

Your Reference:
Our Reference: 1002209

Dennis Fallon
By e-mail to:
request-25161-4f792daf@whatdotheyknow.com

22 July 2010

IPCC Contact:
Philip Johnston
Tel: 020 7166 3000

Dear Mr Fallon,

Your request for information

Thank you for your e-mail of 20th July 2010 in which you seek information about the Commission's involvement in the investigation concerning Chief Inspector Jamie Jones of the West Midlands Police.

This matter was voluntarily referred to the IPCC on 9th March 2010 and was subject to a scene assessment by an IPCC Senior Investigator. In making its determination as to the mode of investigation in accordance with paragraph 15, Schedule 3 to the Police Reform Act, the IPCC noted that the force were taking the incident seriously and there were no concerns with the criminal investigation which had been commenced by the force. This was an off-duty incident and Article 2 of the European Convention on Human Rights was not engaged. Notwithstanding these considerations, the IPCC determined the matter as an investigation by West Midlands Police under the supervision of the Commission. It was considered that there would be some benefit and reassurance from IPCC involvement from a guardianship viewpoint and this could be achieved through supervision.

IPCC supervised investigations are carried out by police Professional Standards Departments under their own direction and control. IPCC supervision means that the IPCC approves the choice of investigator, agrees the terms of reference and receives the investigation report when it is complete. For more information about modes of investigation please see the IPCC web site, which should answer your question about how, in general terms, the IPCC conducts an investigation.

As to your question about which aspects of a particular matter are reviewed, it is not possible to provide an answer in the abstract; however, I would refer you to the investigation reports and summaries on the IPCC web-site which indicate the enquiries that have been undertaken in specific cases.

In this instance the approved Terms of Reference for IPCC supervision provided that the force Major Incident Unit would conduct the criminal investigation and, once the criminal investigation had concluded, the Professional Standards Department (PSD) would consider conduct matters. Although the investigation is under the direction and control of the West Midlands Police, the IPCC has approved the investigation plan.

The conduct matters are still under consideration; thus the supervised investigation is still in progress and the IPCC has yet to receive the investigation report.

July 22, 2010

The IPCC has not received any statement made by CI Jamie Jones. Consistent with the IPCC's role in supervised investigations we receive regular updates on the progress of the investigation and do not routinely request sight of the evidence while enquiries are still in progress unless there is a specific requirement.

As I stated in my previous letter, the information not held by the IPCC is likely to be held by the West Midlands Police and/or the Crown Prosecution Service, both of which are public authorities under the Freedom of Information Act. In particular the Crown Prosecution Service will be best placed to answer your question about the decision not to proceed with the charge alleging failure to stop.

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:

Amanda Kelly
Director of Legal Services
IPCC
90 High Holborn
London
WC1V 6BH

E mails should be clearly marked 'Complaint against FOI decision' and sent to: amanda.kelly@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