

[Applicant's name and address]

PCCS/00288/10

16 May 2011

Dear [applicant],

I refer to your application to this office in which you complained about Dumfries and Galloway Constabulary. I write to inform you of my decision in your case.

Your Case Officer wrote to you on 20 January 2011 to confirm the head of complaint that I would review. Your complaint is that Dumfries and Galloway Constabulary refused to allow a vehicle owner to arrange for the recovery of their own vehicle following a road traffic incident, and instead implemented their own vehicle recovery scheme.

You initially made your complaint to Dumfries and Galloway Constabulary through your MSP on 15 July 2010. The complaint was investigated by Chief Inspector A and a reply was sent by her to your MSP.

In the course of her enquiry, Chief Inspector A took a statement from Constable B, who was in attendance at the scene of the incident. He stated that he spoke with you on the telephone prior to your attendance, and told you not to attend as the police were making arrangements for the recovery of the damaged vehicle. Constable B went on to state that you nevertheless attended the scene and he again explained to you that the recovery of the vehicle was being dealt with in accordance with the Vehicle Recovery Scheme.

Your MSP was subsequently sent a letter of reply by Chief Inspector A on 10 August 2010. Chief Inspector A advised in the letter that the Vehicle Recovery Scheme is utilised on occasions where the police take charge of an accident scene. It was explained that in respect of the incident of 14 July 2010, Constable B considered the vehicle in question to be causing an obstruction and consequently was a potential danger to other traffic. This was the reason why the Vehicle Recovery Scheme was implemented.

Chief Inspector A also advised in the letter of response that:

*“Had the recovery of this vehicle been less dangerous and the police were not required to stay at the scene then [you] would have been allowed to remove the vehicle.”*

The letter concluded by stating:

*“... the VRS is designed to increase the safety of all road users who may become involved in a recovery process. In this instance [you were] advised by the police not to attend while en route to the incident but chose to attend.”*

Following an examination of the police file and the information submitted by you, I am satisfied that Dumfries and Galloway Constabulary has dealt with your complaint in a reasonable manner. I have nothing to add to what you have already been told by Dumfries and Galloway Constabulary in this connection.

I appreciate that this decision will be disappointing to you; however I wish to assure you that it has been made following a careful examination of the facts of your case.

As explained to you in our letter of 20 January 2011, a copy of this letter will be published, in anonymised form, on my office’s website. This will occur on 19 May 2011.

My involvement in your case is now at an end.

Yours sincerely,

**JOHN MCNEILL**  
Commissioner