

Judicial Review pre-action letter before claim.

Date: 9th November 2017

To: IPCC Legal Services (Respondent)
Independent Police Complaints Commission
PO Box 473
Sale
M33 0BW

Interested Parties

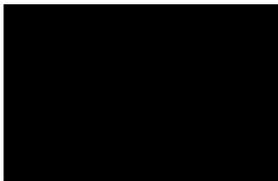
1) Childrens Commissioner for England Anne Long Field OBE

Sanctuary Buildings, Great Smith St,
Westminster,
London SW1P 3BT

2) Independent Enquiry into Child Sexual Abuse

Legal Department
PO Box 72289,
London, SW1P 9LF

From: Mr. John Caine



Included: Supplementary information and index (91 pages)

This letter is to comply with the Judicial Review Pre-action protocol by putting the respondent on notice an application for Judicial review will be filed in the High Court unless the serious breaches to law and identified deficiencies in the respondents conduct and performance of its duty are corrected in the "Best Interests of Children".

Background.

Child Endangerment by Hampshire Police and IPCC gross negligence in the performance of its duties. This case revolves around a child sex offender case in relation to a Mr. Tyrone Mark an ex teacher at the Arnewood School in New Milton. Two referrals were made to Hampshire Police about this individual. The first in Dec 2012, and the second Oct 2013. Despite overwhelming evidence of sexual deviations toward children and abuse of position by this teacher both referrals were illegally kept out of the police RMS contrary to statutory Home Office rules on crime recording and related procedure (HO CR). Only after my personal involvement was the case recorded in Nov 2014 and subsequently investigated, which resulted in convictions for 17 offences against children. It is important to note all of the multiple offences Mr. Tyrone was convicted of were carried out by him

after the two referrals to Hampshire Police, hence they all could have been prevented had Hampshire Police complied with the law and recorded and investigated the case when it was first reported two them some 2 years before. Hence this serious dereliction of duty by officers did not theoretically put children at risk but actually resulted in offences against children being committed that could have easily been prevented. The evidence and facts show both Hampshire Police with the help of the IPCC have engaged in deliberately obstructing process and evidence reaching the people it was intended to reach to avoid culpability at children's expense contrary to the "Rights of the Child" and domestic law.

Please read pages 1 to 20 of the enclosure for the background information to this corrupt farce. Then refer to pages 21 to 29 for my involvement.

Grounds (1).

Wednesbury unreasonable and breach of legitimate expectations. Failing to provide reasons and explanations contrary to assertions. Please refer to page 22 letter to IPCC Chief Exec by the Childrens Commissioner asking the Chief Officer to contact me, this never happened. Also refer to page 42 where Katie Aston of the IPCC informs me I am to receive a "rationale" as to way officers breaching the HOOCR (twice despite damning evidence) to such an extent offences against children that could have been prevented were committed is not a "conduct issue". This is tantamount saying officers breaking the law in a way which has directly endangered children is not a concern deserving of any disciplinary sanction or even the lowest wrung of accountability (management advice). Are children really so worthless in the eyes of Hampshire Police and the IPCC. The facts of the case tell us yes. Cover up comes first. This is an ongoing failing as I still await the reasons and explanations they said I would receive.

Grounds (2).

Misapplication of the law and gross negligence by Katie Aston. Ms. Aston advised me on 29/3/2017 to call 101 if I wished to make a criminal complaint against officers. I did. The 101 operator who took my call was Andy, collar No: 12353 (desk 70). He declined to take my crime report and the reason he gave was "he not empowered to take a report of that nature, and 101 was only to report minor crime" or words to that affect. He told me to revert back to the IPCC. I should have been given a RMS incident number at the very least, but was declined that too after he consulted with the PSD. This was wholly unlawful. Once again as for the child sex offence case they simply opted not to enter anything in the RMS contrary to statutory Home Office requirements. I have still not received an incident number or an official recording decision after calling 101. I have now had to resort to alternate means to try and get what I am legally entitled too as a member of the public using the 101 crime reporting number. Refer to page 73. However bizarrely Katie Aston did not uphold my appeal and did not even answer this issue. She simply arbitrarily dismissed my appeal about the same on the basis I was not entitled to bring a complaint about officers as I had not been "adversely affected" without offering any reasons or explanations as to this point. Thus allowing Hampshire Police once again to break the law with impunity in the most fundamental way in regards to crime recording and statutory processes. This was not a complaint made under the Police reform Act 2002 but rather a criminal complaint made by calling 101. It should be recorded and then a "recording" decision issued and the matter either filed in the police system with reasons or progressed. I have still not received an incident number or proper recording decision.

Grounds (3)

Procedural irregularity. On 17 October 2017 Peter Hunt of the IPCC arbitrarily dispensed with my complaint against Ms. Aston for blocking vital evidence that proved officers broke the law from reaching people it should. See page 65. This complaint too had not been recorded (the IPCC clearly plays this game too). I had to chase it up to get an answer, see page 66 to 72 for the correspondence showing this. He then corrected this omission and recorded it. However it was then hastily dispensed with it on the very same day albeit a complex matter involving children rights amongst other things. This “dispensation” was contrary to the rules. It was not a repetitive complaint but about something entirely new, it did not meet the criteria in the guidance for dispensation. This was must be corrected in children’s best interests. Please now provide proper legal justified reasons for arbitrarily dismissing a serious complaint about a caseworker in this manner. I further request a copy of your latest dispensation guidelines/hand book. I have a copy of an older one and there is nothing in it that remotely legally justifies Mr. Hunt’s dismissal of my complaint.

Grounds (4).

Not complying with statutory guidelines in reference to “mandatory referrals”. Under statutory guidelines serious complaints against officers such as perverting the course of justice must be sent in to the IPCC by the police for immediate consideration (within 24 hours). If this does not happen the IPCC has a duty to “call it in”. This certainly qualified as the facts and evidence dictates. Why did Katie Aston ignore this requirement? This should have been treated under “mandatory” referral under the mandatory IPCC guidance but was not. Why? Once again the old documentation makes this clear. This matter too needs correcting as it too is a catastrophic “oversight”. If the respondent does not agree I request it provides me with the up to date statutory guidance on “mandatory” referrals and explain why Hampshire Police were allowed to circumvent this process in this case, and why the IPCC thinks Hampshire Constabulary need not comply with these important regulations. Particularly in view of the serious negligence (at best) by officers and horrendous failings regarding this child sex abuse case that led to sexual offences being committed that could have very easily been prevented and would have seen a child sex offender left on the streets left free to go about his business unchecked if not for my intervention.

Grounds(5).

Deliberately withholding vital evidence to perpetuate a cover up. Refer to pages 30 – 37 for the evidence proving Hampshire broke the law twice by not entering a child sex offence case in the RMS not once but twice despite damning evidence. This resulted in sex offences being committed that could have been stopped. Any moral ethical human being yet alone an IPCC case worker would have made sure this evidence of police unlawfulness reached the people it was intended to reach in children’s best interests. Yet Katie Aston bizarrely and irrationally refused to do so. After Hampshire Police’s PSD and the Force Solicitor Mr. Roger Trencher failed to forward it on at my request and ignored it I brought this failing to the attention of Ms. Aston and asked she make sure it reached Jennifer Izekor the IPCC Commissioner tasked with the responsibility of ensuring a proper “conduct assessment” be carried out due to Hampshire Police’s failure to do so and follow guidance on the matter, and Lesley Longtone the IPCC Chief Executive due to her direct involvement in the case. Ms. Aston was the delegated case worker in reference to my appeals to the IPCC and was fully

conversant with all aspects of the case. Furthermore she was fully aware of the Commissioner's and her Chief Executives involvement in the case by way of copies of the correspondence I sent her. Given the Forces blocking of this evidence reaching the people for whom it was intended, and as I had no direct contact with the IPCC Chief Executive or Commissioner as they are not public facing roles (I tried) it was a perfectly reasonable course of action on my part. Yet this vital evidence that proved officers broke the law went "nowhere" despite it proving the serious legal failings and gross neglect of duty by officers under the Police Code of Conduct (conduct matters). Statutory failings that would have seen a child sex offender left on the street unchecked and resulted in sex offences against children that they could have prevented. In other words the evidence that proved the point was blocked from informing the "conduct assessment" and deliberately so. Not just by Hampshire Constabulary but by Katie Aston of the IPCC as well. This is beyond Wednesbury unreasonableness and recklessness, it is criminal. There is "no rationale" for this and hence none has ever been offered despite assurances I would be in receipt of reasons and an explanation.

Grounds (6).

Contravening the "Rights of the Child". Of course this contempt for children's well being firmly places the respondent in breach of the convention on "The Rights of the Child" too. Children's best interests must be placed first when it comes to issues and decisions that affect them, even if that does tarnish reputations. This was not lawful under treaty obligations as is clear for the world to see from the facts and evidence. Even if Mr. Franks of Hampshire police has no regard for it. Please see page 87 for confirmation neither organisation Hampshire Constabulary nor the IPCC operations have any regard to children rights under the "Rights of the Child". They have confirmed it in writing.

Grounds (7).

Wednesbury unreasonable and irrational. If I was the Children's Commissioner I would be furious about this. Pay careful attention to Katie Astons of the IPCC's decision on page 87 where she agrees with Hampshire Police about its off hand dismissal of children's rights. This decision led me contacting the Children's Commissioner who then went to a lot of bother spelling things out to the IPCC. Once again read pages 21 to 29. Pretty clear stuff. Now read Katie Astons later decision of 21 Feb 2017. Pay particular attention to page 89 second to last paragraph. Note we are back to square one despite the Commissioner's intervention. And Katie Aston was fully aware of all the correspondence. It does rather seem the IPCC Chief Executive re-assurance to the Commissioner in her letter of 9th Sep 2016 was nothing but hot air. Certainly as far as IPCC caseworker Katie Aston was concerned. Let's assume Anne Longfield OBE knows a bit more than she does about children's rights and best interests.

Grounds (8).

Wednesbury unreasonable, irrational child endangerment. Please explain why the IPCC clearly then passed the "conduct assessment" back to Hampshire Police to conduct given the history of the case. The most uninformed and un-knowledgeable person in the world be able to tell you this defies common sense. You do not let people investigate themselves. That is a commonly held worldwide principle in first world countries for reasons I should not need to explain. What happened here runs entirely contrary to that basic legal principle. Here I had made substantiated criminal complaints about various members of PSD for covering matters up and unlawfully protecting at the best grossly

negligent officers. Remember children came to harm because of these statutory failings by officers. Regardless of the fact these criminal matters were unlawfully blocked and improperly disregarded I had made these matters known to the respondent never the less, and in no uncertain terms many, many times. Yet the PSD and no doubt the very same officers and members of staff responsible for the underlying cover up were tasked with investigating themselves. The respondent must now offer an explanation and reasons for this bizarre decision on its part to hand matters back the Hampshire Police to deal with. On the face of it without reasons and explanations justifying this decision it simply facilitates police corruption and hence will be challenged in "children's best interests". Given the facts is very clear it was a nonsense and dangerous decision to make.

In Closing.

Here I have highlighted just some of the respondent's failings under law, there are others I have not documented but reserve the right to add should I be compelled to Judicial Review in the public and children's best interests. Children in this country are in dire peril if this is the best authorities can do to protect them from sexual abuse. All the laws are in place to do so, however there is no will to enforce that law and it is routinely flouted by those who are paid to "protect" as this case shows. No accountability = the encouragement to do it again, and again, and again What if Mr. Mark had gone on to live out his aberrant sexual desires relating to children while the police broke the law not once but twice by keeping this matter off the record despite overwhelming evidence which necessitated immediate and swift action?

Under the court protocol you have 14 days to provide a substantive and meaningful response to all the raised points, and justify why serious legal failings by officers which resulted in child sex offences being committed that could have been prevented is not something the IPCC sees fit to redress. Given the history I remind the respondent it has a "duty of candour" when replying.

This is an ongoing matter as failings of this magnitude are deliberately left uncorrected by the responsible authorities it only invites and encourages the repeat of this dire negligence at children's peril. That in my opinion would amount to systemic criminal negligence on the part of the UK authorities. As such JR would not be my only avenue of redress in children's best interests.

Yours Sincerely

John Caine