

Ph (44) 01730829416
Mobile (44) 07717222459
e-mail irfrancis@onetel.com

Sunny Bank,
Church Lane
West Meon,
Petersfield
Hampshire GU321LD

12 June 2012

The Independent Police Complaints Commission,
90 High Holborn,
London WC1V 68H

Appeal Against Humberside Police's Rejection of my Complaint

Dear Sirs,

On the 16th of May I wrote to Humberside Police (copy enclosed) to provide **irrefutable evidence that Safer Roads Humber's claims in their 2010/11 annual report for the benefits their speed cameras provide are wildly exaggerated, cannot conceivably be correct and amount to misconduct** under one or more headings. I also provided **documentary evidence that Safer Roads Humber and others have repeatedly refused to withdraw** their palpably false claims.

I also pointed out that because Humberside Police is involved with Safer Roads Humber **it would be neither appropriate nor acceptable for them to investigate these matters** and that they should therefore refer my complaints to another Force which is not compromised in the same way - as the age-old saying goes, no man may be a judge in his own case.

I enclose a copy of their reply rejecting my complaint and I ask that you instruct them to pass my complaint to another Force for investigation.

Overview

I need not repeat here the detail contained in the correspondence and other material I enclose in chronological order on the DVD, but instead set out here the principles and the issues that justify both my complaint and the need for those responsible to be brought to account.

a/ My complaint is of **criminal misconduct by civil servants**, not by police officers and it should have been investigated on that basis, not referred to the Professional Standards department of any Humberside Police or any other Force.

b/ Because Humberside Police are **themselves involved in Safer Roads Humber** (and also, as DI Miller tells me, support these false claims) they should have no authority to reject my complaint and should instead have passed it to another Force not compromised in the same way.

c/ My late father, a lawyer, explained to me when I queried some particular law that English law, having been developed and refined over centuries, is almost always logical and sensible. And that accordingly if I need to know what the law says about any particular point, I should **ask myself what it logically ought to say** - and that I would then almost invariably find that that is what it does say.

I therefore refuse to accept what DI Miller appears to believe, **that the law provides no remedy against or penalties for, public servants (in particular) who publish blatantly false and seriously misleading claims of the benefits provided by their activities.** (This is of course all the more true in the context of road safety where policies and spending decisions skewed by false data and analysis can only lead to greater risk for those who use the roads.)

d/ Because it is literally impossible for the law to define precisely every possible offence that might occur, there have to be laws which are **defined in broad terms** to cover misconduct which could have been foreseen. Such "broad-brush" provisions include **Misconduct in Public Office** and **Statutory Duty of Care** - no less effective for being written in general terms rather than specific.

e/ As a matter of general principle, the freedom of speech we all theoretically enjoy, to say, write, broadcast and publish what we like is at all times **constrained by consideration of the harmful consequences for others**. It is therefore **utterly preposterous** to claim, as DI Miller in effect does, that **public servants are free to publish in public documents whatever nonsense**, including as in this case, dangerous nonsense, they wish, without penalty or redress.

f/ It is beyond dispute that **publication of false information**, in the records or reports of private or public companies or in advertisements for products, services or promotion of the company or business, is a potentially a criminal offences under various headings including **Fraud, Obtaining Money By False Pretences, Conspiracy to Defraud, False Accounting** and many more. Does DI Miller seriously believe that **public servants are immune** to such laws and penalties? Are not members of the public and (especially) those who make policy and spending decisions (including whether to continue to fund Safer Roads Humber) entitled to expect that claims made in their reports are at least reasonably accurate and realistic rather than the **stuff of fantasy based on a combination of gross incompetence and wishful thinking?**

g/ My complaint identified a number of laws that might apply to the making of these false claims (see following sub-paragraphs), although it is far from exhaustive:

i/ I fail to understand how publishing **blatantly false information in an official report**, and failing to withdraw it when challenged, does not amount to **Misconduct in Public Office** as defined by DI Miller in no. 1 of his numbered paragraphs.

ii/ Nor do I understand how publishing **blatantly false information in an official report**, and failing to withdraw it when challenged, does not amount to a **Breach of Statutory Duty of Care**. Surely public servants are required by the **Statutory Duty of Care** they owe to the public they serve not to publish false information, not to mislead and not to deceive them? How can anyone believe otherwise, as DI Miller's second numbered paragraph implies that he does? Can he really believe, as he appears to claim, that public servants can publish anything they like, however absurd, without penalty? And that there is no way that the law can have those statements withdrawn?

iii/ DI Miller's third numbered paragraph rightly points out that the **Perjury Act 1911** relates to statements made in judicial proceedings - but (despite my originally having cited the Act in relation to "*false information in public documents*") **he fails to acknowledge** that it also *covers "other false statements without oath"*: see following quotation (my emphasis) from main body of

"Perjury Act 1911 (c.6)

5. False statutory declarations and other false statements without oath. If any person knowingly and wilfully makes (otherwise than on oath) a statement false in a material particular, and the statement is made:

(a) in a statutory declaration; or

(b) in an abstract, account, balance sheet, book, certificate, declaration, entry, estimate, inventory, notice, report, return, or other document which he is authorised or required to make, attest, or verify, by any public general Act of Parliament for the time being in force; or

(c) in any oral declaration or oral answer which he is required to make by, under, or in pursuance of any public general Act of Parliament for the time being in force,

he shall be guilty of a misdemeanour and shall be liable on conviction thereof on indictment to imprisonment, . . . F1 , for any term not exceeding two years, or to a fine or to both such imprisonment and
fine.

iv/ That DI Miller goes on to say in the same paragraph that "*Furthermore the fact that you disagree with the content of the report does not mean that the content is false or untrue*" suggests that he **either has not the faintest understanding** of the evidence I provided, or that **he has not bothered to read it**. That in the same context he goes on to state (Para. 3 pg.2) that "*Humberside Police as a partner of Safer Roads Humber supports and endorses this [East Riding Council] response*" also suggests that he (or whoever else within Humberside Police authorised that absurd statement) simply does not understand the evidence. Or alternatively, if they do understand the evidence, that they prefer not to admit that they do.

v/ Other wide-ranging laws which I did not include in my complaint include **Misfeasance** (inappropriate action or **intentionally incorrect advice**), **Nonfeasance** (no indicated action) and **Malfeasance** (hostile, aggressive action). How can publishing false, seriously misleading and potentially dangerous information regarding the effectiveness of road safety measures not amount to Misfeasance? How can refusing to **withdraw it when it becomes clear that it is nonsense not amount to Nonfeasance?**

h/ The **clear evidence that the claims made for camera effectiveness and costs saved are nonsense** is provided in detail in the correspondence and data on the DVD but in summary is essentially simple:

i/ The claims are based on the ludicrous assumption that any and all changes in accidents at each and every speed cameras site after installation are **due to the cameras and nothing else**. In reality it is a matter of record and day-to-day experience and indeed local and national reports that changes in these small (and therefore highly volatile) numbers come about as a result of chance, long term (usually downward) trends, regression to the mean (aka selection bias), the varying health of the economy and (where cameras are installed) due to some drivers choosing to divert and take their share of accidents with them.

ii/ On average, over the years covered by the Safer Roads Humber Report, annual national death and serious injury totals fell by about 25% - which cannot fail to have contributed to the observed falls at camera sites - yet this is ignored in the Report. (see documents 25 and 26 on the DVD)

iii/ My own analysis of millions of accidents from 1979 to 2007 (see "How Casualties Fall Without Cameras) shows that on average in Humberside fatal and serious injuries in any 1km square area that has suffered at least 4 KSI in 3 years and would have qualified for a speed camera, KSI fell by 31% in the following 3 years due to trend and regression to the mean - with barely a camera involved anywhere. (see document 21 on the DVD). Yet the claims completely ignore the contributions of trend and regression to the mean.

iv/ On average over the period in question, national traffic volume hardly changed, but Safer Roads Humber's own data shows a fall of 5% in traffic - logically accounting for 5% of the observed fall - yet this too has been ignored. (See document 09 on the DVD).

v/ Having conjured up wholly spurious numbers of deaths and injuries Safer Roads Humber then multiply them by wholly spurious 'values' and then give the impression that the £73m they arrive at (to 7 significant figures!) is real cash saved for the State. The figures are spurious because:

i/ The greater part of the "values" they use are **notional sums allocated to pain and suffering**, which are **not cash in any known ledger** and should not be treated as such

ii/ Another major element is shown as "**lost wages**" - but although those wages may well be lost to those killed or injured on the roads (or indeed anywhere else) they **become available to those who step forward to take over that work**, so there is **no such overall loss to the State**. As I say there is more detail in the documents on the CD and at <http://www.fightbackwithfacts.com/bogus-dft-values/> that confirms beyond rational doubt that the "costs" supposedly saved are largely imaginary.

iii/ It is surely significant that not one person to whom I have addressed my complaints has ever challenged my analysis of why the claims must be wildly wrong or sought to justify the claims.

iv/ As I set out in the correspondence, the very low significance of speeds above limits in accident causation - less than 3% of accidents are caused primarily by speeding - makes it utterly impossible for speed cameras to bring about the massive reductions in accidents that are claimed for them.

For your convenience and mine I provide all the relevant documents, including this letter, on the enclosed CD. Despite the number of documents, the important information is actually quite modest in volume - the most important being the figures and analysis which shows that it is literally impossible for Safer Roads Humber's claims to be remotely true. If there is any part of that central issue that is not clear please contact me for clarification.

In summary - the claims are palpably and demonstrably false, by very large margins, and it is very important indeed in the interests of road safety that they are withdrawn, and those responsible for these fraudulent claims be brought to account.

Yours faithfully,

Idris Francis, B.Sc.