

**SHERIFFDOM OF SOUTH STRATHCLYDE, DUMFRIES AND GALLOWAY AT
STRANRAER**

[2025] FAI 49

STR-B45-25

DETERMINATION

BY

SHERIFF GARRY A SUTHERLAND

UNDER THE INQUIRIES INTO FATAL ACCIDENTS AND SUDDEN DEATHS ETC
(SCOTLAND) ACT 2016

into the death of

MICHAEL CALDWELL

STRANRAER, 17 December 2025

The sheriff, having considered all the evidence presented at the inquiry, determines in terms of section 26 of the Inquiries into Fatal Accidents and Sudden Deaths etc (Scotland) Act 2016 that:

1. Michael Coulter Caldwell was born on 29 July 1978.
2. In terms of section 26(2)(a), his death occurred at 1037 hours on 26 July 2023 at Old Station Court, Portpatrick.
3. In terms of section 26(2)(b), no accident took place.
4. In terms of section 26(2)(c), the causes of his death were:
 - i) airway obstruction caused by choking on a foreign object;

- ii) with the potentially contributing causes of heroin, buprenorphine and cocaine intoxication.
- 5. In terms of section 26(2)(d), no accident having taken place, no findings are required under this subsection.
- 6. In terms of section 26(2)(e), there were no precautions which could reasonably have been taken which might realistically have resulted in the death being avoided.
- 7. In terms of section 26(2)(f), there were no defects in any system of working which contributed to his death.
- 8. In terms of section 26(2)(g), there are no other facts which are relevant to the circumstances of his death.

Recommendations

There are no recommendations to make under section 26(1)(b). There are no (a) reasonable precautions to be taken; (b) improvements to any system of working to be made; (c) systems of working to be introduced; or (d) other steps that could be taken which might realistically prevent other deaths in similar circumstances.

NOTE

[1] On 2 December 2025 at Stranraer Sheriff Court a public inquiry was held into the death of Michael Caldwell. The Crown was represented by Mr Mackay. Police Scotland were represented by Ms McLaughlin. Via the Police Federation, a Number of serving

and retired police officers who had an involvement in the circumstances that preceded Mr Caldwell's death were represented by Mr McKittrick.

[2] Preliminary hearings were held at Stranraer Sheriff Court remotely via the Webex Platform on 12 August, 10 September and 3 November. Mr Mackay, Ms McLaughlin and Mr McKittrick attended each hearing on behalf of those whom they represented.

[3] It was agreed that all evidence would be in documentary format: a detailed Joint Minute of Agreed Facts, reports, statements and affidavits would be lodged. No oral testimony would be adduced.

[4] The inquiry was held in terms of the Inquiries into Fatal Accidents and Sudden Deaths etc (Scotland) Act 2016.

[5] The Inquiry was governed by the Act of Sederunt (Fatal Accident Inquiry) Rules 2017.

[6] In terms of sections 1(3) and (4) of the 2016 Act, the purpose of the inquiry was to establish the circumstances of the death and consider what steps (if any) might be taken to prevent other deaths in similar circumstances. The purpose of the inquiry was not to establish civil or criminal liability.

[7] In terms of subsections (1)(a) and (2), in relation to the death to which the inquiry relates, the sheriff's findings must be as to (a) when and where the death occurred, (b) when and where any accident resulting in the death occurred,(c) the cause or causes of the death, (d) the cause or causes of any accident resulting in the death, (e) any precautions which (i) could reasonably have been taken, and (ii) had they been taken,

might realistically have resulted in the death, or any accident resulting in the death, being avoided, (f) any defects in any system of working which contributed to the death or any accident resulting in the death, and (g) any other facts which are relevant to the circumstances of the death.

[8] The inquiry was initially raised by the Crown on the understanding that it was mandatory under section 2 of the 2016 Act on the basis that at the time of his death, Michael Caldwell was in legal custody. Following questions raised by the court at the first preliminary hearing, further investigations were carried out by the Crown. Those having been completed and further consideration given, the Crown, reached the view that Michael Caldwell had not been in legal custody at the time of his death. It nonetheless elected to proceed with the inquiry at the discretion of the Lord Advocate under section 4 of the 2016 Act.

[9] In the interests of transparency to the public, the Crown elected to incorporate the basis for that decision into the Joint Minute of Agreed Facts. That provided as follows:

“Legal Status of Mr Caldwell and basis for this Inquiry:

4. The present Inquiry was initially raised as mandatory under Section 2 of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016.

5. Section 2(5) states that a person is in legal custody if that person is –
 ‘(a) required to be imprisoned or detained in a penal institution, (b) in police custody, within the meaning of section 64 of the Criminal Justice (Scotland) Act 2016 (or otherwise in custody at a police station), (c) otherwise held in custody on court premises, (d) required to be detained in service custody premises.”

6. Section 64(1) of the Criminal Justice (Scotland) Act 2016 states ‘a person is in police custody from the time the person is arrested by a constable...’

7. At the time of his death, Mr Caldwell was being detained by officers under Section 23 of the Misuse of Drugs Act 1971. Officers initially took hold of Mr Caldwell's left arm by his wrist and forearm, a technique in line with Police Service of Scotland's Standard Operating Procedure. They had also informed Mr Caldwell he was being detained in terms of the Misuse of Drugs Act 1971 and to 'spit out' items in his mouth. One officer had also placed a handcuff on Mr Caldwell's right wrist during the course of detaining him. Despite this, Mr Caldwell had not been arrested or otherwise held in custody due to requiring immediate first aid while being detained.

8. Section 23(2)(a) of the 1971 Act states – 'If a constable has reasonable grounds to suspect that any person is in possession of a controlled drug in contravention of this Act or of any regulations [or orders] made thereunder, the constable may search that person, and detain him for the purpose of searching him;

9. Mr Caldwell was not in custody, as defined under Section 2 of the Inquiries into Fatal Accidents and Sudden Deaths etc (Scotland) Act 2016, at the time of his death. However, the death of a person in the course of being restrained by police officers is a matter of public interest, and as such an Inquiry is required to allow the facts of Mr Caldwell's death be ventilated in public proceedings.

10. Although Mr Caldwell's death did not take place in such circumstances whereby an Inquiry would be automatic as defined by the Act under Section 2. Mr Caldwell may be considered to have been in the process of being in legal custody at the time of his death. The facts and circumstances relating to Mr Caldwell being detained would have led to his arrest but for the immediate medical emergency which resulted in his death.

11. This Inquiry should therefore be considered under Section 4 of the Act as a discretionary inquiry. This approach is consistent with the purposive views of the provisions of the Act.

12. Section 4(1) states an inquiry is to be held into the death of a person which occurred in Scotland if the Lord Advocate – (a) considers that the death –

(i) was sudden, suspicious or unexplained, or (ii) occurred in circumstances giving rise to serious public concern, and

(b) decides that it is in the public interest for an inquiry to be held into the circumstances of the death."

[10] The legal analysis by the Crown of the position based upon the facts and circumstances (which shall be laid out below) cannot be faulted. The basis of the inquiry being raised and proceeded with does not impact upon the evidence or my determination.

[11] The following facts were agreed by the Joint Minute of Agreed Facts:

Background

[12] On 5 July 2023, police officers identified Michael Caldwell to be a person involved in the supply of controlled drugs within the Stranraer area following information submitted to the Scottish Intelligence Database. Intelligence reports also identified Michael Caldwell's address as being used in the supply of Cocaine and Heroin (Diamorphine) being conveyed to the area from Glasgow.

[13] On the same date, a search warrant in terms of s23(3) of the Misuse of Drugs Act 1971 was applied for at Stranraer Sheriff Court in respect of Michael Caldwell's address at 12E Old Station Court, Portpatrick. That warrant was thereafter granted by Sheriff McGlennan at Stranraer Sheriff Court

[14] At around 11.00pm, same date, PC Santangeli, on single crew patrol of the Portpatrick area, observed a grey Skoda Fabia, identified by police intelligence to be concerned with the supply of controlled substances to be parked outside Michael Caldwell's address at Old Station Road, Portpatrick. PC Santangeli, notified Sergeant Rice of his observations and additional officers were deployed to assist.

[15] At around 12.25am, on 6 July 2023, PC Santangeli was joined by additional officers at 12E Old Station Court, Portpartrick to execute the warrant. On approach, officers observed a male leaning out of the window at 12E Old Station Road, Portpartick, shouting and swearing towards them, "WHAT ARE YOU UP TO YA PIGGY BASTARDS". When attempting to enter the communal door, officers could hear banging from Michael Caldwell's property and concluded efforts were being made to barricade the property door.

[16] Sergeants Rice and Judge concluded their position had been compromised as their presence was known and attempts were being made to block entry. They withdrew officers from enforcing the warrant at that time.

[17] A method of Entry (MOE) recce request Form was raised by Police Officers requesting Public Order specialist resources to assist with entry to the address. The request was authorised on 12 July 2023, and arrangements were made for an MOE team to attend on 24 July 2023. Due to other commitments this was subsequently rescheduled to take place on 26 July 2023.

[18] The warrant was granted on 5 July 2023 and executed on 26 July 2023. Warrants National Guidance states search warrants should be executed as soon as possible after the information on the application has become available to ensure any "reasonable grounds for suspecting" remain current and valid. Further, a time limit of one month is contained within the Misuse of Drugs Act 1971. As such, where a warrant is not executed within one month, the warrant will become invalid and must be destroyed.

This warrant was executed as soon as possible and within the time limit prescribed by the 1971 Act.

[19] Michael Caldwell was known to some police officers due to him previously having been convicted of drug offences, including possession and supply. Also, on 24 July 2023, Mr Caldwell had been identified as being one of three perpetrators involved in a robbery where a knife had been used.

Events of 26 July 2023

[20] At about 9.50am on 26 July 2023, Police Officers attended at Old Station Court, Portpatrick, to execute said warrant granted on 5 July 2023. Ten officers were in attendance including three officers in Code 1 dress: public order personal protective equipment (officers McAllister, Augaitis and Boyle); an Enquiry Officer, from Divisional CID in plain clothes (officer Mitchell); and six Divisional Officers, in plain clothes (officers Jack, Owen, McFadzean, Clark, Douglas and Queen), including two specially trained officers (officers Owen and McFadzean).

[21] During the initial officer briefing, officers were informed that Michael Caldwell and his partner were both intravenous drug users and they should be vigilant for sharps. Officers were also made aware Michael Caldwell was known to conceal controlled substances, though had previously been compliant when searched. There was no information to suggest Michael Caldwell was known to ingest substances when approached by police officers. Officers were also made aware that should a known associate of Michael Caldwell, and a person suspected in the supply of controlled

substances, be present he may attempt to evade police. Officers were also informed Michael Caldwell had recently been involved in a theft with others where a knife had been used.

[22] Officers approached on foot from a public footpath leading to 12E Old Station Court, Portpatrick, having been informed as part of the officer briefing session that vehicles would not enter the street so not to make Michael Caldwell aware of their presence. Upon entering Old Station Court, Mr Caldwell was observed by officer Douglas to be approaching a taxi.

[23] Officer Douglas attended in advance at the communal door in plain clothes to confirm entry and her body armour was to be brought to her by officer Jack to put on before executing the warrant. On arrival officers McAllister, Augaitis and Boyle also made their way to the property. At this time, officer McAllister heard "police stop" being called out and witnessed remaining officers run towards a lane leading to Old Station Court, Portpatrick. Officers McAllister, Augaitis and Boyle continued to 12 Old Station Road, Portpatrick where they met officer Owen prior to entering flat 12E. Upon gaining entry a female, known to be Michael Caldwell's partner, was detained.

[24] Officer Douglas shouted out to Michael Caldwell as he approached a taxi outside, calling him "Mickey", a nickname known to be used by him. She had had many dealings with Michael Caldwell in the past. She knew that Michael Caldwell knew that she was a serving police officer. On observing officer Douglas, Michael Caldwell attempted to take off on foot before officer Douglas took hold of him by his left arm, attempting to move him towards a fence/hedged area to secure his

movement and informed him he was being detained in terms of Section 23 of the Misuse of Drugs Act 1971.

[25] Michael Caldwell struggled to free himself from officer Douglas' hold as she held him on her own. Michael Caldwell was pulling away and turning his head. During the attempt to detain Michael Caldwell, a roll of tin foil was observed by officer Douglas to be within the front pocket of Michael Caldwell's outer top which was dark in colour. Officer Douglas alerted other officers that assistance was required. During the struggle officer Douglas shouted to Michael Caldwell, "Mickey" and "Mickey stop it". Due to attempting to detain Michael Caldwell and his efforts to free himself, officer Douglas was unable to radio for assistance, and instead required to shout out. Michael Caldwell was also observed to have blood on his forehead and eyebrow on the left side of his face. Officer Douglas did not see how Michael Caldwell sustained this injury.

[26] Officers Jack and McFadzean arrived to assist officer Douglas, followed by officers Queen and Mitchell. Officers Jack and McFadzean observed Michael Caldwell to be struggling to break free from officer Douglas and took hold of him. Officer Jack attempted to limit Michael Caldwell's movements by pushing him bodily from behind against a fence and hedge to afford officers an element of control.

[27] While detaining Michael Caldwell, officers suspected he had placed drugs in his mouth, though had not witnessed him doing so. Officer Jack also observed Michael Caldwell to be sweaty and that his eyes appeared not to look normal. Michael Caldwell held his mouth clamped shut and his cheeks were noticeably

enlarged. He refused to open his mouth when directed to do so and was shaking his head.

[28] Officers formed the view that Michael Caldwell may be attempting to swallow a substantive quantity of drugs and placing himself at risk of harm. Officers Jack and McFadzean encouraged Michael Caldwell to spit out items in his mouth, though Michael Caldwell kept his mouth closed. Officer McFadzean then placed a handcuff on Michael Caldwell's right wrist whilst he was actively resisting officers.

[29] Officer Jack placed his arm around Michael Caldwell's neck area, tilting his head back, to prevent him being able to swallow and limiting his movement. Officer Jack briefly held Michael Caldwell's head for approximately ten seconds, elevating it to keep his airway clear. Michael Caldwell did not express any discomfort or protest during this.

[30] Officer Jack's actions were brief and less injurious than using hand strikes, baton strikes or deploying a pelargonic acid vanillylamide (PAVA) incapacitant spray and proportionate in attempting to prevent a medical emergency.

[31] Officers, Queen, Mitchell and Clark arrived shortly after to assist detaining Michael Caldwell and were made aware he may be attempting to swallow unknown items. Officer Mitchell informed Michael Caldwell he was being detained in terms of Section 23 of the Misuse of Drugs Act 1971. Throughout all officers acted within Police Scotland guidelines for persons suspected of having a controlled drug concealed internally and use of force. Attending officers had undergone necessary Police Service of Scotland training and recertification courses at the time of Michael Caldwell's death.

[32] While detaining Michael Caldwell it became apparent to officers he was struggling to breathe, and he was again instructed to spit out what was in his mouth. Michael Caldwell's face began turning slightly purple with saliva coming from his mouth. Officers became concerned for Michael Caldwell's welfare and continued to encourage him to spit out what was in his mouth.

[33] Michael Caldwell shook his head, with his mouth remaining closed and attempting to swallow. Michael Caldwell then began to lose consciousness and required to be lowered to the ground by officers. His colour started to drain, with lips turning blue as he appeared to be choking. During this time, officer Douglas was instructed by officer Mitchell to attend at 12E Old Station Court, to assist officers McAllister, Augaitis, Boyle and Owen in executing the warrant. Following her arrival, officers McAllister, Augaitis and Boyle made their way to offer medical assistance to Michael Caldwell as each were Scottish Police Emergency Life Support (SPELS) trained.

[34] Michael Caldwell was asked by officers if he was choking and appeared to nod. Officers Jack and Queen then assisted in moving Michael Caldwell to a kneeling position, with officer Jack initially delivering back slaps, which were ineffective. Officer Clark then attempted same, though Michael Caldwell continued to choke. Officers McAllister, Augaitis and Boyle had now arrived to assist in first aid, while officer Jack attended at 12E Old Station Court.

[35] Officer Clark also encouraged Michael Caldwell to continue to cough then, along with other officers, assisted Michael Caldwell to his feet and administered further back slaps, as well as abdominal thrusts to attempt to dislodge any items stuck in his throat,

in line with Operational Safety Training. At the same time, officer McFadzean observed a Number of bags to be consistent with drug wraps on the ground near Michael Caldwell which were gathered as evidence. Colour briefly returned to Michael Caldwell's face, and he was able to stand unaided.

[36] At around 9.53 am, while first aid was being administered to Michael Caldwell, Officer Mitchell made a 999 call requesting an ambulance. Officer Mitchell was advised an ambulance was 13 minutes away and to place Michael Caldwell in the recovery position. This was relayed to officers performing first aid on Michael Caldwell during the call. Officer Mitchell also radioed the police control room to advise Michael Caldwell was breathing and in the recovery position.

[37] The colour in Michael Caldwell's face then again drained and at 10.01 am, a second 999 call was made by officer Mitchell updating the Ambulance Service that Michael Caldwell's condition had deteriorated and he was now unresponsive. Officer Mitchell was advised to place Mr Caldwell on his back and begin CPR. This was relayed to officers administering first aid and officers McAllister, Augaitis, Boyle and Clark commenced CPR.

[38] At this time, officer McFadzean returned to a police vehicle to recover a first aid kit containing a face mask to assist administering CPR to Michael Caldwell. Officer Mitchell also deployed officer Queen to recover a defibrillator located at the Portpatrick Harbour. At around 10.05 am, officer Queen informed Area Control he had obtained said defibrillator and was making his return.

[39] Upon officer Queen's return, officer McAllister attached the Automated External Defibrillator (AED) to Michael Caldwell following his clothing being cut away. The AED indicated there was no shockable rate and directed officers to maintain CPR. Officers, McAllister, Augaitis and Boyle continued CPR, using the face mask and rotational chest compressions, until paramedics arrived.

[40] At approximately 9.55 am, the first ambulance crew were deployed following officer Mitchell's initial call. At around 10.02 am, while on route, they were notified that Michael Caldwell was in cardiac arrest and police officers were attempting CPR. At about 10.07 am the first ambulance, crewed by Donald Blackley, paramedic and Derek Boggan, technician arrived. Officers were directed to maintain CPR while the ambulance crew set up and applied defibrillator pads, secured Michael Caldwell's airway, and administered medication, including cardiac drugs and a single dose of Narcan to combat opiates. A second ambulance arrived at 1017 hours, crewed by Richard Maxwell and Ian Cain, Scottish Ambulance Service Technicians.

[41] Scottish Ambulance Service Paramedics continued treatment towards Michael Caldwell, including removing a brown substance visible around Michael Caldwell's mouth by suction, as well as attempting to clear any foreign matter from the observable airway. Michael Caldwell's airway was then secured with igel and a Thomas tube holder to allow the use of capnography to monitor him during Advanced Life Support. Due to the poor state of Michael Caldwell's veins, paramedics undertook to administer Adrenaline and Narcan through intraosseous access.

[42] After approximately 40 minutes of CPR and 21 minutes of Advanced Life Support Michael Caldwell was assessed and with no heart sounds, breath sounds, pupils being fixed and dilated and being asystolic throughout, paramedics pronounced life extinct at 1037 hours.

[43] Officers were thereafter instructed to secure the scene, with a tent erected around Michael Caldwell, and senior officers advised he had deceased.

Post-mortem

[44] On 2 August 2023, a post-mortem examination was carried out at Queen Elizabeth University Hospital by, Doctors Julie McAdam and Leighanne Deboys. The primary cause of death was recorded as choking on a foreign object, with potentially contributing causes being heroin, buprenorphine and cocaine intoxication.

[45] During the postmortem, a drug wrap was found to have impacted at the back of Michael Caldwell's throat, causing obstruction of his airway. There was no evidence of natural disease that would have caused or contributed to death. There was also no evidence of external injury to the neck. Though there was haemorrhaging within soft tissue on both sides of the neck there were no petechial haemorrhages. The postmortem identifies no significant pressure had been applied to Michael Caldwell's neck. Rather, it considered it most likely the internal haemorrhage has been the result of attempts to dislodge items obstructing Michael Caldwell's throat and during resuscitation attempts.

[46] Also, during the postmortem, two drug wraps were removed from Michael Caldwell's stomach. Each weighed 5mg, with one testing positive for cocaine

and the other testing positive for diamorphine. The package found within Michael Caldwell's larynx also tested positive for diamorphine and weighted 10mg. Three further packages recovered from the ground next to Michael Caldwell also tested positive for traces of diamorphine.

[47] Toxicology analysis of blood samples taken identified recent use of heroin, buprenorphine and cocaine by Michael Caldwell. In addition, a therapeutic level of pregabalin and a low level of nordiazepam were also found. Michael Caldwell had not been prescribed pregabalin. On 26 July 2023, Ms Carol-Anne McLeod, Michael Caldwell's partner, had also advised attending officers at 12E Old Station Court, that Michael Caldwell had consumed cocaine and heroin that morning.

[48] The postmortem examination found scuff abrasion injuries and faint bruising on the forehead of Michael Caldwell. This did not contribute to the death and there is no evidence to suggest that this injury was sustained during Michael Caldwell's interaction with the Police. On 26 July 2023, Michael Caldwell's partner also stated to police officers that she had stayed at the property the evening prior and that Michael Caldwell had since fallen within the living room.

Productions

[49] The Joint Minute of Agreed Facts agreed that the following Crown productions were:

- a. True and accurate copies of the originals and shall be treated as such;
- b. What they bear to be;

- c. Where documents bearing a date, prepared on or about the date they bear;
- d. Where a typewritten witness statement, to be treated as the equivalent of signed manuscript statements;
- e. Where letters or other written communications addressed to or intended for another person or persons, were sent by the person by whom they bear to have been sent, to the person or persons to whom they are addressed, on or about the date they bear; and
- f. To be admitted into evidence without the need for them to be spoken to by a witness:

Crown Production Number 1 comprises of the statement provided by Detective Constable Ian Howatson dated 10 August 2023.

Crown Production Number 2 comprises of the statement by Police Constable Clark Logie dated 10 August 2023.

Crown Production Number 3 Copy of Warrant Application – Redacted.

Crown Production Number 4 Warrant – 12E Old Station Road, Portpatrick.

Crown Production Number 5 Statement by Police Constable Andrew Santangeli.

Crown Production Number 6 Statement by Police Sergeant Chris Rice.

Crown Production Number 7 Statement by Police Sergeant Stephen Judge.

Crown Production Number 8 Method of Entry Recce Request Form – Redacted.

Crown Production Number 9 Statement by Police Constable Derek McAllister, dated 31 July 2023.

Crown Production Number 10 Statement by Police Constable Marc Augaitis,
dated 31 July 2023.

Crown Production Number 11 Statement by Police Constable Barry Boyle, dated
31 July 2023.

Crown Production Number 12 Statement by Detective Sergeant Garry Mitchell,
28 July 2023 – Redacted.

Crown Production Number 13 Statement by Ross Jack, 28 July 2023.

Crown Production Number 14 Statement by Police Constable Hannah Owen,
28 July 2023.

Crown Production Number 15 Statement by Police Constable Jamie McFadzean,
28 July 2023.

Crown Production Number 16 Statement by Police Constable Laurie Clark,
28 July 2023.

Crown Production Number 17 Statement by Police Sergeant Kirsty Douglas,
dated 28 July 2023.

Crown Production Number 18 Statement by Detective Sergeant Allister Queen,
dated 27 July

Crown Production Number 19 NHS Call Packs 10022889 and 10022909.

Crown Production Number 20 Statement by Donald Blakley, Paramedic.

Crown Production Number 21 Statement by Richard Maxwell, Paramedic.

Crown Production Number 22 Scottish Ambulance Service Patient Report.

Crown Production Number 23 Record of Deceased Admitted to Mortuary Form.

Crown Production Number 24 Pronunciation of Life Extinct Form.

Crown Production Number 25 Medical Certificate Cause of Death (Form 11).

Crown Production Number 26 Final Postmortem Report.

Crown Production Number 27 Forensic Services Report – Scene.

Crown Production Number 28 Forensic Services Report – Postmortem.

Crown Production Number 29 Book of photographs 001 -057, 058 – 100, 101 – 131
– Redacted.

Crown Production Number 30 GP Records Summary – Redacted.

Crown Production Number 31 Training records for Officers: McAllister,
Augaitis, Boyle, Mitchell, Jack, Owen, McFadzean, Clark, Douglas and Queen.

Crown Production Number 32 Statement by Police Sergeant Jonathan Menzies –
Redacted.

Crown Production Number 33 Statement by Police Constable Alan Greer.

Crown Production Number 34 Statement by David McCulloch – Redacted.

Crown Production Number 35 Statement by Becky Conlay – Redacted.

Crown Production Number 36 Statement by Donna Brannan – Redacted.

Crown Production Number 37 Warrants National Guidance.

Crown Production Number 38, Use of Force National Guidance.

Crown Production Number 39 Management Guidelines for Persons Suspected of
Having a Controlled Drug Concealed Internally.

Crown Production Number 40, Drug Intervention National Guidance.

Crown Production Number 41, Care and Welfare of Persons in Custody.

Crown Production Number 42, Police Scotland Post Incident Procedures

National guidelines.

Crown Production Number 43, Police Scotland Vulnerable Persons Database

input – Michael Caldwell – Redacted.

Crown Production Number 44, Schedule of Previous Convictions –

Michael Caldwell.

[50] I considered all of these productions in reaching my determination.

Conclusion

[51] Michael Caldwell's adult life appears to have been influenced heavily by controlled drugs. His schedule of previous convictions, sadly, shows a history of offending that is consistent with a man who was addicted to them for many years. That is what brought him into contact with the police on the date of his death. Being under the influence of such controlled drugs at the time that he was confronted by officer Douglas may also have contributed to poor decision making by him in attempting to swallow such drugs as he had in his possession at the time, but that is speculation. Ultimately it was that decision by him to swallow the drugs that caused Michael Caldwell's untimely death.

[52] The police officers had attended Portpatrick to implement a warrant that had been lawfully granted. Upon her encountering Michael Caldwell by chance away from the address where that warrant was to be implemented, officer Douglas would have had reasonable grounds to suspect that he was in possession of controlled drugs. It was

confirmed that he did have such drugs in his possession after the event. The officer was entitled to seek to detain him for the purpose of searching him under section 23(2)(a) of the 1971 Act.

[53] When it became apparent to officers that Michael Caldwell was in difficulty, they acted entirely appropriately in pivoting their collective efforts from crime detection to aiding a member of the public who was in danger. Any force used by officers in the initial attempt to detain Michael Caldwell was necessary and proportionate. Any force subsequently used by officers to try to assist Michael Caldwell in his state of increasing distress was also necessary and proportionate.

[54] Those officers implementing the warrant who had appropriate training to do so were diverted to assist Michael Caldwell immediately. The ambulance service was contacted immediately. All instructions given at the telephone to officers by ambulance service staff pending their arrival to assist Michael Caldwell were promptly followed.

[55] Ambulance service staff attended the scene as quickly as possible. Having arrived from Stranraer within 14 minutes of first being called they must have departed and travelled swiftly. Upon arrival they immediately deployed all treatment techniques and equipment available to them to try to save Michael Caldwell's life. Sadly, their efforts were ultimately unsuccessful.

[56] From the evidence there does not appear to be anything further that either the police officers or the ambulance service staff could have done to avert Michael Caldwell's death. There does not appear to be anything that they could have done differently to avert Michael Caldwell's death. Even with the benefit of hindsight,

(a) there were no reasonable precautions that they could have taken; (b) there were no improvements to their systems of working they could have made; (c) there were no systems of working that could be introduced; and (d) there were no other steps that could have been taken which might realistically have prevented Michael Caldwell's death. There are accordingly no recommendations I can make that might realistically prevent other deaths in similar circumstances.

[57] Michael Caldwell's death was tragic and untimely. I express my sincere condolences to his friends and family.