

### **Statement of Facts Relied upon**

The crux of the matter is whether or not the Chief Officer of a police force can be held to be accountable for the actions of officers in his or her force. For the purposes of this claim that Chief Officer is Peter Fahy the Chief Officer of Greater Manchester Police (GMP).

The Police Reform Act 2002 (PRA) is quite clear in placing the responsibility for the handling of complaints against officers in a police force, at the door of the Chief Officer. The PRA goes further in section 3 Part 1 of the Act in stating that Chief Officers must be aware of the actions of their officers.

In 2007 I made a complaint against an officer in the Professional Standards Branch (PSB), which was originally recorded and investigated by the PSB and found to have no substance. I was unhappy with that outcome and made a further complaint about that officer which GMP refused to record. Over a period of some 2 years or so, senior officers from the PSB, including the then head of the PSB Chief Superintendent Dave Keller, gave various reasons why they would not record my complaint.

Amongst those reasons, were that I was somehow a person who could not complain due to my son having once been a police officer, I was not a person who had been adversely affected by the actions of the officer about whom I had complained and that the matter was sub judice as my son had made an application for permission to appeal to the Appeal Court.

I appealed against their decisions to the IPCC and my appeal was not upheld. I complained at the same time to the GMPA about the actions of these officers. The GMPA informed me that they could only look into complaints about officers above the rank of Chief Superintendent. I then made my complaint about Mr. Fahy based on the actions of his officers in the PSB.

In September of 2010 I applied for, and was subsequently granted, permission for Judicial Review of the decision of the IPCC, to refuse my appeal against the non-recording of my complaint. The case was listed but just prior to that date, the IPCC withdrew their defence and agreed that their actions in refusing my appeal against non-recording of my complaint by GMP were unlawful. By that reasoning, given that the PSB of GMP had used the same reasons to refuse initially to record my complaint, one can suggest that they too acted unlawfully.

It is reasonable for a member of the public to assume, that those to whom the Chief Officer delegates his powers under the PRA, will at the very least be au fait with current legislation regarding complaints. Those same members of the public would also be right to assume, that the senior officers, and especially the head of the department, to whom the Chief Officer has delegated his responsibility for the handling of complaint under the PRA, would be more likely than most to be up to date with current legislation.

That would be even more the case given that when I made my second complaint the legislation was some 6 years in place.

That the officers of the PSB plainly acted in a manner that was deemed in the case of the IPCC to be unlawful, means that they either did not know the legislation, or deliberately attempted to circumvent that legislation, in order to deny me my lawful right to have my complaint recorded. In either case, the Chief Officer has failed in his duty under the PRA to handle all complaints and, at the very least, to ensure that legislation is not being breached by those officers he has delegated his responsibilities to under the PRA.

That omission or failure to take action on his part is, in my humble opinion, Misconduct in Public Office. It is unreasonable for the IPCC to attempt to say, that the Chief Officer cannot be responsible for the actions of his officers in the PSB. The IPCC themselves instructed GMP, after the Judicial Review, to record my complaints against the original officer, as well as Supt. Mike Freeman of the PSB and, more importantly for the purposes of this argument, Chief Supt. Dave Keller the head of the PSB.

That very point defeats the argument put forward by the IPCC that no legislation has been breached. The IPCC instructed GMP to record my complaint against Det Sgt. Barnard, Supt. Mike Freeman, and Chief Supt Dave Keller, all of whom were or are members of the PSB. GMP applied for dispensation from investigation of that complaint and the IPCC refused that application. That means that the IPCC themselves saw merit in my complaint, insofar as my allegations of legislation being breached had substance. It is contradictory and perverse therefore, that the IPCC now rely on their insistence that no legislation has been breached.

As regards Chief Supt. Keller, this complaint has to be handled by an officer of ACPO level from outside the PSB. I received a letter from an officer in the PSB dated the 1<sup>st</sup> of April 2011, that Assistant Chief Constable Terry Sweeney of GMP, would be the officer who would be investigating my complaint against Chief Supt. Keller, and that ACC Sweeney would be writing to me about my complaint within 14 days. To this date I have never rec'd such a letter despite having written to ACC Sweeney asking what has happened to my complaint.

It is inconceivable to me that given that a complaint has been laid against the head of the PSB, and that further, this complaint was going to be handled by ACC Sweeney, as a result of the force being forced to record those complaints, that the Chief Officer was not and is not aware of how his PSB have been handling those complaints. In any case he should have been made aware.

For the reasons laid out above therefore, I submit that the argument posited by the IPCC, that the Chief Officer is somehow completely unaware of the way in which his PSB operates, is fallacious and irrational.

The GMPA, GMP, and the IPCC may feel that my complaints are vexatious. The fact that one complaint specifically about one police officer, has snowballed over the interim, to complaints about the actions of two senior officers in the PSB and a complaint of Misconduct in Public Office against the Chief Officer, shows that the system of complaints in GMP, The GMPA and the IPCC, in this instance, is most definitely not working, and that it is in the Public Interest, that my complaint against Chief Officer Peter Fahy is properly investigated, so that the general public can know that the system does work.

It would further go to reinforce the PRA in confirming the Chief Officer's ultimate responsibility for the handling of all complaints against his officers.

In particular, it is vexing to myself that I am forced once again to go down the route of Judicial Review, simply to force those who are supposed to oversee complaints against the Greater Manchester Police, to follow the law instead of trying to re-interpret the law to suit their own ends. The IPCC have stated in correspondence to me that they agree that the Chief Officer is responsible for ensuring that his Force complies with legislation. This has clearly not happened in my particular case. Therefore it is the Chief Officer who, in terms of the PRA, and by the admission of the IPCC who is responsible for that legislation having been breached.