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Police Investigations &
Review Commissioner

OPERATION GILLEAN

PIRC Investigation Findings

Death of 25-Year-Old-Man
Musselburgh
Between 12 and 13 October 2017

BACKGROUND

On the evening of Friday 13 October 2017 the body of a 25-year old man was found, partially in the sea near Musselburgh Harbour by a member of the public.

The man was last seen alive leaving his partner's address in Musselburgh on the evening of Thursday 12 October 2017.

About 0400 hours on Tuesday 10 October 2017, the man was arrested after causing a disturbance within the grounds of Edinburgh Royal Infirmary. He was taken to St Leonard's Police Station, Edinburgh.

About 0635 hours, a Vulnerability Assessment Form was completed by a member of Police Scotland staff after the man told him he was suicidal. This was recorded in the custody record.

On Wednesday 11 October 2017, the man appeared from custody at Edinburgh Sheriff Court and was released on bail.

At 1700 hours, on Thursday 12 October 2017, the man returned to his partner's flat where she saw that he looked unwell and was in a panicked state. His partner saw he was wearing waterproof trousers which were not his own and that he was bare footed.

The man's partner went to a neighbour's flat about 1900 hours, leaving the man with a friend in her flat. When she returned, the friend told the man's partner that the man had taken the dog out. The dog was found in the common close shortly afterwards but there was no sign of the man.

The man's partner telephoned Police Scotland at 2316 hours after he failed to return home. She was told the man had not been arrested or detained in police custody. She was asked if she wanted to report him missing but she declined to do so at that time.

On Friday 13 October 2017, the man's partner again called Police Scotland at 0901 hours and told the Service Advisor that the man had gone missing the day before. The woman said she had not reported him missing at that time as every time she had reported him missing previously he had been taken into police custody.

The Service Advisor spoke to the custody sergeant at St. Leonard's Police Station, who checked the National Custody Database and saw that the 25-year-old man had been in custody on the 10 October 2017 and had appeared at Edinburgh Sheriff Court on the 11 October 2017. The custody sergeant told the Service Advisor the man may have been remanded to prison and advised him to suggest to the partner that she contact the man's solicitor.

Thinking that the man was in prison, the Service Advisor told the partner to contact the man's solicitor and incorrectly told her at that time that the man was safe and well.

About 1750 hours on Friday 13 October, a member of the public walking her dog near Musselburgh Harbour saw the body of a man partially submerged in the sea and immediately telephoned 999 to alert the emergency services.

The man's unidentified body was taken to Edinburgh City Mortuary and a distinctive tribal tattoo was noted on his right abdomen. However, enquiries made by Police Scotland at that time failed to identify the man.

At 1058 hours on Saturday 14 October 2017 the man's partner again telephoned Police Scotland and spoke to a Service Advisor telling her that the man had now been missing for 48 hours, that she had telephoned Police Scotland the day before and had been told that he was safe and well.

She said she had contacted the solicitor who had confirmed that the man had not been remanded to prison and that she now wanted to report him as a vulnerable missing person.

The call from the partner was transferred to a duty sergeant at Howdenhall Police Office and the partner explained that the man had been missing for 48 hours. The duty sergeant told her that he would make some enquiries and call her back .

At 1104 hours, whilst the man's partner was speaking with the duty sergeant, his brother called Police Scotland to report his concerns for him. He provided a description which included that his brother had a distinctive "Ninja" tattoo on his stomach.

As a result, a command and control incident was created and transferred to the Area Control Room (ACR) for allocation to police officers.

About 1230 hours, a Detective Sergeant became aware of the incident which resulted in the body found at Musselburgh Harbour being identified as that of the 25- year- old- man.

A post mortem examination was carried out on 19 October 2017 and the cause of death was established as drowning.

REFERRAL TO THE PIRC

On 15 October 2017, the Police Investigations & Review Commissioner (PIRC) was directed by the Crown Office and Procurator Fiscal Service (COPFS), to carry out an investigation in terms of Section 33A (b) (ii) of the Police, Public Order and Criminal Justice (Scotland) Act 2006 (as amended) .

PIRC INVESTIGATION

The PIRC investigation focused on the interactions between Police Scotland and the man's partner, in particular the actions of the police in response to her telephone call, taking into consideration that the 25-year-old man had advised the police on 10 October 2017 that he was feeling suicidal and had recently tried to commit suicide.

PIRC Investigators obtained witness statements from police officers, police staff, family members, Scottish Prison Service staff, G4S staff and interviewed key witnesses.

They also obtained and examined Police Scotland documentation including telephone recordings, computer records, radio broadcasts, Scottish Prison Service records, Scottish Ambulance Service records, G4S records and CCTV footage.

PIRC FINDINGS

Following investigation the Commissioner found that:

- The man was last seen alive at about 1900 hours on Thursday 12 October 2017. At 1750 hours on Friday 13 October 2017 his body was discovered partially in the sea near to Musselburgh Harbour.
- Following a post mortem, the cause of death was certified as drowning.
- At 2316 hours on Thursday 12 October 2017, the man's partner telephoned Police Scotland to enquire if he was in custody. During this call she was asked by the Service Advisor if she wanted to report the man as a missing person but declined to do so.
- At 0900 hours on Friday 13 October 2017, the man's partner telephoned Police Scotland with the intention of reporting him as a missing person. On the advice of the Custody Sergeant, the Service Advisor told the man's partner that she should contact the man's solicitor. The Service Advisor also incorrectly told her that the man was safe and well. As a result, she did not report the man as a missing person.
- As the Service Advisor had been told that the man had gone missing on 12 October 2017, he should have raised a command and control incident form recording the man as a missing person. This would have led to a missing person inquiry being initiated and earlier identification of the man's body.
- At 1057 hours on Saturday 14 October 2017, the man's partner telephoned Police Scotland to report him as a missing person. The Service Advisor transferred the call to an operational Police Sergeant who had previous knowledge of the man. She did not raise a command and control incident form for the man before transferring the call.
- At 1104 hours on Saturday 14 October 2017, as a result of the man's brother contacting Police Scotland, 'a concern for person' command and control incident form was raised and actioned. This resulted in the unidentified body that had been recovered from the sea at Musselburgh Harbour on the 13 October 2017 being identified as that of the man.
- The G4S Personal Escort Record form was not correctly completed by Police Scotland custody staff to highlight that the man was suicidal or at risk of self-harm prior to his transfer over to the care of G4S Court Custody and Prisoner Escort Services.
- As a result of the man's death, Police Scotland has reviewed its process for dealing with calls about people in custody and has circulated a revised process to service centre staff nationally.

RECOMMENDATIONS

No recommendations were made.