



Our Ref: IR 1335.2019-20
Your Ref:
Date: 3 November 2020

Civil Disclosure
Joint Corporate Legal Services

Dear Applicant,

FREEDOM OF INFORMATION REQUEST REFERENCE NO: IR1335.2019-20

I write in connection with your request for an internal review which was received by North Yorkshire Police on 6 October 2020 as follows:

Please treat this communication as a request for internal review:

- 1. It is well rehearsed in the public domain that a recurrent feature of information requests made by me, over the past six years, has been responses from NYP that are not entirely honest (I'm being generous). It has happened far too many times for it to be a series of errors or accidents.*
- 2. It is my genuinely held belief that the response provided in the instant request is falsely. Ergo, no review (or debrief) actually took place at all and this finalisation is an artifice to cover up the fact that catastrophic failings in a high profile murder case, the repercussions from which are still being felt today (read more at <http://neilwilby.com/2020/04/04/that-particularly-dubious-constabulary-merits-careful-investigation/>) by way of a third application to the Criminal Case Review Commission by the convicted killer, were never properly challenged, understood or learned from.*
- 3. It is utterly inconceivable that the Senior Investigating Officer in the shambolic murder investigation, described as "a comedy of errors" by defence counsel at trial, should select himself to review his own work and spend at most one police shift on it.*
- 4. It is similarly inconceivable that a review of this gravity was not allocated an operational code name. Particularly set against the knowledge that an investigation, of that same era, into allegations of harassment without violence (with no arrests) was given the full operational treatment including the codename 'Rome'.*
- 5. At almost every single stage of almost every request I made concerning Operation Rome there was some form of deceit or other, of varying gravity, practiced by NYP. Or a breach of the Act in one form*

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or another. That is well rehearsed in my submissions to the Upper Tier Tribunal concerning a permission to appeal which, of course, is still extant.

6. There is good reason to suspect that Nardoo will become another Rome. It is already conceded by NYP that no review (or debrief) of Rome ever took place despite that investigation also failing catastrophically in the same era and costing on NYP's own admission almost £500,000.

7. This request, which must have taken the business area and disclosure officer less than 30 minutes to finalise, was made over 6 months ago and has required the intervention of the Information Commissioner's Office for you to provide any response at all. There is an old saying amongst investigative journalists: The longer it takes to respond to a question, the less likely the answer is the truth.

7. NYP do not say in the finalisation if an Executive Summary exists or otherwise. The presumption is it does not. If it does, then the exemption relied upon for refusing to disclose cannot sustain. The internal review is requested to make that point clear.

8. NYP do not identify any partner agencies involved in the review that might give your finalisation some semblance of credibility. Please treat disclosure of the names of those partner agencies and the names of the officers attending should they be of a rank a civil service grade above which a section 40(2) would not apply. Please also supply the location at which the review (or debrief) took place and the agenda for it or notice, announcement that it was taking place.

9. The section 12 exemption cannot possibly apply in refusing to provide the cost of the review (or debrief), if it took place at all. To calculate the total number of officer hours spent working for just one police shift at the very most and, perhaps, an hour or so the following day to write up a report is not going to take a disclosure officer or the business area 18 hours between them.

Decision

According to APP guidance, *'the internal review stage is an opportunity to consider a request completely afresh. It should be an independent review of the original decision.'*

I have therefore decided to provide an independent response to the original request, which was as follows:

In an article published on 20th April, 2011 the following statement was provided to the newspaper by NYP:

~ North Yorkshire Police said it would carry out a review to see where lessons could be learned after Garbutt's defence team likened its investigation to a "comedy of errors" ~

Please disclose the following information by way of the Freedom of Information Act:

- 1. Who commissioned the review?*
- 2. What operational name was assigned to the review?*
- 3. What was the name and rank (or style) of the officer who undertook the review?*
- 4. For which organisation did the reviewer work at the time the review was commissioned (eg HMIC, Peer review by another police force, independent bar, academic).*
- 5. On what date did the review commence?*
- 6. On what date did the review complete.*
- 7. What is the date stamp on the report of the review.*
- 8. To whom was it published.*

9. A copy of the Executive Summary and/or key recommendations.

10. The cost of the review.

I note from your request for an internal review that the key areas for consideration are as follows:

1. Whether or not an Executive Summary exists.
2. Whether any partnership agencies were involved in the review.
3. The location at which the debrief took place.
4. The agenda for the debrief and any announcement that it was taking place.
5. A review of the application of the section 12 exemption in relation to the cost of the review.

Firstly, before I deal with the above points, I do apologise for the delay in providing you with a response to your original request. Although in point 7 of your request for an internal review you state that a response was only provided following intervention of the Information Commissioner's Office (ICO), I can confirm that North Yorkshire Police have not received any correspondence from the ICO in relation to this request and a response was sent to you as soon as was reasonably practicable although we do accept that this was beyond the 20 day deadline under the Act and for this we apologise.

In relation to the further points raised I can respond as follows using my numbering above:

1. An Executive Summary does not exist. The document referred to in the original response is a Debrief Summary Report.
2. There were partnership agencies involved in the Debrief. Namely, the Crown Prosecution Service and a forensic provider as well as representatives from North Yorkshire Police.
3. The Debrief took place at Richmond Police Station.
4. The agenda for the Debrief was as follows:
 - i. Welcome & Introduction
 - ii. Initial Response to Incident
 - iii. Community Impact Assessment
 - iv. Forensic Strategy
 - v. (a) Initial Lines of Investigation
(b) Post Office Investigation
(c) Financial Investigation
(d) T.I.E
 - vi. Intelligence
 - vii. Holmes
 - viii. Search Strategy
 - ix. House to House Strategy
 - x. F.L.O Policy
 - xi. Suspect Management
 - xii. Investigation
 - xiii. Press
 - xiv. Case File
 - xv. CPS and Counsel
 - xvi. Any Other Comments

There was no 'announcement' that the Debrief was taking place but calendar invitations were sent to each attendee.

5. As per the original response, any costs of the review were recorded under the Operation Nardoo code name or absorbed by general policing costs and there is therefore no record of the exact cost of the review. To determine the costs of the review alone would exceed the appropriate time limit under section 12 of the Act and I therefore uphold the original decision made on 6 October 2020.

If you are still dissatisfied with the decision you may make application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

Complaint Rights

Your attention is drawn to the attached sheet which details your right of complaint.

If you have any queries concerning this request, please contact me quoting the reference number above.

Yours sincerely

Katie Ward
Police Lawyer (Civil Disclosure)
Joint Corporate Legal Services

COMPLAINT RIGHTS

Are you unhappy with how your request has been handled or do you think the decision is incorrect?

You have the right to require the North Yorkshire Police to review their decision.

Prior to lodging a formal complaint you are welcome and encouraged to discuss the decision with the case officer that dealt with your request.

Ask to have the decision looked at again –

The quickest and easiest way to have the decision looked at again is to telephone the case officer that is nominated at the end of your decision letter.

That person will be able to discuss the decision, explain any issues and assist with any problems.

Complaint

If you are dissatisfied with the handling procedures or the decision of the North Yorkshire Police made under the Freedom of Information Act 2000 (the Act) regarding access to information you can lodge a complaint with the North Yorkshire Police to have the decision reviewed. North Yorkshire Police must be notified of your intention to complain within 2 months of the date of its response to your Freedom of Information request. Complaints should be made in writing and addressed to:

Force Solicitor and Head of Legal Services
North Yorkshire Police
Alverton Court
Crosby Road
Northallerton
North Yorkshire
DL6 1BF

In all possible circumstances the North Yorkshire Police will aim to respond to your complaint as soon as practicable but within 20 working days.

The Information Commissioner

After lodging a complaint with North Yorkshire Police if you are still dissatisfied with the decision you may make application to the Information Commissioner for a decision on whether the request for information has been dealt with in accordance with the requirements of the Act.

For information on how to make application to the Information Commissioner please visit their website at <https://ico.org.uk> Alternatively, phone: 0303 123 1113 or write to:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF