

Report of a Complaint Handling Review in relation to Northern Constabulary

under section 35(1) of the Police Public Order
and Criminal Justice (Scotland) Act 2006

Summary and Key Findings

The applicant's complaints relate to an alleged attack upon him in his home on 20 November 2005, a search carried out of his home by officers of Northern Constabulary on 2 December 2005 and the stopping of his vehicle by officers on 10 December 2006.

Of the 10 complaints considered, the Commissioner found that five were dealt with reasonably while the remainder were not. The Commissioner made two recommendations in this connection.

The Commissioner also recommended that Northern Constabulary no longer considers or responds to any complaint raised by the applicant that is directly related to any of those addressed in this report.

The Commissioner's role

Section 35 of the Police Public Order and Criminal Justice (Scotland) Act ("the Act") gives the Commissioner the power to examine the manner in which a policing body has dealt with a "relevant" complaint, as defined in the Act.

The Commissioner is independent of the police service and performs his functions in a fair and impartial manner. Before considering a complaint, the Commissioner's office obtains all papers held by the policing body against which the complaint has been made. These papers are considered alongside information provided by the applicant. The Commissioner then assesses whether the policing body's handling of the complaint was reasonable in all the circumstances. The Commissioner will look at the entire handling process, from the initial investigation by the policing body to the final response issued to the applicant. Among the factors which the Commissioner takes into account are the following:

- whether the policing body's response to the complaint is supported by all material information available;
- whether in dealing with the complaint the policing body has adhered to all relevant policies, procedures and legal provisions;
- where the complaint has resulted in the policing body identifying measures necessary to improve its service, whether these measures are adequate and have been implemented;
- whether the policing body's response to the complaint is adequately reasoned; and
- whether the policing body has communicated with the applicant in a reasonable manner.

Background

On 20 November 2005, the applicant called Northern Constabulary to report that he had been attacked in his home. According to the police log of the incident, the applicant alleged that he had been within his office situated at the rear of his home when he heard a banging noise coming from his back door. The applicant alleged that, upon opening his office door, he was met by Mr F standing in his hallway who "lunged forward and pushed him backwards." The applicant states that he stumbled back into his office, locked the door and called 999 for assistance.

Mr F was subsequently interviewed by police officers. He denied being at the applicant's home and committing the alleged offence.

Having received intelligence that the applicant was in possession of a handgun, on 1 December 2005 Detective Sergeant A obtained a warrant to search the applicant's home. The warrant empowered the police to seize and detain any firearm, imitation firearm or ammunition as defined by section 46 of the Firearms Act 1968 (as amended). The warrant also gave authority to seize anything which gave reasonable grounds to suspect that an offence under section 46 had or was being committed. Furthermore, the warrant permitted Detective Sergeant A to "require any information which is kept by means of a computer ... to be produced in a form which is visible and legible and can be taken away."

A search team, police search advisor and armed response vehicle was organised to execute the warrant. A briefing plan was compiled detailing, amongst other things, the manner in which the search would be conducted. Officers involved in the search attended a briefing by Detective Inspector B prior to attending the applicant's home.

On 2 December 2005, the warrant was executed. Detective Sergeant C states that the applicant was shown the warrant prior to the commencement of the search.

Although some items were taken from the applicant's home for further enquiry, no firearms were found during the search. Nothing was found to support the allegation that the applicant had committed a firearms offence.

However, during the search a copy of a letter which had been sent to one of the applicant's neighbours (Mr F) on 17 August 2005 was found. Mr F had found the content to be distressing and had reported the matter to the police. According to Detective Sergeant A the applicant was shown the letter and agreed to attend a local police station for interview. During the interview, the applicant admitted sending the letter and he was subsequently arrested for a breach of the peace and reported to the Procurator Fiscal. The Procurator Fiscal later issued a warning letter to the applicant in this connection.

The applicant's complaints also concern an incident on 10 December 2006 when the applicant's car was stopped by Detective Sergeant C and Detective Constable D. Mr E was a passenger in the applicant's car at the time.

The Complaints

Based on the contents of the application form, the correspondence received from the applicant and the information obtained from Northern Constabulary, the Commissioner has identified the following complaints:

- (1) that the search warrant was obtained "corruptly" by Northern Constabulary;
- (2) that armed police officers told the applicant "move and your history";
- (3) that property was illegally taken from the applicant's home following the search;
- (4) that the applicant was not provided with a copy of the search warrant;
- (5) that the police "could" have altered documents on his computer;
- (6) that the police did not take fingerprints following a break in at his home;
- (7) that Detective Sergeant C was rude towards the applicant;
- (8) that an unnamed officer was sarcastic towards the applicant;
- (9) that a member of police staff disclosed information about the applicant; and
- (10) that in respect of the incident on 10 December 2006 no explanation was given for his vehicle being "pulled over".

The applicant's complaints have a fairly long history, a summary of which is provided below.

The applicant wrote to Northern Constabulary on 10 December 2006 in relation to the search of his home, the stopping of his car and an alleged lack of action concerning a range of incidents in which he had reported his neighbour, Mr F, to the police. Inspector G conducted enquiries into the complaints and in this connection noted a statement from the applicant on 24 January 2007.

On 25 January 2007, Chief Inspector H wrote to the applicant advising that he had received a preliminary report from Inspector G and had decided to appoint a senior officer to carry out a

review of the complaints. On 23 February 2007, Chief Inspector H responded to the applicant's complaints surrounding the search of his home and the stopping of his vehicle.

Dissatisfied with Chief Inspector H's response, the applicant wrote to Her Majesty's Inspectorate of Constabulary for Scotland (HMICS), the body responsible at the time for overseeing the handling of complaints about the police. In May 2007, HMICS wrote to the applicant advising that, as a result of its interest in the matter, Northern Constabulary had identified areas which required further enquiry. HMICS advised it would be unable to complete its review until such time as this further work had been carried out.

On 23 May 2007, the applicant was interviewed by Sergeant J and Inspector K regarding his complaints. In early 2008, Chief Superintendent L was given the role of reviewing the complaint file. On 5 February 2008, he sent a memo to the Deputy Chief Constable detailing his observations on the handling of the complaints so far, identifying a number of areas where he considered they could have been handled better (details of Chief Superintendent L's comments are discussed below under each individual complaint).

On 2 April 2008, HMICS wrote to Northern Constabulary advising that it (Northern Constabulary) had not recorded or responded to the applicant's concerns surrounding the behaviour of officers who conducted the search of his home.

On 11 April 2008 (following intervention by HMICS), Chief Inspector H sent a memo to the Deputy Chief Constable requesting that an independent Chief Inspector be appointed to look into the matter. On 22 April 2008, the Deputy Chief Constable wrote to HMICS advising that a Chief Inspector had been appointed to meet with the applicant. On 19 August 2008, Chief Inspector H sent a memo to Chief Inspector M, stating:

"... the Deputy Chief Constable has instructed your appointment as investigating officer in the matter of [the applicant]'s complaint case. You are required to review the case and meet with [the applicant] to agree any new heads of complaint or outstanding issues, with a view to further investigation if necessary."

On 25 August 2008, Chief Inspector M sent an interim report to Chief Inspector H criticising the initial handling of the applicant's complaints. The following day Chief Inspector M obtained a further statement from the applicant.

On 14 October 2008, the Deputy Chief Constable sent a memo to Chief Superintendent L asking for a review of the circumstances of the complaint. On 20 November 2008, Chief Superintendent L responded making various criticisms of the handling of the applicant's complaints.

On 28 February 2009, Chief Inspector M sent a preliminary report to the Deputy Chief Constable.

In a memo sent to the Deputy Chief Constable on 9 March 2009, Chief Superintendent L made the following comments:

"There is no doubt that [the applicant] is difficult to deal with but throughout his numerous complaints there is a pattern of an unwillingness to deal with the issue at hand, resulting in the position we now find ourselves. I believe Chief Inspector [M] has done what he can to address the issues raised by [the applicant] and I recommend that I contact [the applicant] with a view to visiting him and handing to him a letter which addresses the points raised in Chief Inspector [M's] [report] and also to acknowledge to him that matters could have been carried out in a more professional manner."

Chief Inspector M's review confirmed Chief Superintendent L's findings and contained a number of recommendations (the details of which are discussed below under each individual complaint). Chief Inspector M's report to the Deputy Chief Constable concluded:

‘[The applicant] has written a number of letters to the police since making his initial complaint. I understand why he has continued to write to us and continued to develop a conspiracy theory. I appreciate that some may find him difficult to deal with but that is no excuse for Northern Constabulary not recognising the complaints he has made and addressing them appropriately ...

I conclude that the initial complaint was not handled in line with our own procedures. The initial assessment, recording of [the applicant]’s complaint and subsequent enquiry was poor. Police operational statements and civilian witness statements should have been obtained; they were not. Factual, evidence based explanations should have been offered to [the applicant]; they were not ...

My assessment is that had [the applicant]’s initial complaint been handled better at the time he may not have continued to write to Northern Constabulary developing a conspiracy theory. I believe I have addressed all his issues. I have made recommendations throughout this report based on the assumption that the accompanying preliminary report will be sent to the Area Procurator Fiscal. I suspect [the applicant] will not accept the points I have highlighted as recommendations given the passage of time, but we should still try ... An apology should be given to [the applicant] for not recognising and responding to his complaints sooner.”

The Deputy Chief Constable responded to the applicant’s complaints on 20 April 2009.

The Commissioner’s Review

Complaint 1: The search warrant

The applicant claims that the search warrant was obtained in order to “set him up”. Whilst unclear, the applicant appears to believe that the warrant was obtained because he had uncovered a “housing scam” and that it was therefore acquired “corruptly”. The applicant also asked Northern Constabulary to disclose the name of the person who reported that he was in possession of firearms.

Internal Handling

In his letter of 23 February 2007 Chief Inspector H issued the following response to this complaint:

“Information had been received by the police that suggested that you were in possession of an illegal firearm. The information was examined and believed to be accurate. In obtaining a search warrant, the officer applying has to prepare a report on the circumstances and the known information. This report is considered by a senior officer and thereafter passed to a Procurator Fiscal as an application for a search warrant. With the backing of the Procurator Fiscal, the application is considered by a Sheriff and, only if he is satisfied, will a warrant be issued. You will see that the process to be followed contains a number of checks and ultimately a search warrant will only be issued after careful consideration of the circumstances ... The fact that no illegal firearms were recovered does not therefore make the actions of the officers wrong, neither does their refusal to tell you the source of the information on which the warrant application had been made.”

Consideration

The applicant has been told on a number of occasions that the warrant was based on information, considered by the police to be credible, that he was in possession of firearms.

As explained by Chief Inspector H, there are a number of individuals independent of the police who are involved in the process of considering and granting applications for search warrants. In the Commissioner's view, Northern Constabulary was entitled to act on the information it received, and followed the proper process for obtaining the warrant.

Accordingly the Commissioner considers that this complaint was dealt with in a reasonable manner.

Complaint 2: Alleged comment of officers

The applicant complains that armed officers told him "move and your history". According to the applicant a gun was placed behind his neck and these actions left him shocked and traumatised.

Internal Handling

In his report to the Deputy Chief Constable, Chief Superintendent L commented that this complaint was not addressed by Northern Constabulary initially.

Chief Inspector M's report of 28 February 2009 stated:

*"Full operational statements from each officer involved in the house search would have evidenced that no firearms were used in this incident. These were not asked for at the time but as **a result of this review have been now**. I have reassured [the applicant] that no firearms were used on that day. He does not believe me. It should be mentioned that these allegations are fictitious and have been proved as such. **I recommend Northern Constabulary tells [the applicant] in writing that it can be proved that no firearms were used during the house search.**" [emphasis in original]*

The Deputy Chief Constable stated the following in his response:

"You have alleged that police officers used firearms during the action taken on 2 December 2005 in relation to the search of your dwelling. You claim one was presented to your back of your head. You have been told before but to reinforce this point, no Police Officer was armed during the events leading up to and during the search of your home. Northern Constabulary has a very strict lawful controlled procedure for the authorisation and use of firearms by police officers. No authorisation was given, no firearms were used, no officers were armed that day. This can be proved."

Consideration

The applicant has been informed on a number of occasions by Northern Constabulary that no firearms were provided to any of the officers who attended his home in connection with the search. Although the applicant does not claim to have seen any weapons, he maintains that officers were armed.

During the course of the Commissioner's review, Northern Constabulary confirmed that a number of authorisations have to be obtained before weapons can be issued to officers. According to Northern Constabulary, no paperwork exists confirming that such authorisations were obtained. There is also no reference in the briefing plan or in the statements of the officers who attended the search to any officer having been armed.

Based on the available evidence, the Commissioner is satisfied that none of the officers were in possession of firearms during the search. In the Commissioner's view, this casts doubt on the applicant's allegation that armed officers told him "move and your history".

Although there were clearly deficiencies in the initial handling of this complaint, in the Commissioner's view these were remedied following Chief Inspector M and Chief Superintendent L's involvement. Accordingly, the Commissioner considers that this complaint was ultimately dealt with in a reasonable manner.

Complaint 3: Removal of property

The applicant complains that property was taken from his home following the search in order to make him "look bad" and "blacken his character". He alleges that the removal of the items was illegal. He states the following in his letter of 2 April 2009:

"... articles were taken from my house none of the articles taken could at anytime be classed as coming under the remit of the warrant ..."

The applicant also complains that Northern Constabulary deliberately withheld property which had been removed from his home.

Internal Handling

Based on the information provided, Northern Constabulary has not considered or responded to this complaint.

Consideration

Given that no response was issued to this complaint, the Commissioner does not consider that it was dealt with in a reasonable manner. The Commissioner recommends that Northern Constabulary provides the applicant with a response to his allegation that items, not covered by the warrant, were removed from his home during the search.

The Commissioner acknowledges, in this connection, that over five years have passed since the search of the applicant's home. However, implementation of the above recommendation is likely to be achieved simply by an examination of the information currently in Northern Constabulary's possession, rather than by the undertaking of fresh enquiries.

Complaint 4: Failure to provide a copy of the search warrant

The applicant complains that, despite numerous requests, he was never provided with a copy of the search warrant following the search of his home.

Internal Handling

Chief Inspector M stated the following in his report:

*"...[the applicant] asked for a copy of [the warrant] which seems to have been ignored. He is not entitled to a copy but **as a result of this review he has now been able to read the warrant and make notes.** There is no reason why this could not have been done sooner."*
[emphasis in original]

The Deputy Chief Constable stated the following in his response:

"You had asked to see a copy of the search warrant pertaining to your home address ... You did view the warrant on 2 December 2005 and have since been shown it by Chief Inspector [M]. There is no problem with you, as the householder, viewing the search warrant and I apologise this was not made available to you sooner."

Consideration

During his review of the handling of this complaint, Chief Inspector M found that the applicant's request for a copy of the search warrant had been "ignored". As noted above, Chief Inspector M showed the applicant a copy of the warrant and allowed him to make notes in this connection. An apology was also given for not having made the warrant available to him sooner.

Although there were clearly deficiencies in the initial handling of this complaint, in the Commissioner's view these were remedied following Chief Inspector M and Chief Superintendent L's involvement. Accordingly, the Commissioner considers that this complaint was ultimately dealt with in a reasonable manner.

Complaint 5: Alterations to documents

The applicant complains that the police "could have" tampered with his computer.

Internal Handling

In his report to the Deputy Chief Constable, Chief Superintendent L commented that this complaint had not been addressed by Northern Constabulary initially.

Chief Inspector M stated the following in his report:

"[The applicant] alleges that his computer could have been tampered with. He said this because it was taken by police and was out of his sight. There is no evidence that it was tampered with. I recommend Northern Constabulary tells [the applicant] in writing that there is no evidence that his computer was tampered with." [emphasis in original]

The Deputy Chief Constable responded to the complaint as follows:

"You have alleged that the Police altered documentation on your computer that was sized [sic] from your home. There is no evidence that the Police altered anything on your computer."

Consideration

Although theoretically it is possible that the police could have tampered with his computer, the applicant has advanced no reason for why they would have done so, nor does he claim that his computer was actually tampered with. The Commissioner is therefore unclear as to the purpose of this complaint.

Again, although there were clearly deficiencies in the initial handling of this complaint, in the Commissioner's view these were remedied following Chief Inspector M and Chief Superintendent L's involvement. Accordingly, the Commissioner considers that this complaint was ultimately dealt with in a reasonable manner.

Complaint 6: Failure to obtain fingerprints

The applicant complains that, following his allegation that a neighbour, Mr F, had broken into his home and attacked him, no fingerprints were taken by the police.

Internal Handling

Chief Superintendent L's report to the Deputy Chief Constable contains the following passage:

“In his letter of 10 December 2006, and a number of statement and letters subsequently, [the applicant] suggests that if his house had been finger printed then the police might have been able to charge the individual concerned with more than just vandalism. Bearing in mind the suggestion of finger printing occurs on a number of occasions it would have been helpful to have addressed this directly with [the applicant] but I can find no documentation that indicates the process has been explained to him and specifically why the locus was not fingerprinted.”

Chief Inspector M's report commented:

“As a result of this review I have spoken to [the applicant] about the scenes of crime that was carried out on his home. In his statement dated 12 January 2009 he accepts that nothing can be done now given the passage of time. I recommend that Northern Constabulary acknowledge that an explanation about the scenes of crime process should have been given to him sooner.” [emphasis in original]

The Deputy Chief Constable stated the following in his response:

“In relation to fingerprinting issues you have raised concerns in relation to Scene of Crime examination conducted at your dwelling. I believe these have now been explained to you and that you understand nothing can be done at this stage. I apologise that the Scene of Crime process was not explained to you sooner.”

Consideration

Based on the information contained within the police log, the applicant is correct that no fingerprints were obtained from the his home following the incident.

Chief Inspector M explains that he spoke to the applicant about the scenes of crime examination which had been carried out at his home and that the applicant had accepted that given the passage of time nothing could now be done. However, there is no evidence that the applicant was told specifically why his house was not fingerprinted at the material time.

In light of this, the Commissioner does not consider that this complaint was dealt with in a reasonable manner. Consequently, and in accordance with Chief Superintendent L's observation, the Commissioner recommends that Northern Constabulary writes to the applicant explaining why no attempts were made to fingerprint his home following the incident.

Complaint 7: Detective Sergeant C's alleged conduct

The applicant complains about the way in which he was spoken to by Detective Sergeant C during the search of his home. According to the applicant, Detective Sergeant C was “seething” when no firearms were found during the search. The applicant also states that, following the search, he called Detective Sergeant C for an update and was told by him “at least we got you on the letter”.

Consideration

As the applicant has received no response to this complaint, the Commissioner does not consider that it was dealt with in a reasonable manner.

Detective Sergeant C makes the following comments in his statement:

“As for the allegation that I was upset or angry because the search failed to locate the items sought, as stated above I had limited involvement in the case being investigated and was there purely in a support role. I would expect any professional Police Officer would be disappointed in any search authorised by warrant where the items sought were not located,

however on this occasion not being involved to any great degree I was not perturbed one way or the other.

... I have limited recollection of a telephone conversation of so long ago and may have spoken to [the applicant]. To this end I can only speculate as to the conversation, questions and answers posed. I would suspect that if I did make a comment along the line suggested it would have been in response to a comment that [the applicant] had suggested that he had done nothing wrong and that his house was searched and nothing had been found, where upon I would have suggested that "The letter" had been found during the search. As said, this is speculation as I cannot recall a telephone conversation which may have taken place 18 months ago or longer, at a time I was fielding numerous calls during a ... murder investigation."

In relation to the alleged actions of Detective Sergeant C during the search, there is accordingly no evidence to support the applicant's complaint.

With regard to any subsequent telephone conversation, although Detective Sergeant C speculated as to the content of this, it is clear that he has no recollection of having spoken to the applicant. Accordingly there is also no support for this aspect of the applicant's complaint.

In light of these findings, the Commissioner does not consider it necessary to recommend further action by Northern Constabulary in relation to this complaint.

Complaint 8: Conduct of unnamed officer

The applicant states that during the search of his home a large quantity of money was found. The applicant complains that a "slightly tall and thinnish" officer asked him in a sarcastic manner "do you not believe in banks?".

Consideration

Based on the available information, the applicant has not been provided with a response to this complaint. Consequently, the Commissioner does not consider that it was dealt with in a reasonable manner.

In his statement Detective Sergeant C states that he may have asked the applicant why, given there had been previous attempts to break into his home, he kept such a substantial amount of money within his house, as opposed to in a bank. Detective Sergeant A explains in his statement that he recalled the applicant being given "sensible" advice on the security of his money and that no derogatory remarks were made to the applicant.

Whilst it is the applicant's perception that an officer was sarcastic towards him, in the Commissioner's view, the accounts of Detective Sergeants A and C suggest that he was provided with advice which was imparted in good faith. Accordingly, based on the available evidence, it is not possible to substantiate the applicant's complaint. The Commissioner therefore makes no recommendation in this connection.

Complaint 9: Disclosure of information

The applicant complains that, during a visit to a local shop, he overheard a member of police staff, Mrs N, speaking about him.

Internal Handling

Chief Superintendent L commented as follows in his report to the Deputy Chief Constable:

“This is contained in a letter from [the applicant] dated 24 May 2007 and the letter dated 21 May 2007 [sic] to [HMICS] makes reference to other allegations in a letter being passed to the Area Commander ... for his information and action but makes no reference to the specific allegation about a member of support staff being overheard being so passed or investigated. The statement noted from [the applicant] was again difficult to deal with but the allegation has not been addressed.”

Chief Inspector M commented as follows in his report:

“This allegation was never addressed. It was covered with [the applicant] on 12th January 2009 ... The basis of this allegation is that [Mrs N] stopped speaking when [the applicant] went into [a local shop]. From that when [the applicant] believes she was speaking about him and it was related to her profession as a police staff member ... [Mrs N] has provided a statement and it is clear that there are no grounds for this complaint.

I recommend that Northern Constabulary recognise that this complaint should have been investigated sooner and that [the applicant] be informed that his complaint has been reported to the Area Procurator Fiscal.” [emphasis in original]

The Deputy Chief Constable’s response said the following:

“You have alleged that a member of Police staff, [Mrs N], was talking about you and disclosing information to third parties. This has been investigated and reported to the Area Procurator Fiscal. I apologise that this complaint was not recognised and investigated sooner.”

Consideration

The applicant’s allegation is based solely upon the fact that Mrs N stopped speaking when he entered a local shop. He is unable to specify what, if any, information was disclosed by Mrs N, or to whom she had been speaking. During Chief Inspector M’s review, a statement was obtained from Mrs N who categorically denied the allegation.

In the Commissioner’s view, this complaint consists of nothing more than speculation on the applicant’s part.

As with many of the applicant’s other complaints, although there were clearly deficiencies in the initial handling of this complaint, these were remedied following Chief Inspector M’s involvement. The Commissioner therefore considers that this complaint was ultimately dealt with in a reasonable manner.

Complaint 10: Failure to explain actions

In respect of the road traffic incident on 10 November 2006, the applicant complains that the officers who stopped his car failed to provide any explanation as to why they did so. The applicant suspects that he was pulled over because he had complained about the police regarding the “gun raid”.

Internal Handling

In a memo to Chief Inspector H, Inspector G stated the following:

“...Both officers were involved in anti crime checks in relation to an individual thought to be carrying out crime in the area and satisfied themselves that the passenger was not the same person.”

Chief Inspector H issued the following response to the complaint:

“When you were stopped by the plain clothed Police Officers you were of the opinion that you were not provided with a reason for the stop. I can now tell you that the plain clothed officers were engaged in anti-crime duties and had a specific target. Your passenger was unknown and could possibly have been a person of interest to these officers. As I’m sure you can appreciate such patrols rely on a degree of anonymity to be successful and, in this instance, to offer a full explanation as to why you were stopped, may not have been in the best interests of the duties of these officers. My review has not established any corroborative evidence to support your claim that you were targeted for unnecessary attention by these Police Officers. I therefore trust that the foregoing explanation is comprehensive enough to address your concerns.”

Consideration

During Chief Inspector M’s review, a statement was obtained from Mr E who was a passenger in the applicant’s car at the time. The following is Mr E’s account of Detective Sergeant C’s actions:

“The next thing my door was opened and this man asked me who I was and I refused because I didn’t know the man and he then showed me ID and said that he was a Police officer so I gave him my details. I think he wrote them down but I can’t be positive. The Policemen said something about me fitting a description of someone they were looking for [in the locality].”

In the Commissioner’s view, the above passage tends to confirm that on the evening in question the police were interested in Mr E rather than the applicant. This undermines the applicant’s allegation that his car was stopped because of the earlier complaint he had made.

Although Chief Inspector H’s response accords with the account provided by Mr E, it is not supported by any contemporaneous documentary evidence (a point identified during Chief Inspector M’s review). The Commissioner therefore does not consider that this complaint was dealt with in a reasonable manner. However, in light of the information provided above the Commissioner makes no recommendation in this connection.

Conclusions, Recommendations and Learning

As identified by Chief Superintendent L and Chief Inspector M, there were clearly deficiencies in the initial handling of some of the applicant’s complaints. These led to difficulties developing whereby the applicant raised new complaints or added to those which he had already made. The overall result was confusion and delay.

In the Commissioner’s view, however, the applicant must share some responsibility for this. The manner of his communication with Northern Constabulary often made it difficult to comprehensively address his concerns. Indeed, some of his communication appears evasive. The Commissioner commends Chief Inspector M and Chief Superintendent L for their work in identifying and highlighting deficiencies in the initial handling of some of the complaints.

What is clear from the present review is that a substantial amount of resources has been expended by Northern Constabulary in dealing with the applicant’s allegations. Whilst basic flaws were identified in the handling of the applicant’s complaints, no evidence was found to suggest that the applicant had been “set up”. The Commissioner considers the implementation of his recommendations as important to finalising Northern Constabulary’s handling of the complaints. However, the Commissioner does not believe that anything is to be gained by Northern Constabulary dealing with further complaints by the applicant arising from the same sets of circumstances. Consequently, the Commissioner recommends that Northern Constabulary no longer considers or responds to any further complaint made by the applicant which is directly

related to those listed in this report. The Commissioner does not make this recommendation lightly, but for the reasons stated considers it necessary to do so.

Complaints 1, 2, 4, 5 and 9

In the Commissioners view, Northern Constabulary dealt with these complaints in a reasonable manner. Accordingly, no further action is required in this connection.

Complaints 7, 8 and 10

In the Commissioners view, the manner in which Northern Constabulary dealt with these complaints was not reasonable. However, for the reasons given, no further action is required in this connection.

Complaint 3

In the Commissioners view, the manner in which Northern Constabulary dealt with this complaint was not reasonable. The Commissioner recommends that Northern Constabulary provides the applicant with a response to his allegation that items, not covered by the warrant, were removed from his home during the search.

Complaint 6

In the Commissioners view, the manner in which Northern Constabulary dealt with this complaint was not reasonable. The Commissioner recommends that Northern Constabulary writes to the applicant explaining why no attempts were made to fingerprint his home following the incident.

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