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DPS Complaints Support Team
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Empress Approach
Lillie Road
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Michael Jones
[Address]

20 January 2013

IPCC Ref: 2012/021586

Dear Mr. Marshall,

Reasons why my complaint dated 17/12/2012 should not be disapplied:

Thank you for your letter of 15 January 2013, notifying me of your application to the IPCC to disapply my complaint. I write to give reasons why the complaint should not be disapplied.

In response to your first reason for the application – that of the complaint being 'out of time', I should point out that my earlier complaint, to which this complaint is related, was made within the 12 month period from the date of the incident. Had my earlier complaint been investigated satisfactorily, it should not have been necessary to make an additional complaint. Reasons in support of this claim that the earlier complaint was unsatisfactorily investigated are expressed in my letter of appeal to the IPCC (copy enclosed). However, the IPCC paid little attention to these objections in their response, and made no specific reference to points raised in my letter of appeal, relying instead on the uncritical adoption of ill-informed assumptions recorded in the CRIMINT report from 12/12/2010, in order to dismiss the appeal.

For instance, p.2 para.5 of the IPCC's response (copy also enclosed) states: *"The CRIMINT report says that the officer who received your call felt that you were suffering from delusions"*; and this assumption is somehow used to support the conclusion in the following sentence: *"The IO is correct to state that on the balance of probabilities there was no evidence to indicate that a crime had been committed"*. In the context of so serious an allegation as I had made to police, it was not reasonable for the police or the IPCC to make a judgement 'on the balance of probabilities', based upon a lay assumption about my mental-health, especially when I had given the police evidence, on 28/12/2010, which contradicted this assumption (re: p.3 para.4 of my letter of appeal to the IPCC).

As you are aware, the IPCC's role in the appeals process is not to re-investigate the complaint, only the procedure of the DPS in the handling of the complaint. For this reason the failures in the earlier complaint investigation were not addressed by the

IPCC (who do not appear to have even read my appeal), these failures having been hidden by a veneer of procedural correctness.

Following the IPCC's decision not to uphold my appeal, there was no option for me to continue with the complaint (save for a prohibitively expensive Judicial Review), unless further grounds could be established that might justify a further complaint. This did not occur to me as a realistic possibility following the IPCC's decision, and so I did not consider trying to pursue my complaint, disillusioned as I was with prospect of obtaining justice through the police or the IPCC. Several months later, in June 2012, it naturally occurred to me to enquire with the Public Access Office over what had been recorded by the police in response to my reports to them in December 2010. Following my receipt of the subject access request on 22/11/2012, it became clear there were grounds to justify a further complaint.

My earlier complaint could have been made more effectively had I made this subject access request in 2011, prior to the complaint itself, as I would have been alert to the misrepresentations in the CRIMINT reports and incident log, which are referred to in my second complaint. However, I was led to believe, after *four* separate requests at Kennington and Brixton Police Stations in August 2011, that no reports existed, as this is what I was told by desk staff on each of these occasions. Therefore, I saw it as expedient to make the complaint straight away, rather than delaying over a subject access request, which I assumed would be pointless anyway if the reports did not exist. My earlier complaint therefore addressed some issues of relative unimportance, due to the police station staff misinforming me of the unavailability of the reports.

Since December 2010, I have experienced a series of attempts on my life (from sources other than my family), and which are referred to in my earlier complaint and in my letter of appeal to the IPCC. I have evidence which will prove this, but the police have consistently refused to accept this evidence. The result is that I have had no recourse to any protection from the police against these threats to my life, and, to avoid these threats, have had to maintain a constant mobility and secrecy over my whereabouts, and so have been unable to use my flat for extended periods – circumstances which prevailed from December 2010 right through until the autumn of 2012. This major disruption to my life made it impossible to maintain correspondence, access to paperwork, and to coordinate applications, etc., hence the understandable delay in making a subject access request to the Public Access Office, added to the excessive delay by the PAO itself in (partially) fulfilling that request.

The reasons for the lateness of my complaint are therefore:

1. The unsatisfactory resolution of my earlier complaint by the DPS.
2. Misinformation by desk staff regarding the availability of police records.

3. The repeated refusal by police to attend to evidence offered to them of attempts on my life since December 2010, resulting in a major disruption to my life.
4. MPS Public Access Office delays in the processing of requests.

The responsibility for the lateness of this complaint therefore lies entirely with the Metropolitan Police Service itself, and it is therefore only in the interests of justice, rather than injustice, that the lateness of the complaint be permitted.

In response to your second reason for the application – that of the complaint being 'repetitious', while it is true that this complaint refers to incidents and exchanges between police and myself in December 2010, which were also the focus of the earlier complaint, it is not true that the present complaint merely duplicates the concerns of the earlier complaint, neither is it true that the grounds for complaint have not changed between the first and second complaints.

The content of the earlier complaint was that police had failed to respond appropriately to reports I had made to them in December 2010, exemplified for instance by first offering to take a statement (12/12/2010), then later refusing to take that statement (28/12/2010), and even denying that the taking of a statement had been discussed. The complaint also addressed the issue that police at Kennington Police Station had refused to acknowledge a report I made to them in February 2011 of an illegal entry to my flat. In addition, the complaint referred to the apparent absence of any reports on the police computer relating to *either* of these instances, when I enquired at Brixton and Kennington in August 2011.

That complaint was made therefore in the face of what appeared to be an approach of "blanket ignorance" on behalf of the police towards any report which I had cause to make to them. The complaint was hampered by the fact that I was I was unfairly deprived of access to the CRIMINT reports and incident log, as a consequence of being misinformed by police at Brixton and Kennington Police Stations that they did not exist, so that the complaint I was able to write was ill-focused and vague. The DPS Outcome to that complaint, and also the IPCC response to my appeal of that Outcome, were able to refer to the CRIMINT reports and incident log (which were actually in existence), and to use those items in support of refusing to uphold the complaint in both instances. There was insufficient time between the DPS Outcome (by which I first became aware that those items existed) and the deadline for submitting an appeal to the IPCC for me to make a subject access request to obtain copies of those items.

It is only by a detailed examination of those items that the true and substantial grounds for complaint are revealed. These grounds are well represented in my current complaint, but are essentially that:

1. The content of CRIMINT reports and incident log misrepresent, both by omission and distortion, what was actually discussed between the two officers and myself on 12/12/2010, during their visit to my flat.
2. That the officers had relied upon a casual (as well as ill-informed) assumption that my claims were delusional in nature, and then used this assumption as justification for ignoring the factual content of my allegations.
3. That due diligence was not shown by the officers in referring either to Scotland Yard regarding that office's earlier investigation of my sister in 2003-4; or to my social worker at the START Team for clarification over my mental-health.
4. That no attention was paid to evidence I handed to the officers at Kennington Police Station on 28/12/2010, which is indicated by the failure of the Public Access Office to provide copies of this evidence in response to my subject access request.

I cannot have been aware of these grounds prior to the fulfilment of my subject access request by the PAO, and these grounds are not represented in my earlier complaint. In this sense the content of the current complaint is radically distinct from that of the earlier complaint, and cannot reasonably be considered as repetitious.

Yours sincerely,

Michael Jones

Enc.: Copy of my appeal to the IPCC, dated 11/10/2011.
Copy of the IPCC's response, dated 18/11/2011.