

Our Reference No: 2011/018123



Mr Michael Jones

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Dear Mr Jones

This letter is about your appeal against the Metropolitan Police which we received on 12 October 2011.

The IPCC's role in the appeal process is to review the investigation into your complaint, not to re-investigate your complaint.

Our decision on your appeal is linked to paragraph 25 of Schedule 3 of the Police Reform Act 2002. I have looked at the following issues in concluding your appeal:

- Whether the **findings** of the investigation need to be reconsidered
- Whether the **outcomes**, for example in relation to whether any disciplinary or other actions should be taken, are appropriate
- Whether the matter should be referred to the Crown Prosecution Service (CPS)
- Whether you received adequate **information** about the findings of the investigation

I have reviewed the complaint that you have made about the Metropolitan Police. I have also considered your appeal form, the investigation outcome report completed by the Investigating Officer (IO) Sergeant Simon Doyle dated 21st September 2011 and the related evidence referred to within the outcome report.

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

1. Are the findings of the police investigation appropriate/ proportionate to the complaint?

Yes. I consider that the Metropolitan Police have properly identified and addressed your complaint and have reached a conclusion about your complaint

accordingly. The papers in this case demonstrate that all appropriate lines of enquiry have been followed. I therefore consider the investigation to be proportionate.

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. Having examined all the evidence I am satisfied that your complaint cannot be upheld.

I have reviewed the investigation file and can see as part of your complaint you have alleged that the police did not respond appropriately to your crime report. In your crime report you have alleged that family members conspired to send two men to your address with the intention of murdering you. You have also alleged that somebody had poisoned various food products which you had purchased.

I have viewed the investigation file and can see that as part of his review, the IO has viewed the following items:

- The Police Criminal Intelligence System (CRIMINT)
- The Computer Aided Despatch (CAD) Database
- Your letter of complaint dated 27/09/2011

I have viewed the CAD Database and can see that you made a call to the police on the 12th December 2010 at approx 21:45 hours. You stated to the operator that you believed that your family were trying to harm or kill you. At 01:22 hours on 13th December 2010, the CAD Database states that the circumstances of this incident did not amount to a notifiable crime. I have viewed the CRIMINT information report which supports the decision not to record your allegation. The CRIMINT report says that the officer who received your call felt that you were suffering from delusions. The IO is correct to state that on the balance of probabilities there was no evidence to indicate that a crime had been committed. Your complaint was that somebody had rang on both the external and internal doorbells to your flat, you had then drawn your own conclusions that these men were sent by your family to kill you. The CAD Database states that you had told the operator that you hadn't received any direct threats from your family, there was also no evidence available to support your allegation.

I have viewed the National Standard for Incident Recording (NSIR) manual and can see the officer who took your call followed the correct procedures, and that a risk assessment was conducted. It was decided no further action would be taken at that stage as you had confirmed that you had an appointment booked with your GP for the following morning.

You have also made allegations that certain items you had purchased were poisoned. I have spoke to the IO who has said that it was also decided not to record this complaint based on the balance of probabilities. It is considered that this decision fell within the Home Office Counting Rules for Recorded Crime.

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 police have made about whether an officer has a case to answer for misconduct or gross misconduct appropriate?

Yes. The decision made by 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 force's proposed actions following the investigation adequate?

Yes. As the complaint has not been upheld, the decision made by 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. Has adequate information been provided to the complainant following the investigation of their complaint?

Yes. It is considered that the IO's report provides adequate information about the investigation into your complaint.

This aspect of the appeal is not upheld.

6. Are there any points raised by the complainant outside what the IPCC can consider?

No.

After considering all the information available I have now made a decision about your appeal. I have not upheld your appeal

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

You are not able to appeal against the assessment of your appeal. IPCC casework decisions are **final**. 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.

I have enclosed a questionnaire which includes questions about your views on making an appeal to the IPCC. Your response will help us to improve our systems and processes in the future. The questionnaire is anonymous and will

be treated in confidence. A pre-paid envelope is included for your response.

Please note that the pre-paid envelope should be used only to return your completed questionnaire. No further correspondence about your case should be sent to this address.

Yours sincerely



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