It is more appropriate for your complaint to be better handled by another process. You have complained about incorrect information that is held on police records. The correct process to follow will be to contact our data protection team and ask them to rectify the records. Further information on how to do this is available on the Dyfed Powys Police internet site on the following page https://www.dyfed-powys.police.uk/hyg/fpndyfed-powys/privacy-notice/

I appreciate you have complained that DC Evans has deliberately entered incorrect information onto police systems, but it is clear that is not the case. The inclusion of affray on the crime record is clearly an administrative error, which usually occurs as a result of choosing the wrong option from the drop-down menu in the Home Office Offence field. Further down on the crime record the description of the offence states;

"Alleged offender has been suspected to have bank accounts that he has not disclosed to police which is a break [sic] of his serious crime prevention order."

It is quite clear from this description that the entry of affray in the aforementioned field does not apply to this crime and there has been no attempt to present the crime as one of affray. It is nothing more than human error.

If you are unhappy with the decision to take no further action you can make an application for a review to the Police and Crime Commissioner who will assess whether the final outcome of your complaint was reasonable and proportionate.

You can either visit the website of the Police and Crime Commissioner at https://www.dyfedpowys-pcc.org.uk/en/contact-us/compliments-and-concerns/ to download a copy of the review form or you can contact the Office of the Police and Crime Commissioner using any of the methods below to request a copy of the review form:

Telephone:	01267 226440
Email:	opcc@dyfed-powys.police.uk
Post:	Dyfed-Powys Police and Crime Commissioner, Pox 99, Llangunnor, Carmarthen SA31 2PF

The Police and Crime Commissioner 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 1st **August 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

Mr Gavin Lemon
Senior Manager - Professional Standards Department

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.

MAPPA
Multi Agency Public Protection Arrangements

OFFICIAL - SENSITIVE

Dyfed-Powys Uned MAPPA Unit
Pencadlys Heddlu / Police HQ
Blwch Post 99 / PO Box 99
Llangunnwr / Llangunnor
Caerfyrddin / Carmarthen
SA31 2PF
MAPPA@dyfed-powys.police.uk

25th October 2022

[redacted]
HMP Lewes
1 Brighton Road
BN7 1EA

Dear Jason Juul,

Dyfed Powys Police has received your letter of complaint [dated 08.09.22] originally sent to the IOPC in relation to MAPPA management.

This letter is to confirm receipt at the Dyfed Powys MAPPA Unit and to inform that there will be an investigation into the matter.

This will involve the allocation of a Lead Investigating Officer, who will instruct an independent panel to consider the nature of the complaint.

The allocated Lead Investigating Officer is Jayne Butler; and will make contact to update you on the progress of the investigation. Please keep the unit updated of the most appropriate contact details.

The panel process and findings will be expected to be completed by December 2022, so that feedback can be provided to you in January 2023.

Yours Sincerely,

MAPPA Coordinator
Dyfed Powys MAPPA Unit

Subsequent SCPO Hearing and Decisions

9. An SCPO hearing was convened on 16 May 2022, wherein the Claimant, representing himself, proffered submissions to the Court elucidating reasons against the granting of a new SCPO. A pivotal submission underscored the unenforceability of the SCPO, given the Claimant's permanent residence in the Republic of Belarus, asserting a breach of his Article 8 rights. Despite the rejection of the submissions by Judge HHJ Catherine Richards, she refrained from imposing travel restrictions on the SCPO, acknowledging the Claimant's familial ties and permanent residence in the Republic of Belarus, albeit his current incarceration within the UK jurisdiction. The ruling, dated 17 May 2022, mandated a replacement SCPO to be in effect for an additional five years upon release from prison.

Unlawful Travel Restrictions and MAPPA Misclassification

10. The Welsh authorities, dissatisfied with the removal of travel restrictions from the SCPO, unlawfully registered a court-ordered restrictive travel ban, effective from 27 May 2022 to 26 May 2025, on his passport and the Police National Computer (PNC). This erroneous entry by Dyfed-Powys Police, for which they later apologized via a Professional Standards letter dated 15 August 2022, was consequential. The Claimant was subjected to Multi-Agency Public Protection Arrangements (MAPPA) level 3, typically reserved for violent and sexual offenders, due to the initial crime being erroneously recorded as a public protection offence. This misclassification permeated the Claimant's chain of custody, erroneously categorizing him as a Risk of Serious Harm violent offender.

Recall to Custody and Subsequent Release

11. The Claimant was recalled to custody on 12 June 2022 for attempting to leave the jurisdiction via ferry from the port of Newhaven. Despite the absence of a legitimate travel ban, he was arrested for breaching a Restrictive Travel Ban and processed at Eastbourne Police Station. During his custody, he was recalled for breaching MAPPA arrangements. The Claimant served the full custodial length of his sentence without an oral hearing by the Parole Board and was released on 02 December 2022 on a one-day licence, which mandated him to surrender his passport. This did not transpire, and Post Supervision became active from 03 December 2022.