

[Applicant's name and address]

PCCS/00565/10

10 November 2011

Dear [Applicant],

Complaint about Strathclyde Police

I refer to your application to my office regarding your complaint about Strathclyde Police. I write to inform you of my decision in relation to your case.

On 19 September 2011 the Case Officer responsible for your case wrote to you confirming the following heads of complaint:

- that the responses you gave to questions you were asked by the police were inaccurately recorded; and
- that the reason for your arrest was based on inaccurate information and that, consequently, your arrest was unlawful.

As part of his enquiries into your complaints, Inspector A obtained statements from Constables C and D, the officers who arrested you. In their statements, the officers detailed the circumstances that led to your arrest for a breach of the peace. Both officers also provided copies of their notebook entries detailing the questions you were asked prior to your arrest and the responses you provided.

In his letter of 30 March 2011 Chief Inspector B provided the following response to your complaints:

"You have complained that prior to your arrest you were interviewed by the officers, and that the officers failed to accurately record your responses to certain questions which would amount to an irregularity in procedure.

... the officers you refer to have been interviewed by Inspector [A] and they insist that the comments made by you during interview were noted at that time and were correctly recorded within their police issue notebooks. I can confirm that both officers' notebooks have been examined and the information contained within is accurate to what was later transcribed and forwarded to the Procurator Fiscal. Consequently in the absence of any independent evidence, I find your complaint unsubstantiated.

With regard to your assertion that your arrest may have been unlawful, I have examined the circumstances surrounding your apprehension and I am satisfied that at the time of the incident there existed a sufficiency of evidence to justify your arrest and subsequent report to the Procurator Fiscal. Once again I must find this further aspect of your complaint unsubstantiated.

I appreciate that my decisions in these matters may not concur with your own views or expectations and that is a matter of regret. However, after reviewing the circumstances, I must advise you that no formal action will be taken against the officers concerned in this complaint.”

My office has considered the evidence gathered by Inspector A during his enquiries, including the statements provided by Constables C and D and their notebook entries. These sources support the account provided to the Procurator Fiscal as to the questions you were asked and the responses you gave. As there is no evidence to support your claim that your responses were not recorded accurately, I consider that Strathclyde Police was correct to find this complaint unsubstantiated. In my view, the response you received from Strathclyde Police in this connection was reasonable.

With regard to your complaint of unlawful arrest, there is clear evidence that your actions were causing alarm to a number of individuals. According to Constables C and D you also refused to leave the locus. In these circumstances, I consider that the officers concerned were entitled to arrest you. In my view, the response you received from Strathclyde Police in this connection was reasonable.

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 occur on 12 November 2011.

My involvement in your case is now at an end.

Yours sincerely,

JOHN MCNEILL
Commissioner