

IN THE INVESTIGATORY POWERS TRIBUNAL

Date: 28 February 2005

Before:

**LORD JUSTICE MUMMERY (President)
and
SIR RICHARD GASKELL**

MR & MRS H v. THE POLICE FEDERATION OF GREAT BRITAIN

**Summary of a Ruling Given on a Human Rights Claim
and Complaint of Surveillance**

Background

1. A long-serving police officer suspected whilst off-duty of making personal use of a police vehicle was placed under internal investigation by his force's professional standards department. The outcome of the internal investigation was that no disciplinary charges were brought and no further action was taken against any police officer.

Complaint and Claim

2. The officer brought his case to the Tribunal, complaining that the force had conducted directed and intrusive surveillance at his workplace and at the home address he shared with his wife, and that these activities had not been authorised under the Regulation of Investigatory Powers Act 2000 ('RIPA'). This included covert observation and video recording by another two police officers who were members of the Complainant's police team. The video recordings showed the police vehicle parked in the Complainants' driveway and their own car parked at the police station.

Outcome

3. The Tribunal ascertained during a public hearing that the force had no lawful authority for the breach of Article 8 rights in respect of the covert surveillance it had carried out against the Complainants. It therefore upheld the Complainants' case. The force stated the surveillance had been carried out by junior officers who had since been given advice and guidance about their conduct and that there had been no repeat of that conduct. It stated it would not contest liability for the unauthorised activity and accepted it might be obliged to pay compensation.

4. The Tribunal ordered the destruction of the unauthorised video recordings within seven days of its determination. It ordered that the remainder of the investigations file should not be passed to any officer below the rank of chief inspector and that the records and information in the file should not be used to the detriment of the husband. It also made an order for the sums of £3,000 and £1,000 to be awarded respectively to the husband and his wife within 28 days of the date of the determination.

Supplementary

5. The Tribunal's determination in this 2005 case pre-dated its determination of 14 November 2006 in the case of *C v The Police* (IPT/03/32) which has made clear that the Tribunal has no jurisdiction to determine such claims and that RIPA has no applicability if they relate solely to employment and disciplinary matters.