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PCCS/0808/00102/PF-GP

27 August 2008

Dear XXXXXXXXX

I refer to your request for a review of the handling of your complaints about Grampian Police. In conducting my review I have considered an extensive quantity of papers supplied by you, Grampian Police and Her Majesty's Inspectorate of Constabulary (HMIC). Given the complexity of the case and the issues surrounding it, this process has taken some time and I am now writing to let you know the outcome of my deliberations.

Your complaints about Grampian Police appear to stem from an incident on XX December 1999, when police officers and an employee of XXXXXX City Council were present when your wife left the family home with your child. I note that you have asked me to review the following complaints:

**Complaint 1** - That on XX December 1999, Constable A:

- a) forced herself into your home without a police uniform or a warrant; and
- b) wrongfully assisted in the removal of your child from your home;

**Complaint 2** - That Constable A conducted a campaign against you by:

- a) abusing her powers as a police officer; and
- b) failing to uphold the rule of law;

**Complaint 3** - Grampian Police acknowledged that Constable A's actions were wrong but no action was taken against this officer by the Chief Constable;

**Complaint 4** - That as a result of the actions of Grampian Police, it has been several years since you have had contact with your child; and

**Complaint 5** - The investigating officer persuaded a witness to provide a statement worded in such a way it would protect a fellow police officer.



I shall address Complaint 5 first:

**Complaint 5** - The investigating officer persuaded a witness to provide a statement worded in such a way it would protect a fellow police officer.

From the information available to me it appears that this complaint not been referred to Grampian Police. However, as it infers criminality on part of an officer of Grampian Police, it does not fall within the remit of my office. The Police, Public Order and Criminal Justice (Scotland) Act 2006, Section 34 (3) (b), states that a relevant complaint in relation to the Commissioner does not include “a statement which consists of or includes an allegation of an act or omission which constitutes a crime.” Complaints of a criminal nature continue to be considered by the Crown Office and Procurator Fiscal Service.

In relation to Complaints 1 – 4:

**Complaint 1** - That on XX December 1999, Constable A:

- c) forced herself into your home without a police uniform or a warrant; and
- d) wrongfully assisted in the removal of your child from your home;

**Complaint 2** - That Constable A conducted a campaign against you by:

- c) abusing her powers as a police officer; and
- d) failing to uphold the rule of law;

**Complaint 3** - Grampian Police acknowledged that Constable A’s actions were wrong but no action was taken against this officer by the Chief Constable; and

**Complaint 4** - That as a result of the actions of Grampian Police, it has been several years since you have had contact with your child.

From the information provided to my office, it appears that you first complained to the Grampian Police in a letter dated 26 November 2000. Following this, the force initiated an investigation into your complaint. During the course of this investigation several witnesses to the events of XX December 1999 were interviewed and statements noted.

The issues raised in Complaints 1–4 are referred to, in various forms, within the substantial correspondence and documentation relating to you provided to my office from a number of people and organisations including, amongst others: Grampian Police; the Regional Procurator Fiscal (RPF); your elected representatives; health care professionals; XXXXXXXXX City Council; your wife’s legal representatives; a Scottish charity; legal documentation relating to various courts; the Crown Office and Procurator Fiscal Service (COPFS); and Her Majesty’s Inspectorate of Constabulary (HMIC).

I note that, as part of your complaint appeared to infer criminality on part of Constable A, Grampian Police completed a preliminary report which was submitted to the RPF for consideration. Once the RPF had concluded her consideration and determined that there was no criminal conduct on behalf of Constable A, Grampian Police investigated your complaint under the Police (Conduct) (Scotland)



Regulations 1996. You were informed of the RPF's decision and the proposed course of action by Grampian Police on 5 June 2001

In the force's response of 9 August 2001, the Deputy Chief Constable explained that although he did not consider the actions of Constable A to amount to misconduct, there had been an error of judgement in relation to a letter that the Constable had sent to your wife's lawyer. The Deputy Chief Constable stated that the officer would receive management advice in relation to this and that there had been wider learning points raised from your complaint. As a result, the force intended to develop a different approach in managing similar domestic situations.

From the information contained in the police files it is clear that the force did take action in relation to Constable A and, as a result of the investigation into your complaint about the police, the force examined several issues surrounding the department in which Constable A worked, the Domestic Violence Liaison Unit, and initiated several policy and practice changes.

On 7 September 2001, you met the Deputy Chief Constable and an officer from the Professional Standards and Conduct Department of Grampian Police. During this meeting several issues were discussed, including an affidavit which had been taken from your wife and a Court residential order in relation to your child, which had been granted in England. The Deputy Chief Constable explained that he could not help you overturn the residential order because it was a civil matter.

I note that you have pursued contact with your child through a civil court and that a Judgement was issued in August 2003, of which I have a copy. In my view, the force has accurately assessed this as a civil matter.

I note that during the course of the Grampian Police investigation into your complaint about the police, you corresponded with HMIC. HMIC then reviewed the force's handling of your complaint following the conclusion of the force's. HMIC published its findings on 14 December 2001, and was generally satisfied with the force's handling of your complaints.

I also note that after the conclusion of the RPF's consideration of your complaint about the police, Grampian Police's investigation into your complaint about the police and HMIC's review of Grampian Police's investigation, you continued to contact Grampian Police and the RPF's office about the events of XX December 1999, both directly and through one of your elected representatives. Additionally, in October 2002, you raised separate actions for damages against Grampian Police, XXXXXXXX City Council and a Scottish charity, whilst at the same time continuing to correspond with Grampian Police about the events of XX December 1999 and the subsequent police investigation.

Having considered all the documents relating to your complaints that have been presented to me, overall, I am satisfied that Grampian Police fully investigated the various complaints raised in relation to the events of XX December 1999 and the actions of Constable A. In addition, I note that HMIC has previously reviewed how Grampian Police handled your complaints, and was similarly content. I have also considered whether any new, material facts have come to light in relation to your complaint since HMIC wrote to inform you of their conclusions on 14 December 2001



and have concluded that there are none. I know that this decision will be disappointing for you, but I therefore have nothing further to add to the previous responses to your complaints.

I now consider this matter closed.

Yours sincerely

**JIM MARTIN**  
**Commissioner**

