

Our reference no: 2019/126410
Force reference no:



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15 January 2020

Dear Mr Belchamber

This letter is about your appeal against Dorset Office of Police and Crime Commissioner (OPCC), which we received on the 30 November 2019.

We are independent of the police. Our role is to look at whether your complaint should have been recorded. When making my decision I have to see:

- if the chief officer or appropriate authority failed to make a decision?
- If the chief officer or appropriate authority failed to notify the correct appropriate authority?
- if the matter/s you raised should have been recorded as a complaint?

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

My letter to you will consider each point:

1. Did the chief officer or appropriate authority fail to make a decision?

No, Dorset OPCC emailed you on 30 September 2019 to inform you that they would not be recording your complaint dated 11 September 2019.

Not upheld

2. Did the chief officer or appropriate authority fail to notify the appropriate authority?

No, Dorset OPCC is the correct appropriate authority.

Not Upheld

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

When a complaint is made to a Chief Officer or appropriate authority, they have a duty to record any complaint about the conduct (behaviour) of a person serving with the police or a contractor. The law allows the Chief Officer or appropriate authority not to record a complaint where certain statutory exceptions are met.

I have reviewed your complaint dated 11 September 2019 and have decided that the matters you raise are not required to be recorded.

It is important to highlight that in reaching my decision I have considered all of the material and comments provided. Where a document or comment has not been specifically referred to, it does not mean it has not been considered.

On 11 September 2019, you submitted a complaint to Dorset OPCC against Chief Constable James Vaughan and others in relation to misinterpretation of road safety results allowed to be released to the public. You state that the officers involved have abused their positions for personal gain, credibility, career progression and job security, which will result in higher road casualties rather than competent, honest and effective road safety policing. Please note that this appeal only concerns the complaint allegations directed towards CC Vaughan.

In the OPCC's email to you on the 30 September 2019, you were informed that your complaint is considered to be vexatious, oppressive and an abuse of the complaints process.

The ground used by PSD is part of a category of complaints which are considered to be "vexatious, oppressive or otherwise an abuse of the procedure for dealing with complaints". Complaints falling within this category are not required to be recorded in accordance with the Police Reform Act 2002. A complaint does not need to be vexatious, oppressive *and* an abuse of the procedures for dealing with complaints. If one of the terms apply, the complaint does not need to be recorded.

Issue two of Focus considers an oppressive complaint to be one without foundation that is intended or likely to result in burdensome, harsh or wrongful treatment of the person complained against. A vexatious complaint is considered to be one that is without foundation which intended to, or tends to vex, worry, annoy or embarrass.

Having reviewed your case, I do not agree that your complaint fulfils the criteria for vexatious and oppressive. This is because it cannot be demonstrated that your complaints are without foundation. Dorset OPCC may have reason to believe there is no basis for your complaints, given the correspondence received in 2014. However, your recent complaint is

directed to CC Vaughan with reference to current statistics and information you have collated for 2018 and the first 6 months of 2019. This suggests you believe your complaint has merit. As a result I do not find your complaints meets the definition of vexatious and oppressive.

I do however, consider that it falls within the category of complaints which are an abuse of procedure on the basis that you are dissatisfied with Dorset Police's road safety Policies. On review of your previous complaint dated 10 July 2012, it is noted that although you have referred to recent statistics and sources within your new complaint, you have raised substantially and materially the same issues as previous, in your view that Chief Constables of Dorset Police deliberately ignore evidence and allow misinterpretation of road safety results for monetary gain and preserving jobs.

Your complaint is centred around your dissatisfaction with Dorset's road safety, enforcement policies and results published to the public. It appears you have made this complaint as an attempt to challenge the outcome of your previous complaint and as an attempt to initiate a re-investigation into these matters and escalate your concerns against a subsequent Chief Constable.

Focus issue 2 states, if a complainant is unhappy about the outcome of their complaint, they have the right to appeal against any decision made. Re-wording the complaint or changing the officers complained against in a bid to re-open the complaint (rather than use the right of appeal or when the appeal right has been exhausted) might be an abuse of the complaints procedure. It might also be an abuse of the procedure to subsequently make a complaint about senior officers simply because they are ultimately responsible for the PSD's actions.

Taking this into consideration, It is noted that your allegations of misconduct by the Chief Constable of Dorset Police in relation to ignoring evidence of falsified published figures on road safety was subject to a local investigation and was not upheld by the IOPC (formerly IPCC). On 3 October 2012 you were informed that there was no case to answer for misconduct for the Chief Constable and no further action required.

As mentioned above due to your extensive complaint history with Dorset Police and Dorset OPCC, you were provided on 8 December 2014 with notification that the force would no longer communicate with you on the matters of Dorset Police road safety matters, as you have exhausted all available options which was reviewed on receipt of your recent complaint and found to be still valid.

Raising a new complaint into the police complaints system is not the appropriate avenue to challenge the outcome of your local investigation appeal or to initiate a re-investigation into previous complaint matters. These matters have already been introduced to the complaints system and dealt with within the provisions of the Police Reform Act. To raise a further complaint, with a view of escalating your complaint against a further Chief

Constable is a misuse of the complaints system.

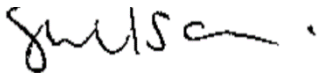
I am therefore, satisfied that your complaint should not be recorded on the ground that it would be an abuse of the procedures for dealing with complaints

This is not to say that you are intending to abuse the complaints process, but that your complaint, if recorded, would amount to a misuse of the complaints system

Not Upheld

You are not able to appeal my decision. However, if you have any questions or need more information about my decision please contact me. My details are at the end of this letter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Genene Wilson', with a small flourish at the end.

Genene Wilson
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