



Humberside Police
Professional Standards Branch
Police Headquarters,
Priory Road,
Hull, HU5 5SF.
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Tel: 01482 578333
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This matter is being dealt with by:

Detective Inspector S Miller

psb@humberside.pnn.police.uk
www.humberside.police.uk

IX 306/12/SM

1st June 2012

Mr Idris Francis
Sunny Bank
Church Lane
West Meon
Petersfield
Hampshire

Dear Mr Francis

I am writing in response to the complaint you made by letter in relation to the Safer Roads Humber Annual Report 2010-11. Your letter was received in Humberside Police Professional Standards Branch on 18th February 2012, which I formally acknowledge.

'Complaints against Police' are strictly governed by legislation, namely the Police Reform Act 2002. This Act identifies what constitutes a complaint against police and specifies that it must be about the 'conduct of a person serving with the police'. I do not consider that the publication of the Annual Report can be classified as 'conduct' for the purposes of the Act, notwithstanding the fact that the report is not solely a police publication. Safer Roads Humber is a multi agency partnership of which police are only one partner.

I have considered your assertion that criminal offences have been committed in the publication of the report and it is clear that your understanding of the 'offences' specified in your letter needs some development.

1. Misconduct in Public Office occurs when a public officer acting as such, wilfully neglects to perform his duty and/or wilfully misconducts himself to such a degree as to amount to an abuse of the public's trust in the office holder, without reasonable excuse or justification. I am satisfied that the publication of a report does not meet this definition regardless of your perception of the accuracy of the report.

2. Breaches of Statutory Duty of Care. There is no specific criminal offence for a generic breach of a statutory duty of care. I cannot envisage a scenario where the publication of an annual report can cause a breach of a statutory duty of care.

3. Perjury Act 1911 states that if any person lawfully sworn as a witness or as an interpreter in a judicial proceeding willfully makes a statement, material in that proceeding, which he knows to be false or does not believe to be true, he shall be guilty of perjury. The publication of an annual report does not constitute a judicial proceeding and the contributors and publishers of the report are not sworn witnesses. Furthermore the fact that you disagree with the content of the report does not mean that the content is false or untrue.

4. Construction, Design and Management Regulations concern occupational health, safety and welfare in construction. They place duties in relation to management arrangements and practical measures on a range of construction project participants. I cannot see the relevance to the alleged accuracy of a published annual report. Furthermore these are regulations and not criminal legislation.

I am not prepared to investigate the content of the Annual Report as a criminal matter and I believe the explanations above provide sufficient justification for this position.

I am aware that you have been provided with a response to your concerns by letter dated 23rd May 2012 from Alan Menzies, Director of Planning and Economic Regeneration at East Riding of Yorkshire Council. This response was made on behalf of Safer Roads Humber and I can confirm that Humberside Police as a partner of Safer Roads Humber supports and endorses this response. Because you have already received a response from the partnership there will be not further response from Humberside Police.

If you are not happy with my recording decision in relation to your complaint then you can appeal to the Independent Police Complaints Commission. If you do appeal then your complaint will be placed on hold and no action will be taken until the appeal assessment has been completed by the IPCC. This may delay the timescale for the complaint to be resolved. I have enclosed a document advising you of this process.

You have 28 days within which to make your appeal to the IPCC. You are advised to post your appeal in good time to ensure it reaches the IPCC before the end of the 28th day. The 28th day is 29th June 2012. ***Appeals received after 28 days may not be allowed unless there are exceptional circumstances.***

You might want to consider using guaranteed next-day delivery post service ***to ensure that your appeal is received within time.***

Yours sincerely

A handwritten signature in black ink, appearing to be 'Stu Miller', with a stylized flourish at the end.

Stu Miller
Detective Inspector
Professional Standards Branch