Heddlu Police
DYFED-POWYS

Dirprwy Prif Gwnstabl Claire Parmenter
Deputy Chief Constable Claire Parmenter

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• Ebost/Email: **psd@dyfed-powys.police.uk**

• Ffôn/Tel: **101**
01267 222020 y tu allan i ardal Dyfed-Powys
01267 222020 if outside the Dyfed-Powys area

Eich cyf/Your ref:
Ein cyf/Our ref: CO/00322/22

15 August 2022

Received opened in plain envelope 30/08/22 5.30pm

Mr Jason Nicholas Juul
[redacted]

Dear Mr Juul

I'm writing further to Mr Gavin Lemon's letter to you dated 28th July 2022, which related to your complaint against Dyfed Powys Police.

In that letter it was explained your complaint had been formally recorded and it would be dealt with in a reasonable and proportionate manner. He also offered his apologies that your experience had led to you making a complaint.

The purpose of my letter today is to inform you that we have finalised the handling of your complaint and also to explain how the matter has been handled.

My explanation will include details of the actions that have been taken by the complaint handler, the complaint handler's determination of whether the service you received was acceptable and any learning that has arisen through the handling of your complaint.

Your complaint was formally recorded, in accordance with Schedule 3 of the Police Reform Act 2002, on 25th July 2022. The allegation documented in the attached complaint register was identified at the time. It was determined that your complaint could be handled without an investigation, and it was allocated to Detective Sergeant Kelly (DS) to address your concerns.

DS Kelly was unable to make contact with you to discuss your complaint.

BUDDSODDWR MEWN POBL
INVESTOR IN PEOPLE

Mae Heddlu Dyfed Powys yn croesawu gohebiaeth yn Gymraeg a Saesneg. Byddwn ni'n sicrhau ein bod ni'n ymateb yn eich dewis iaith ac ni fydd oedi mewn perthynas ag unrhyw ohebiaeth drwy'r Gymraeg.

Dyfed Powys Police welcomes correspondence in Welsh and in English, and we will ensure that we respond to any correspondence through the language of your choice. Corresponding via the medium of Welsh will not endure any delay.

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www.dyfed-powys.police.uk

As part of DS Kelly's handling of your complaint, DS Kelly has reviewed the actions of DC Evans

DC Evans was tasked with a MAPPA (Multi Agency Public Protection Arrangements) action to ensure a notification was in place to restrict your travel abroad. DC Evans made initial contact with a local Field Intelligence Officer, requesting for markers to be placed on your passport, allowing for authorities to be contacted if you made an attempt to leave the UK.

DS Kelly has included a summary of emails sent between DS Kelly, DC Evans, Force Intelligence Bureau (FIB), Field Intelligence Officer (FIO) and Police National Computer Bureau (PNC).

- *26th May 2022 @ 11:18hrs, DC Evans notified FIB that JUUL will be subject to Licence conditions relating to his travel. FIB were notified that JUUL had expressed an intent to travel to Belarus. DC 855 asked if markers could be placed on his passport to allow for authorities to be contacted if he made an attempt to leave the UK*

- *27th May 2022 @ 09:23hrs, FIB DS tasked a FIO to complete 'passport watch list' and 'PNC all ports notification'*

- *27th May 2022 @ 11:31hrs, DS Kelly informed the FIO – 'If he (Mr Juul) breaches his licence **and** the recall paperwork has been issued – he is arrestable at that point……..the marker needs to explain that Juul is on licence with a condition preventing him from leaving the UK – therefore officers at the airport need to check PNC to see if the recall warrant is on the system before arresting'*

- *27th May 2022 @ 11:51hrs, FIO contacts PNC bureau – 'Mr Jason Nicholas Place aka Jason Nicholas JUUL [redacted] is forbidden to leave or attempt to leave the UK. This will breach his current licence condition which he can be arrested for'*

- *27th May 2022 @ 12:06, PNC bureau task for an Operational Intelligence Report (OI marker) (– 'the officer Skyped re: below and he agreed for an OI-CT TRAVEL – Foreign Travel Restriction Order to be added.)'*

- *27th May 2022 @ 12:49hrs, PNC Broadcast - order now showing on PNC – Jason Nicholas Place aka Jason Nicholas Juul [redacted] is forbidden to leave or attempt to leave the UK. This will breach his current licence condition which he can be arrested for' Power of arrest: CONDITIONAL*

Prior to your release from HMP Swansea you would have received, agreed and signed your licence conditions. It is noted that one of the conditions stipulated that you were not permitted to leave the UK without permission.

On 12th June 2022, you attempted to leave the UK through the port at Newhaven in breach of your licence conditions.

DS Kelly is unable to account for the actions of the arresting officer in Sussex but can only comment that the PNC OI Marker indicated that the power of arrest was conditional.

Complaint handler's determination

Complaints handled under Schedule 3 of the Police Reform Act 2002 must assess whether the service delivered was of the standard a reasonable person would expect and the complaint handler should reach a conclusion as to whether the service provided by police on this occasion was acceptable or not acceptable.

DS Kelly has assessed the circumstances of your complaint and determined that the service provided was acceptable in relation to the actions carried out by DC 855 Evans, however not acceptable in relation to the error made by the PNC Bureau with regards the recording of the marker.

He reports that there appears to have been an administrative error when the marker was first created on PNC, however this made no material difference to the circumstances. The FIO held discussion with the PNC bureau and agreed for the OI marker to be created under the class of 'Order', this then defaults to a list of Orders the operator can select from, and as this marker related to travel – the Travel Restriction Order was selected.

Had the OI been created under the class of 'Police' then this would have allowed for a 'Miscellaneous' entry to be added.

DC Evans played no part in any discussion or communication with the PNC bureau.

DS Kelly confirms that the Travel Restriction Order (OI Marker) has been removed from your PNC record.

I would like to apologise on behalf of Dyfed-Powys Police for the error made, however as DS Kelly has stated above, this made no material difference to the circumstances.

Learning and Improvement

It is my role to consider whether there are any opportunities for individual or organisational learning. In their handling of your complaint DS Kelly has identified the following learning, which I agree with.

Organisational Learning (PNC) in relation to officers requesting OI Markers on PNC and the potential consequence if added in error. I can update you that DS Kelly has sent an email to the Supervisor at the PNC Bureau and asked that staff are reminded in relation to applying the correct markers.

Conclusion

I am satisfied that your concerns have been addressed by DS Kelly in a reasonable and proportionate manner and your complaint can now be finalised.

I would like to thank you for taking the time to bring your concerns to our attention. We welcome all feedback as this provides us with a valuable insight into our services from the perspective of the public and the communities we serve and can help us improve our service.

I hope this has resolved matters to your satisfaction, however if you are unhappy with this outcome you can make an application for a review to the Independent Office for Police Conduct (IOPC) who will assess whether the final outcome of your complaint was reasonable and proportionate.

You may do this by either accessing the IOPC online literature via IOPC Appeals Secure Form (egressforms.com) or alternatively you may telephone them on 0300 020 0096 and request a copy of the appeal/review leaflet.

The IOPC must receive your application for a review within 28 days from the day after the date on this letter. This means they must receive your application by **12 September 2022**. Any applications received after this date may not be considered.

Further information and guidance on the review process can be found on the Independent Office for Police Conduct (IOPC) website: https://policeconduct.gov.uk/complaints-reviews-and-appeals/reviews-and-appeals

Yours sincerely

S Griffiths

Detective Inspector - Professional Standards Department

Complaints & Professional Standards

Complainant Report

Case Reference CO/00322/22 Case Recorded / Logged 25/07/22

SUMMARY

Complainant	Allegation	Staff
Mr J. N. Juul	1 Information	DC 855 D. Evans

COMPLAINANT

Title	Mr
Surname	Juul
Forenames	Jason Nicholas
Address	[redacted]

ALLEGATION

No	1
Recorded / Logged	27/07/22
Type	Information
Location	Carmarthenshire
Allegation	Mr Juul wishes to complain that DC 855 Evans put a false entry on PNC stating that he was on a court ordered ban not to leave the country. He states there is no such ban and as a result he was arrested at the port of Newhaven on 12th June 2022 and recalled to prison.
Allegation Result	The service provided was acceptable / not acceptable

STAFF COMPLAINED AGAINST

Rank	Collar	Surname	Forename
DC	855	Evans	D

CASE HANDLER

Rank	Surname	Forename	Appointed
DS	Kelly	Barry	28/07/2022