

Our reference: COM 2003 002112

13 July 2006

Mrs Gillian MacKenzie

Code A

Dear Mrs MacKenzie

I refer to your recent telephone calls to the IPCC in respect of the minutes of the meeting held on the 13 March 2006 at the Corus Hotel, Lancaster Gate in London.

1 Notes

I believe that you are dissatisfied with the accuracy of the notes. As you know the notes taken in shorthand during the course of the meeting were not intended as official minutes or a word for word account of the meeting, they were simply to assist in providing all parties taking part in that meeting with a reflection of what was discussed during the meeting. This was made clear during the course of the meetings with all the complainants and subsequently in our letter to you of 9 June 2006 (attached). However, I did state in my letter, that should you have any comments regarding the accuracy of the notes, then you should contact me. I have attached another copy of the notes and would suggest that you add your comments to the notes where appropriate and return to me and I will then ensure that they are included in the file as an agreed set of notes.

2 Statement of new complaints

In respect of my offer during our meeting for one of our investigators to visit you to take a statement of new complaints from you, you will shortly be contacted by **Code A** who is an IPCC investigator. **Code A** will arrange a mutually convenient time and location to meet with you to record details of your new complaints in statement form. I should reiterate that the offer to take the details of your new complaints in this manner is purely to make the process as simple and straightforward as possible for you and does not in any way indicate that the IPCC is commencing any investigation. Once the details of your new complaints have been taken, we will then need to determine on how best to proceed, taking into account the relevant legislation (Police Reform Act 2002), guidance and regulations. New complaints under the Police Reform Act 2002 can be determined as those relating to complaints made against police regarding incidents after 1 April 2004. In any case, any new complaints must be passed to the force concerned to formally record as they are legally obliged to do under current legislation. On recording a complaint the force then must decide on how to deal with it and/or whether the IPCC should be engaged. If our powers are engaged there are a number of ways that the IPCC can deal with a complaint, but until details of the new complaints are known it would not be right to pre-empt what form that would take at this stage.

3 Previous Complaint Ref COM 2003 002112

As you know, this complaint was dealt with under the Police Act 1996, and it has been finalised by the IPCC. Any complaints that were dealt with as a part of this file cannot be subject to the same process and would be classed as repetitious. Only if it is determined that you have new evidence that was not known about previously during the original investigation, could the force potentially consider further action, but this would be the decision of the force, not that of the IPCC. The meeting with Code A will not consider any aspect of the original complaint.

I hope that this letter clarifies the current situation with regards to the notes and the new complaints. If you have any further questions please do not hesitate to contact me.

Yours sincerely

**Rebecca Marsh
Commissioner
Independent Police Complaints Commission**