

[applicant's name and address]

PCCS/00296/07
14 June 2011

Dear [applicant]

Thank you for your letter received on 23 March 2011. Following an examination of the files in your case, I acknowledge that the complaint you refer to in your letter was not addressed in the complaint handling reviews I issued in respect of your complaints about Central Scotland Police. I apologise for this oversight and have addressed the outstanding complaint in this letter.

Your complaint is that Central Scotland Police failed to take action against the individual who made a false allegation of rape against your son. You made this complaint to Central Scotland Police in a letter dated 18 February 2009. The following response was sent to you by a Detective Superintendent of Central Scotland Police on 19 March 2009:

"The situation here was that the woman made a statement of complaint, then the following day reflected on the situation and decided to retract her statement. At no time during the investigation was there ever any evidence uncovered which proved that the woman had made a false allegation. It is fact that the woman withdrew her allegation prior to police officers interviewing your son. It was due to the severity of the initial allegation that the investigators thought that despite the allegation being withdrawn that it was still relevant to interview your son.

I am satisfied that there was and continues to be no evidence that the woman concerned made a false allegation of rape against your son. It is fact that she withdrew her allegation but that in itself is not evidence that the allegation she made in the first place was false".

I have examined the papers supplied by Central Scotland Police in respect of the investigation of this complaint. In the Complaint about the Police (CAP) form produced in respect of your complaint, the same Detective Superintendent wrote:

"Having researched the previous submitted paperwork it was clear to me that there was no evidence of the complainer making a false allegation. What we had here was a very drunk woman making an allegation, being medically examined and in sobriety the next day not even remembering that she had spoken to the police and been medically examined, never mind recalling the incident ... The investigating officers were of the opinion that the complainer was

genuine in her statements that she had no recollection as such it is impossible to ascertain if what she said when intoxicated was fabricated or not.”

The Detective Superintendent also explained in the CAP form why, despite the fact that the complainer did not remember making her allegation, it was decided to speak to your son:

“A decision was subsequently taken that although the complainer had not followed through with a full statement that the alleged crime was so serious that it was in the public interest to interview [your son] and ascertain his position relative to the incident. He was interviewed and denied having raped the complainer. Due to the overall circumstances no report was ever forwarded to the Procurator Fiscal.”

In my view, it would have been helpful if Central Scotland Police had provided you with the same level of detail as was contained in the CAP form, as the female’s intoxicated state was relevant to the decision not to take action against her. Nevertheless, I believe that Central Scotland Police provided you with a reasonable explanation as to why no action was taken against the individual concerned. I therefore believe that Central Scotland Police dealt with this complaint in a reasonable manner.

Once again, I apologise that this complaint was not dealt with during the review of your other complaints.

A copy of this letter will be published, in anonymised form, on my office’s website. This will occur on 17 June 2011.

Yours sincerely

John McNeill
Police Complaints Commissioner for Scotland