

Campaigner wins rulings against two police chiefs

HAMPSHIRE Police and its crime commissioner Simon Hayes have been criticised in the latest chapter of an Ashley man's five-year battle to have his complaints investigated.

John Caine is to receive an apology from the force after a parliamentary ombudsman found it had failed to properly investigate complaints about New Milton Town Council.

He had reported former amenities committee chairman Coun. Goff Beck and town clerk Graham Flexman for allegedly orchestrating a "cover-up" in 2009 over proposals to turn land in Andrew Lane in Ashley into allotments. He claimed they had overlooked the site's classified status as a village green and allegedly altered committee meeting minutes. The allotment scheme was subsequently dropped.

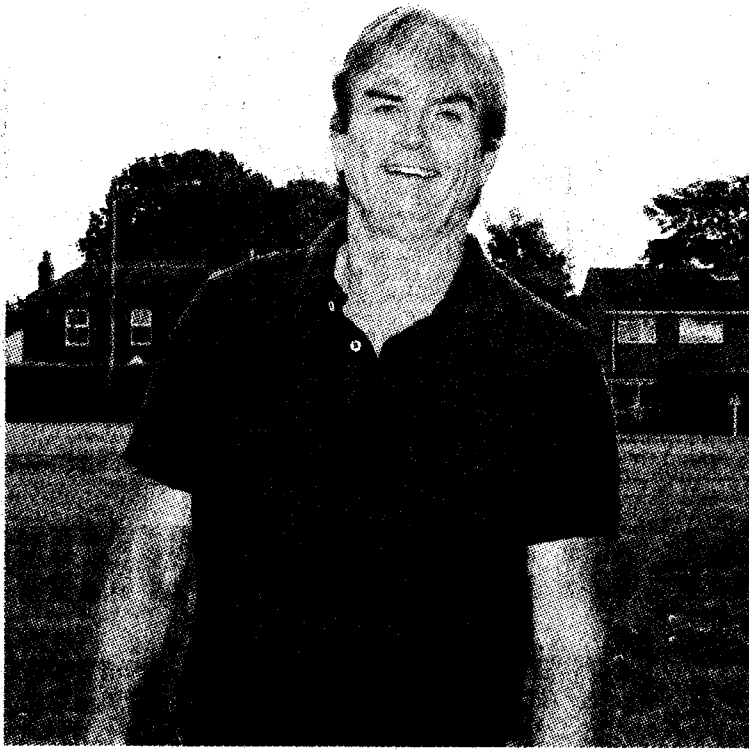
The ombudsman ruled the force had flouted its duties to Mr Caine and did not follow its own policies or offer him services he was entitled to.

Mr Hayes was also found wanting by the Independent Police Complaints Commission (IPCC), which told him he cannot refuse to record or look into complaints made by Mr Caine, including that chief constable Andy Marsh presided over "basic failings".

But, speaking to the 'A&T', Mr Caine, of Ash Tree Close, said he was still not satisfied with the resolutions proposed and vowed to fight on.

"I believe it is a disgrace that a member of the public has had to work so long and so hard to get a very serious police complaint dealt with according to the rules and regulations by the Office of Police and Crime Commissioner (OPCC) and Hampshire Constabulary," Mr Caine said.

When complaints were first made to Hampshire Police by Mr Caine the force subsequently passed a file to the Crown Prosecution Service, but it ruled there was no case to answer.



Determined: John Caine has fought a five-year battle

Mr Caine then complained police who investigated the matter did not do their jobs properly and claimed they had not even asked any questions of anyone involved.

When Mr Caine first went to the Police and Health Service Ombudsman, the ombudsman decided not to investigate because Hampshire Police then admitted it had breached its obligations to Mr Caine, apologised to him and agreed to reopen the investigation.

The force also gave an undertaking

at the High Court to comply with its Victims' Code.

But Mr Caine's subsequent dealings with the constabulary led to him making complaints that the force breached the undertaking and handled the reopened investigation poorly, which eventually culminated in the ombudsman getting involved.

In the latest ruling ombudsman investigator Kim Ellis said Hampshire Police had failed in its duties.

"We found that the constabulary

failed to perform the relevant duties owed to Mr Caine under the Victims' Code and he did not receive the services he was entitled to," his official ruling said.

The ombudsman said police were required — under their own code — to tell Mr Caine the outcome of the investigations and inform him why particular decisions over whether to prosecute individuals or not had been reached.

But police did not put the required information on their logs, or tell Mr Caine all the reasons no action had been taken. They also did not advise him whether or not any review of procedures would take place and failed to honour their agreement to send Mr Caine a formal decision in writing.

The ombudsman noted Hampshire Police's professional standards department had decided officers should receive "performance feedback" for not complying with the victims' code.

Mr Caine's ongoing battle with the force had led him to approach Hampshire Police and Crime Commissioner Simon Hayes in April this year.

He made a series of allegations, including that the force's chief constable Andy Marsh breached the High Court undertaking and failed to investigate the matter or comply with IPCC directives. Officers had also not been "knowledgeable or truthful" about regulations and procedure, Mr Caine claimed.

However, Mr Hayes' office told Mr Caine in June it was refusing to accept his complaints, ruling them abuses of the complaints procedure or repetitious.

As a result Mr Caine went to the IPCC in a bid to force Mr Hayes to accept and record the complaints and look into them.

In its ruling IPCC investigator Neil Jasper said Mr Caine's issues with the force's failure to investigate and its breach of the High Court undertaking were matters that Mr Hayes should record as a complaint.

"Mr Caine has expressly said that this allegation is about the conduct of Chief Constable Marsh; he wrote that it, like all of the other claims that he was making, went 'directly to the chief constable'... 'in relation to failings for which he is ultimately responsible'."

A letter seen by the 'A&T' from the commissioner's office says Mr Hayes has now recorded some of the complaints, adding he will use a process known as "local resolution" to determine their outcome.

However, Mr Caine was not happy with local resolution being used as that would mean no officers could face criminal prosecution or even disciplinary action.

Mr Caine added: "A very serious complaint about the police was arbitrarily dismissed and discarded, as is now shown by these recent decisions from the police regarding and the parliamentary commissioner for administration."

Shelbourne's first resident crowned home champion



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Mr Caine added: "A very serious complaint about the police was arbitrarily dismissed and discarded, as is now shown by these recent decisions from the police watchdog and the parliamentary commissioner for administration."

He said he had written again to the IPCC and his focus was on lobbying Mr Hayes not to use local resolution.

"This recent new development compounds the problem and does not inspire me to believe the inevitable outcome will be anything other than a whitewash, but I will cross that bridge when I get to it," he added.

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