DPS Appeals Unit
Metropolitan Police Service
22nd Floor
Empress State Building
Empress Approach
Lillie Road
London SW6 1TR

Michael Jones
[Address]

06 March 2013

Your ref: PC/00098/13

Dear Sir or Madam,

Appeal against a decision on 12/02/2013 to disapply my complaint:

I have received the letter dated 12/02/2013 from PS Andrew Marshall (countersigned by Insp. McKelvie) of the Complaints Support Team, notifying me of his decision to disapply my complaint dated 21/12/2012. That letter followed my letter to him dated 20/01/2013, giving reasons why the complaint should not be disapplied. I write to appeal this decision.

To begin with, I should point out that in his initial response to my complaint, dated 15/01/2013, PS Marshall had stated his intention: *"to formally apply to the Independent Police Complaints Commission for permission to take my investigations no further (disapplication)"*. However, his subsequent decision makes no reference to any recommendations or decision by the IPCC on that application, and the decision has been made entirely internally. It is only since I made enquiries with the IPCC themselves that I am now informed that, since a change in the law from 22/11/2012, applications to disapply complaints need no longer be referred to the IPCC, but may be handled by the DPS internally. PS Marshall's initial response was therefore procedurally incorrect and misleading, yet he offers no explanation for this error in his second letter.

There is very little difference in content between PS Marshall's first and second letters, though he does mention obliquely that he 'has seen' my letter of 20/01/2013, in which I had expressed reasons why the complaint should not be disapplied. The grounds for disapplying the complaint are simply restated in the second letter as they were in the first, i.e., that the complaint is a) 'out of time', and b) 'repetitious', and there is an absence of any reasoning or justification of why these grounds should still apply with respect to the reasonable objections I had made to them. He simply does not mention those objections.

I had gone to some lengths to explain, in my letter of 20/01/2013, why neither of the stated grounds for disapplication could reasonably be upheld, and it is a fair expectation that the DPS should show some sign of having given careful consideration to these arguments, otherwise the response from the DPS risks appearing, as it does here, rather autocratic and impervious to reason. These

arguments have simply been dismissed out of hand, as if they had no bearing whatsoever on the grounds for disapplication. However, a respectful and considered reading of those arguments, I feel, cannot avoid the conclusion that they do have such a bearing.

On the ground of the complaint being 'out of time', both PS Marshall's letters state the common definition of this ground, i.e., that more than 12 months have elapsed between the incident and the date of complaint, and either 'that no good reason for the delay has been shown or that injustice would be likely to be caused by the delay'.

In my letter of the 20/01/2013, I had given *four* reasons for the lateness of my complaint. For clarity I will restate the succinct reasons here:

1. The unsatisfactory resolution of my earlier complaint (PC/5697/12, made on 08/09/2011) by the DPS.
2. Misinformation by police desk staff, prior to the earlier complaint, 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 (threats which continued until autumn 2012), resulting in a major disruption to my life.
4. MPS Public Access Office delays in the processing of my subject access request.

There is a fuller explanation of how I arrived at these reasons on pages 1&2 of the letter itself. The truth is that the complaint could not have been made effectively until I received the response to my subject access request from the Public Access Office, in November 2012. Reasons 2&3 above relate to the circumstances that made it infeasible or problematic for me to make a subject access request before my approach to the PAO in June 2012. Reason 4 explains the extension of the delay between June and November 2012.

The reasons given above are not frivolous or 'made-up', but real and valid explanations for the delay in the making of the complaint. They deserve to be given respectful consideration, but there is no sign of this in PS Marshall's decision. It is also the case that these reasons stem exclusively from failures in the MPS service itself. By acknowledging these reasons as grounds for accepting the lateness of the complaint, the MPS has the opportunity to make good on these failures. Therefore, it is unlikely that injustice would be caused by the delay.

With regard to the second ground for disapplication, that the complaint is 'repetitious', I have given reasons why this ground should not be upheld on pages 3&4 of my letter of 20/01/2013. However, again there is no acknowledgment of these arguments in PS Marshall's decision.

While it is true that the current complaint relates in part to the same events in December 2010, which were the focus of my earlier complaint, it is not true that the

current complaint shares the same grounds as the earlier complaint. The grounds for the current complaint did not become apparent until after the receipt of my subject access request from the PAO. Under any normal circumstances, where there are revealed fresh grounds for complaint, then there is justification for a fresh complaint, regardless of whether any previous complaint has been made on other grounds.

For clarity, I reiterate the grounds for the current complaint (grounds which are not mentioned in my earlier complaint):

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.

While I accept that on first glance my current complaint may appear 'repetitious', as it clearly does relate to a previous complaint, I suggest that this objection cannot be upheld on a closer examination of the details and arguments presented in my complaint and subsequent communications. Similarly, while the complaint has unarguably been made outside of the standard 12 month window, a respectful consideration of the reasons for this delay suggests that, in fairness, the objection that the complaint is 'out of time' should not be upheld.

The decision of the Complaints Support Team seems to have been made solely on the basis of a cursory first glance at the obvious details of the case. Its initial response along these lines was then maintained intractably in its subsequent decision, in spite of the arguments presented in my letter of 20/01/2013, that is, without giving additional careful consideration to those arguments. This is evidenced by the lack of any essential difference between the two letters from PS Marshall of the 15/01/2013 and 12/02/2013. I submit therefore that the decision to disapply my complaint has been made superficially and without due consideration.

Yours faithfully,

Michael Jones