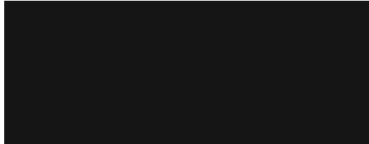




**Directorate of Professional Standards
Prevention and Organisational Learning Command**

Mr. Michael Jones



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

Telephone:

Your reference:

Our reference: PC/00098/13

Date: 08th April 2013

Dear Mr Jones

I am writing in connection with your appeal against the decision to disapply the requirements of Schedule 3 Police Reform Act 2002 to your complaint, received on 21st December 2012.

An appeal may be made to the relevant appeal body against a decision to disapply the requirements of Schedule 3 of the Police Reform Act 2002. The Chief Officer (where they are the relevant appeal body) must determine whether the decision to disapply those requirements should have been taken.

In determining your appeal, I must consider the following points ;

Has the complaint been, or should it have been, referred to the Independent Police Complaints Commission (IPCC)?

No. The complaint does not meet the criteria to be referred to the IPCC. The criteria are clearly set out in the IPCC Statutory Guidance. This part of your appeal is not upheld.

Was the decision to disapply made with the permission of the IPCC?

No. As your complaint did not fall into the criteria for referral to the IPCC, their permission is not required to disapply your complaint. This part of your appeal is not upheld.

Was the complainant offered the opportunity to make representations before the decision to disapply was made and if any representations were provided, were these taken into account in making the decision to disapply?

Yes. PS Marshall wrote to you on 15th January 2013 and sought your representations regarding disapplication of your complaint.

You wrote back to PS Marshall on a letter dated 20th January 2013 and these representations were considered. You were later notified by letter dated 12th February 2013 that your complaint had been disapplied.

I have reviewed your original complaint, your representations regarding disapplication and your appeal to the DPS Appeals Unit.

You first made a complaint relating to an incident occurring in your home where you believed there was a threat to your life. The dates for this matter were between 12/12/2010 until 28/12/2010. Your complaint for this matter was submitted on 13/10/2011, some 10 months later and recorded under our reference PC 5697/11. I note that your most recent complaint was submitted to the IPCC on 21/12/2012, again relating to the same incident in 2010. However you have submitted that your access to information from MPS systems forms part of that complaint.

Part of your reason that you believe your complaint should not be disapplied is that your previous complaint was dealt with unsatisfactorily. This outcome of your original complaint was appealed to the IPCC and not upheld. If you were dissatisfied with this, then the correct course of action would have been to challenge the IPCC appeal assessment by means of a judicial review at the High court and not to submit a complaint again about the same incident.

I accept that information from the Public Access Office has only recently been discovered by you as part of your Subject Access Request. However the crux of your complaint still remains that you believe the police have not investigated your view that threats have been made to your life. The crimint reports that you make reference to were considered in the previous complaint investigation that you made about police, however, you are making new complaints about the specific content of those reports. As an aside, you also complained about the timeliness of the Public Access Office and the handling of your subject access request. This is not part of the police complaint process and the correct course of action is to address this via the Information Commissioners Office.

The 4 separate points that you have raised in your most recent complaint are new points and will be recorded as a new complaint. I believe your complaint should not be disapplied on the grounds that it is out of time or repetitious because it is a new complaint about the content of the reports. However, I would like to make it very clear that it will not mean any further criminal investigation regarding your allegations concerning a threat to your life, which has been dealt with. It will mean that this new complaint should either be locally resolved or proportionately investigated. I should also make you aware that given the time frame concerned and the volume of incidents that police officers deal with this will naturally inhibit any investigation, should one occur.

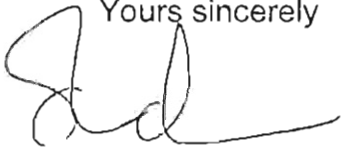
This part of your appeal is upheld.

Actions required of the MPS

The MPS are now required to either locally resolve or investigate your complaint concerning the content of the Crimint reports. They should only address the 4 new points that you have raised. Following this, you will have a right of appeal to the DPS Appeals Unit. Your complaint will be forwarded to Lambeth Borough and they should contact you within the next 28 days.

You are not able to appeal against the assessment of your appeal. If you have any questions or need more information about the appeal decision please contact me using the details shown at the top of this letter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ollie Cochran', written in a cursive style.

Ollie Cochran
Sergeant
DPS Appeals Unit