

[Applicant's name and address]

PCCS/00492/10
19 July 2011

Dear [Applicant],

I refer to your complaint about Lothian and Borders Police and write to inform you of my decision in your case.

You initially made your complaint to Lothian and Borders Police on 6 November 2010. Although not made explicit within your correspondence, your complaint appeared to be that you were not given the opportunity to make a counter-allegation against your former employers after you were charged with a breach of the Communications Act 2003. You received a response from Sergeant A on 11 November 2010 which informed you of details contained within the report submitted to the Procurator Fiscal. Thereafter, on 16 November 2010 you received a letter of response to your complaint from the Deputy Chief Constable.

You further corresponded with Lothian and Borders Police in February 2011 and your concerns were dealt with by Sergeant B. A further letter of response was sent to you on 21 February 2011 by Superintendent C. The letter stated the following:

"I am advised that [Sergeant B] has discussed the specific issues with you. He has identified that both your original complaint to this Force and your subsequent letter to the PCCS relate to you wishing to make a counter allegation. This is in respect of the persons who reported you to the police. An incident has been created on the Force's 'Storm' Computer system and officers from ... police station will contact you to note details of your crime.

I regret that your complaint to this Force was misinterpreted and apologise for any inconvenience that this may have caused."

It is clear that your complaint was initially misinterpreted by Lothian and Borders Police. However, once it was clarified that it concerned your desire to make a counter-allegation against your former employers, steps were taken to allow you to do so and you were given an apology. Consequently, I believe that ultimately your complaint was handled in a reasonable manner.

In accordance with my office's procedures, a copy of this letter will be published, in fully anonymised form, on my office's website. This will occur on 22 July 2011.

My involvement in your case is now at an end.

Yours sincerely,

JOHN MCNEILL
Commissioner