

LIMITED POLICE INVESTIGATION
RE. COMPLAINTS MADE BY
MR. MAURICE KIRK

COPY REPORT

INVESTIGATING OFFICERS:

Detective Inspector 2823 M. JOHNSON
Investigative Assistant 54961 A. WOODWARD
Professional Standards Dept.,
(BRIDGEND)

HQ Ref No:

ACC/SMJ/32/CO.122/2009

Our Ref: ACC/SMJ/32/CO.122/2009

**01656 302139
20-718**

30th June 2009

IN CONFIDENCE

**N. CROFT
Assistant Chief Constable
Police Headquarters
BRIDGEND**

Sir

LIMITED POLICE INVESTIGATION

1. I submit herewith papers in relation to complaints made by:

Mr. Maurice KIRK
'Malpits',
St. Donats,
CF61 1ZB

d.o.b. 12.03.1948
Mobile No. 07966523940
2. Mr. KIRK's complaints arise following an incident that occurred at South Wales Police Headquarters, Cowbridge Road, BRIDGEND on 27th February 2009.
3. At approximately 1330hrs that day, the complainant attended at the Gate House of Police Headquarters and asked to speak to Chief Constable WILDING in order to arrest her for fraud.
4. Mr KIRK was spoken to by Chief Inspector 2930 Huw SMART, who informed him that he would not be allowed to see the Chief Constable, whereupon Mr. KIRK stated that he wished to make a Complaint Against Police in respect of Chief Constable WILDING.

5. Mr. KIRK was directed to attend at BRIDGEND Police Station, where the duty Inspector would record his Complaint Against Police, in respect of Chief Constable WILDING.
6. Mr. KIRK attended at BRIDGEND Police Station where he was seen by Acting Inspector 3362 Carl MORGAN, who completed a F126 'Complaint Against a Member of the Police Service' form in respect of Mr. KIRK's complaint against Chief Constable WILDING.
7. Mr. KIRK demanded that Acting Inspector MORGAN take a written witness statement from him in respect of this complaint.
8. Acting Inspector MORGAN refused to do this and Mr. KIRK then made a complaint against police in respect of Acting Inspector MORGAN's failure to take a witness statement from him.
9. The complaint in respect of Chief Constable WILDING has been referred to the South Wales Police Authority for consideration and does not form part of this investigation and report.
10. The complaint in respect of Acting Inspector MORGAN was formally recorded and allocated for investigation.
11. The Investigating Officer in this case is:-

Detective Inspector 2823 Mark JOHNSON
Professional Standards Department
Police Headquarters
BRIDGEND. Tel. No. 01656 302139

SEQUENCE OF EVENTS

12. On 27th February 2009 Mr. KIRK made formal complaints to Acting Inspector Carl MORGAN.
13. On 3rd March 2009, Mr. KIRK's complaints were formally recorded and Detective Inspector JOHNSON was appointed as Investigating Officer.
14. Due to the non-availability of the complainant no further action was possible until the end of March.
15. On 30th March 2009, Detective Inspector JOHNSON met Mr. KIRK at BRIDGEND Police Station.

16. Mr. KIRK insisted on making three separate witness statements in relation to three separate complaints, which he insisted Detective Inspector JOHNSON record at his dictation.
17. The first statement made by Mr. KIRK is in respect of his complaint against Acting Inspector Carl MORGAN.
18. The second statement made by Mr. KIRK is in respect of a complaint against the Officer in Charge at Barry Police Station, who he alleges has failed to furnish him with information requested in a letter dated 4th October 2008.
19. The third statement made by Mr. KIRK is in respect of a complaint in which he alleges that a report of criminal damage that he made in respect of premises owned by him at Penarth Road, Cardiff, had not been recorded by South Wales Police.
20. On 24th April 2009, a Regulation 14a Notice was served on Acting Inspector 3362 Carl MORGAN.
21. On 2nd June 2009, Acting Inspector MORGAN provided a written response to Mr. KIRK's allegations against him.

DETAILS OF THE INVESTIGATION

22. Three witness statements were obtained from the complainant Mr. Maurice KIRK.
23. A copy of the South Wales Police Procedure, 'Complaints Against Police' was obtained.
24. A witness statement was obtained from Ms. Kay COSGROVE, South Wales Police Data Protection Office.
25. A copy of South Wales Police Niche Occurrence 62080390500 and the associated Investigation Log were obtained.
26. A Regulation 14a Notice was served on Acting Inspector 3362 Carl MORGAN.
27. A written response to Mr. KIRK's allegations was obtained from Acting Inspector 3362 Carl MORGAN.

OBSERVATIONS AN CONCLUSIONS

28. Mr. KIRK alleges that Acting Inspector CARL MORGAN failed to take a written witness statement from him when taking his complaint against Chief Constable WILDING.
29. In his first witness statement, Mr. KIRK states that he does not wish to pursue this complaint but 'reserves the right to pursue it at a later date.' In light of the fact that this is a straight forward matter it has been investigated in any event.
30. In his written response to Mr. KIRK's complaint, Acting Inspector MORGAN states that he recorded Mr. KIRK's complaint in accordance with Force Policy.
31. Examination of the South Wales Police Procedure, 'Complaints Against Police' reveals that it instructs supervisors that on receiving a formal complaint against police, they are to complete a Form F.126 'Complaint Against a Member of the Police Service.'
32. This is exactly what Acting Inspector MORGAN did, and a copy of that completed form is included in the file of evidence appended.
33. Examination of Form F.126 'Complaint Against a Member of the Police Service,' reveals that on page 3 of that form it instructs the completing officer, 'NB. DO NOT TAKE A STATEMENT FROM THE COMPLAINANT AT THIS TIME.'
34. Clearly Acting Inspector MORGAN has complied with this instruction and in light of that I find Mr. KIRK's allegation NOT PROVEN.
35. Mr. KIRK alleges that on 4th October 2008 he hand delivered a letter to Barry Police Station and to date has not had any response.
36. Mr. KIRK is unable to offer any proof that this letter was delivered as he alleges.
37. Examination of a copy of that letter provided by Mr. KIRK reveals it to be a request for access to/copies of approximately forty documents/computer records held by South Wales Police.

38. Under the provisions of the Data Protection Act 1998, if any of the documents/computer records listed were to be in respect of Mr. KIRK, he would, as a 'data subject', be entitled to copies of them, subject to certain statutory restrictions.
39. South Wales Police has a clearly delineated process for dealing with such requests, which is managed by the Data Protection Office at Police Headquarters and involves the completion of a Data Protection Form and the payment of a fee, which is currently £10.00.
40. Enquiries with the Data Protection Office reveal that Mr. KIRK is fully aware of this process, having previously made Data Protection Applications to South Wales Police in 2000, 2001 and 2007, the last of these being some eighteen months prior to his alleged hand delivery of a letter to Barry Police Station.
41. In light of the foregoing I am of the opinion that this aspect of Mr. KIRK's complaint is vexatious in nature and as such is not worthy of further investigation.
42. Mr. KIRK alleges that on 26th February 2009 he attended at Penarth Police Station, where the Station Enquiry Clerk was unable to find a record of an incidence of criminal damage that he had previously reported in respect of premises at Penarth Road, Cardiff.
43. It is not clear from Mr. KIRK's statement exactly what his complaint is, however it appears from the letter to his M.P. that he produces in support of his allegation that his complaint is that South Wales Police are failing to record matters reported by him.
44. Enquiries with the South Wales Police NICHE computer system reveals that this incident was recorded under Occurrence Number 62080390500 on 7th November 2008 and investigated.
45. The Occurrence record also shows that Mr. KIRK was updated with the result of the enquiries on 16th November 2008.
46. Once again, in light of the foregoing I am of the opinion that this aspect of Mr. KIRK's complaint is vexatious in nature and as such is not worthy of further investigation.

RECOMMENDATIONS

47. There is no substance to any of the complaints made by Mr. KIRK and in the circumstances presented a limited but proportionate investigation has taken place, resulting in his allegations being NOT PROVEN.
48. I recommend that no further action be taken in respect of these matters.

**S.M. JOHNSON, BSc (Hons), MSc (Psych), MBPS.
Detective Inspector 2823**



ACC/GJP/32/C122/2009
01656 869406
20-703

8th July 2009

IN CONFIDENCE:

Mr. Maurice KIRK
'Malpits'
St. Donats
Vale of Glamorgan
CF61 1ZB

Dear Sir

I refer to your complaint against Police following your attendance at Bridgend Police Station on 27th February 2009. The investigation into your complaint has now been completed.

It is my responsibility to provide you with a full account of the outcome of the investigation and to remind you of your right to request a review of my findings by the Independent Police Complaints Commission should you be dissatisfied with the investigation.

In reviewing the allegations made in your complaint, I also have to consider whether there is a realistic prospect of proving to a discipline tribunal that the officer's behaviour fell below the standard set out in the police Codes of Conduct. This has to be proved on the balance of probabilities, which means that a tribunal must find it is more likely than not that the allegation is true. This is a flexible standard according to the seriousness of what is alleged.

YOUR COMPLAINT

On Friday 27th February 2009 you attended at South Wales Police Headquarters in order to speak with the Chief Constable Barbara WILDING. You were informed that you would not be allowed to meet her and indicated that you wished to make a complaint against her. You were accordingly directed to attend at Bridgend Police Station in order to make your complaint.

At the Police Station you met with Acting Inspector 3362 MORGAN who completed the requisite paperwork outlining your complaint against the Chief

Constable. You requested that the officer take a written witness statement from you in support of your complaint. The officer declined to do so.

If proven the officers actions could constitute a breach of the Police Code of Conduct in respect of Performance of Duties.

INVESTIGATION

An investigation has been conducted by the Professional Standards Department of the South Wales Police based upon your complaints made to Inspector Mark JOHNSON at Bridgend Police Station on 30th March 2009.

All South Wales Police documentation generated in relation to the matters giving rise to your complaint has been recovered and reviewed.

INVESTIGATION FINDING

I have enclosed a copy of the Investigating Officers report, as I believe this addresses most comprehensively the extent of the investigation.

CONCLUSION

I am satisfied that this investigation has been proportionately and properly carried out

Having considered the circumstances of this complaint I am not satisfied that there is a realistic prospect that a tribunal would find that the conduct of any officer fell below the required standard, in relation to your specific complaints.

I trust that I have convinced you of the thoroughness of the investigation. If not, then after full consideration of my account, you are entitled to register dissatisfaction with the investigation and/or my decisions, with the Independent Police Complaints Commission. The enclosed leaflet/form explains how you may do this.

It is not necessary for you to provide me with details of your concerns regarding the investigation or my decisions. I am however, required to notify the officers of the outcome of the investigation within a reasonable period of time.

You have the right of appeal in relation to this investigation to the Independent Police Complaints Commission (IPCC). 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 that it reaches the IPCC before the end of the 28th day. The 28th day is **5th August 2009**.

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.**

If you require any further information on the review process, please do not hesitate to contact my department, during office hours, when my staff would be pleased to be of assistance. The IPCC may be contacted on 02920 245400 should you prefer to direct any enquiries to this independent body.

Yours faithfully,



**Cheryl JONES
Chief Inspector
Professional Standards Department**

Encs.