

# PCCS



Police Complaints Commissioner  
for Scotland

**Request for complaint handling review of a complaint about**

**Strathclyde Police**

**under the provisions of  
the Police, Public Order and Criminal Justice (Scotland) Act 2006**

**January 2009**

Case reference: PCCS/0901/00016/PF-SP

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## **Introduction**

The role of the Police Complaints Commissioner for Scotland was established by the Police, Public Order and Criminal Justice (Scotland) Act 2006 (“the Act”) to consider and review the way police authorities, police forces and policing agencies handle complaints from the public. I was appointed by the Scottish Ministers as the first Police Complaints Commissioner for Scotland, taking up my powers from 1 April 2007. My office provides a free and independent service, reviewing the handling of complaints fairly, looking at both sides of what has happened and looking at the facts.

I aim to review complaints in an independent, open and fair manner. In line with this aim I will publish the reports of my complaint handling reviews, whilst bearing in mind individuals’ rights to confidentiality. The following report therefore details my consideration, but does not include individual names of complainers, police officers or others affected by the events detailed therein.

## **1. Request for review**

The complainer has requested that I review the handling of his complaint about Strathclyde Police. The complainer states that police officers regularly attend at his home and follow him in the street.

**Complaint – That for a number of years the complainer has been under surveillance by Strathclyde Police and has been subject to harassment by police officers.**

## **2. Power to conduct a complaint handling review**

Section 35 of the Act provides me with the authority to examine the manner in which an appropriate authority has handled a complaint about a police officer, member of police staff or the service provided by a relevant authority.

In order to carry out such a complaint handling review I request the complaint case papers from the force in question. I examine the facts of the complaint case, looking at information provided to me by both the complainer and the police force. I consider whether the information available does, or does not, support the complaint, and whether or not the force has responded to the complaint in a reasonable manner. I also consider whether the force communicated with the complainer in a reasonable manner, including whether the police force handled the complaint within a reasonable timescale. I then come to a view whether the conclusions drawn by the force in handling the complaint were reasonable in all the circumstances.

Once I have reached my conclusions I prepare a report which details the findings of my case handling review. This is then forwarded the relevant authority in accordance with section 35(3) of the Act. The complainer will be advised of the conclusions of this review and of what action, if any, I propose to take in consequence of those conclusions. Where the complaint is in respect of an act or omission by an individual police officer that person will also be informed of the conclusions of this review.

### **2.1 Relevant complaint**

Section 34 of the Act provides that I may review the handling of a complaint where the complaint is “a relevant complaint”, defined as

*(1) ... a complaint which is given or sent ... to the appropriate authority in relation to the complaint.*

*(2) .... “complaint” means a written statement expressing dissatisfaction about an act or omission...*

*(3) But “complaint” does not include*

- (a) any statement made by a person serving with, or who has served with, the police, about the terms and conditions of that person's service with the police; or*
- (b) a statement which consists of or includes an allegation of an act or omission which constitutes a crime.*

The complainer has supplied a written statement expressing dissatisfaction about an act or omission by a force. The complaint is therefore a relevant complaint.

## **2.2 Relevant complainer**

The Act further provides that I may review the handling of a complaint where the complainer falls within one of the following categories (section 34(6)):

- (a) a member of the public who claims to be the person in relation to whom the act or omission took place;*
- (b) a member of the public not falling within paragraph (a) who claims to have been adversely affected by the act or omission;*
- (c) a member of the public who claims to have witnessed the act or omission;*
- (d) a person acting on behalf of a person falling within any of paragraphs (a) to (c)*

The complainer is a member of the public who claims to have been adversely affected by an act or omission by the police. The complainer is therefore a relevant complainer under the terms of section 34(6)(a).

## **3. Background**

The complaint raised by the complainer does not refer to a single specific incident. In his statement made to the force on 6 November 2007, the complainer detailed the circumstances that led him to make a complaint about the police.

The complainer stated that approximately three years previously, following the death of a relative, Strathclyde Police officers started to come to the door at his home every morning. The complainer maintained that these officers woke him up and were also heard by his neighbours. The complainer stated that the officers had a camera with them which they used to look into his home. The complainer stated that he did not know what the officers looked like as he was in bed when they came. However, he asserted that he knew that they were police officers as he could hear them talking about people that he had reported and that this information would only be known to the police.

The complainer stated that at an unspecified time in Summer 2007 possibly August, while at home in bed in the early hours of the morning, he heard a police officer

saying that he was “going to do me in”. The complainer maintained that a neighbour had then approached this officer and made a citizen’s arrest.

In this statement, the complainer also asserted that he was unable to “walk down the street without harassment from police officers.” The complainer maintained that police officers followed him and attempted to embarrass him in shops by implying that he was a shoplifter. The complainer stated that they were in plain clothes and were always different officers. He asserted that he could tell that these individuals were police officers as he was able to hear their radios. The complainer maintained that approximately two weeks prior to providing his statement, he had been followed on a bus by Constable A. The complainer maintained that he had called force headquarters to report this and was advised that this would be recorded.

In summing up his complaint about the police, the complainer stated that he could not have an ordinary life while police officers continued to come to his door each morning and follow him in the street.

#### **4. Force internal handling**

The investigation by Strathclyde Police into this complaint was initiated by the complainer contacting my office by telephone on 25 September 2007 and the matter being referred to the force for consideration. Sergeant B attended at the complainer’s home in the early evening of 25 September 2007 but was unable to get any reply. In an internal email dated 25 September 2007, Sergeant B stated that she left a calling card and returned later that night. A neighbour allowed Sergeant B to enter the communal area via the controlled entry system and the officer then spoke with the complainer at his door step as he did not want her to enter his home. The complainer told Sergeant B that he had been harassed by the police for the last two years and that police had attended at his door each day. Sergeant B stated that at this time the complainer was unable to give a coherent statement with any facts that an enquiry could be based upon. Constable C carried out door to door enquiries at this time and was advised by the complainer’s neighbours that there had been no police officers at their doors.

Superintendent D wrote to the complainer on 29 October 2007 and requested that the complainer contact him so that a statement could be noted to allow the force to progress the complaint enquiry. On the same day, Chief Superintendent E wrote to my office and advised that the matter had been recorded as a complaint about the police but that from the information available following Sergeant B’s contact with the complainer on 25 September 2007 it was not possible to progress the case in any meaningful way at this time. Chief Superintendent E stated that she had contacted the complainer asking that he contact the force.

The complainer telephoned the force on 1 November 2007 and spoke with Superintendent D. In the file note for this call Superintendent D noted that the complainer had advised that the person that had passed the call through had been disinterested and that the complainer could tell this from her body language. The complainer made reference to his complaint during this telephone call stating that the

police were attending at his home, watching, listening and talking about him. Superintendent D arranged for the complainer to attend at force headquarters on 6 November 2007 to give a statement about his complaint.

Inspector F noted a statement from the complainer and completed a Complaint About the Police (CAP) form on 6 November 2007. The CAP form records that the complainer alleged that police had been calling at his address every day of the year at all hours and had been continually following him.

Inspector F arranged for the complainer's doctor to be contacted through the appropriate authorities. The complainer's General Practitioner (GP) contacted Inspector F by telephone on 13 November 2007. Inspector F explained to the doctor that the force was concerned about the complainer's well being. The doctor advised that as a GP, he could only become involved at the request of the patient.

In his initial report dated 7 December 2007, Inspector F noted that he interviewed Neighbour G on 19 November 2007. The nature of the complaint was disclosed but the complainer's identity was not revealed. Inspector F found that Neighbour G was unable to confirm the complainer's allegations. In this report, Inspector F stated that calling cards were left at neighbouring properties requesting that the occupiers contact him directly. On 20 November 2007, Neighbours H, I and J contacted Inspector F by telephone. The initial report stated that the nature of the complaint was disclosed to each neighbour but the complainer's identity was not revealed. None of the parties were able to verify the complainer's allegations. It is also recorded in this report that on 22 November 2007 Inspector F interviewed Neighbour K whom the complainer asserted had made a citizen's arrest outside the complainer's home. Inspector F noted that Neighbour K stated that he had never made a citizen's arrest or taken any similar action and was unable to verify any of the complainer's allegations. Neighbour L contacted Inspector F on 7 December 2007 and advised that she was unable to verify any of the complainer's allegations. Inspector F concluded that the allegations made by the complainer were unsubstantiated and his initial report was forwarded to Superintendent D for consideration.

Inspector F met with the complainer at his home on 7 December 2007. During this meeting the complainer referred to the incident where he alleged he was followed by Constable A on a bus. Inspector F noted that the complainer "*heard an Inspector on the officer's radio saying '[Constable A] take care of that'*". Inspector F also noted that the complainer was of the opinion that the police had tapped his telephone and were listening in on his calls.

An internal force email dated 10 January 2008 from the Duty Contact Centre Manager to Inspector F stated that a call had been received from the complainer on 25 November 2007 during which he complained that the police were harassing him for no reason and that he was being constantly watched. The complainer advised the call handler that he wanted a note of the call to be made but did not want any further action to be taken by them.

A copy of this email was included with Inspector F's final report dated 22 January 2008. As the complainer had advised in his statement that he had reported being

followed on a bus by Constable A approximately two weeks prior to 6 November 2007, Inspector F made attempts to identify this call. However, his enquiries found the only similar call that had been made by the complainant was that of 25 November 2007 referred to above.

In the final report, Inspector F stated that the Regulation of Investigatory Police Act 2000 (RIPA) demands that all police forces ensure that appropriate authorisation has been obtained at senior management level and recorded in respect of all surveillance operations. Inspector F contacted the Central Authorities Bureau (CAB) which records all RIPA authorisations for the Strathclyde Police area and was informed by Detective Constable M that neither the complainant nor his address were the subject of surveillance at any time. Checks of the Scottish Intelligence Database were also carried out at Inspector F's request and no record of the complainant or his address was found on the system.

The report of 22 January 2008 stated that Inspector F attended at the complainant's address on 10 January 2008 but the complainant refused to allow the Inspector into his home. Inspector F spoke with the complainant at the door and requested a detailed description of Constable A to assist in identifying the officer. The complainant provided a basic description from which Inspector F isolated one officer who shared the name and general description supplied by the complainant. Inspector F contacted Constable A on 11 January 2008. Constable A advised that he had not worked in plain clothes during the time in question and had not been involved in any surveillance operation involving the complainant.

As the complainant had made reference to a Mrs N in his statement, Inspector F made enquiries and identified this person as a relative of Neighbour G who had stayed with him for a short period of time but moved away in February 2007. Inspector F stated that Neighbour G declined to provide details of Mrs N's whereabouts as he did not wish to involve her in the investigation. However, he agreed to speak with his relative and contact Inspector F if she provided any information. Inspector F noted that there had been no contact from Neighbour G or Mrs N. The final report was submitted to Superintendent D on 22 January 2008.

A final response was provided to the complainant on 4 February 2008. In this letter, Chief Superintendent E stated:

*"...I have to advise you that Inspector [F's] enquiries have failed to find any support for your position in relation to the police attending at your house on frequent occasions, which is contradicted by other witnesses. Similarly, in the absence of further information or independent eyewitnesses, I am unable to establish any evidence to support your assertion that you were being followed around the streets by police. I therefore am unable to substantiate any of your allegations."*

In addition to answering the complaint raised, Chief Superintendent E offered clarification on the force's position regarding the citizen's arrest which the complainant asserted had taken place:

*"I can advise you that I can find no trace of this incident having been recorded by Strathclyde Police and that enquiries with the neighbour you mention reveal he has no knowledge of any such incident having occurred. I am therefore unable to offer any further comment on this matter."*

Chief Superintendent E also addressed the complainer's assertion that a call handler's body language showed her to be disinterested during a telephone call on 1 November 2007:

*"...the member of staff you refer to has been spoken to and denies this and is quite clear that she dealt with your call professionally and passed you through to Superintendent [D] immediately. This position is also supported by Superintendent [D]. Although you have not specifically complained about this, I felt it important to offer you an explanation."*

## **5. PCCS review**

A telephone call was received from the complainer at my office on 25 April 2007. The complainer was asked to complete and sign an application for review form which was received on 30 May 2007. As Strathclyde Police had not yet had the opportunity to respond to the complaint raised, the complainer was directed to contact the force in the first instance.

The complainer telephoned my office on 25 September 2007 prompting my office to contact Strathclyde Police for an update. Chief Superintendent E advised my office that she was unaware of any complaint from the complainer but that she would make enquiries and contact him. After the complainer contacted my office on 10 October 2007, a letter was sent to the force on 11 October 2007 requesting clarification as to whether the matter had been recorded as a complaint about the police and if the complaint handling had been concluded. On 30 October 2007 Superintendent D contacted my office to advise of the difficulties being encountered by the force in engaging with the complainer. A letter dated 29 October 2007 was received from Chief Superintendent E which stated that the matter had now been recorded as a complaint about the police and despite the difficulties encountered, enquiries were being made by the force.

On 7 February 2008, the force advised that a final response had been issued to the complainer and that the complaint handling case had been concluded. Following a telephone call from the complainer reiterating his complaint about the police, my office asked Strathclyde Police to provide the relevant complaint case papers on 19 February 2008. The force supplied the required information on 3 March 2008.

The complainer was updated on the progress of his complaint every 28 days in accordance with the PCCS published standards of service.

## 6. Consideration

**Complaint – That for a number of years the complainer has been under surveillance by Strathclyde Police and has been subject to harassment by police officers.**

Despite having very little information to work with, Strathclyde Police conducted a thorough investigation into this complaint. The complainer has been uncooperative at points during the force's investigation and on other occasions has been unable to supply the enquiry officers with specific dates when these incidents are alleged to have taken place.

Inspector F exercised a duty of care to the complainer by contacting the relevant authorities about the concerns for the complainer's health which arose during the complaint handling process. Although the complainer's doctor explained that he was unable to help in these particular circumstances, I commend Inspector F for his actions.

The final response provided to the complainer on 4 February 2008 addressed the complaint raised adequately. I note that Chief Superintendent E has also sought to clarify other points raised by the complainer in his statement over and above his complaint about the police.

## 7. Conclusion

**Complaint – That for a number of years the complainer has been under surveillance by Strathclyde Police and has been subject to harassment by police officers.**

I am of the view that Strathclyde Police has carried out a thorough investigation into this complaint and that the response provided to the complainer on 4 February 2008 detailed its conclusions satisfactorily. As such **I do not uphold this complaint.**

Jim Martin  
Police Complaints Commissioner for Scotland  
January 2009