

Police Misconduct Proceedings – pursuant to the Police (Conduct) Regulations 2012 (as amended) re officers APS Short; PC Bennett; PC Baron; PS Waterman; and PS Asbury

IOPC Director General Michael Lockwood - Decision as to whether to rescind misconduct directions following the IPCC investigation concerning the death of Leon Briggs

Background

1. On 17 February 2020 the IOPC received a letter from the AA's Head of Legal Services to IOPC Regional Director Sarah Green requesting that the IOPC rescind its paragraph 27(4) direction dated 24 April 2017 pursuant to paragraph 27(8) of schedule 3 of the PRA 2002. In fact, the directions on 24 April 2017 were replaced by directions made on 10 April 2019 which were narrower in scope (see annex 1). The request by the AA has therefore been considered in the context of those later directions. I have been informed that following legal argument, during the week commencing Monday 10th February 2020, the Panel determined that it did not have jurisdiction in respect of the case against PC Cole and thus I am required to consider the directions made in respect of the allegations against the remaining officers.
2. As the current Director General of the IOPC I had no involvement in the above directions and nor have I had any involvement in the preparation or presentation of the present case against the named officers. In considering the request made I do not regard it as appropriate to make the decision based only upon the matters set out in the AA's letter, I have made my own decision based upon the material I have had access to and set out in annex 2 and I have also viewed a series of CCTV clips of the relevant events (detailed in annex 2).
3. In addition to the above material, I recognise the obvious interests of the Briggs family as an Interested Party to these proceedings, I therefore invited representations from them. I am extremely grateful to the family for the speed and clarity with which they have responded to my invitation. I received a letter from the Briggs family solicitors dated 19 February 2020 (care of IOPC Head of Presenting Unit Juliet Farrall) which contained initial representations and a request for further underlying material which was provided. I received a further letter dated 20 February 2020

which contained additional representations. I have considered both carefully and I address the content in articulating the reasons for my decision.

4. I make it clear that in reaching this decision I have ignored the fact that the AA has made it clear that, whatever my decision he will offer no evidence and therefore, it could be said that my decision is academic as it will make no difference to the course of these proceedings. Given the importance of the proceedings to the family and the wider public interest I consider it necessary for me to make a decision.

Structure of the decision

5. The AA's letter of 17 February 2020, raised 10 distinct points (one of which relating to disclosure was not enumerated). The AA concluded that, taken together, the points resulted in the case being "*a paradigm example of disproportionality in action*" and invited the IOPC to review and rescind the direction. I do not agree with the analysis conducted by the AA and am disturbed by the exclusion of the family from the process. I have therefore addressed each point indicating whether this is a 'new issue' i.e. something that the IOPC or the AA, were not aware of at the time the direction was given, whether I agree with the assertion and if not, why not and therefore, what weight I place upon the issue in relation to my decision.
6. I have then gone on to consider further issues that I believe are material factors in relation to the decision before me.
7. In reaching my decision as to whether the directions should be withdrawn I have kept well in mind that the primary purpose of the police conduct regime is to maintain public confidence in and respect for the police service see *R (Williams) v The Police Appeals Tribunal* [2016] EWHC 2708. I am acutely conscious that, in taking my decision, one of my core statutory duties is to secure and maintain public confidence in the police complaints system, it is a duty I take very seriously and for the reasons I set out below, I have found the decision very difficult and very finely balanced.

The AA's 10 points

Point 1

“The extreme delay in the IPCC’s investigation under Emma Maloney and Commissioner Cunneen”

8. It appears that the evidence that the AA relies upon in support of this assertion is the unsigned and undated proof of evidence of former Bedfordshire Chief Constable Jon Boutcher which I believe was provided to the AA by those acting for the officers. It has been put forward as a statement from Jon Boutcher and therefore, I will treat it as such.
9. Whether it is correct to describe the delay as “extreme” matters not in the context of the decision I am being asked to make. It was a period of delay which was known to both the AA and the IOPC at the time the original determination was made and thus it is not a new factor.
10. Further, the concerns of Jon Boutcher about the delays in the investigation during this period of time are reflected in D1096 (a letter from then CC Boutcher to the then IPCC Commissioner Mary Cunneen dated 4 November 2015). I am informed that D1096 was disclosed in the Schedule provided to the AA by the IOPC on 23rd September 2019 and was included on the hard drive of unused material provided to the AA on the same date. It must have been known to the AA.
11. I note from the Chronology that this period was approximately 27 months (from 4 November 2013 to 17 February 2016). I acknowledge that this is a period of time that needs to be taken into account as part of the cumulative impact of the length of time between the incident and these proceedings – see below. Therefore, any weight I ascribe to this issue is limited to the cumulative effect of delay as a whole.

Point 2

“The extreme delay in bringing these proceedings to a hearing”

12. I have reviewed the ‘Chronology’. I note that much of this delay, following referral to the CPS for a charging decision, was due to the CPS not the IOPC or AA. It is apparent from the AA Bundle of Correspondence (19/10/15 – 31/8/18 not disclosed to the defence by the AA or the IOPC until this week) that the IOPC was equally frustrated with the delay which was not due to the fault of the IOPC or the AA and in respect of which the AA was kept fully updated by the IOPC.
13. The important point is that, again, this is not a new factor, this was present and should have been known to all at the time of the original direction. I note that Jon

Boutcher in a letter dated 9 March 2016 to the then Commissioner Mary Cunneen accepted that it was appropriate to refer the case to the CPS. The CPS communicated their decision to the parties on 12 September 2018.

14. The AA then conducted a review pursuant to Reg. 19(2) of the Police Conduct Regulations 2012 and communicated the result of that review to the IOPC on 17 December 2018.
15. In March 2019 this matter was listed for hearing in the current hearing window. On 4 April 2019 the IOPC wrote to the AA expressing concern about the period of almost a year before the matter could be heard. The AA responded on 26 April 2019 stating that this was a “complex investigation involving a significant volume of material” and that the date fixed was the earliest date upon which a venue, the panel and the officers chosen counsel were available. This period of delay arose with the knowledge and consent of the officers.
16. There was a period 17 months between the CPS decision and the hearing starting. This period does impact on other delays when one comes to consider the cumulative effect of delay as a whole. Therefore, the weight I ascribe to this issue is in the context of the cumulative effect of delay.

Point 3

“The extreme further delay which will now inevitably follow given that:

a. the current “abuse of process / disclosure” phase of this hearing will go beyond the remaining hearing window which concludes on 28 February 2020”

17. This point is academic now as the AA has said he will offer no evidence and subject only to potential judicial intervention, the hearing will conclude on 21 February 2020 in any event.

18. The relevance of this issue is that it is a new issue and in the event of the proceedings continuing, the need to factor in time for such argument prior to the substantive hearing commencing means that either a pre-hearing of these issues would need to be arranged or a longer hearing window would be required to accommodate both legal argument and substantive hearing. These factors are likely to feed into the overall delays in bringing these matters to a conclusion on the merits and I take them into account in that context.

b. the resumed hearing is likely to be adjourned until sometime after June 2021 since [REDACTED]

19. This is a new issue and one which, in my view, has a substantial practical impact on these proceedings and has caused me anxious consideration as to whether the impact of this factor can be adequately addressed.
20. This hearing has been listed since March 2019. It is evident to me that there was always going to be a problem with re-listing this case if it did not finish during this window. I am advised that this problem had been identified and there was a possible window in June 2020 when all counsel were available which was likely to have been sufficient to complete the case if part heard but was unlikely to be sufficient to accommodate a hearing on the merits with the number of witnesses now required by the Panel Chair (see further on the witness issue below). The wholly unmeritorious judicial review pursued by the officers is undoubtedly a contributory factor to the inability to complete the hearing within the current window because an entire week of the hearing was lost as a result of a stay of the proceedings which the Judge later said he would not have granted if the IOPC response to the JR had been put before him by the Claimants as required.
21. I have been informed that it is agreed by all parties that there is no period **[REDACTED]** when all counsel are available. I have considered carefully whether it would be reasonable for the parties to change counsel in order to accommodate an earlier fixture (in the next few months). The Home Office Guidance June 2018 at paragraph 2.211 provides as follows: *"It will not normally be considered appropriate to extend the timescale on the grounds that the police officer concerned wishes to be represented by a particular lawyer."* Thus, the availability of chosen counsel is not a factor which should ordinarily carry much weight. However, in this case, bearing in mind the history of the involvement of retained counsel in the proceedings, and the stage these proceedings have reached I do not regard it as reasonable to require any of the parties to change counsel, thus in the exceptional circumstances of this case, the availability of counsel is a proper factor to take into account. In practical terms therefore this factor carries significant weight where the availability of counsel will have a significant impact on how quickly the matter can be re-listed.
22. I have also considered whether severance **[REDACTED]** is an option. In my view severance is unfair in this case. To sever **[REDACTED]** is to deprive **[REDACTED]** of the full context of the case at **[REDACTED]** hearing – **[REDACTED]**. I have considered whether this issue could be adequately managed in the course of the hearing by the LQC. I do not think it is possible on the facts of this case and therefore, I do not regard severance as a fair or viable option.

23. I am aware that the Inquest into this matter has been set down for a time (January 2021) [REDACTED] and is likely to be required to give evidence at the inquest. If [REDACTED] could be required to attend the inquest would it also be justifiable to require [REDACTED] to attend [REDACTED] own misconduct proceedings? I have concluded that misconduct proceedings are qualitatively significantly different from [REDACTED] point of view. Misconduct proceedings are adversarial and the conduct of [REDACTED] will be a primary focus with the possibility of [REDACTED] dismissal if Gross Misconduct were to be found. By contrast, inquests are inquisitorial and therefore, whilst [REDACTED] may be called to give evidence about the incident, these proceedings are in principle of a different type and purpose as compared with misconduct proceedings. Therefore, it seems to me that it may well be appropriate for the Coroner to call [REDACTED] to give evidence at the inquest [REDACTED] whereas my view it is unreasonable to arrange for [REDACTED] to face misconduct proceedings during [REDACTED].

24. In conclusion, I do not consider that this matter can be re-listed before [REDACTED], severance is not a fair option and the fact that [REDACTED] may be called to give evidence at the inquest as a witness does not justify requiring [REDACTED] attendance at misconduct proceedings during [REDACTED]. This is a new issue that I must take account of and the impact of this further delay on resumption of the hearing (i.e. through to June 2021) is a factor which carries significant weight in the context of the cumulative effect of delay as a whole.

Point 4

“The very real risk that the abuse of process argument (whether for reasons of delay, regulatory departure or general unfairness to include investigative incompetence) will succeed”

25. This issue does post-date the direction, in that sense it is “new”. However, in my view, it is not a good reason to rescind the direction. My view is that legal arguments should be determined in public on their merits by the Panel appointed to hear the case, this course is self-evidently in the public interest.

26. However, the practical issue created by the legal argument in this case is more problematic. The next hearing window would require sufficient time to hear both the

abuse arguments and the hearing on the merits and this has never been the case in respect of the June dates which were intended to be a window in which to complete a part heard case.

27. I believe that realistically, this case can only be heard in 2021 if it continues, in my view the fact of a 2021 hearing (almost 8 years after the incident) is one of the most compelling factors against continuance of the case. Linked to this issue, is the fact that the Panel has directed that a large number of witnesses are called. This is not simply a case where the Panel appears to be comfortable focusing on the CCTV evidence and the officers' evidence as to their conduct.
28. Therefore, I do ascribe weight to this issue in relation to the cumulative effect of delay (i.e. a June 2021 hearing) and the consequential impact on witnesses' evidence.

Point 5

“The fact that the IPCC investigation itself was not of a high quality: a. As the IPCC’s internal review dated 7 August 2014 seems to recognise; b. As our own internal analysis tends to confirm; c. The Defence are in possession of a witness statement from former Chief Constable Boutcher, an investigator of national repute, who confirms this view”

29. In the time available I am unable to determine the extent to which this assertion is accurate. The Internal Review (D644) was conducted some 9 months into the investigation and a substantial time before the conclusion of the investigation. It does recognise failings in the investigation, particularly with regard to resourcing but must be read in its entirety including positive conclusions eg *“This review has demonstrated that the ongoing investigation into the death of Mr Leon Briggs is being conducted to a high standard with relevant and focussed main lines of enquiry.”*
30. I am not in a position to assess the assertion that the investigation, at the time it was completed, was not of high quality. It is my view that the appropriate forum for analysis of the quality of the IOPC investigation and its impact of the fairness of proceedings or the substance of the allegations against the officers is in a public hearing before a Panel, not in correspondence between the AA and IOPC. Consequently, I cannot place any weight on the criticisms of the quality of the investigation.

Point 6

“The fact that the evidence of gross misconduct against the remaining five officers is, on any objective view, weak. Our Leading Counsel considers that the AA would be doing well get more than a few of the 5 officers past a Defence half time submission and that perhaps only the custody officers would face any censure by way of sanction from the Panel, possibly to the level of a written warning. The very fact of extreme delay will militate against any more serious sanctions”

31. I note that the AA does not assert that there is no case to answer. In my view where there is a case to answer for gross misconduct, proceedings should be brought in the interests of maintaining public confidence and public safety. As the family point out, compelling reasons are required to depart from this approach. I note the seriousness of the allegations in this case and although I have been unable to review all the evidence in the time available, I have viewed the CCTV. The more serious the allegation the higher the bar to be surmounted before any direction is rescinded. This factor weighs heavily in the balance in favour of the case proceeding to a hearing. Where the AA and IOPC are satisfied that there is a case to answer (as at the time of these directions) and as the family point out, the evidence has not changed, the correct forum for an analysis of the strength of the evidence is in a public hearing before an independent Panel.

32. The cumulative delay is capable of having an impact on outcome where an officer is facing outcomes for conduct which is very historic, so this is a factor that I will take into account as to whether it is still proportionate to proceed but it is of limited weight.

Point 7

“The fact that the IPCC’s own chosen expert – Ch Insp Brown- was very critical of the relevant paramedics and the “corporate” position of Bedfordshire Police concerning s.136 MHA detentions”

33. This is not a new issue. The evidence of Ch Insp Brown was known to the AA and IOPC at the time of the direction. Causation is not an issue in these misconduct proceedings and the comments relied upon by the AA are positively helpful to the officers, they do not support unfairness. I therefore reject this as a relevant factor.

Point 8

“The fact that the effect of these prolonged proceedings on the welfare of the remaining five officers is inevitably profound”

34. I readily acknowledge that officers awaiting misconduct proceedings are understandably under stress caused by the proceedings themselves and the possible outcome of those proceedings. However, the IOPC has seen no evidence to support any particular welfare issues over and above the fact that the officers have been under this stress for a prolonged period, therefore, this is a factor to take into account but is not a particularly weighty factor on the information currently available to me. I take the view that of equal and opposite importance is the welfare of the family.

Point 9

“The fact that the family of Leon Briggs will have the opportunity very publicly to test the acts and omissions of the officers and other public officials (such as paramedics), at the Article 2 inquest scheduled for 6 weeks to start on or about 4 January 2021. The Briggs family are represented by expert London solicitors who have instructed expert Leading and Junior counsel to represent the family’s interests.”

35. In my view this assertion completely misses the point of police misconduct proceedings. The primary purpose of the Police Conduct Regime is to maintain public confidence in and respect for the police service R (Williams) v The Police Appeals Tribunal [2016] EWHC 2708. The three purposes underpinning police misconduct proceedings are outlined in paragraph 2.3 of the College of Policing Sanction guidance.

36. Misconduct proceedings may have the secondary purpose of allowing the family to test the facts in public and to participate (to a limited degree) in the proceedings but that it not the purpose of misconduct proceedings. The more important point in this respect is that rescinding a direction at the invitation of an obviously reluctant AA without a compelling basis would be contrary to the core aims of the police conduct regime.

37. The family’s representations make this very same point [see their point 5].

[10] The Defence have advanced sustained criticisms of the disclosure process on the part of the IOPC (and, to a lesser extent, PSD).

38. I have read carefully the emails which underpin the AA’s correspondence over the last few days. This assertion by the AA in my view misrepresents the position which is clearly set out in the first email from John Downes to the AA 12/2/20 at 09.02 which states *“Although the IOPC investigated the matter the responsibility to discharge the fundamental disclosure obligations rests with the AA.”*”*Disclosure*

is an obligation which does not depend upon defence requests. The AA must review the material first and disclose it if it may undermine or assist.”

39. Primary responsibility for disclosure to the officers rests with the AA. Mr Downes' email reflects what the IOPC believed the AA's responsibility to be and what the AA was believed to be doing in practice, but this was not the case. The AA was entirely reactive. The IOPC reasonably believed that the AA was conducting the review and it was not.
40. In making this decision I am not in a position to analyse in detail the nature and extent of the alleged disclosure failings, where responsibility lies, or the consequences which flow from those issues.
41. I accept on behalf of the IOPC that we cannot be passive observers and there are duties of disclosure on the IOPC. The issues which have been highlighted by the AA in respect of disclosure clearly do not represent the full disclosure picture but I am satisfied that there is an evident lack of clarity between the AA and IOPC over their respective obligations re disclosure which may have resulted in disclosure failings. It is fair to say that the disclosure process was not as clear and efficient as one would have hoped. It was piecemeal, reactive and latterly unfocused. However it is also right to say that disclosure must be necessary and proportionate to the identified issues in the case.
42. I regard the issues surrounding disclosure as being capable of being remedied as part of the public hearing process. The Panel is capable of ruling upon what, if any, further disclosure is necessary and whether any unfairness arising from inadequate disclosure is capable of being remedied or whether no fair hearing is possible as a result. Given the availability of this process I do not attach significant weight to the issue in its own right but I do take it into account as one of the factors which will impact upon the likely length of any re-listed hearing because I am aware that the longer the hearing, the more difficult it is in practical terms to find a window.

Conclusions re the AA's reasons

43. I am obliged to consider the wider public interest – it should be carefully considered and balanced. This necessary balancing exercise is completely absent from the analysis conducted by the AA.
44. For the reasons set out above, I am not satisfied that the IOPC direction should be rescinded on the grounds relied upon by the AA as justification for rescinding the direction.

My own analysis - including consideration of representations made on behalf of the family

45. The primary purpose of the police conduct regime is to maintain public confidence in, and respect for, the police service. One of my core statutory duties is to secure and maintain public confidence in the police complaints system.
46. I agree with the family that it is necessary for there to be new material or a substantial change of circumstances before a decision to rescind the direction would be justified.
47. I also agree with the family that delay in the misconduct proceedings beginning is not a sufficient reason to rescind the direction in itself, but it is if the delay gives rise to unfairness. Whether this delay has given rise to unfairness is normally a matter for the Panel and not the IOPC or AA.
48. The fact that these proceedings would need to be adjourned for a lengthy period before being re-listed is relevant notwithstanding that the recent delay to the start of the proceedings was due to a wholly unmeritorious judicial review on behalf of the officers. I consider the consequences of cumulative delay further below.
49. I agree with and adopt the representation of the family with regard to their interest in these proceedings. It is worthy of repetition and I attach significant weight to this factor, but I have to balance it against all of the other relevant factors in this case. The family state *"The welfare of the bereaved family should also be taken into account. The public importance of misconduct proceedings against police officers is well recognised and both the IOPC and AA are required by law to take this into account before making the decisions at issue. The misconduct proceedings serve a public function in holding the actions of officers, public officials, to account in a transparent manner. Bedfordshire police's own website cites that they "demand the highest standards of professionalism, honesty and integrity from our officers and staff. Where those standards are not met, misconduct proceedings may be started." Both the family and the public need to have confidence that there is a robust disciplinary system to scrutinise the actions of public officials. The effect of abandoning the misconduct proceedings will have a profound and detrimental effect on the family, and undermine public confidence."*
50. I regard as irrelevant to my decision the fact that the family can test the evidence through an inquest. The role and function of an inquest is entirely different to misconduct proceedings, and has no direct sanction.

51. I have considered the representations made on behalf of the family arising from R (Birks) v Commissioner of Police for the Metropolis [2015] ICR 204. I am advised that the passage that they seek to rely on is contained within paragraph 52 not 29. I am further advised that misconduct proceedings are one of the ways in which the article 2 obligations **may** be met but that this has to be subject to the discretion to discontinue proceedings where to pursue them would be unfair, it does not constitute a bar to rescission of the direction or discontinuance of the proceedings.
52. There is now no realistic prospect of this case being determined in the current hearing window or indeed in June. **[REDACTED]**. For the reasons set out above, although severance is a possibility, I consider that severance would be unfair **[REDACTED]**. In any event, even without **[REDACTED]** there will be insufficient time to hear this matter in the June window. Thus, any hearing on the merits could only take place after July 2021. By that stage, the cumulative effect of the delay is such that it is unlikely that the hearing would be permitted to go ahead by a Panel. This risk becomes even more stark in light of the AA's 10 point letter expressing his views about the merits of continuing this case. This letter will inevitably be prayed in aid of the stay application by the officers and in my view, it is likely to be a powerful factor despite its inadequacies.
53. The allegations that the officers face are not alleged to be causative of death and given the period of time which will have elapsed between the events in issue and the hearing although the officers could be dismissed that likelihood diminishes where there is a significant passage of time. This goes to the proportionality of continuing these proceedings.
54. The availability of counsel, whilst not a determinative factor, is relevant and carries weight because it feeds into the delay. I do not consider it reasonable to require the officers to change their legal team at this stage of the proceedings.
55. I am aware of a further factor which the AA has not included in his 10 point list of reason, namely witness availability. I regard this as a relevant factor carrying substantial weight on the facts of this case. I note from the email of John Downes 12th Feb at 09.02 that at item 10 he states as follows: "*Yesterday afternoon the defence was given a schedule of witness availability. There are a large number of witnesses required by the chair who are unavailable and there are a significant number of vital witnesses. Disclosure [from the AA] is outstanding as to: when the AA warned each witness, subsequent dates and methods of warning; what each witness or NHS contact said; disclosure of all emails/notes of telephone calls about attending*

the hearing and efforts to summon witnesses. Further why was the defence not told by the AA about problems with witnesses sooner.” In my opinion the fact that numerous witness who have been required by the Chair are not now available and there is no clear explanation for their absence very clearly gives rise to unfairness. Mr Beggs QC on behalf of the AA **[accepted before the Panel on 12 February 2020 that the AA was in breach of direction made on 9th December 2019 that the AA provide a list of issues to assist the panel* THIS EXTRACT HAS BEEN CORRECTED SINCE THE DECISION WAS MADE]**. The unavailability of witnesses ordered to attend by the Panel and the fact that available witnesses do not appear to have been warned until very recently, in respect of an incident which took place in 2013 is the clearest example of prejudice arising in this case and it is a serious issue.

56. I have considered the witness issue in light of the fact that there is CCTV evidence of the events in issue and documentary evidence of the conferring allegation. However, I have to take note of the fact that the Panel has ordered the attendance of 43 witnesses. I must therefore assume that this a case where a substantial body of live evidence will be required.

Conclusion – in summary

57. I have found this an extremely difficult and finely balanced decision to make. There are persuasive arguments in favour of the IOPC maintaining its directions in principle. This is on the basis that there remains a case to answer for gross misconduct and it is ordinarily in the public interest that serious allegations are determined in a public hearing by an independent Panel. That Panel is also best placed to resolve any issues of disclosure or alleged breach of the regulatory framework by the AA or IOPC and to determine the issue of unfairness to the officers. Neither the IOPC nor the AA should seek to shy away from any criticism that may follow a public hearing, that approach is not in the public interest.

58. In my opinion the following factors carry significant weight in favour of rescinding the direction:

- a. The missing witnesses.
- b. The fact that this matter cannot realistically be heard until after the inquest in 2021. The cumulative effect of that delay on the recollection and quality of evidence of witnesses who are able to attend but have apparently either not been warned or have only recently been warned is likely to be significant.

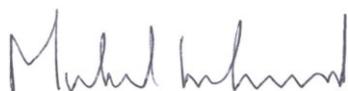
- c. The existence of the letter from the AA to the IOPC dated 17 February 2020 which would be used to support a stay application by the officers.
- d. The likelihood that these proceedings would now be stayed by a Panel at any later hearing in light of the cumulative effect of all factors, including the AA's stated intention in open forum to offer no evidence.
- e. The evident lack of clarity between the AA and IOPC over their respective obligations re disclosure and the impact of legal argument on disclosure issues on the length of the hearing window or windows required.
- f. The fact that the allegations are not said to be causative of death and the increasing likelihood that no officer will be dismissed even if the allegations are not stayed and are proved.

Decision

59. For the reasons set out above, I am reluctantly driven to the conclusion that there is no realistic practical solution to the regrettable circumstances in which my decision falls to be made. It weighs heavily on my mind that the situation which has given rise to this decision will have a profoundly negative effect upon public confidence in the police complaints system. However, the wider public interest is not well served by pursuing a case in these circumstances.

60. I have therefore decided to rescind the directions given on 10 April 2019.

61. This decision will not of itself bring an end to these proceedings. It is for this reason that I do not regard my decision as irreversible, it is a public law decision amenable to judicial review. As the family correctly identified, the decision which will in fact bring an end to the proceedings is the decision of the AA to offer no evidence if this is enacted as proposed tomorrow or at any later stage. The family requested the AA to suspend his decision for 4 weeks, that is a matter for the AA to determine, I note that by a letter received, shortly before I finalised this decision, the AA has declined to do so.



Director General Michael Lockwood
Independent Office for Police Conduct

20th February 2020

Annexes

1. Letter of DDG Ops dated 10 April 2019 re directions
2. List of documents DG Michael Lockwood has had access to during the making of this decision