

[applicant's name and address]

PCCS/00182/07

19 September 2011

Dear [applicant]

I refer to your complaints about Strathclyde Police and write to inform you of my decision in your case.

Your concerns relate to the search of your home by officers of Strathclyde Police on 8 November 2002. You made a previous application to my office in this connection on 13 November 2007 and my predecessor, Jim Martin, wrote to you on 14 July 2008 to advise the outcome of his deliberations. No action was taken in respect of your case as, following a meeting with Inspector A at your home on 3 February 2003, you had withdrawn your complaints in writing. Strathclyde Police confirmed the outcome of this meeting in a letter dated 25 March 2003. You responded to this correspondence on 28 March 2003, stating:

"I told you in my letter I have no formal complaint against anyone all I want is the damage [fixed] that the Police did to my house."

You recently disputed the fact that you had written a letter withdrawing your complaints and received a response from Chief Superintendent B dated 20 June 2011. Chief Superintendent B explained that the letter of withdrawal dated 3 February 2003 was written out by Inspector A and then signed by you. I understand that you received a copy of this withdrawal through a subject access request.

You now contend that you did not understand that by signing this document, you would be withdrawing your complaint about the police. Given that you reiterated that you had "no formal complaint" in your letter of 28 March 2003, I cannot accept this position.

No substantive work has been carried out by Strathclyde Police since you received the decision of my predecessor and as such, I do not propose to take any further action in light of your application. I appreciate that my decision will come as a disappointment to you, but there is clear evidence that you withdrew your complaints about the police.


Based on the information provided to my office, your primary objective appears to be the payment of compensation for damage allegedly caused by the search. Payments of this kind are ultimately a matter for the civil courts and it is not within my power to order that such a payment be made to you. I understand that you have previously made a claim against Strathclyde Police through its Legal Services Department in this connection. This is the most appropriate avenue for your concerns and you may wish to seek legal advice if you choose to pursue a further claim.

You have also stated that you wish my office to assist you with a request made to Strathclyde Police under the Data Protection Act 1998 for copies of documents connected with the search. Such matters are also beyond my remit; however, if you have any concerns about the way in which Strathclyde Police handled your request for information, it is open to you to bring this to the attention of the Information Commissioner's office. I have listed their contact details below:

The Information Commissioner's Office – Scotland
93 - 95 Hanover Street
Edinburgh
EH2 1DJ
Telephone: 0131 301 5071
Email: Scotland@ico.gsi.gov.uk

In accordance with my office's procedures, a copy of this letter will be published, in fully anonymised form, on my office's website. This will take place on 22 September 2011.

Yours sincerely



John McNeill
Police Complaints Commissioner for Scotland