

PROTECT - INVESTIGATIONS



ACC/GJP/32/C604/2011
01656 869406

18th June 2012

Mr. Maurice John KIRK
49, Tynewydd Road,
Barry,
CF62 8AZ.

Dear Sir,

I refer to your complaint against Police following an investigation into your possession of a Lewis machine gun. 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 misconduct tribunal that the officer's behaviour/actions fell below the standard set out in the Standards of Professional Behaviour in the Police (Conduct) Regulations 2008. 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

In June 2009 you were arrested for possession of a prohibited weapon namely a World War 1 Lewis machine gun. You appeared before a court and were acquitted of the charges brought against you.

You have subsequently complained against Police officers involved in the investigation. The majority of those allegations were dispensed with by the Independent Police Complaints Commission (IPCC). However they directed that South Wales Police should investigate two aspects of your complaint:

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Professional Standards Department, South Wales Police Headquarters, Cowbridge Road, Bridgend.
Adran Safonau Proffesiynol, Pencadlys Heddlu de Cymru, Heol Y Bont-faen, Penybont. CF31 3SU.

Telephone/Teliffon: 01656 498104 Facsimile/Ffacsimili: 01656 869472

Chief Constable **Peter Vaughan, BSc (Hons), DipAppCrim** Prif Gwnstabl

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These being that officers tampered with the machine gun in order to make it capable of being fired, and in relation to discrepancies regarding an undercover operation and the subsequent evidence given.

If proven, these actions could constitute a breach of the Standards of Professional Behaviour in respect of Duties and responsibilities.

INVESTIGATION

An investigation has been conducted by South Wales Police based upon your initial complaints made regarding the conduct of officers within South Wales Police.

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 member of staff 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 and staff 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 **16th July 2012.**

Appeals received after 28 days may not be allowed unless there are exceptional circumstances.

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

The IPCC may be contacted on 02920 245400 or alternatively on 0300 020 0096 should you prefer to direct any enquiries to this independent body.

The Police Reform Act 2002 does not make any provision for financial settlement arising from complaints against Police. Any claim for financial recompense arising out of the actions of South Wales Police must be pursued independently through the Legal Services Department situated at Police Headquarters, Cowbridge Road, Bridgend CF31 3SU.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Dale Ponting', with a horizontal line underneath the name.

**Dale PONTING
Senior Manager
Professional Standards Department
Encs.**