

IPCC
PO Box 473
Sale
M33 0BW

Michael Jones



IPCC ref: 2012/021586
DPS ref: PC/00098/13 (MPS)

10 October 2013

Dear Sir or Madam,

Appeal against an outcome of complaint against the police.

I write to make an appeal against the outcome of my complaint against the Metropolitan Police Service made on 17/12/2012, which was acknowledged by the IPCC on 21/12/2012. The outcome received from the MPS is dated 16/09/2013, and includes a report by PS 96LX Andy Scott (Lambeth MPS), who conducted the complaint investigation.

The initial response to my complaint by the DPS Complaints Support Team (15/01/2013) was an attempt to 'disapply' the complaint, on the grounds that it was a) 'repetitious', and b) 'out of time'. During subsequent correspondence and an appeal against the decision to disapply the complaint, I managed to persuade the DPS that these grounds could not be reasonably upheld. The DPS upheld my appeal against disapplication on 08/04/2013. The complaint was then referred to the Lambeth Borough for local investigation. This process of deliberation had delayed the progress of the complaint for 16 weeks. The complaint investigation took a further 23 weeks, making a total of 39 weeks (9 months) between the date of the complaint and the date of the outcome.

My appeal against the DPS's initial objection to the complaint being 'out of time' gave four reasons in explanation for the lateness of the complaint (see p.2 para.3 of my letter of appeal, dated 06/03/2013), all of which pointed to failures in the Metropolitan Police Service itself having inhibited my ability to make an effective complaint between January 2011 and December 2012, including the five months taken by the Public Access Office to process my subject access request, between June and November 2012. The substantive delays of the combined PAO process and DPS investigation have therefore added 14 months to the complaint process.

Grounds for Appeal:

1. That the investigation of my complaint has considered only the succinct grounds of the complaint, as stated in my letter of appeal against its

disapplication, in abstraction from the substance of the original letter of complaint.

In his Introduction (p.2 item 4) of his investigation report, PS Scott lists the 'original letter of complaint' as one of the documents he has considered during the investigation. There is nothing however in his subsequent report which relates to the content of the original complaint letter. There is only evidence that he has considered the succinct grounds as stressed in my letter of appeal to the DPS. These do not appear as a numbered list in my complaint, and were expressed as such in my appeal only to give additional clarity to the appeal *in relation* to the original complaint letter. Considered by themselves, in abstraction, these succinct statements do not adequately convey the substantial details of the complaint.

The result of PS Scott's avoidance of the text of the complaint letter is that the investigation misses key points of enquiry, such as the persistent non-attention paid to the evidence of the letter from my social worker Jane Hughes, which I had presented to PC 622LX Phipps at Kennington Police Station on 28/12/2010, which he read, and which was photocopied by SPCSO Cornelius, but which is curiously absent from the Crimint Report LXRT00584927, or from any reference in the investigation report. The report refers only to the email exchange between my sister and myself submitted at the same time, in spite of the fact that the importance of the social worker's letter had been clearly stressed on p.3 paras.3-4 of the complaint, as well as in my email to Abigail Akano at the PAO of 26/11/2012 (also included with the complaint).

In its avoidance of this key point of enquiry regarding my mental-health status, the investigation fails with respect to the accounts of the two officers, as it asks no specific question of them in relation to this letter, and is satisfied instead with their general 'lack of definitive recollection' of discussions which took place on 12/12/2010, and on 28/12/2010.

PS Scott's inattention to the text of the original complaint is further evidenced by the example of his email correspondence to me of 20/07/2013 (see enclosed email correspondence entitled *Complaint against Police*, p.1). At this point in time (more than three months into the investigation), it is apparent from item#4 of his email that PS Scott is unaware of the existence of the second Crimint Report (LXRT00584927), and the role of SPCSO Cornelius, in spite of the fact that these were mentioned explicitly on p.1 para.3 of my complaint.

2. The investigation unfairly excuses the general 'lack of definitive recollection' on behalf the officers involved, based on the length of time between events in December 2010 and the complaint investigation.

The DPS had upheld my appeal against disapplication on the ground of the complaint being 'out of time' for the reasons stated in my appeal, i.e., that

those delays were incurred in consequence of a series of failures in MPS service. I have described above how this period has been extended by 14 months since my subject access request to the PAO in June 2012, due to no unnecessary delay on my part. PS Scott states, in part B (p.3 para.2) of his report: *"Due to the considerable time-lapse, of nearly three years, since this incident occurred, neither officer has any vivid recollection of the matter itself"*; and that: *"PC Moore [829LX] had no recollection of the incident at all"*. This hardly represents what one might expect from a thoroughgoing police investigation. The police would not tolerate such a level of selective amnesia when investigating members of the public. If there were a question of misconduct to answer, which I have alleged there is, then we should expect the officers involved to decline to volunteer any additional information which might support that allegation. A proper and impartial investigation would not have remained satisfied with this voluntary reticence on the part of the two officers, and would have demanded responses to detailed and specific questions.

For instance, the first item in the list of succinct complaints states that the content of the Crimint report (LXRT00584213) made by PC 622LX Phipps on 12/12/2010 misrepresents, by omission and distortion, what was actually discussed between the two officers and myself during their visit to my flat.* My complaint clearly states that this visit lasted for 40 minutes or more. It is not reasonable that either officer should have no recollection about that discussion, or that the investigation should avoid asking them specific and searching questions about it, particularly with regard to the fact that I had challenged the officers' notion of an ongoing mental-health issue – a challenge which was later backed-up by the submission of the evidence of the letter from my social-worker on 28/12/2010.

The investigation has not addressed my allegation that the officers opted for the preferred explanation that my claims were delusional, by turning a blind-eye to factual details, and resisted the collection of relevant evidence. Even in the case that there were an ongoing mental-health issue – a notion which I have consistently challenged – how does that necessarily preclude the possibility of the subject also being the victim of a crime?

3. The investigation is incomplete with regard to the events at Kennington Police Station on 28/12/2010.

There were two purposes to my visit to Kennington Police Station on this date: i) to offer my statement regarding events on the 10-11/12/2010, which the officers had previously offered to take on 12/12/2010; and: ii) to deliver the evidence referred to in my complaint (the email exchange between my

* For example, I had not mentioned the figure of "£750,000" during our discussion, as quoted on p.1 para.2 of the investigation report; nor had I specifically accused my mother of the murder of my father, as it is suggested.

sister and myself, together with the letter from my social worker attesting to my mental-health). However, PC 622LX Phipps (PC 829LX Moore was relatively absent from these discussions) was now refusing to accept a statement (even denying having previously discussed the issue of a statement), and was highly reluctant to accept any additional evidence from me. The Crimint report made on 28/12/2010 (LXRT00584927) mentions neither the issue of the statement, nor the letter from my social worker, only the email exchange between my sister and myself. The letter from my social worker was crucial evidence in support of my allegations against my family, as it would have given the officers reason to question their assumption that my allegations were delusional. The persistent refusal to acknowledge this item of evidence is further indication of the officers' bias towards the interpretation of my allegations in terms of a delusional mental-illness.

p.4 para.3 of the investigation report states: *"Neither officer, as a result of the time-lapse, has any definitive recollection of this incident in the front office at Kennington"*. While this is acceptable in the case of PC 829LX Moore, who was relatively absent, it is not acceptable in the case of PC 622LX Phipps, who was engaged throughout my visit, and who handled and read the letter from my social worker (the copy in my possession should contain both PC 622LX Phipps' and SPCSO Cornelius' fingerprints). The testimony of SPCSO Cornelius, the desk officer involved in the photocopying of the documents, and the writing of the Crimint report, is therefore vital in establishing the fact of the social worker's letter, and the reason for its absence from the Crimint report; yet the investigation has been 'satisfactorily' concluded in the absence of his testimony.

Yours faithfully,

Michael Jones

Enclosures:

1. Copy of my Letter of Appeal to DPS, dated 06/03/2013.
2. Copy of email exchange, entitled *Complaint against Police*, between Lambeth PSU and myself, between 24/05/2013 and 21/07/2013.
3. Copy of my email to Abigail Akano at the Public Access Office, dated 26/11/2012, referring to my original SArequest, and the missing documents from their submission to me, being the three documents I handed to police on 28/12/2010.