

Your Reference:
Our Reference: PJ/1001856

David Hansen
By e-mail to:
request-18106-4de3e55e@whatdotheyknow.com

09 November 2009

IPCC Contact:
Philip Johnston
Tel: 020 7166 3000

Dear Mr Hansen,

YOUR REQUEST FOR INFORMATION

I am sorry about the delay in replying to your e-mail of 16th September 2009.

At the time of the shooting of Jean Charles de Menezes, custom and practice was that a matter would be referred to the IPCC immediately where such a referral was required by legislation. The Police (Complaints and Misconduct) Regulations 2004 No. 643 required that matter should be notified not later than the end of the "working" day following which it first becomes clear to the appropriate authority that a notification should be made. These Regulations were amended by SI 2006 No 1406 to omit the word "working".

These legal rules are already in the public domain and, therefore, are exempt by virtue of section 21 of the Freedom of Information Act 2000.

As you are aware the shooting of Jean Charles de Menezes occurred on a Friday and the matter was not referred until the following week. The circumstances surrounding this delay are set out in the Stockwell 2 report, available on the IPCC web site at: http://www.ipcc.gov.uk/index/resources/evidence_reports/investigation_reports/the_stockwell_investigation/reports_stockwell.htm

I would also refer you to the attached Operational Advice Note agreed with the Association of Chief Police Officers concerning the referral process and subsequent action.

Where the IPCC carries out an independent investigation its investigators have for the purposes of the investigation and all purposes connected with it the powers and privileges of a constable. To summarise, IPCC staff have search and seizure powers, arrest powers (PACE 1984 powers), and powers to use covert law enforcement methods such as those conferred under the Regulation of Investigatory Powers Act 2000, ('RIPA') including covert source handling, intrusive surveillance and directed surveillance.

These powers arise by virtue of paragraph 19, Schedule 3 to the Police Reform Act 2002 and sections 18 and 19 of the 2002 Act.

November 9, 2009

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If you are not satisfied with this response you may request an independent internal review by our FOI appeals officer, who has had no involvement in dealing with your request. If you wish to complain about any aspect of this decision, please contact:

Freedom of Information Act Complaints
IPCC
90 High Holborn
London
WC1V 6BH

E mails should be clearly marked 'Complaint against FOI decision' and sent to: foi@ipcc.gsi.gov.uk.

Should you remain dissatisfied after this internal review, you will have a right of complaint to the Information Commissioner; however, I should point out that under section 50(2)(a) of the Freedom of Information Act, you are normally obliged to exhaust the public authority's own internal complaint mechanism before complaining to the Information Commissioner.

Yours sincerely

Philip Johnston
Independent Police Complaints Commission