

Our reference: 1009170



David Tomlinson
Sent by email to:
[request-715273-
a56fe75b@whatdotheyknow.com](mailto:request-715273-a56fe75b@whatdotheyknow.com)

PO Box 473
Sale M33 0BW

Blwch Post 473
Sale M33 0BW

22 April 2021

Tel/Ffôn 0300 020 0096
Text relay/Cyfnwidiad Testun 18001 020 8104 1220
Email/E-bost enquiries@policeconduct.gov.uk
Web/Gwefan www.policeconduct.gov.uk

Dear Mr Tomlinson

Thank you for your email of 2 January 2021 in which you make a request for information to the IOPC. We have considered your request under the Freedom of Information Act (FOIA) and this letter sets out our response.

I am sorry that your request has not been answered until now. Please accept my apologies for our failure to respond within the prescribed period for answering a request under the FOIA.

Your request is as follows:

Under what authority may the IOPC solely decide, without having consulted with or having provided a file of evidence to the CPS, whether the threshold of criminality has been met before criminal proceedings are commenced with against any police officer?

We note that this request is very similar to your requests of 30 November because it seeks confirmation of the IOPC's 'lawful authority' in regard to the investigation of crime.

We have decided to refuse your request under section 14(1). This states:

Section 1(1) does not oblige a public authority to comply with a request for information if the request is vexatious.

Our reasons for refusal are the same as those we gave in our letter of today's date (reference 1008824) for refusing your requests of 30 November as vexatious. Your request relates directly to matters you have raised repeatedly in correspondence with the IPCC/IOPC over many years. When your correspondence over the last 16 or more years is taken into account, we are left in no doubt that this request forms part of a persistent campaign to try and provoke a response and revive concluded matters. We consider this to be a further example of your requests aimed at questioning the processes and integrity

of the IOPC and the police complaints system with particular reference to the circumstances of your own grievances. Such a request could not result in the disclosure of information that would be likely to satisfy you and result in you ceasing your requests for information.

Compliance would therefore impose a burden on the IOPC arising from the resources and staff time that we have already spent on addressing your numerous information requests and related correspondence, and the resources we would be likely to commit to this and any future requests from you.

As confirmed by the Information Commissioner in decisions she has made under section 14(1), the FOIA is not an appropriate mechanism for pursuing grievances. If you have concerns about the handling of your police complaints you may have those concerns formally examined by means of a judicial review or other legal challenge. We conclude that this request can fairly be regarded as vexatious, especially when considered in the context of your previous requests.

Please remember to quote reference number 1009170 in any future correspondence about this request.

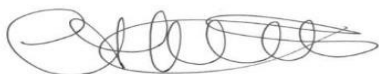
If you are not satisfied with this response you may request an internal review. If you wish to complain about this decision, please provide your representations and grounds for complaint within 40 working days of this response to the following address:

FOI Internal Review
Independent Office for Police Conduct
PO Box 473
Sale M33 0BW

All emails requesting a review should be sent **directly** to:
dpo1@policeconduct.gov.uk

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

Yours sincerely



Freedom of Information and Data Protection Team
Independent Office for Police Conduct (IOPC)