

Our Ref: IM-FOI-2016-0084
Date: 23 March 2016



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

Please, first of all, accept my sincere apologies for the delay in providing a response to your request.

For ease of reference, your request is replicated below together with the response.

1. Did the Grampian Police conduct witness interviews as part of the investigation into the death of Robert David Greig in a car fire in 1997?

Yes

2. If so how many witnesses were interviewed?

In terms of Section 16 of the Freedom of Information (Scotland) Act 2002 I am refusing to provide you with the information sought.

Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

- (a) states that it holds the information,
- (b) states that it is claiming an exemption,
- (c) specifies the exemption in question and
- (d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information that you have requested.

The exemption that I consider to be applicable to the information requested by you is Section 34(2)(b)(ii) - Investigations.

The information you request concerns the sudden death of a person and the investigation, which the Force has a duty to conduct in order to make a report to the Procurator Fiscal.

This exemption is subject to the public interest test, which is articulated below.

Considerations For Disclosure

Public Awareness: It would be in the public interest for more to be known about how such investigations are carried out and whether the Force thoroughly carried out such inquiries.

Considerations Against Disclosure

Efficient and Effective Conduct of the Force: To disclose specific details of how an investigation is carried out, could hamper the Force's ability to conduct such inquiries in the future, as it would be known exactly what types of enquiries would be made to establish whether any criminality was involved.

Flow of information to the Force: If we disclosed details of witnesses in a specific inquiry, this could prevent others from coming forward with information in the future, for fear of their names being released into the public domain. This would harm the Force's ability to fully investigate sudden deaths and possibly other types of incidents.

Balancing Test

On balance, the need to ensure the flow of information to the Force is not interrupted and that investigations can be conducted effectively is of greater importance than public awareness, on this occasion. Therefore, the balance lies in withholding the requested information.

- 3. In 1997 did Grampian Police Department have a "contract" with local vehicle recovery/towing company to remove vehicles from the roadway or city streets for incidents such as these? If so who was the contractor in 1997?**

Due to the passage of time, this information is no longer held.

As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland

- 4. Who is the contractor now?**

In these situations, service overview would call the Contractual Vehicle Recovery Scheme - CVRS.

- 5. In a previous FOI I asked: Are there written procedures that are required to be followed by the Police when conducting a fire investigation involving a fatality?**

Your response: "There is no specific procedure in relation to the investigation of a fire which involved a fatality. However, procedures on the investigation of death do exist."

Please can you give details of those procedures?

Due to the passage of time, we no longer hold the standard operating procedure concerning investigation of a death which was in place during 1997.

As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland

6. In answer to a previous FOI from A. Greig it was stated that the fire in which her brother died was an accident. How was this determined and what forensics were carried out?

Your Response: "This determination was based on the fire report and what was noted at the scene by police officers (i.e. hosepipe attached to exhaust)."

However, the deceased's sister was informed by the Procurator Fiscal that the hosepipe was lying on the ground and as it has been admitted by the police and fire service no forensics were carried out on the vehicle. Please supply the photograph showing the alleged attached pipe?

In terms of Section 16 of the Freedom of Information (Scotland) Act 2002 I am refusing to provide you with the information sought.

Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

- (a) states that it holds the information,
- (b) states that it is claiming an exemption,
- (c) specifies the exemption in question and
- (d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information that you have requested and the exemption that I consider to be applicable to the information requested by you is Section 34(2)(b)(ii) - investigations.

The information you request concerns the sudden death of a person and the investigation, which the Force has a duty to conduct in order to make a report to the Procurator Fiscal. This exemption is subject to a public interest test.

Considerations For Disclosure

Public Awareness: It would be in the public interest for more to be known about how such investigations are carried out and whether the Force thoroughly carried out such inquiries.

Considerations Against Disclosure

Efficient and Effective Conduct of the Force: To disclose the specific photograph requested could hamper the Force's ability to conduct such inquiries in the future, as it would be known exactly what types of enquiries would be made to establish whether any criminality was involved.

Flow of information to the Force: If we disclosed details of this nature, this may harm the Force's ability to fully investigate sudden deaths and possibly other types of incidents.

Balancing Test

On balance, the need to ensure the flow of information to the Force is not interrupted and that investigations can be conducted effectively is of greater importance than public awareness, on this occasion. Therefore, the balance lies in withholding the requested information.

7. In answer to previous FOI from A. Greig, you have also stated that you had determined there was no other person involved?

Precisely how was this determined?

Your response: "This was determined from witness statements from those who tried to save the deceased and that there was no evidence to suggest that anyone else was involved."

Please state how many witnesses made the said statements and how many were male and how many female?

I consider this information to be exempt from disclosure in terms of Section 34(2)(b)(ii) - investigations. Please see the explanation provided at question two above.

8. The witnesses may not have seen the full incident that took place however they allegedly arrived after the car was ablaze, therefore by what evidence was there found to establish that the fire was 'accidental/ suicide' as previously stated or indeed by foul play?

This determination was based on the fire report, witness statements and what was noted at the scene by Police Officers.

9. Further, what type of investigations were carried out to determine that the said witnesses were not accessories to the victim's death?

This determination was based on the fire report, witness statements and what was noted at the scene by Police Officers.

10. It is alleged that Robert David Greig was pronounced as DOA at ARI. No documents can be found to prove this took place or indeed who the casualty Officer was at the time who determined death? You have stated this information is not held and cannot be provided in terms of section 17 (1) (b) of the Freedom of Information(Scotland) Act 2002 - information not held.

Is it acceptable medical practice for a body to be taken to a police morgue before being pronounced dead by a medical doctor and then examined hours, if not days later before being pronounced extinct by a pathologist?

These procedures would have been detailed in a protocol document between NHS Grampian and Grampian Police, as it was known at the time.

However, due to the passage of time, this information is no longer held.

As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland

11. Where does it state this is acceptable medical practice?

In response to questions 10 and 11 above, Police Scotland cannot speculate on what was or wasn't acceptable medical practice during 1997 as information concerning the procedures specified above are no longer held.

As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland

12. There are strict rules and procedures in regard to patients/victims/ deceased members of the public's valuables and property i.e. clothing and money. Such items are logged in a property book and should then be given to the next of kin with an acceptance signature received from the same.

Please provide a copy of the property book with details of the valuables and clothing belonging to Robert David Greig which should have been given to the next of kin and should be on record?

If any details relating to valuables or property belonging to Mr Greig had been compiled, then they are longer held in line with the Force Records Retention Policy.

As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland

13. Please explain why the deceased's clothing and credit cards were never returned by the police to his sister, his next of kin?

&

14. Where were they taken and who signed for them?

If any information concerning Mr Greig's property was compiled then it is no longer held in line with the Force Records Retention Policy.

As such, in terms of Section 17 of the Freedom of Information (Scotland) Act 2002, this represents a notice that the information you seek is not held by Police Scotland

15. Has there been any further investigations into the death of Robert David Greig? If so please provide the dates?

&

16. If an investigation has taken place, please provide the name of the investigating officer/s? Which force they were/are attached to?

&

17. Was Anne Greig, the next of kin, informed of the investigation? If so on what date?

In response to questions 15, 16 and 17 above, there have been no further investigations into the death of Robert Greig.

As stated in previous correspondence, there is absolutely no suggestion that there are any suspicious circumstances surrounding the death of Robert Greig.

Following a complaint, the circumstances surrounding the death of Robert Greig were reviewed and no evidence was found which indicated that the death of Robert Greig was suspicious in any way.

18. In a previous FOI you were asked: After Robert Greig's death, did Grampian Police make inquiries of Anne Greig, his sister, about Robert's demeanor and his apparent state of mind prior to his sudden demise? Please give full details?

You stated: "A statement was noted from Anne Greig." Was the name Anne Greig on the said statement taken?

Please provide the name of the officer who took it?

Anne Greig was a witness in this enquiry and her statement was taken at the time by PC Robert Crystal.

19. Has the Procurator Fiscal ever been approached by the police to reopen the case of Robert David Greig?

As stated in my response to questions 15, 16 and 17, there are no suspicious circumstances surrounding the death of Robert which would merit reopening the case.

Should you require any further assistance concerning this matter please contact Information Management Aberdeen on 01224 387375 quoting the reference number given.

If you are dissatisfied with the way in which your request has been dealt with, you are entitled in the first instance, and within 40 working days of receiving this response, to request a review of our actions and decisions.

Should you wish to do so, please contact us at the following address, stating what has caused your dissatisfaction and what you require us to review:

Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH - foi@scotland.pnn.police.uk

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Scottish Information Commissioner within six months for a decision. Contact details are; Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS - enquiries@itspublicknowledge.info

Should you wish to appeal against the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.