

## **Freedom of Information Act 2000 (FOIA) Decision notice**

**Date:** 22 February 2023

**Public Authority:** Commissioner of Police of the Metropolis  
**Address:** New Scotland Yard  
Broadway  
London  
SW1H 0BG

### **Decision (including any steps ordered)**

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1. The complainant requested information in relation to an investigation conducted by the Commissioner of Police of the Metropolis (MPS). The information requested is in specific reference to a detective sergeant. By the date of this notice the MPS had not issued a substantive response to this request.
2. The Commissioner's decision is that MPS has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the MPS to take the following step to ensure compliance with the legislation.
  - The MPS must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The MPS must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

### **Request and response**

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5. On 21 October 2022, the complainant wrote to the MPS and requested information. This information request can be found in Annex A of the decision notice.
6. To date, the MPS has not acknowledged the request for information.

### **Scope of the case**

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7. The complainant contacted the Commissioner on 28 January 2023 to complain about the MPS' failure to respond to their request.
8. The Commissioner has considered whether the MPS has complied with its obligations in relation to the time for compliance at section 10(1) of FOIA.

### **Reasons for decision**

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9. Section 1(1) of FOIA states that:

"Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him."

10. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "not later than the twentieth working day following the date of receipt".
11. On 2 February 2023 the Commissioner wrote to the MPS, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
12. Despite this intervention the MPS has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that the MPS did not deal with the request for information in accordance with FOIA. The Commissioner finds that the MPS has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with FOIA.

## Right of appeal

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14. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

15. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
16. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed**  
**Susan Duffy**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**

## Annex A – Information request dated 21 October 2022

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The information requested in this letter is required for the purpose of:

1. Submission to the Met Commissioner of widespread corruption, discrimination, prejudice and human rights violations of Met Police officers involved in and associated with the investigations and circumstances surrounding [NAME REDACTED]'s killing
2. Follow up submission to the Chief Justice into collusive corruption between officers of the Met and officials of WCS involved in and associated with the investigations and circumstances surrounding [NAME REDACTED]'s killing
3. Consideration and where necessary, legal advice, on the extent to which [NAME REDACTED] has, in this instance and prior instances:
  - 3.1. Perverted the course of justice
  - 3.2. Acted with malfeasance, misfeasance and/or nonfeasance
  - 3.3. Acted fraudulently
4. Request for reconsideration of release of the information requested in A: 1 from a higher authority to [NAME REDACTED]

### C: Information Requested

1. With reference to the email to me from [NAME REDACTED] (A2):
  - 1.1. The correct authoritative officer I can address correspondence to in order to have the decision made by [NAME REDACTED] reviewed and overturned or an arbitration process available to me in order to seek redress.

Reason & Motivation: I believe [NAME REDACTED] has acted with malice and can be considered as a continuation of a pattern of the points of corruption listed under B3.

- 1.2. The specific legislation and paragraphs he relied and based his statement on:

“The case material that you have requested, although having been generated by police is material belonging to the Coroner as it formed part of their investigation into the death (supported by police) and remains their subsequent inquest material.”

Could you please ensure it relates also to the specific barring or release of the information I have requested to me from Met Police considering especially that the Inquest into [NAME REDACTED]'s killing has concluded.

Reason & Motivation: In order to properly consider the email from [NAME REDACTED], Met have a duty of candour and transparency to disclose the legal basis properly and fully with referencing to the law, rules or other in denying release of information which is of such substantial value in our quest for truth.

1.3. [NAME REDACTED] indicates that he "sought advice".

I request the names and ranks of the officials (Police or otherwise) he sought advice from and the specific areas of his email to me, that they advised him on.

Reason & Motivation: It is important to understand who is behind [NAME REDACTED]'s refusal to provide the information required. It identifies:

- the skills levels and experience behind the advice
- any culpability with regards to B3
- any pattern of advisory from officers/officials associated with [NAME REDACTED]

I request that names and ranks are not redacted. Any officer/official that advised [NAME REDACTED] on this matter which has such profound impact, of which they would have known, should expect to be held accountable for it and be called to explain their rationale behind it. It is unreasonable and irrational to expect otherwise. It is also a necessary component in establishing "pattern" from any officers/officials [NAME REDACTED] associates with or looks to for support or influence.

1.4. [NAME REDACTED]'s statement:

"I have raised your request with Westminster Coroner's office who have directed that no further disclosure of such material is to be made at this time."

I request the following:

1.4.1.the full name of the official that instructed him of this

1.4.2.the extent to which he considered its original source of instruction (ie: if another official lay behind the instruction) and consequently, if applicable, the name of that official and whether it was identified to him

1.4.3.the reason provided by the "Westminster Coroner's Office" for instructing that he should not disclose this information

1.4.4.the extent to which [NAME REDACTED] considered the instruction from the "Coroner's Office" for rationality and proportionality, including any reason that may have been given from the "director". I would expect that this would be recorded since it was knowingly of such profound impact to me and [NAME REDACTED]'s family.

1.4.5.a copy of the communication(s) from which he made and based his statement upon. In the event that there was any verbal communication, that a transcript be provided thereof.

1.4.6.The meaning of "directed". Is the word used and acted upon by [NAME REDACTED] an "advisory" or an "authoritative instruction legally binding [NAME REDACTED] and Met to it"

Reason & Motivation: The information requested is substantial and required:

- for intended follow up communications and submissions regarding collusive corruption between officers and officials of Met Police and Westminster Council Coroner Services, to:
  - ❖ Chief Justice
  - ❖ Chief Coroner
  - ❖ Mayor of London
  - ❖ Home Office Secretary of State
  - ❖ Met Police Commissioner
  - ❖ Leader of Westminster City Council
  - ❖ Judicial Conduct Investigations Office
  - ❖ Met Police Directorate of Professional Standards
  
- for consideration with regards crime reference number [REFERENCE REDACTED] currently under review by the IOPC and complaint reference number [REFERENCE REDACTED] currently under review by MOPAC
- for fair and balanced consideration of an intended pursuance of criminal charges against [NAME REDACTED]

1.5. [NAME REDACTED]'s statement:

"I understand that the Coroner's office have offered and facilitated a process whereby you are able to view the material at Westminster's Coroner's Court, and that this continues to remain in place. The Coroner's office has further extended this invitation for viewing/ obtaining copies of such material to instructed legal professionals and additional requests to do so can be directed to Westminster Coroner's office."

I request:

1.5.1.Explanation of what he meant by "I understand". In other words, is his statement based on assumption by him or anyone advising him or based on a statement made by someone at WCS or WCC.

1.5.2.If it is not based on an assumption only, could you please provide full names of the official(s) that instructed him of this statement and a copy of that instruction.

(Please note: In crime reference number [REFERENCE REDACTED], I was provided a copy by the investigating officer of the communications from the coroners' office officials and consequently you should not be prevented from doing same)

Reason & Motivation: The statement is untrue and consequently its origin needs to be established for purposes already mentioned in this letter.

1.6. [NAME REDACTED]'s statement:

"For your additional information following any request such as this the MPS is duty bound to consider the impact on the recipient of any information/material we share. As such, normally we would make attempts to remove parts of any requests that may cause distress. It is my assessment that the content of the footage and photographs requested is distressing and that it would not be possible to remove such content from the material and continue to fulfil your disclosure request. I have been advised that when such un-redacted material is disclosed by the MPS a court order would generally be required, and given the Coroner's direction as outlined this would be against the current position."

I request:

1.6.1. [NAME REDACTED]'s rationale for making this statement in light of the points I have listed before this point.

1.6.2. [NAME REDACTED]'s rationale in determining that the material I have requested would be "distressing" to me considering his knowing full well the extent to which:

1.6.2.1. I have already engaged with material requested throughout the inquest process including PIR's and final inquest, and extensive trips for which I had to take leave for, to view and engage with at Westminster Coroner Services

1.6.2.2. The material I have requested was only provided to the coroner because I, not [NAME REDACTED], requested it and it was provided for my express viewing in an unredacted form, by [NAME REDACTED]

1.6.2.3. Because [NAME REDACTED] prohibited my having copies of the evidence, not through legislation, but through her own decision making, I had to draw copies of [NAME REDACTED]'s wounds, the position of his body to refer back to later and to replay over and over, under in person observation and time pressure, the body cam footage in order to write down specific points in the footage in order to replay at the inquest.

1.6.3. The name and rank of any official from Met, WCS or otherwise, that advised, influenced or gave input into [NAME REDACTED]'s assessment referred to in the statement listed in this point. I would expect that all of the above has been made a record of considering especially the known impact his actions would have had on me and [NAME REDACTED]'s family and our right to truth and justice and the impact on me personally by refusing to provide it.

Reason & Motivation: I believe substantially the [NAME REDACTED] has displayed a persistent pattern of corruption in covering up the circumstances of [NAME REDACTED] killing and that, on consideration of the actions of [NAME REDACTED], [NAME REDACTED] and other officials of WCS, that there is a behaviour of collusion between [NAME REDACTED], other officers of Met, and officials of WCS that indicates a conspiracy in covering up the circumstances of [NAME REDACTED]'s killing.

[NAME REDACTED]'s actions to deny release of the information requested is baseless especially in light of the request being for submission to an independent pathologist in preparation of a S13 application and also, to myself for preparation of legal discussion with my appointed barrister, when he was wholly aware of the extent to which I had already engaged with the material. In any case, the footage of [NAME REDACTED] at the scene in bodycam and police photo's is in no way "severe" in nature and far worse is seen in everyday movies watched by teenagers and children throughout the UK and the rest of the world. His statement is deliberately misleading to the extent I believe it borders on, if not actual, fraud in nature to deny my access to the truth.

I believe substantially that his actions are motivated by corruption, bias, discrimination and are a substantial violation of my human rights. Anyone that has supported or advised [NAME REDACTED] in his processes are complicit therein.

1.7. Whether any officer(s) or official(s) reviewed [NAME REDACTED]'s refusal to provide the information requested and if so their name(s) and rank(s).

Reason & Motivation: Due to the gravity and nature of my request and equally, the gravity of the refusal to provide it, I would expect there to have been a duty of care for [NAME REDACTED] to have ensured a review before



sending and if performed, an equal duty of care from the reviewer to have properly considered in the context of [NAME REDACTED]'s killing, and the impact of refusal.

Similarly, as previously noted elsewhere in this letter, the name and rank of any individual should be disclosed in order for proper consideration of complicity or negligence, and the reasonableness of expectation that should anyone have given that advice, it could never be anonymously provided.

1.8. The name and rank of:

1.8.1. [NAME REDACTED] current immediate line manager (at the time of receipt of my request and subsequent refusal to supply the information requested)

1.8.2. [NAME REDACTED]'s Officer in Command of his unit at the time of his responding email refusing release of information

1.8.3. [NAME REDACTED]'s Officer in Command of his unit at the time during which his investigation took place up until:

1.8.3.1. Final date of inquest

1.8.3.2. The DPS investigations into my complaint that had been completed by them. (case number: [REFERENCE REDACTED])

Reason & Motivation: It would reasonably be expected that [NAME REDACTED]'s immediate line manager would have played a role in advising and reviewing [NAME REDACTED]'s refusing email to me and is consequently complicit therein.

The Commanding Officers during [NAME REDACTED]'s tenure would have played a role in, and are responsible for, any actions by [NAME REDACTED]. It is important to establish who they are in order to establish their position and influence within the department and structure of Met Police as provided on the Met Police executive structures. It is relevant to establish their relationships with other officers of the executive, some of whom I have lodged a criminal report into their perversions of the course of justice. It is also important to establish any relationship with the current temporary head of the DPS considering her previous roles within Met Police. I have a current FOI request submitted with regards a charge of fraud, and other, being considered against her and the officer responsible for a complaint currently with review by MOPAC.

1.9. Any copies of any documents, minutes, notes or recordings relevant to my request for information which [NAME REDACTED] has refused to provide, especially within the Met

1.10. Any copies of any documents, minutes, notes or recordings relevant to my request for information which [NAME REDACTED] has refused to provide, from or between WCS and [NAME REDACTED].

Reason & Motivation: (Points C1.9 and C1.10) It speaks for itself that there may be other information that I am not aware of relevant to [NAME REDACTED]'s refusal to provide requested information and which I have a right to know of and have access to, especially in light of my allegations and intention to pursue criminal charges.

1.11. A copy of the commendation letter from [NAME REDACTED] to [NAME REDACTED]'s authoritative officer after conclusion of (or during) the inquest into [NAME REDACTED]'S death. In addition, confirmation of whether:

1.11.1. That letter is held or recorded in [NAME REDACTED]'s personal file or any other system used to determine or record his effectiveness in role

1.11.2. That letter played a role in [NAME REDACTED]'s promotion to Sergeant (in other words, whether it was used in any way in consideration of his promotion)

Reason & Motivation: I believe that there is substantial evidence of corruption listed in B.3 and which is collusive in nature between officers of Met and WCS. The letter, affirmed by his immediate line manager during investigation, is required to determine the extent of influence that has existed between them and the extent of "gain" in collusion. It would also be necessary to determine the extent of bias, discrimination, prejudice and violation of my human rights in the actions of [NAME REDACTED], [NAME REDACTED] and the institutions of Met and WCS.

I would appreciate your urgent attention to my request.