



TOTAL POLICING

Mr Michael Jones
[REDACTED]

Superintendent Gibson
Brixton Police Station
367 Brixton Road
London
SW9 7DD

Telephone: 0208 649 2835

Your reference: Complaint against police-
Michael Jones

Our reference: PC/00098/13

Date: 16/09/13

The outcome of your complaint against police.

Dear Mr Jones

I am the Professional Standards Champion for Lambeth and am writing to inform you that the investigation into the complaint you made to us on 17/12/2012 is now complete. Your complaint was about the actions of PC 622LX Phipps and PC 829LX Moore and the way you were dealt with on 12/12/2010 and 28/12/2010.

A report detailing the findings and conclusions of the investigation has been completed and is attached to this letter. The report findings and my decisions in relation to it, are based on the facts that were available during the investigation. In considering the content of the report I have made my decisions based on the balance of probabilities, which means an individual complained of will have a case to answer if the alleged behaviour/conduct was more likely to have occurred than not.

As Professional Standards Champion I have been delegated by the Commissioner of the Metropolitan Police to consider the findings and conclusions of complaint investigations to determine:

- whether the report should be referred to the Director of Prosecutions (CPS);
- whether or not any person to whose conduct the investigation relates to has a case to answer in respect of misconduct, gross misconduct or no case to answer;
- whether or not any such person's performance is unsatisfactory;
- what action, if any, we will take in respect of the matters dealt with in the report; and
- what other action (if any) we will take in respect of these matters.

After considering these points I am satisfied the report does not need to be referred to the CPS.

I can also inform you that I have determined there has not been a breach of the professional standards by PC 622LX Phipps and PC 829LX Moore. Furthermore, I have reviewed their performance, which I found to be satisfactory. This means I intend to take no further action in respect of these matters.

In addition to the points above I have also considered whether you received an appropriate level of service from the Metropolitan Police. This means how you were dealt with overall and not just by any one individual. After reviewing the circumstances of your complaint I am satisfied there has not been a failure identified in the way we dealt with you. Your complaint is therefore not upheld.

We are grateful to you for raising this issue and giving us the opportunity to review the actions of those concerned. It is always useful to receive feedback on how our officers and staff perform; as an organisation it allows us to learn and develop and to identify ways we can improve our service in the future.

If you do not agree with the outcome of this investigation or its findings you can appeal to the Independent Police Complaints Commission (IPCC). The IPCC are the correct appeal body for your complaint as the initial information provided was such that criminal or misconduct proceedings are justified, where a complaint of this nature is proven. You have 28 days from the day after the date of this letter to make your appeal. The 28th day is 15/10/2013. Appeals received after 28 days may not be allowed unless there are exceptional circumstances.

If you do decide to appeal, this is the address to write to:
Independent Police Complaints Commission, PO Box 473, Sale, M33 0BW

Further information about how to appeal can be found on the IPCC website:
www.ipcc.gov.uk

Yours sincerely,

Name Zander Gibson
Rank/Grade Superintendent
Professional Standards Champion
B/OCU Lambeth



Investigating Officer's Report

A. Introduction

1. Complaint background

On 12/12/2010 PC Phipps and PC Moore attended the complainants address. This was in relation to a call he made to police about two males who had attended there earlier. The complainant believed that these males wished to cause him harm.

The officers investigated this initial matter and ascertained that there was no evidence of any offences having occurred. The complainant provided details of the apparent background to the incident that had occurred on this day. He informed the officers that he believed that his mother had received £750,000 from a medical company in order to facilitate the removal of his tonsils and that she had also murdered his father. His father had died of natural causes from a ruptured stomach ulcer.

The officers concluded that the complainant was suffering from delusions emanating from an on-going mental health issue and that there were no identifiable offences in need of further investigation.

The complainant stated that he had previously received treatment for mental health problems from the Southwark START team.

The officers ensured that there were no pertinent welfare issues to be considered in respect of the complainant - he had arranged to see his GP the next morning - and left the location.

The complainant subsequently attended Kennington Police Station Front Office on 28/12/2010 to reiterate his account of the above incident. This had been dealt with by the officers who attended his address on 12/12/2010 and there were no new allegations made to the station officer.

The complainant showed the station officer a collection of e-mails that he had sent to his sister in respect of this incident. He made reference to the fact that she had requested of him not to make contact with her anymore.

He also made reference to the fact that he had sent a number of anonymous e-mails to his mother.

This complaint has been previously investigated in 2011 and found not to be up-held.

The complainant has previously appealed against these findings.

He has also outlined the points below as forming the basis of his most recent appeal

2. Complaint Allegations (All allegations must be listed - confirm how these have been agreed with the complainant)

In summary your points of complaint are:

(1)The content of the crimint report and incident log misrepresent, both by omission and distortion, what was actually discussed between yourself and the two officers on 12/12/2010, during their visit to your flat.

(2)That the officers had relied upon a casual(as well as ill-informed)assumption that your claims were delusional in nature, and then used this assumption as justification for ignoring the factual content of your allegations.

(3)That due diligence was not shown by the officers in referring either to Scotland Yard regarding that office's earlier investigation of your sister in 2003-4;or to your social worker at the START

team for clarification over my mental health.

(4) That no attention was paid to evidence you handed to 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 your subject access request.

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3. Person(s) Serving with the Police Subject of Complaint

The following officers/staff have been identified as being subject of your complaint:

- PC 622LX Cy Phipps 208192 and PC 829LX Jade Moore 22802

4. Details of documents and accounts obtained during the investigation

The following documents and items were considered during the investigation:

- Original letter of complaint
- e-mail correspondence between the complainant and DPS
- Crimint report LXRT00584927 & LXRT00584213

Accounts have been obtained from the following:

- PC 622LX Cy Phipps 208192 and PC 829LX Jade Moore 22802

B. Details of allegation(s) and investigation

Each allegation will be considered separately and will show whether it has been upheld or not and whether there is a case to answer or not.

Complaint 1. - The content of the crimint report and incident log misrepresent ,both by omission and distortion ,what was actually discussed between yourself and the two officers on 12/12/2010,during their visit to your flat.

PC 622LX Phipps and PC 829LX Moore have been spoken to with regards to this matter. Due to the considerable time- lapse, of nearly three years, since this incident occurred, neither officer has any vivid re-collection of the matter itself. PC Phipps stated that he could vaguely recall dealing with the complainant but was unable to provide any further details other than those contained within the crimint report LXRT00584213(and LXRT00584927)

PC Moore had no re-collection of the incident at all.

The above crimint report completed by the officers at the time appears to be the only documentary record of its existence.

There is also no independent witness testimony to support the above assertion made by the complainant.

The content of the crimint report appears to support the overall impression that, on the balance of probabilities, there was no criminal matter to investigate and the officers' actions were correct at the time.

This element of the complaint is not upheld, based on my initial conclusions.

Complaint 2. - That the officers had relied upon a casual(as well as ill-informed)assumption that your claims were delusional in nature, and then used this assumption as justification for ignoring the factual content of your allegations.

I refer to the response in point(1). Both officers have been based on response teams at Lambeth OCU for their entire service. They both have considerable experience of dealing with members of the community affected by mental health issues. From my experience of working with both officers I can confirm that they always behave with professionalism and sensitivity in respect of members of this community.

The officers' assessment of the complainant appears to be accurate: he states within his correspondence that he has engaged with the mental health services.

There is also mention within Crimint reports LXRT00584213 & LXRT00584927 that he has had direct interaction with Southwark Mental Health services.

I have conducted an analysis of the CRIS system (going back to the beginning of 2010) and can find no record of any report being made by the complainant at any point during the last three year period.

This would appear to indicate that the officers were correct in their assessment as to the veracity of the complainant's allegation.

This element of the complaint is not upheld, based on my initial conclusions.

Complaint 3. - That due diligence was not shown by the officers in referring either to Scotland Yard regarding that office's earlier investigation of your sister in 2003-4;or to my social worker at the START team for clarification over my mental health.

I refer to the response detailed in point(1)and point(2).

I have also conducted an analysis of the CRIS system(going back to 2003)and can find no record of any report relating to an investigation concerning the complainants sister. This would appear to indicate that the officers made an accurate assessment as to the veracity of the allegation. There was also no necessity, in the circumstances detailed in this incident, for the officers to liaise with the complainant's social worker.

This element of the complaint is not upheld, based on my initial conclusions.

Complaint 4. - (4)That no attention was paid to evidence you handed to 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 your subject access request.

The complainant has, through e-mail correspondence, informed me that the officers he spoke to on this date at Kennington were PC 622LX Phipps and PC 829LX Moore (the subjects of this investigation).He has also made reference to a desk officer who was present at this time. I have identified this officer (SPCSO Nick Cornelius - non longer working on Lambeth Borough who completed crimint LXRT00584927) and am still awaiting an e-mail reply from him in respect of this matter. The response to this element of the complaint in respect of PC 622LX Phipps and PC 829LX Moore has been addressed in complaints (1),(2) & (3).

Neither officer, as a result of the time-lapse, has any definitive re-collection of this incident in the front office at Kennington. The crimint report completed by SPCSO Cornelius(LXRT00584927 - an updated version of LXRT00584213)states that the complainant is seeking to re-report the same incident that was dealt with by the above officers on 12/12/2010.This matter appears to have been dealt with initially in the correct manner by PC 622LX Phipps and PC 829LX Moore(as addressed in points 1,2 & 3).The crimint report appears to indicate that, albeit the complainant produced details of e-mail correspondence(between himself and his sister)there was nothing of evidential value in these documents. There was subsequently no apparent requirement for a further investigation. It is unclear from the text of the crimint that the items provided by the complainant were even seized by police. This would appear to negate the secondary aspect of the complaint if this proves to be the case.

This may be clarified by SPCSO Cornelius but, from an evidential point of view, there appears to be no evidence of an offence having occurred, based on the information the complainant provided to police on 28/12/2010.

Further to the above and to reiterate the initial findings in complaints (1) , (2) & (3) I have also conducted an analysis of the CRIS system(going back to 2003)and can find no record of any report relating to an investigation concerning the complainant or his sister. This would appear to indicate that the officers made an accurate assessment as to the veracity of the allegation made on both 12/12/2010 and 28/12/2010.

This element of the complaint is also not upheld, based on my initial conclusions.

C. Findings and Conclusions

Summary of findings and learning

I have found that on balance of probabilities the officers' behaved professionally and with integrity. The officers had the honestly held belief that no crime had been committed, but were diligent in still recording the information they were passed on the CRIMINT system.

Conclusions

I have found the service you received did meet the minimum standard required, which means your complaint has not been upheld in respect of the service you received.

In these circumstances there has not been a breach of the standards of professional behaviour. This means there is no case to answer.

The performance of those subject to your complaint has been considered and I have found it to be satisfactory.

D. Investigating Officer

This report was compiled by:

Name Andy Scott 198236
Rank/Grade PS 96LX
B/OCU Lambeth