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## Police officers in court as man brings private prosecution

Two police officers have appeared in court accused of burglary, kidnap and false imprisonment after a judge granted the alleged victim the right to bring a rare private prosecution.



Michael Doherty arriving at Westminster Magistrates Court Photo: NNP

By **Martin Evans**, Crime Correspondent

6:01PMBST 15 Aug 2012

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Sergeant Gareth Blackburn, 38, and Detective Constable Stephen MacDonald, 42, were summonsed to appear before Westminster Magistrates Court to face a string of allegations related to an arrest they made on a man suspected of harassing a colleague in September 2008.

Former aircraft engineer Michael Doherty, 40, claimed the officers turned up at his house at 6.30am, smashed down his door with a battering ram in front of his terrified family, before handcuffing him and dragging him to the police station.

Mr Doherty was granted permission to bring the case by a district judge who also ordered that both Metropolitan Police officers attend yesterday's preliminary hearing.

The origins of the case date back to 2008 when Mr Doherty made a serious allegation to the police in Hillingdon, West London.

Frustrated at what he considered was a lack of progress in the investigation, Mr Doherty made a number of phone calls to his local police station.

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He was subsequently accused of harassing a civilian police worker at the station, and the two officers arrived at his home to investigate the complaint.

When Mr Doherty refused to let the officers into his home, he alleges they broke down his door and forcibly took him into custody.

Mr Doherty was later cleared of all charges but applied for permission to bring a private prosecution against the arresting officers.

The summons issued by District Judge Deborah Wright at Uxbridge Magistrates last month, stated that the two officers were accused of trespass and an attempt to inflict grievous bodily harm on the home owner.

The summons aid: "You were on the property as a trespasser and you threatened to smash down a glass-panelled door which the homeowner was holding closed.

"You threatened and used a battering ram to support your threat of violence. The occupants were caused fear for their personal safety.

"You wilfully failed to perform your duty to such a degree that it amounted to an abuse of the public trust which had been placed in you."

The summons also stated that the officers were alleged to have carried Mr Doherty away without any lawful authority.

"There was no consent from the victim and you used unlawful violence to carry out this kidnap," the document stated.

It went on: "You were tasked to carry out enquiries into allegations of harassment, however when lawfully refused entry to the home of Mr Doherty you did without lawful authority force entry into their private home."

It is extremely rare for a summons to be issued against police officers as part of a private prosecution.

Criminal cases are usually brought by the Crown Prosecution Service, but people can pursue their own actions under the Prosecution of Offences Act 1985.

Both police officers, who remain on full duties, are due to appear before Southwark Crown Court on October 19 for a Plea and Case Management Hearing.

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