

[Applicant's name and address]

Via email

PCCS/00289/11

12 January 2012

Dear [Applicant]

Complaint about Lothian and Borders Police

I refer to your application to my office and write to inform you of my decision in your case.

As you know the Case Officer responsible for your case wrote to you on 21 November 2011 to confirm the complaints you wished me to review. These were as follows:

- that officers of Lothian and Borders Police allowed your neighbours to enter your house and remove what they wanted against your wishes, having obtained access to the property without your consent; and
- that a key to your home was handed to a neighbour by Lothian and Borders Police against your wishes.

As part of my review of these complaints, I have carefully considered all of the information provided by you and Lothian and Borders Police.

Inspector A was assigned to carry out enquiry into your complaints. He obtained statements from both the officers who were present at the incident on 4 January 2011. Statements were also obtained from the locksmith, who you requested attend the property, and the three neighbours present during the incident.

Inspector A compiled a report detailing the outcome of his enquiries and you subsequently received a letter of response from the Deputy Chief Constable on 5 May 2011. The Deputy Chief Constable stated the following:

"You alleged that on 4 January 2011, two police officers allowed neighbours to enter [your home] and remove documents belonging to you without your permission.

I understand that although you are no longer resident at the address, documentation belonging to you is still stored at the premises and that on the date in question you entered the house. On seeing this, the neighbours alerted [Ms B] who was at that time in [a location

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abroad]. [Ms B] expressed concern at your actions and requested that the police be called. Whilst it was accepted that you had a right to be on the premises, [Ms B] asked that important documents of hers be removed and to that end, and in her absence, sought the assistance of the police and her neighbours.

According to the neighbours and the police officers present, at no time did you demand that persons leave the property and that you were shown the items taken from the house and did not object to their removal.

Before coming to a decision, I have to be satisfied that on the balance of probabilities, an allegation is proved. On that basis I find the allegation unsubstantiated.

You alleged that on 4 January 2011, a police officer took possession of a set of keys for [your home] on the understanding that they would only be handed over to [Ms B] and that they were given to an unknown third party.

The investigation had revealed that the two officers who took possession of the keys lodged them at [police station] and the following day they were uplifted by [Ms B], who was accompanied by a neighbour. I therefore find the allegation unsubstantiated."

As noted above, the enquiries undertaken by Lothian and Borders Police involved statements being taken from all relevant witnesses to the incident about which you complained. I have reviewed all these statements and cannot find any support for the allegations you made.

In light of this, I believe that the response you received from Lothian and Borders Police was reasonable. I have nothing further to add to what you have already been told by Lothian and Borders Police in this connection.

My involvement in your case is now at an end. 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 13 January 2012.

Yours sincerely

JOHN MCNEILL
Commissioner