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Category: Death following police contact

POLICE CONTACT PRIOR TO DEATH OF 52 YEAR OLD MAN IN EDINBURGH ON 29 MARCH 2013

At 0815 hours on 29 March 2013, a 52 year old man was found dead within the home of a friend in the Restalrig area of Edinburgh. The man was known to police as a vulnerable person with alcohol misuse and serious health problems.

On 26 March 2013, neighbours of the man in the West Pilton area of Edinburgh reported to police that they had not seen him for a number of days, were concerned for his welfare and that he was under threat from a local drug dealer. Although police later spoke to the man on the phone they did not physically trace him to ensure his welfare and he avoided contact with police. Police undertook enquiries typical of a missing person investigation, yet no missing person enquiry was instigated.

At 0102 hours on 29 March 2013, over 7 hours before his death was discovered, the man telephoned the police using the emergency 999 system requesting help, stating he was dying. This call was handled by the Area Control Room (ACR) serving Lothian & Borders Police, now E Division of Police Scotland. It was initially identified as a priority call requiring an immediate response and, despite holding information as to the location of the phone making the emergency call, the ACR sent officers to the man's home some 4.5 kilometres from his location. Police officers received no response at the door and took no further action to gain access to the house.

At circa 0330 hours that day a Sergeant identified that the missing person and 999 incidents were linked and requested officers attend to locate the man in the Restalrig area. Officers were sent to the wrong address and, on getting no reply to the door, left a calling card requesting the man contact police. He was found dead at 0815 hours at an adjoining house.

As a result of police contact with the man in the days and hours before his death the Commissioner decided to undertake an investigation into the circumstances. Statements were obtained from police officers, police staff and other relevant witnesses. PIRC Investigators examined police audio recordings; command & control incidents and other documents including an internal Police Scotland review of how the ACR had dealt with the various incidents.

After examination of the available evidence it is the finding of the PIRC that:

- The lack of prompt action on 29 March 2013 to trace the man and obtain medical intervention was a significant failing;
- The man was known to police as a vulnerable person who had serious health problems and led a chaotic lifestyle which included alcohol misuse;
- ACR staff appear to have downplayed the serious nature of the 999 call due to how the man presented to them, which affected how they prioritised the call and the subsequent police response. The decision that a 999 call

from a person who stated he was dying should be downgraded to a priority 5 response (incidents that can be resolved by telephone or by some other means which do not require police attendance) was clearly erroneous;

- It is apparent from the circumstances that the initial call on 26 March 2013 should have been considered a missing person enquiry either at the time of initial report or very shortly thereafter. The use by the ACR of a 'concern for person' incident label rather than create a missing person enquiry was a contributing factor to the overall lack of effective incident response and control;
- As a result of these failures police senior management were left unsighted on enquiries to trace the man and, therefore, were denied an opportunity for effective direction and control;
- Urgent enquiries to establish the location of the mobile phone making the 999 call should have been undertaken;
- Given the nature of the 999 call officers should have forced entry to the man's home;
- There was a failure to respond appropriately to the 999 call between 0140 and 0305 hours on 29 March 2013;
- Despite attending the wrong address at circa 0330 hours, given the nature of the 999 call, officers should have forced entry to the house in the Restalrig area. Had they done so they would have quickly become aware that the man was not at that location and the mistake regarding the wrong address been rectified;
- The decision to leave a calling card for a person who phoned 999 stating he was dying was inappropriate and a serious error of judgement and
- The creation of separate command and control incidents by ACR staff (each being allocated a differing operational response) which were in effect one continuous linked incident appears to have contributed to a lack of overall management and effective response.

PIRC has therefore recommended to Police Scotland that:

- It examine those failures within the ACR for E Division identified in the full PIRC report, particularly in respect of recording reports of missing persons, management of 999 calls, response to priority incidents and command and control of operational officers.
- It examines the overall management of missing person enquiries in E Division.
- It emphasise to police officers undertaking enquiries into missing or vulnerable persons that, when in doubt as to a person's welfare, they have the power without warrant to force entry to premises to save life. This includes those circumstances where an officer has a reasonable belief that a person may be within premises but is unable to respond or answer the door due to illness or injury.
- It investigates the actions of some of the officers and staff involved in this matter.