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NATIONAL CAMPAIGN FOR THE REFORM
OF THE OBSCENE PUBLICATIONS ACTS

N C R O P A

FIGHTING SEXUAL CENSORSHIP

HONORARY DIRECTOR - David Webb, R.A.D.A. Dip., 15 Sloane Court West, Chelsea, London, SW3 4TD - Tel: 071-730 9537

NO/DAW/DP

12th September 1992

Sir Leonard Peach,
Chairman,
Police Complaints Authority,
10 Great George Street,
London,
SW1P 3AE

RECORDED DELIVERY

Sir Leonard,

Complaints Against Sir Peter Imbert, the Chief
Commissioner, and Superintendent Michael Hames,
of the Metropolitan Police

The contents of this letter refer to matters concerning and arising from my original complaints against the two above-named police officers lodged with your predecessor, His Honour Judge Francis Petre, on 22nd June 1992.

Sir Peter Imbert, Chief Commissioner

I was advised by Judge Petre, in his letter to me dated 30th June, that the Metropolitan Police Commissioner "is not a police officer (and) his conduct cannot be the subject of a complaint under Part IX of the Police and Criminal Evidence Act 1984." Consequently the Police Complaints Authority "has no remit to deal with such a matter", he stated, and he suggested that my remedy may lie with the Home Secretary.

However, in replying to my response (of 1st August) to Judge Petre's letter, Mr. Peter Moorhouse, your Deputy Chairman (Discipline), referred me to Section 3 of "The Police (Discipline) (Senior Officers) Regulations 1985 (S.I. 1985 No. 519), which, he stated, defines "the basis of pursuing a complaint against an officer of the rank of Commander or above in the City of London or Metropolitan Police Forces."

I have now studied these Regulations very carefully. However, if the Metropolitan Police Commissioner is not a member of the Metropolitan Police Force (and according to Halsbury's and, indeed, Judge Petre, he is not), how can Section 3 of those Regulations apply to him?

Would you please, therefore, give me a definitive answer as to whether or not:-

(1) Police Regulations, as embodied in Statutory Instruments

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COMMITTEE - Alexander Barrie, A.A.Dipl. M.A.I.E.; Professor Gerald Fowler, M.A. (Hons.), F.A.B.E.; Ted Goodman, LL.B. (Sol.); Clifford Hanley; David Kennington, M.A. (Hons.), Litt.D., B.A. (Psy.); Isabel Koprowski, B.A.; Eric E. Miller; Tuppy Owens, B.Sc., Dip.H.S.; Dr. Christine Pickard, M.B., Ch.B.

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made by Secretaries of State for the Home Department, acting in accordance with their powers under the Police Act 1964 and the Police and Criminal Evidence Act 1984, apply to Metropolitan Police Commissioners?

and (2) whether or not the Police Complaints Authority has any other powers (either mandatory or advisory), and/or procedures, for dealing with complaints against Metropolitan Police Commissioners?

Superintendent Michael Hames

Judge Petre forwarded on my complaint against Superintendent Michael Hames to the Metropolitan Police Commissioner, the chief officer of that force and the appropriate person to deal with it, and accepting that it was a matter in the public interest (his letter to me dated 30th June refers).

On 13th July Assistant Commissioner Peter Winship wrote to me, on behalf of the Commissioner, informing me that my complaint had been totally rejected. I replied to that on 1st August stating that the investigation of my complaint by an officer from the same force was quite unacceptable to me, especially since the chief officer of that force (Sir Peter) - even if, absurdly, technically not a police officer at all! - was himself the subject of a similar and related complaint from myself, and I requested Sir Peter to appoint a senior officer from another force to be appointed to carry out the investigation of my complaint against Superintendent Hames.

This request to the Commissioner was responded to by a Metropolitan Police solicitor, David Hamilton (on 7th August - copy enclosed herewith) acting for Sir Peter. His line was that it was simply a matter of internal Metropolitan Police policy I was complaining of and that that policy permitted the kind of activities Superintendent Hames was involved in, and that The Commissioner therefore refused to accept my complaint, which was outside the provisions of the P.A.C.E. 1984. He informed me that it had not, therefore, even been recorded as a complaint as such and neither had it been investigated.

I duly replied to this extraordinary letter on 17th August (copy enclosed herewith) by completely rejecting his nonsensical claim (i.e. that my complaint was not a complaint at all!) and demanding that it be properly investigated in accordance with the provisions of Section 84 of the P.A.C.E. 1984; and furthermore to make known my demand to the Commissioner together with my re-action to the advice he had given him.

After a further 'chase-up' letter on 2nd September, a further reply (dated 4th September - copy enclosed herewith) was sent by the Metropolitan Police solicitor, re-iterating his former point that my complaint falls outside the ambit of Part IX of the P.A.C.E. 1984 "and does not fall to be treated as a complaint at all." He informed me that the Commissioner declined to accede to my renewed demand and suggested that, if I was not satisfied with the Commissioner's decision, I should consult a solicitor!

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I am, of course, well aware of what Section 84 of the Police and Criminal Evidence Act 1984 specifies for the procedures to be followed in handling complaints against the police, as well as the legal interpretations therein laid down; and I also take note of what Peter Moorhouse, your Deputy Chairman (Discipline), wrote in his letter to me dated 11th August (and to which I have already referred in this letter) concerning this point.

My complaint against Superintendent Hames is, however, as the P.A.C.E. 1984 requires:-

- (1) a "complaint about the conduct of a police officer which is submitted by (a) a member of the public" - Section 84(4) of P.A.C.E.
- and (2) does not relate to "the direction or control of a police force by the chief officer" - Section 84(5) of P.A.C.E.

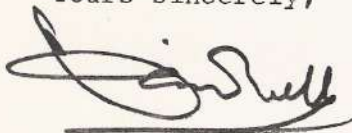
It relates to the regulations (to be precise, Regulation 10 and para. 1 of Schedule 2 of the Police Regulations 1987 as laid down in Statutory Instrument 1987 No. 851 - and which revoked the 1979 Police Regulations but did not change this part of them) which mandatorily apply to all police officers of all police forces, including the Metropolitan Police Force, and with which the operational direction and control of a police force by its chief officer must conform, as part of the law.

The Metropolitan Police Commissioner's contention that my complaint against Superintendent Hames does not "fall to be treated as a complaint at all" and is not thus subject to the law as embodied in the P.A.C.E. 1984, is patently wrong and, it seems to me, deliberately perverse.

I therefore request that the Police Complaints Authority acts in accordance with the provisions of Part IX of the Police and Criminal Evidence Act 1984 and the powers afforded it therein by Section 87(2), and that it thus orders the submission by the Commissioner of the Metropolitan (the appropriate authority as specified in Section 84(4)) of my complaint against Superintendent Hames for consideration by the Authority;

and that, consequent to that consideration, the Police Complaints Authority acts in accordance with its powers under either (possibly) Section 89(1)(b) or under Section (2)(a) of the Act.

Yours sincerely,



David Webb,
Honorary Director,
National Campaign for the Reform of the Obscene Publications Acts

Enclosures