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11 April 17

Complaint Against the Chief Constable and Other Unidentified Senior Officers

in relation to Misfeasance in public office, Breach of Duty of care and of the Policeman's Oath

The Office of the Police and Crime Commissioner,
Westgate Chambers,
Staple Gardens,
Winchester, Hants.
SO23 8AW

By email to opcc.complaints@hampshire.pnn.police.uk

Dear Commissioner,

This complaint against the Chief Constable relates to her refusal to respond to the compelling evidence I sent her and copied to you that slight injury collisions at fixed camera sites stop falling when fixed cameras are installed and that fatal/serious collisions rise substantially, both in contrast to falling trends elsewhere. I attach my letter to the Chief Constable and the Excel spreadsheet containing the official site data I extracted from the needlessly unhelpful pdf format in it is provided on the police web site.

My complaint is based on the following fundamental principles:

a/ While every individual in Britain owes a duty of care to all others, that duty is more explicit and more demanding for public servants and organisations, not least for police officers and police forces.

b/ Breach of that duty of care is an offence under the general heading of misfeasance in public office when due to incompetence or negligence, or malfeasance if deliberate, as appears to be the case here.

c/ To be specific, any police force which introduces significant changes to roads or roads policing such as speed cameras, owes a duty of care to the public it serves to monitor the consequences of those changes, especially their effects on injury and collision rates.

Despite spending many millions of pounds since the early 2000's on buying and operating fixed speed cameras and recording relevant data, Hampshire Police appear to have made no effort to analyse it to determine the effects of those cameras. I attach as an example, my email of 28 May 2012 about this

and the response of 27 July copying their reply HC-001-041-12 of 30th May that I had not received. As you will see, that reply confirms that no such analysis had been done even 10 years or so after the cameras were first introduced. (The pdf file is dated April 2017 because the original copy was encrypted by malware and had to be recovered from a backup drive.)

No normal commercial organisation would spend millions of pounds each year on a project without monitoring its effects. I consider that Hampshire Police's failure to do so amounts to *prima facie* evidence of misfeasance in public office and breach of duty of care to the public on the part of those responsible over those years, and indeed to this day. Accordingly there may well be a case against those responsible in past years but for the moment I submit only this complaint.

In 2011 the then Roads Minister instructed police forces and camera partner-ships to publish their data so that others might judge the effects of cameras. Like most forces Hampshire Police were very slow to do so and my correspondence with them makes it clear that even by November 2015 they had still not done so (see the copy of my email of that date)

When I noticed towards the end of February this year that it had finally been published (having spent ten thousand hours or more obtaining and analysing similar data) I was able to convert it to the Excel format attached that provides the graphs showing beyond rational dispute that Hampshire's 30 fixed cameras lead to more injury collisions than would otherwise have occurred.

If failure over some 15 years ever to analyse their own data to determine the effects of their cameras amounted to incompetence, misfeasance and breach of duty of care, the evident determination of the Chief Constable to ignore the damning evidence I sent her makes it malfeasance.

On the 15th of March I emailed the letter and Excel file to postmaster@hampshire.pnn.police.uk and received the same morning an acknowledgement of the FOI request contained within the letter, as indeed I did from your own office. **But not from the Chief Constable for whose personal attention the email had been marked.** After waiting a week I sent it again, on the 22nd of March. On the 24th when I had again received no reply I telephoned and spoke to a lady in the Chief Constable's office who told me that she would look into it. When I had still received no reply by the evening of the 27th I sent the email for the third time and received the following day the attached email from Amanda Gomer, including these words:

Thank you for your correspondence which has been passed from Postmaster to the Chief Constable's office.

I hereby acknowledge receipt and can confirm this is the first time your correspondence has been received by the Chief Constable's office.

*I would like to confirm that the Chief Constable **will not be responding personally to your correspondence** and I have been advised to highlight that if you wish to make a formal complaint please so do via the correct channels of the Professional Standards Department at Hampshire Constabulary. I understand your Freedom of Information request has been acknowledged appropriately.*

(my emphasis)

I made clear my dissatisfaction with that reply clear in mine (also attached) when I pointed out that my first email and my telephone call clearly had been received, adding that all this “*gives the impression of an organisation attempting to ignore inconvenient facts in the hope that they will go away*”. I asked again for confirmation that the compelling evidence I had provided be given the attention it deserves. No further reply has been received.

I believe that this clear determination to ignore damning evidence that Hampshire’s fixed cameras lead to more slight collisions and substantially more fatal/serious collisions than would otherwise occur not only confirms my view (above) but also adds malfeasance to misfeasance because refusal to deal with the issue is clearly deliberate:

Noun, Law: the performance by a public official of an act that is legally unjustified, harmful, or contrary to law; wrongdoing (used especially of an act in violation of a public trust).

I believe that the Chief Constable is bound by her duty of care and Oath of office to take note of and investigate evidence brought to her attention that her Force’s policies result in more road users being killed or injured than otherwise would be. And that unless she now ensures that these matters are fully investigated and appropriate action taken, she would be would be unfit to continue as Chief Constable.

Further and as you cannot fail to be aware, one of the major problems to come to light in this country in recent years, whether in respect of South Yorkshire Police’s notorious failure to deal with child abuse, the NHS which has for decades fired whistle-blowers (often paying them large sums of public money to go away and keep quiet) rather than deal with the “inconvenient facts” they reported, to the BBC’s failure to deal with decades of sexual abuse, to the thrashings given to generations of boys at a prominent public school and the report only yesterday about a very senior banker who improperly tried to have a complainant identified, is that time and time and time again officials right up to the highest levels prefer to deny or ignore the evidence presented to them rather than deal with it.

This simply will not do!

I confirm if course that I would be prepared to cooperate in any further analysis of the data and that I have other emails on file that confirm that no one at Hampshire police seems to have any idea at all about how to analyse the data – even if they wanted to.

Yours sincerely

Idris Francis B.Sc.