

Lothian & Borders Police – Two Reports by Complaints Commissioner

☒ There were two reports about Lothian and Borders Police today in the monthly update from The Police Complaints Commissioner for Scotland, Professor John McNeill.

The first has made a few newspapers today, and involves the case of Mr A (widely reported to be owner of a Chinese takeaway in Sighthill, Mr Jing Guo, who is also the secretary of the local community council).

The PCCS report:-“Mr A is the owner of a takeaway restaurant. On 18 May 2009 the restaurant was attacked by a group of around twenty young men who were armed with bottles, bats and clubs. Mr A managed to lock himself, his wife and two members of staff inside the restaurant before the group could get in. Over the next 90 minutes, Mr A made ten 999 calls requesting immediate help from Lothian and Borders Police. No police officers arrived but Mr A, his wife and the two members of staff eventually managed to leave the building safely once they were sure that the group had left. Mr A made a complaint to Lothian and Borders Police about the incident which is not the subject of this review.

Following Mr A’s complaint, Lothian and Borders Police released a statement to local media outlets on 23 May 2009 advising that it deeply regretted the incident.

In the Commissioner’s view, the manner in which this complaint was dealt with by Lothian and Borders Police was not reasonable. The Commissioner recommends that Lothian and Borders Police writes to the applicant explaining the failings which were identified following the review and the steps which have been taken to prevent a recurrence.”

Part of the problem with this case seems to have been the fact that the takeaway owner used his personal email address as well as the community council one, confusing the police who did not always reply to both addresses. What is not entirely clear from the report however is why the police did not attend in the first place, notwithstanding the numerous 999 calls, and what changes, if any, have been made to police procedures as a result.

The second report deals with a complaint made by an Edinburgh man who was arrested by police following a reported breach of the peace. He made five complaints about the way in which matters then progressed.

Complaint 1: Failure to inform the applicant of reasons for his arrest

Complaint 2: Applying handcuffs too tightly

Complaint 3: Failure to properly assess the situation, leading to unwarranted arrest

Complaint 4: Failure to inform friends about the applicant's arrest

All of the first four heads of complaint were found to have been dealt with in a reasonable fashion.

Complaint 5: Failure to properly care for the applicant whilst in custody.

The answer to this complaint was :- "In the Commissioner's view, this complaint was not dealt with in a reasonable manner by Lothian and Borders Police. However...the Commissioner makes no recommendation in this connection." Essentially this related to the fact that whilst in police custody the complainant had requested another blanket and his anti-depressant medication. The police did not provide him with a second blanket as they considered him to be 'at risk' (of self-harming), although it was not entirely clear why he did not get any medication. He also complained that the handcuffs

had caused his wrists to be sore, and he was not allowed to wash on either of the two days he was in police custody. The custody officer explained that the accused was under the influence of alcohol when admitted to the police cells. Due partly to the passage of time and partly to what was regarded as the minor nature of the complaint, the Commissioner did not make any recommendation of further action in this case.

The purpose of the PCCS is to provide an independent body to deal with any complaints by the public against Scottish police forces. It was formerly known as Her Majesty's Inspectorate of Constabulary Scotland. It investigated and reported on 32 cases this month.