over threatening phone calls**

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

### **Complaint 6: failure to respond to issues raised by the applicant**

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

### **Complaint 7: The applicant's arrest**

As no response was issued to the applicant in respect of this complaint, the Commissioner finds that it was not handled reasonably. The Commissioner recommends that this complaint is recorded and that a response is issued to the applicant.

### **Complaint 8: Illegal entry to applicants home and theft of documents**

For the reasons given, the Commissioner has not considered the handling of this complaint.

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