



Matthew Barber

Police & Crime Commissioner
for Thames Valley

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25 November 2024

By Post:

Complaint Ref: CO/1295/24

Craig Cottage
Newton Stewart
Dumfries and Galloway
DG8 0NR

Dear Mr Leighton,

REVIEW OF YOUR COMPLAINT AGAINST THAMES VALLEY POLICE

Thank you for your correspondence dated 11 October 2024 where you confirm that you wish to request a review of the outcome of your complaint against Thames Valley Police (TVP).

My role

My role as Complaints Review Manager for the Office of the Police and Crime Commissioner (OPCC), is to consider whether you received a reasonable and proportionate response to your complaint and not to re-investigate it. When making my decision, the following have been considered:

- Your request for review dated 11 October 2024.
- Attendance note from telephone call between complainant and Mr Jim Katouzian dated 21 October 2024.
- Complaint outcome letter dated 10 October 2024.
- Your original complaint dated 12 May 2024.
- Occurrence log 43240033998.
- Relevant legislation and statutory guidance including The Police (Complaints and Misconduct) Regulations 2020.

In considering the above documentation, I have made the decision not to uphold your review. I appreciate that you may be disappointed with this outcome and therefore I will explain my rationale below.

I understand that your original complaint is that no further action has been taken in relation to the cases that you reported to TVP.

I have reviewed the outcome letter from PC Perry Knight and will summarise as follows.

1. The letter from PC Knight confirms that you made a report to TVP on 23 January 2024, referring to events that took place between 24 October 2023 and 22 January 2024. The matters reported related to disagreements between yourself and others during Director level meetings about running a company called "Red Semiconductor".

2. In your statement provided to police on 30 April 2024, you mention your friend/colleague, David Calderwood who is one of the directors and also James Lewis, the CEO, who you state did not understand your Aspergers and who you did not like.
3. Your statement details the running, funding and investing of the company and mentions the following incidents:
 - A Teams Meeting on 15 January 2024 where you were interrupted whilst explaining that you needed assistance with a project. PC Knight notes that you say you felt physically attacked, however you did not elaborate on why you felt this way and you were also at different geographical locations.
 - A meeting (he believes face to face) on 23 January 2024 where you asked Mr Calderwood to leave seven times before the meeting was abandoned.
 - A phone call between you and Mr Calderwood whilst you were in Scotland where you felt distressed by his demands and were crying uncontrollably. You stated *"I can't remember much of what was being said. I was in shock, I felt as though my throat had collapsed, I was gasping for breath and I honestly believed this incident might kill me. The shouting was so awful I was almost sick"*. PC Knight has explained that although this was a distressing phone call, you were not anywhere near Mr Calderwood at the time of the call.
 - You mention that Mr Guidon and Mr Calderwood were commenting on posts that you were putting online, on your open source mailing list relating to Libre-Soc. You consider this to be stalking, as the individuals are watching your posts on a public platform.
4. PC Knight acknowledges that you are obviously having issues and disagreements with several individuals and that the end effects of these issues have been exacerbated by your medical conditions. Notwithstanding this, he does not feel that any of the incidents you have reported amount to a criminal offence.
5. He has advised that there may well be alternative civil remedies to these issues, including employment tribunal processes. As explained above, having reviewed your statement and other material available to him, he concludes that there are not currently any criminal offences made out that warrant further investigation.
6. PC Knight has therefore determined that the service provided on this occasion was acceptable.
7. Further to the above, I have asked PC Knight to provide an explanation as to why no criminal offences have been identified. He in turn has spoken to PS Thomas who has advised the following:

Assault

An assault is any intentional or reckless act which causes a person to apprehend immediate unlawful force or personal violence. At no point do you mention the fear of apprehending immediate violence within your statement, which is an essential part of the assault legislation. In reading your statement dated 30 April 2024, PS Thomas has confirmed that you describe aggressive words putting you into shock, which is not fearing immediate unlawful violence

and therefore not an assault. Furthermore, as per point 3 above, you were at different geographical locations at the time of the incidents.

Harassment/Stalking

The occurrence log states that you went into business with the individuals voluntarily, thus contact and communication between you must be expected and accepted in order to run a company together. The OIC explained in the log that it is commonplace that arguments/disagreements and even rudeness/intolerance exist in work place settings. Unpleasant though this is, it is not criminal behaviour in and of itself and in the ordinary course of events, company policies exist for such matters, and processes applied to air such grievances, with civil recourse available in certain circumstances.

Furthermore, you are a posting on a public mailing list which anyone could potentially subscribe to and review emails that have been sent. PS Thomas has advised that he would expect a reasonable amount of due diligence from the other directors about your activity to ensure that you are not attempting to damage the company reputation or breach any contractual restrictions.

I will now address the relevant review points that you have raised within your conversation with Mr Katouzian as follows.

- *LL said 12 crimes reported to TVP, more being added daily. TVP not investigated nor mentioned this in his complaint.*
TVP have advised that there are only five occurrences recorded on their system as follows:
 - 25 September 2024- Assault (you were the suspect).
 - 18 March 2024- Mental Health (you were the subject).
 - 15 March 2024 Mental Health (you were the subject).
 - 2 March 2024 Harassment (you were the aggrieved).
 - 23 January 2024 Harassment (you were the aggrieved).
- *PC David King refused to take into consideration LL's disability, refused to take into account warnings that if these are ignored he is at risk of death. PC King did not ask the question. PC King is negligent and this is not addressed in the complaint.*
PC King not taking your disability into account is not a matter that was included within your original complaint as recorded under Schedule 3 of the Police Reform Act 2002 (and summarised at the top of this letter). As such, I am unable to consider it as part of my review. If you wish to submit any new complaints, this must be done directly to the TVP Professional Standards Department (PSD). A complaint can be submitted via the TVP website [Complaints | Thames Valley Police](#), via email on professional.standards@thamesvalley.police.uk or by calling 101.
- *LL has autism, which is a registered disability. Police should have activated safeguarding procedures, PC King did not nor did PC Perry Knight. PC Knight has assaulted LL 3 times by not safeguarding him. Not addressed in the complaint.*
Police not activating safeguarding procedures is not a matter that was included within your original complaint as recorded under Schedule 3 of the Police Reform Act 2002 (and summarised at the top of this letter). As such, I am unable to consider it as part of my review. If you wish to submit any new complaints, this must be done directly PSD. A complaint can be submitted via the TVP website [Complaints | Thames Valley Police](#), via email on professional.standards@thamesvalley.police.uk or by calling 101.

- *Crown vs Ireland Lord Stern 1997 landmark ruling, psychological assault can occur, without physical striking, it is a crime of ABH or GBH. But TVP failing to acknowledge this or investigating this. Police grossly negligent in not assessing these crimes. Not addressed in the complaint.*

I have spoken to PC Knight who in turn has liaised with PS Thomas regarding this point. He has advised that this case law refers to silent phone calls where the victim had feared physical attack generated by the silent calls. This had caused the victim to suffer palpitations, breathing difficulties, cold sweats, anxiety, sleeplessness, dizziness and stress. In the above case law the silent phone calls led to the victim fearing immediate unlawful violence which have caused the conditions and point 7 above explains why what you have reported does not fit this case law, as you did not apprehend immediate unlawful force or personal violence. PS Thomas notes that you have also made reference to R v Chan-Fook case law, which states "The phrase 'actual bodily harm' in section 47 of the 1861 Act was capable of including psychiatric injury but did not include mere emotions such as fear, distress, panic or a hysterical or nervous condition, nor did it include states of mind that were not themselves evidence of some identifiable clinical condition". You however, confirm in your statement that you believe you have Epstein-Barr virus as a result of having a glandular fever as a child and are immune-compromised due to adrenal fatigue as a result of 16 years domestic verbal abuse. You state that you are terrified of confrontational conversations and have a severe reaction when people raise their voices. Therefore the ruling in Chan-Fook does not seem to apply.

- *Inspector Andrew Partridge also failed to listen that he is at risk of death (shock from bad news) and caused him distress and may have put him in A+E (he can't remember) – he ignored LLs request for an appropriate adult. He does not need more abuse nor the incompetence - and they (Police) must LISTEN – as this can trigger a death episode. Not addressed in the complaint.*

Inspector Partridge not listening to you is not a matter that was included within your original complaint as recorded under Schedule 3 of the Police Reform Act 2002 (and summarised at the top of this letter). As such, I am unable to consider it as part of my review. If you wish to submit any new complaints, this must be done directly to PSD. A complaint can be submitted via the TVP website [Complaints | Thames Valley Police](https://www.thamesvalley.police.uk/complaints), via email on professional.standards@thamesvalley.police.uk or by calling 101.

- *LL expected a proper response to his initial allegation from PC Perry Knight, a phone call from him – this did not happen. Instead he got an email, put him into shock and required a paramedic. Despite the fact he listed his preferred method of communication as phone call!!! Not addressed in the complaint.*

PC Knight has explained that email is standard when dealing with complaints and furthermore, this case is complex, meaning that a detailed response is required (which cannot be covered within a phone call). In addition, there is no audit trail with phone calls and it is difficult to cover the right to review in a call. Whilst you did list a telephone call as your preferred method of contact, it was not listed as the only method. TVP have advised that you could have provided them with details of an agent who could be sent the email on your behalf, so that it could be verbally read out to you in order to prevent further distress. Further to this, they have confirmed that you have sent numerous emails to TVP and received several back, without any issues being reported.

- *Crime committed by Mr Calderwood has not been investigated, despite LLs company was ruined through fraud and reckless filing. He and his colleague,*

James Lewis, verbally assaulted him, he went into shock, and the company was stolen. This is ABH and GBH (as per ruling mentioned earlier) but TVP failing to realise this and acknowledge it. Not addressed in the complaint.

As explained above there is no crime recorded on TVP systems in relation to a fraud. If you wish to report an offence of fraud this must be done directly to ActionFraud. I have attached a link to their website for your convenience: <https://www.actionfraud.police.uk/>. From reading the statement and numerous emails provided, PS Thomas believes that this appears to be a failed business relationship following the freezing of grant funding leaving a project too costly to carry out as opposed to a fraud. As explained at point 7 above, no crimes of assault, ABH or GBH have been committed and therefore the allegations you have made (in relation to your employers knowing about your disabilities and continuing behavior which caused/aggravated these conditions) should be directed towards civil litigation and/or an employment tribunal under the Equality Act or Disability Discrimination Act.

- *04 March 2024, he went to Southampton PolStat to meet a PC Cook, he thought he was there to make a statement, but he was told by PC Cook (on behalf of PC King Thames Valley) that the case was NFA. This put him into shock, brain oxygen starvation and he had to go to A+E immediately. He says A+E "did nothing, again". He says shocks can be caused by verbal attacks, like the ones he suffered and reported to TVP, causing his throat to collapse. Not addressed in the complaint.*

This is not a matter that was included within your original complaint as recorded under Schedule 3 of the Police Reform Act 2002 (and summarised at the top of this letter). As such, I am unable to consider it as part of my review. If you wish to submit any new complaints, this must be done directly to PSD. A complaint can be submitted via the TVP website [Complaints | Thames Valley Police](#), via email on professional.standards@thamesvalley.police.uk or by calling 101.

Organisational Learning

- For IOs to ensure that sufficient information is provided to the complainant in order to answer their complaint fully.

In summary, I believe that you were provided with a reasonable and proportionate response to your complaint and will not be making any recommendations to the Force. I will however raise the Organisational Learning point above.

This concludes the statutory police complaints process and there are no further rights to review. To challenge an outcome you would need to seek independent legal advice with regards to issuing Judicial Review proceedings.

If you would like to leave feedback following the handling of your review, please address this for the attention of myself at the above email address. Please note that any feedback received will not be responded to or treated as a new complaint, and no action will be taken in regards to the complaint or review itself. The purpose of feedback is for the PCC to monitor themes and trends in order to continue to improve its processes as relevant review body and for general oversight.

Yours sincerely,

Sierra Reid

Sierra Reid

Complaints Review Manager
Office of the Police and Crime Commissioner for Thames Valley

