

The decisions I have reached in relation to your appeal are outlined below:

1. Are the findings of the appropriate authority (chief officer or local policing body) investigation appropriate/ proportionate to the complaint?

Yes.

The Metropolitan Police have reviewed your original letter of complaint; email correspondence between you and the force; and PC Phipps and PC Moore were spoken with to obtain their accounts. PC Moore is described in the IOs report as having no recollection at all and PC Phipps has stated he could vaguely remember dealing with you but was not able to offer further detail.

In light of this when assessing whether the investigation has arrived at the right conclusion I am relying on the CRIMINT reports, along with the correspondence provided by you. I believe that the papers in this case demonstrate that appropriate lines of enquiry have been followed as given the passage of time there are only limited lines of enquiry available to the IO. I therefore consider the investigation to be proportionate.

The IO is required to state their opinion about whether the people you complained about have a case to answer. The IO has reached a conclusion on your complaint.

I consider that the Metropolitan Police has identified and addressed your complaint. The Metropolitan Police recorded and investigated 4 complaints set out in your letter of 20 January 2014.

You have noted in your appeal points that the Metropolitan Police have not referred to your original letter of complaint when addressing the investigation points. This is correct and it would have been better if the force had made it explicitly clear they had addressed the matters in both letters given they did not 'disapply' the original letter of complaint. However, having reviewed both letters myself, I am confident that the relevant areas are covered and that the heart of your complaint has been addressed.

The crux of the complaints is that according to you officers spent 40 minutes at your property and the CRIMINT report is a distorted reflection of the conversation had or the actions the officers promised to take. You also believe officers have preferred the explanation that your complaint was delusional and that they turned a blind eye to the facts.

When determining whether your complaints are upheld, I have applied the civil standard of proof. This means I have considered whether it is more likely than not that the conduct took place as you allege.

The officers formed a view of your allegations based upon conversations they had with you: you may well have challenged their views at the time, but, I have no evidence which supports that the officers came to an unreasonable conclusion and misrepresented the CRIMINT report. You appeal that officers

should recall the conversation due to the fact it lasted 40 minutes. I do not believe that some 3 years later that it is unreasonable for officers to have faded, or very little recollection of events.

There is a difference between your account and the content of the CRIMINT report. The officers have not been able to provide meaningful accounts, due to the passage of time. No clear evidence exists to support either version of events. The very evidence which I would have relied upon as being a record, soon after the event is in dispute by you. The IO has conducted analysis of CRIS system back to 2010 and 2003, in respect of an allegation about your sister to try to establish, other evidence which would provide support to your account, however none has been identified. Whilst you provide appeal representations no further evidence is supplied which would persuade me that the conclusions of the IO are incorrect. Therefore, this aspect of the appeal is not upheld.

Lastly, you appeal that the account of SPCSO Cornelius should have been gathered prior to concluding the investigation. The IO has stated he was awaiting a response. There is no indication that SPCSO Cornelius does not work for the Metropolitan Police simply that they no longer work on the Lambeth Borough and it is not clear from the IOs report how long a reply had been outstanding for. None has been provided within the background papers and the force are reminded that accounts, where sought, should be obtained and if a decision is made to conclude without an account clear evidence of attempts to contact the person should be submitted in the background papers. However, in this particular case I do not believe that it is now proportionate to pursue this element. I have considered the seriousness of this complaint combined with the passage time since the original incident and also the fact that an investigation into the officer's response to your allegations was appealed under reference 2011/018123. All lead me to conclude it would not be sensible to send this case back to be re-investigated purely to obtain this account, which will not materially affect the findings.

For the reasons given above, I consider that the findings of the police complaint investigation are appropriate

This aspect of the appeal is not upheld.

2. Is the decision that the appropriate authority has made about whether an officer has a case to answer for misconduct or gross misconduct, or if any person's performance is unsatisfactory, appropriate?

Yes.

The decision made by the Metropolitan Police is appropriate. This is because, for the reasons explained above, the complaint is not upheld and there is therefore no case to answer for misconduct or gross misconduct.

The appeal is not upheld in relation to this point.

3. Are the appropriate authority's proposed actions following the investigation adequate?

Yes.

As the complaint has not been upheld, the decision made by the Metropolitan Police to take no further action is appropriate.

The appeal is not upheld in relation to this point.

4. Has the investigation been referred to the Crown Prosecution Service (CPS)? If not, is this decision appropriate?

The report has not been referred to the CPS. I consider this decision to be appropriate as the report and the underlying evidence does not indicate that a criminal offence may have been committed.

5. Have you been provided with adequate information following the investigation of your complaint?

No.

The IO's report dated 16 September 2013 provides adequate information about the complaint investigation, but could have been clearer about the inclusion of the matters raised in your letter of 17 December 2012 in conjunction with your appeal documentation. Whilst the heart of your complaints have clearly been addressed this could have been communicated better. During the course of my review I have examined all the paperwork and I am satisfied the correct conclusions were arrived at therefore no further action is required by the Metropolitan Police.

This aspect of the appeal is **upheld**.

6. Have you raised any points that are outside what the IPCC can consider?

No.

After considering all the information available I have now made a decision about your appeal. I have upheld your appeal in respect of suitable information

The police are not required to take any further action in respect of your complaints.

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 end of this letter.

We are committed to providing the highest possible standard of customer service, but are aware that sometimes things may go wrong. If you are unhappy or dissatisfied with the level of service you have received from the IPCC, please let us know and we will do our best to put things right. We will listen to you and endeavour to resolve issues quickly and at the right level.

Our website includes a questionnaire about your views on making an appeal to the IPCC.

www.ipcc.gov.uk/appeals-survey

Your response will help us to improve our systems and processes. The questionnaire is anonymous and will be treated in confidence. Your reference number is team number 3.

Yours sincerely



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Find the IPCC's guidance on handling complaints here:

<http://www.ipcc.gov.uk/page/statutory-guidance>