

Our Reference No: 2012/003789
Your Reference No:



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26 June 2012

Dear Mr Francis

This letter is about your appeal against Humberside Police, which we received on 13 June 2012.

Before outlining our decision I should explain that our role in the appeal process is not to investigate your complaint but to review:

- whether or not the Humberside Police is the right police force to consider your complaint; and if so,
- whether or not they should have recorded it as a complaint about the way their staff have behaved.

If they have not yet provided you with a recording decision we can direct the force to provide you with a recording decision.

Please note that our decision will not consider whether your complaint is required to be investigated, our decision only concerns whether the complaint should be recorded or not.

After considering all the information available I have not upheld your appeal.

In assessing your appeal I made the following observations;

1. Did the force/authority fail to make a decision?

Humberside Police made a recording decision in the case. The force elected not to record the matter under the Police Reform Act 2002.

Not Upheld

2. Did the force/authority fail to notify the appropriate authority?

Humberside Police was the appropriate authority to respond on this matter.

Not Upheld

3. Should the matter/s you raised have been recorded as a complaint?

The police have a duty under the Police Reform Act 2002 to record complaints about the conduct (behaviour) of persons serving with the police, which fall within the Act.

There are some exemptions to the duty to record complaints, these are when:

- It has been made by a person serving with the police (unless the person was off duty at the time of the incident or the person(s) being complained about is from a different force)
- Is already the subject of a complaint being dealt with by criminal or misconduct proceedings.
- Has been made under the Police Act 1996
- Is solely about direction and control
- Has been withdrawn
- Does not fall within the provisions of the Act.

I have reviewed your complaint received by Humberside Police on 18 February 2012 and consider that the matters you raise are not required to be recorded within the provision of the Police Reform Act 2002.

Your complaint was in relation to an annual report on the benefit of speed cameras, specifically 'Safer Roads Humber's' claims within that report. You believe the content of the report to contain wildly exaggerated information which you deem as amounting to misconduct. You see the information as representing false claims and you say the matter should be investigated by an external force. You did also add that the 'criminal misconduct' has been committed by civil servants and not police officers and that the matter is not one for the Professional Standards Department of Humberside Police or any other force.

Complaints are only recorded if they are against the police, specifically individual police officers or police staff, and where those complaints include allegations of conduct. This complaint cannot be defined as a complaint under the Police Reform Act 2002. Even in the event that your complaint clearly implicated police officers or staff, and I am doubtful that it does, the compiling of an annual report does not amount to conduct, even where the complaint criticises the veracity of the information within the report. There is no relevant

potential breach of the Standards of Professional Behaviour. I note D.I. Miller has explained why the complaint does not raise any criminal matters. On the balance of probabilities, this matter should not be recorded as a public complaint under the Police Reform Act 2002. Where the police may be involved in that report, it would be considered to be part of the operational policies and procedures in place at the force where they contribute information that they compile. It is possible that you may wish to raise your concerns with the Home Office. We are unable to act further on this matter.

Not Upheld

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.

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.

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 your complaint and endeavour to resolve issues quickly and at the right level.

Yours sincerely



Peter Hunt
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