

PROTECT - INVESTIGATIONS



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1st June 2012

IN CONFIDENCE

Chief Superintendent Tim JONES
Professional Standards
Police Headquarters
Bridgend

Sir

Complaint against the Police by Maurice John KIRK

This report relates to a Proportionate Investigation carried out following a complaint against the Police by Mr KIRK.

He is a man with an extensive history of making complaints and pursuing Civil Claims against the Police and other organisations. In fact, in his witness statement he describes his occupation as a chronic litigant.

In June 2009, Mr KIRK was arrested for possession of a prohibited weapon and other offences. The weapon concerned is a World War Lewis machine gun and he ultimately appeared at Crown Court, charged with offences relating to that.

Mr KIRK complained via letter, dated 21st August 2011, concerning South Wales Police perverting the course of justice, concerning the investigation into him. He included a self-written witness statement, in which he details various allegations.

On 18th October 2011, a dispensation application was sent to the IPCC, on the grounds that the complaint was out of time.

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On 6th December 2011, the IPCC wrote to South Wales Police and advised that the dispensation was granted, with the exception of two areas that should be investigated, namely

- i. Officers tampered with the machine gun in order to make it capable of firing.
- ii. Discrepancies regarding an undercover operation and the subsequent evidence given.

The investigation has therefore concentrated on those two areas. In addition, when visited, Mr KIRK raised a further issue regarding his MAPPA status and I will comment about this further on.

Lewis Machine Gun

Mr Ronald COOPER is a collector of historic aircraft and in around April 2008, purchased a World War Aircraft from Mr KIRK, having seen it on Mr KIRK'S website. Included in the purchase was a Lewis machine gun, which was a necessary part of the purchase in order to balance the aircraft properly.

Mr COOPER states that Mr KIRK told him that the gun had been deactivated, that is, the gun was not capable of firing as certain parts had been removed. Mr COOPER actually states that it was deactivated and describes missing parts. He states he does not know the serial number of the gun.

Mr COOPER states that he painted the gun black and the magazine silver, after cleaning the outside but not the inside of it.

After being contacted by the Civil Aviation Authority, Mr COOPER left the Lewis machine gun with Mike SCOTT, a registered firearms dealer, for the purpose of further deactivation, the reason being that the present deactivation did not meet the requirements of new legislation.

Mr SCOTT confirms that he received the Machine gun from Mr COOPER and describes how he felt that the gun had not been properly deactivated. He states the serial number was 2221, possibly ending in 66.

Mr SCOTT explains how he handed the gun to the Police and there are statements attached showing continuity of possession of the gun until its arrival with Mr Andrew HUXTABLE, the National Ballistics Intelligence Service Armourer based at the Scientific Support Unit, Police Headquarters, Bridgend.

Mr HUXTABLE formed the opinion that this was a Firearm that was capable of firing. The gun was further examined by Mr Phillip RYDEARD, a Forensic Scientist, who provided expert evidence. He gives the serial number as 222166 and details why he feels the gun is not deactivated. He actually test fired it using ammunition and shotgun cartridges.

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Mr Richard MABBIT is the Superintendent of London Proof House whose role mainly entails the Inspection of Military weapons. He also gives the serial number as 222166. He field stripped the gun and concluded that it had not been deactivated.

Mr Samuel PERRY, the Superintendent of Birmingham Proof House, also conducted a field stripping of the gun and concluded that it had not been decommissioned. He also gives the serial number as 222166.

The gun was later shown again to Mr COOPER who stated that he could now push a wire rod down the barrel whereas previously he could not. This is quite likely to be as a result of the weapon being field stripped on a number of occasions.

Mr KIRK alleges that the Police deliberately unblocked the barrel of the gun so as to make it capable of firing.

There is clear continuity of the weapon from Mr COOPER through to the various experts, all of whom say it was capable of firing and in fact it did fire. There is no doubt it is one and the same gun and there is no evidence whatsoever to say the Police deliberately unblocked the barrel.

Mr COOPER makes reference to the unblocked barrel in a statement taken by the Police during the Criminal Investigation; the fact is not hidden as suggested by Mr KIRK who states that Mr COOPER raised it under cross examination. In fact, if a Firearm is properly deactivated, the barrel can not be later unblocked.

Mr KIRK makes reference to the magazine of the gun being painted by the Police. This is his word only and frankly makes no difference to whether the weapon was capable of being fired.

In conclusion, I find in relation to this issue that there is no evidence of Misconduct but this is simply one of a series of unfounded conspiracy theories currently being flaunted by Mr KIRK.

Undercover Tactics

Mr KIRK makes reference to phone calls to his home, by a female officer, claiming to be interested in purchasing a gun. He states that a male Officer gave evidence at Court, concealed behind a screen, to the effect that he had made the phone calls. He states this person used the pseudonym of 'Foxy'.

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I can confirm that an 'undercover' Officer from another Police force was actually utilised in attempts to purchase a gun from Mr KIRK. This is clearly sensitive and confidential so I will only mention it briefly.

Needless to say, I have listened to audio recording of phone calls from the Officer who made the calls, he is clearly male and identifies himself as 'Foxy'.

My suggestion is that Mr KIRK has been sighted on the name Foxy during the disclosure and court processes and has assumed that Foxy is a female, dare I say as most people would.

I can say categorically that the Officer is male and that Mr KIRK is mistaken in this respect.

MAPPA Status

Mr KIRK wishes to complain about lack of disclosure to him over his MAPPA status. A copy of the MAPPA meeting minutes executive summary is attached which shows a summary of the meetings held in 2009 when Mr KIRK was categorised as Level 3 MAPPA. He has attempted to obtain further minutes from individual agencies.

He makes mention of minutes referring to him being shot if he approached the then Chief Constable. This is incorrect although it is clear that because of the threat posed at the time by Mr KIRK, the Chief Constable was subject of close protection

It can be clearly seen from an attached Court Order that on 14th July 2011, it was ordered by His Honour Seys LLEWELLYN, QC, at a County Court Hearing, that Mr KIRK'S application for disclosure of full minutes was dismissed. There is in fact no obligation to provide minutes to a person subject of MAPPA and this has been reinforced by the County Court judgement.

The partner agencies are therefore within their rights not to disclose individual minutes to Mr KIRK and he is fully aware of this. To complain about this is in fact an abuse of the complaints procedures.

Observations

I should point out that Mr KIRK has not been very cooperative during this investigation.

On 7th February 2012, I visited him at HMP Cardiff in order to take a witness statement, which I duly did. He refused to sign it until I gave him a photocopy which the prison staff obliged with and I provided him with a copy immediately.

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Mr KIRK signed the statement then demanded a photocopy of the signed version, which the prison staff did not do. Mr KIRK then stated that I had taken the statement under duress and he wished to withdraw it. He has subsequently written to me requesting a copy of the statement and has been directed to submit a Subject Access application.

In fact, on Monday 21st May 2012, I spoke over the phone to Mr KIRK and it was clear that he had forgotten that I had given him a copy of his unsigned statement. He has also criticised me on his website and provided my Office telephone number, encouraging people to ring me, although nobody has to date.

Conclusion

Of the three areas that have been investigated, I have not identified any Misconduct or Criminal offences and recommend there is no case to answer.

Regulation Notices have not been served.

R A HOLDER
Detective Inspector
Professional Standards Department

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