



**An investigation into the response by South
Yorkshire Police a woman's complaints
regarding an abusive ex-boyfriend
2014/038623**

Independent investigation report

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Introduction

1. On 21 November 2014, Ms A contacted the Independent Police Complaints Commission (IPCC) to complain that South Yorkshire Police (SYP) did not properly investigate reports she made in the 1990s regarding her violent ex-boyfriend, Mr B. Ms A complained that her reports, which included allegations of assault, sexual offences, harassment, burglary and criminal damage, should have been acted on earlier and she should have been offered support and protection.
2. The complaint was forwarded to SYP who voluntarily referred the matter back to the IPCC on 8 December 2014 and an independent IPCC investigation commenced.

Terms of reference

3. The terms of reference for the investigation were:
 1. To investigate interactions between Ms A and SYP between September 1995 and January 1996. In particular:
 - a) Did police officers and call handlers deal with the issues raised by Ms A in accordance with the national and local crime recording policies which applied at the time?
 - b) Did SYP adequately investigate the allegations made by Ms A against Mr B? If so, was that investigation carried out in accordance with the national and local policies and procedures relating to domestic abuse/violence and crimes committed in the name of honour which applied at the time?
 - c) Did the police officers who responded to the burglary at Ms A's home take appropriate action in response to the concerns she raised about Mr B's potential involvement in that offence? Did they record and investigate the allegations she made at the time of his previous physical assaults against her?
 - d) Did the police officers who visited Ms A in hospital adequately

- investigate the alleged assault against her and did they actively dissuade her from making a criminal complaint against Mr B?
- e) Was the ethnicity of Mr B a factor in how SYP responded to and dealt with the allegations and reports of crimes against him by Ms A?
2. To identify whether any subject of the investigation may have committed a criminal offence and, if appropriate, make early contact with the Director of Public Prosecutions (DPP). On receipt of the final report, the Commissioner shall determine whether the report should be sent to the DPP.
 3. To identify whether any subject of the investigation, in the investigator's opinion, has a case to answer for misconduct or gross misconduct, or no case to answer.
 4. To consider and report on whether there is organisational learning, including:
 - whether any change in policy or practice would help to prevent a recurrence of the event, incident or conduct investigated;
 - whether the incident highlights any good practice that should be disseminated.

Subjects of the investigation

Officer C

4. It was alleged by Ms A that in 1995 she provided a '██████████' with a lengthy verbal report of serious sexual offences and violence she had suffered but no action was taken by SYP. Following enquiries, the IPCC established Officer C may have been the officer to whom Ms A had referred in her complaint.
5. There was, therefore, an indication that he had failed to take appropriate action or properly record the allegations made by Ms A. On 22 May 2015, an IPCC investigator served Officer C with a notice under Regulation 16 of

the Police (Complaints and Misconduct) Regulations 2012.

6. The notice alleged that the reported offences were not investigated promptly or with diligence. It was determined that, if proven or admitted, this would amount to gross misconduct.

Officer D

7. A 1995 police report relating to a burglary of Ms A's home detailed that '██████████' was dealing with complaints of harassment and annoying telephone calls. Ms A maintains she was not informed of any action taken in respect of this matter and SYP has been unable to locate any record of any action taken in response to the harassment allegation. There was, therefore, an indication that '██████████' had failed to thoroughly investigate or take appropriate action in response to her allegations.
8. Officer D retired from SYP ██████████. IPCC investigators served him with a Regulation 16 notice on 14 May 2015. The notice alleged he failed to carry out his investigation promptly or with diligence. It was determined that, if proven or admitted, this would amount to misconduct.
9. Officer D declined to be formally interviewed and, as a retired officer, the IPCC had no power to compel him to attend an interview. He did, however, willingly provide a response upon being served with the notice which is detailed in paragraph 68 below. As a result of this response the notice of investigation was subsequently withdrawn.

Chronological summary of events

10. IPCC investigators obtained two statements from Ms A. She stated she first contacted police in October or November 1995 to report the offences committed against her by Mr B. She telephoned a local police station and an appointment was made for her to attend the station the following day. Ms A was taken into a room by a male officer in uniform who introduced himself as ██████████. She gave a lengthy and detailed account to this officer and explained how she had met her ex-boyfriend

[REDACTED]. Within a few months he became violent. She told the officer how Mr B had beaten her on at least 30 occasions including strangling her, hitting her over the head, suffocating her with his hands or a pillow, pulling her hair, knocking her to the ground and kicking her and holding her face in a sink full of water. She informed the officer that Mr B would quote religious text and compare her dress and behaviour to that of women of his own faith.

11. Ms A also told the officer how Mr B had raped her on several occasions and made threats to kill her parents if she tried to end their relationship. She explained she felt he was a danger to her parents because he was so violent and how he had made threats to mutilate her if she tried to leave him.
12. She explained how since she had ended the relationship Mr B was calling her all the time. She believed he was following her as he would correctly state in those telephone calls what she had been wearing and what she had been doing. He would also describe the contents of her bedroom causing her to think he had been looking through her window.
13. She told the officer she did not feel safe. She explained that Mr B had nearly killed her during several occasions of violence. During the telephone calls, he had threatened to hurt her worse than he had ever hurt her before. She therefore believed she was in danger and needed the police to talk to Mr B and ask him to leave her alone.
14. The officer asked if she had any bruises and she replied “no” as she had not seen Mr B for several weeks. He then said that as she did not have any bruises “*there is nothing we can do*”. Ms A questioned this and asked if the police could at least talk to Mr B. He replied “no”, gave her a leaflet for Women’s Aid and advised her to call them if she wanted any counselling. The interview ended as the officer said he had to leave.
15. Ms A contacted the police on two further occasions to report the ongoing harassment by way of telephone calls and the belief she was being

followed by Mr B. On both occasions she called the local police station from the number she found in the telephone book.

16. On each occasion Ms A spoke with women and reported ongoing harassment and threats from Mr B and told them that he had been violent in the past. She informed the IPCC that she gave a lot of information during the calls, hoping that the police would perceive she needed protection. However, the telephone calls were very rushed and she felt like the women were annoyed with her calling.
17. Due to the passage of time, Ms A's recollection of each phone call is not distinct but she remembers on one occasion being asked if Mr B was visiting her house and '*making a scene?*' She replied that he was making threatening telephone calls, she was informed there was nothing the police could do but she should wait until he was "*banging the door down*" and then the police could be sent out to the house.
18. During the other occasion she telephoned the police, she asked if the police could block the telephone calls from Mr B and was informed that the police could not help with this and was referred to BT.
19. Ms A informed IPCC investigators that around this time Mr B had began to state that she had offended his honour. She told the IPCC that Mr B had told her how honour was really important and she needed to '*pay*' and '*suffer*'. She confirmed, however, she did not inform the police when she made the telephone calls in 1995.
20. In December 1995, Ms A returned to her student house from the Christmas break and noted there had been a break in. Abusive graffiti had been drawn in her bedroom and her personal property stolen. Items belonging to other residents of the house were untouched including a television and video. She telephoned the police and officers arrived within a couple of hours.
21. Two officers met with Ms A and were present for between 15 – 30

minutes. She recalled one officer dusted for fingerprints and looked for footprints where the person responsible had gained entry. They also took photographs of the graffiti.

22. Ms A spoke to one of the officers and told him she believed Mr B was responsible for the burglary. She explained to this officer that Mr B had been violent throughout their relationship and how he had been following her and making threats. She believed the officer was not aware of this prior to her telling him and he stated *“what’s a nice girl like you doing with someone like him?”* She provided Mr B’s name, date of birth and car registration number. The officer said they would find Mr B and take his fingerprints to see if they matched those lifted from the house.
23. Approximately two days later she was contacted by the police and informed that Mr B’s fingerprints did not match. The police did not confirm if Mr B had been arrested or if his house had been searched. Ms A recalled how she felt at the time the police investigating the burglary were doing what they were supposed to be doing but they could not help her and it would not lead to anything. She felt the officer to whom she spoke about the burglary showed more concern than any other officers she dealt with during this period but noted the interactions still felt incredibly brief.
24. In January 1996, Ms A agreed to meet Mr B [REDACTED] believing if she met him one last time he would leave her alone. During this meeting Mr B stated she had offended his honour and he had arranged for her to be picked up in a van and gang-raped by people he knew. She left [REDACTED] and went to cross the road. Mr B followed and came up behind her so she turned around. She was so disgusted by his threat to have her raped that she spat in his face. She then described:

‘He came really close to me, saying cruel things to me to make me walk backwards from him and then he moved to threaten to hit me. I pulled away backwards and I put my left arm up in front of my face to protect myself. I felt forced backwards off the curb and then I realised that I was in danger from the traffic. I remember being on the road and looking back at

him expecting him to help me and pull me back but he just stood there with his hands at his side and he looked pleased.....It felt like he had pushed me with his aggressive words and forceful actions.'

25. She was struck by a vehicle. This resulted in her sustaining a fractured skull, cuts, bruises and a perforated ear drum which has left her with permanent partial hearing loss
26. Ms A believed she informed the nurses at the hospital that Mr B had pushed her and they in turn contacted the police. An officer visited the hospital after approximately two or three days and spoke with her whilst she was on the ward. This male officer was in uniform and she did not believe she had met him before. She informed the officer about the previous assaults upon her by Mr B, the harassing telephone calls during which he had threatened her because she had offended his honour and the burglary. She told the officer she had agreed to meet him one last time [REDACTED] and how she had asked [REDACTED] to call the police because she felt threatened by him. The officer then asked "*what happened with the [REDACTED]?*" and she told him she could not talk about it. She explained to the IPCC this was because she was on a ward and felt it was a very serious offence and other patients could overhear what she was saying. The officer then stated it was the end of the interview and left. Ms A felt she should have been spoken to in a private room and also described the interview as very brief. She was not informed what the police were doing about Mr B or whether he would be arrested.
27. A few days later she was still in hospital and had been moved to a room on her own. She was visited by three male officers wearing black coats. One of the officers introduced himself and said they were from CID (Criminal Investigation Department). She was unable to recall the name he gave but noted the other two officers did not speak. The first officer then asked "*is it possible you could be wrong about all of this?*" She replied "yes" and the first officer said "*thank you, that's all we need to know*" and they left. Ms A believed they were only there for one minute and the only

word she spoke to them was “yes”. She described feeling as though they *‘were cross with her’*. She felt threatened and that there was no sympathy from them. She felt under pressure to agree with them and very uncomfortable.

28. She believed on each occasion when she was visited by police in hospital she was too unwell to be interviewed as she was traumatised, concussed and on medication.
29. Ms A had no further contact from the police. She was not informed of the outcome of any investigation and she was not aware of whether Mr B had been arrested or otherwise spoken to by police.
30. Ms A stated to the IPCC that she believed the road traffic incident was an act of honour based violence and ought to have been recognised as such by the police.
31. Ms A felt let down by the police as she believed the handling of her allegations was *‘grossly inadequate’*. She believes that she was denied justice. She stated these failures led to further distress and a lifelong fear she would be found by her attacker. Ms A felt forced to leave university, move home and change her name to avoid being traced.

Documentary and Witness Evidence

Report of assault and rape

32. South Yorkshire Police have been unable to locate any record of Ms A’s visit to the local police station when she reported the assaults, rapes and harassment to [REDACTED]. It is not known what, if any, action was taken by the police following her alleged report.
33. It has been confirmed by SYP that crime reports created after 1 April 1995 have been input onto their electronic crime recording system. There was an exercise to archive crime reports which were inputted prior to 1 April 1995 but anything after that date should not have been archived.

Therefore, the absence of a crime report from October or November 1995 is most likely because no crime report was ever created.

Telephone calls to police station

34. SYP have not been able to locate any record of Ms A's subsequent two telephone calls to the police station. Available evidence indicates there has never been any system of recording calls that were made directly to telephone numbers within police stations. As a result, it has not been possible for the IPCC to identify the women she spoke with or whether any action was taken following these calls.

Burglary report

35. The electronic crime report for the burglary has been obtained by the IPCC. From this report it has been established that a report was made by Ms A to the police on [REDACTED]. It was recorded by police the same day:

'graffiti 'satanic design with the word Bitch in centre' drawn on front living room wall believed by ex boy friend of complainant ([REDACTED]) responsible or set up by him, [REDACTED] at West Bar already dealing with complaint of harassment and annoying phone calls etc'.

36. On [REDACTED] Officer E recorded on the crime report:
- 'All enquiries made, [REDACTED] arrested but released insufficient evidence. Nothing to link him to the offence, except he is ex-boyfriend of Complainant and had previously being threatening and harassing her. Print found at scene checked against [REDACTED] Negative. No further lines of enquiry at this stage, please file... continue liaison with [REDACTED] and [REDACTED] file 14 days'.*

Officer E

37. Officer E retired from SYP [REDACTED]. He was contacted by the IPCC and provided a witness statement. In 1995 he was stationed at Hammerton

Road Police Station CID dealing with general crime including burglary. He viewed the 1995 burglary crime report and confirmed he was clearly listed as the '*officer in case*' (OIC); however, he had no recollection of the investigation. Officer E explained the electronic burglary report was certainly not a comprehensive record of the actions taken as there would have been a paper crime report which would have formed the basis of the investigation and included evidence such as statements and photographs. There would also have been an incident log which would have been very helpful in confirming what action had been taken as a result of the reported burglary. Officer E was able to confirm, from the electronic report, that he had arrested and interviewed Mr B on suspicion of burglary but there had been no direct evidence of his involvement and he was therefore released without charge. He also confirmed a search of the suspect's home address was automatic in a burglary investigation and this would have been conducted in this case.

38. Ms A's account of the attendance of officers at her address was explained to Officer E by IPCC investigators. It was noted by the IPCC investigator that Officer E does not match the physical description given by Ms A of either officer. He believed the attendance of two officers would indicate one was acting as a scenes of crime officer. He was concerned that any officer would have said "*what's a nice girl like you doing with someone like him?*" as this would be inappropriate and unprofessional and he was certain he would not have said something like that. He clarified that although it would have been standard practice for him to attend at the scene of a burglary it was also entirely possible he was allocated the investigation after the officers' attendance at her address.
39. Officer E confirmed it was a requirement for police officers to keep complainants updated regarding investigations. It was something that he had always made efforts to do and he believed he would have contacted Ms A after the arrest and release of Mr B to inform her there was insufficient evidence to charge him. Although he would strive to meet this requirement, Officer E was aware that other officers frequently failed to

update complainants.

40. Officer E believed he would have input the information '*no further lines of enquiry*' which was a standard reason to end an investigation and to file a crime report. He could not remember if he wrote the information about Officer D already dealing with allegations of harassment but interpreted it to mean there was an ongoing investigation regarding harassment. As the OIC of the burglary he believed he would have liaised with Officer D, but could not recall a specific occasion when he had worked with him.
41. From examining the available information on the burglary report, Officer E was of the opinion that appropriate action was taken in response to the report of burglary and a thorough investigation conducted. This was because, although there was no actual evidence of Mr B's involvement, he was arrested, interviewed and his fingerprints compared to those found at the scene. Although not noted on the electronic burglary report, Officer E was confident that a search of Mr B's home address would also have been conducted as this would have been automatic in such a case. If anything, Officer E believed it was questionable whether there had been sufficient evidence to justify the arrest of Mr B for the offence as although there was clearly a strong suspicion he was involved, there was no direct evidence implicating him.

Road Traffic Collision report

42. The Road Traffic Collision (RTC) report, relating to the incident where Ms A was struck by a vehicle, was obtained by the IPCC. The report confirmed various details concerning the incident including the place, date and time, the vehicles involved and Ms A's injuries. It also recorded '*it appears that the pedn fell backwards into path of veh 1*'. The severity of her injury was assessed as '*slight*'. There was no mention within the report of Mr B or of any allegation of any criminal offence by any person or any record of any account given by Ms A. According to the information contained in the report the incident appeared to have been classed as an

accident.

Officer G

43. The RTC report detailed the reporting officer as Officer G. This retired officer was contacted and provided a witness statement to the IPCC. Officer G [REDACTED] He was a PC in the traffic unit [REDACTED] and as such attended hundreds of accident scenes. He was unable to recall this particular incident, which, in the opinion of the IPCC Lead Investigator, is understandable in the circumstances.
44. Officer G viewed the RTC report and confirmed he was shown as the reporting officer and therefore believed he would have attended the scene of the incident. Although it was standard practice for him to undertake the subsequent investigation into a collision including taking a statement from the injured party, he explained if there was a suggestion an incident was a deliberate act or an assault, then it would be referred to CID to investigate and he would play no further part.
45. As the incident was filed as an accident, Officer G believed any statements or other evidence would have been destroyed after three years.

Mr H

46. Mr H, a passing cyclist, who called the ambulance for Ms A in the immediate aftermath of the road traffic collision, was traced and provided a statement to the IPCC. He confirmed how he happened upon the scene very shortly after Ms A was struck by the [REDACTED]. He provided first aid and recalled there was confusion at the scene as to how she could have fallen into the path of the [REDACTED]. He did not recall any person identifying themselves as being with Ms A and did not recall the police attending at the scene. He remembered Ms A being taken away by ambulance. He later contacted the hospital and left his name and contact details. He was certain he was not contacted by the police at any point.

Ms A's Medical Notes

47. Ms A's medical notes confirm she was admitted to hospital following a road traffic accident on [REDACTED]. It was noted she had stepped out backwards and was hit by a [REDACTED]. She had been knocked out and sustained a head injury which was later confirmed to be a fractured skull. She was discharged from hospital after eight days.
48. She was described as conscious but confused and frightened on arrival. Within an hour and a half of arrival she was described by medical staff as more lucid and stated her ex-boyfriend (who was noted as attending with her) had been following her since August and that he had pushed her. It was noted that her flat-mate confirmed her ex-boyfriend had been following her. It was also noted by a nurse that Ms A said her ex-boyfriend had,
- '...deliberately pushed her into the road & he'd made previous threats on her life.....Asked me to contact [REDACTED] at Hammerton Road CID as she had previously reported her ex-boyfriend for harassment. Also that he had beaten her whilst they were together.'*
49. It was recorded the police were duly contacted and she had been seen by officers on [REDACTED]. It was further noted on [REDACTED] 'CID attended re incident will return later' and later 'CID again this afternoon...'
50. On the date of the recorded CID visits, it was noted that Ms A was neurologically stable but with aches and pains and nausea when moved. She was unable to take food or fluids and had to be assisted with all hygiene needs.

Ms I

51. The nurse who treated Ms A, Ms I, was traced and provided a statement to the IPCC. She stated that the incident had stuck in her mind as she recalled treating Ms A and being told by her that her ex-boyfriend had pushed her into the path of the [REDACTED]. Ms A also told her he had been involving other people in the harassment. The nurse recalled Ms A

seemed frightened and she reported the allegation to her supervisor who in turn contacted the police. Ms I also recalled Ms A's ex-boyfriend turning up at the hospital. He was unable to approach Ms A as he was taken away by police officers who were already present.

Mr J

52. Ms A's housemate at the time of the incident, Mr J, provided a statement to the IPCC. He remembered having attended the hospital to visit Ms A and also recalled her ex-boyfriend arriving. He believes he rushed to inform a nurse that Mr B was Ms A's ex-boyfriend and remembers him being taken away from the hospital by the police. He did not recall a subsequent police investigation into the RTC and was not approached by police to provide a witness statement.

Policies and procedures

53. Due to the passage of time it has been difficult to identify what, if any, policies or procedures relating to the investigation of sexual offences, domestic violence or honour based violence applied at the time of the reports made by Ms A.
54. It has been established from Home Office literature that SYP had a policy on dealing with domestic violence which was published in 1991 but unfortunately a copy of this policy has not been retained by the force. SYP were similarly unable to confirm whether any local policy for the recording of crime applied in 1995. The first national guidance regarding so called 'honour crimes' was published by the Association of Police Chief Officers (ACPO) in 2008 and therefore it is considered by the IPCC lead investigator unlikely there was any local policy used by SYP in the 1990s regarding honour based violence.
55. The ACPO Honour Based Violence Strategy published in 2008 gave the following definition to honour based violence:
'...a crime or incident, which has or may have been committed to protect or

defend the honour of the family and/or community.'

It is further defined as:

'a collection of practices, which are used to control behaviour within families to protect perceived cultural and religious beliefs and/or honour...it can be distinguished from other forms of violence as it is often committed with some degree of approval and/or collusion from family and/or community members.'

56. The ACPO definition would not appear to class a threat, based upon the perceived offense caused to the 'honour' of an 'individual', as 'honour based violence'. It expressly refers to practices used within families to control behaviour in order to protect the so-called honour of the family or community.
57. ACPO first published national policy regarding domestic violence in 2005. In the 1990s and earlier it was practice for the Home Office to publish Circulars to all Chief Officers making recommendations for the implementation of local force policies.
58. In 1990, in agreement with ACPO, the Home Office published Circular 60/1990 to offer guidance to the police on their response to the problem of domestic violence. Within the circular, 'domestic violence' is defined as, *'It encompasses all aspects of physical, sexual and emotional abuse, ranging from threatening behaviour and minor assaults which lead to cuts and bruises to serious injury and sometimes even death'.*
59. Whilst the definition of the range of 'violence' is far-reaching it appears that the definition of 'domestic' is less so. Without expressly excluding any relationships the circular only makes reference to violence by *'a person to whom the victim is married, or with whom the victim lives or has lived'.* This would seem to suggest that only violence within relationships in which the parties shared, or had once shared a residence, would be classed as 'domestic violence'. This is a much narrower definition than is used in the present day and would appear to exclude the relationship between Ms A

and her former boyfriend.

60. The 1990 circular makes clear recommendations that Chief Officers should consider issuing force policy statements including the presumption of positive action to investigate a case and that no incident should be '*no-crimes*' i.e. filed as no crime having occurred, unless the police concluded after investigation that the report was inaccurate or false.
61. In respect of policies and procedures for the recording of crime, SYP do not have any record of such a policy from 1995. The Home Office Counting Rules (HOCR) would have applied at the time. These rules were based on individual police officers deciding whether or not a crime had been committed and, if so, recording it.

Subject interviews

Officer C

62. Officer C was interviewed by IPCC investigators under the misconduct caution on 8 June 2015.
63. Officer C stated that he had no recollection of ever meeting Ms A or taking her report. He transferred from [REDACTED] in October 1995 but was based at Ecclesfield Police Station, not Hammerton Road. Although from time to time officers from Ecclesfield would be required to cover Hammerton Road and vice versa, as these stations were two halves of the same division, such instances were few and far between. He could not recall any specific instances when he had worked at Hammerton Road. He was a police constable in October 1995 but was a patrol car driver responding to incidents that happened within his assigned area. Officer C explained that he would not have been tasked to cover an appointment made by a victim of domestic violence as there were other officers in the force more adept at dealing with that type of complaint. He expected that such an appointment would have been made with officers from CID or the domestic violence unit.

64. Officer C confirmed he had received no specific training in domestic violence, rape or sexual offences and explained:
- “If it’d been me that would’ve been involved in this matter, it would’ve been referred down the line of enquiry straightaway you know.... it’s a serious allegation...It would’ve been passed on to my supervisor, at least, to then be passed on maybe to somebody in CID, domestic violence, more...somebody with more experience in dealing with this lady’s complaint.”*
65. Officer C stated he could not recall contact with anyone by Ms A’s name under any circumstances. Similarly, he had no idea who Mr B was.
66. When informed of the details of her complaint against [REDACTED], Officer C replied that it was understandable she had complained if she had been treated in such a way but reiterated that it was nothing to do with him.
67. Officer C was questioned by IPCC investigators regarding the whereabouts of his pocket note book from October and November 1995. He replied that it was procedure for pocket note books to be stored safely, usually in a police locker, and then after seven years they would be submitted and destroyed. He could not remember where they were submitted to but was sure that his pocket note books would have been destroyed after all this time.

Officer D

68. In his response to being served with a Regulation 16 notice, Officer D stated that he could not have been responsible for the investigation into Ms A’s allegations of harassment as he was based in the area control room at the relevant time and, as such, would not have been tasked with investigating any alleged offences.
69. It was confirmed by SYP that Officer D was indeed a control room [REDACTED] in late 1995. The notice of investigation was then withdrawn by

IPCC investigators.

Conclusions

70. The evidence provided by Ms A is very compelling and it is the opinion of the Lead Investigator that she is a credible witness. Although recalling events that happened almost 20 years ago, due to the significance of the events she was able to recall a lot of detail regarding her interactions with police officers. There is also evidence to corroborate some of her complaints against SYP.
71. Ms A's medical notes record how very shortly after the road traffic incident she alleged to hospital staff that she had been pushed into the road by her ex-boyfriend. She also informed medical staff of the history of violence and harassment and confirmed she had reported this to police, she even mentioned a [REDACTED] at Hammerton Road Police Station. The medical notes also corroborate Ms A's version of events as they confirm police officers (including CID) visited her in hospital on at least two occasions.
72. The attendance of police officers at the hospital is also confirmed by independent witnesses Ms I and Mr J who recalled Mr B was taken away by police although it is not known whether he was arrested at the time or merely escorted from the hospital premises.
73. The RTC report confirms that Ms A was struck by a vehicle in the location she described. The RTC report makes reference to the pedestrian falling backwards into the path of the vehicle which would accord with Ms A's recollection of turning to face Mr B and feeling forced backwards off the pavement.
74. The electronic burglary report confirmed Ms A's recollection of the abusive graffiti in her house and also provided confirmation that there was a reported allegation of harassment.
75. Although there is no available record of Ms A's visit to Hammerton Road Police Station or meeting with [REDACTED] it is the opinion of the

Lead Investigator, based upon the available evidence, that it is more likely than not this is due to the failure of the police officer to make a record of the meeting. The lack of any record supports Ms A's allegation of the dismissive attitude of [REDACTED].

Did police officers and call handlers deal with the issues raised by Ms A in accordance with the national and local crime recording policies which applied at the time?

76. The IPCC has been unable to obtain a copy of any local SYP policy that may have applied in 1995 regarding crime recording as policies from this time have not been retained.
77. The HOCR applied nationally in 1995. The application of the rules was based upon individual police officers deciding whether or not there was *prima facie* (accepted as correct until proved otherwise) evidence that a crime had been committed, and, if so, to record it. Therefore, if the facts of a reported allegation would amount to a criminal offence if they were true, it ought to have been recorded.
78. In this instance, Ms A alleges that she made a report that she had been beaten and raped. The facts she reported amounted to potential offences of assault contrary to section 47 of the Offences Against the Person Act 1861 and rape of a female contrary to section 1 of the Sexual Offences Act 1956, amongst others. Her allegation in itself amounted to evidence that these offences had occurred. It was not an evidential requirement for the alleged offences to be corroborated by other evidence. The allegations of assault did not need to be evidenced by visible injury, although, this would have strengthened her complaint.
79. In these circumstances, the HOCR would direct that the report should be recorded. The only circumstances in which it may be appropriate not to record the alleged offence as a crime would be if, after an investigation, there were grounds to believe that the report was false or fabricated. Even in such circumstances, there should still be a record of the report, investigation, outcome and reason why the allegation would not be

recorded as a crime.

80. In the absence of any account contrary to Ms A's or any explanation from [REDACTED]; the Lead investigator believes the available evidence suggests the HOOCR were not adhered to on this occasion.
81. The HOOCR would apply equally to offences reported by telephone. Ms A alleges she telephoned the police on two occasions to report threatening telephone calls. It is important to note that these events pre-dated the 1998 Protection from Harassment Act which made harassment a criminal offence. Prior to 1998 the police would have relied upon breach of any civil injunctions imposed and any attached power of arrest. There were also limited powers available under the Public Order Act 1986.
82. In light of the limited powers available to the police at the time to deal with allegations of harassing behaviour; it is possible that the facts as reported by Ms A regarding the threatening telephone calls did not amount to evidence of a criminal offence and therefore there may not have been a requirement to record the report.

Did South Yorkshire Police adequately investigate the allegations made by Ms A against Mr B? If so, was that investigation carried out in accordance with the national and local policies and procedures relating to domestic abuse/violence and crimes committed in the name of honour which applied at the time?

83. It has not been possible to locate any record of any investigation following Ms A's report of assault and rape. The absence of a crime report would support a suggestion that there was no investigation into her allegations. Very serious offences were reported by Ms A and a person reporting such serious offences could reasonably expect that a record would be made of their allegation and an investigation carried out. Such an investigation should include, as a minimum, obtaining a statement from the complainant, identifying and pursuing reasonable lines of enquiry and, if appropriate after investigation, the arrest and questioning of the suspected offender.

84. In the absence of any evidence of an investigation into these reported offences, and in light of the evidence provided by Ms A of [REDACTED]'s dismissive attitude, it is the opinion of the Lead Investigator that the service provided by SYP on this occasion did not reach the standard a reasonable person would expect.
85. As it has not been possible to locate any documentation which would indicate an investigation was conducted by SYP, there was no investigative material which could be measured against any policies for investigating domestic violence or crimes committed in the name of honour. It has been established by the IPCC that SYP had a local policy for dealing with domestic violence which was published in 1991 but as a copy has not been retained it is not possible for the IPCC to comment on its content. There was no national policy for dealing with domestic violence until that published by ACPO in 2005 and no national policy for dealing with honour based violence until that published by ACPO in 2008.

Did the police officers who responded to the burglary at Ms A's home take appropriate action in response to the concerns she raised about Mr B's potential involvement in that offence? Did they record and investigate the allegations she made at the time of his previous physical assaults against her?

86. It has not been possible to identify the two police officers who visited Ms A's home in response to the complaint of burglary. Although Officer E was the OIC, he does not match the description of either officer provided by Ms A. In light of the practice of the force, as described by Officer E, to allocate OICs after initial attendance by the police, it is considered by the Lead Investigator entirely possible that Officer E was assigned to the investigation after this first attendance and may never have met Ms A.
87. The electronic crime report of the burglary confirmed that Mr B was arrested and interviewed and his fingerprints were compared to those lifted from the scene, with no positive result. Without any evidence to link him to the offence he was released without charge. It is the opinion of the Lead Investigator that the police action in response to the burglary was

appropriate.

88. The crime report provides evidence that Ms A reported the ongoing harassment from Mr B at the time of the burglary. Only harassment '*by way of annoying phone calls*' was noted. There is no mention on the document of the more serious allegations of violence having been reported at the time.
89. Although it does not appear that the officers who attended the scene of the burglary created any separate crime report for either the harassment or the previous violence alleged by Ms A, it was recorded that the allegations of harassment were being dealt with by Officer D at West Bar Police Station. This indicates there had been a report and an apparent belief that the allegations of harassment were being investigated elsewhere. Therefore, it may be reasonable that the attending officers did not record or investigate those allegations.
90. It has not been possible to identify who was responsible for investigating the allegations of harassment made by Ms A. The entry on the burglary crime report stating Officer D was dealing them was incorrect as Officer D was based in the area control room at that time. It is considered by the Lead Investigator to be possible that Officer D's name was simply entered in error. It has not been possible to establish who had been tasked to deal with this matter if not him. There is no crime report for the harassment allegations but, again, as harassment was not a criminal offence in 1998 this may explain the absence of a crime report.
91. As it has not been possible to identify the officers who Ms A spoke with at her home, the IPCC has not been able to ask them whether she made such allegations and if so why they did not record the allegations of previous violence she made at that time. It is considered by the Lead Investigator to be somewhat strange that they would note the more minor allegations of harassment by way of telephone calls but not the more serious allegations of assault. The reasons for this are not known.

Did the police officers who visited Ms A in hospital adequately investigate the alleged assault against her and did they actively dissuade her from making a criminal complaint against Mr B?

92. Police involvement in a road traffic collision in which a person has been seriously injured would have been automatic and it was established that a traffic officer was assigned to the incident. That traffic officer, Officer G, confirmed, if there was a suggestion that there had been a deliberate act, it would have been passed on to CID to investigate. This seems to have been the case as Ms A's medical records confirm that officers from CID visited the hospital to speak with her.
93. It is thought probable by the Lead investigator, the police were first informed of an alleged deliberate act as a result of the telephone call made by the nursing staff who contacted them at Ms A's request. Both Mr J and Ms I recalled police officers being present at the hospital who escorted Mr B away.
94. Aside from the RTC report, there is no record of any investigation into the allegation that Ms A was forced into the path of the [REDACTED]. There is no crime report and, as only records pre April 1995 have been removed, given that this incident occurred in 1996 it has been confirmed by SYP more likely than not that no report was ever created. As there is no record that the incident was investigated as a potential crime, it is likely, in the Lead Investigator's opinion, that Mr B was not arrested or interviewed in respect of this allegation.
95. The medical notes record police attendance at the hospital on three occasions. Ms A also recalled being visited on three occasions; although her recollection of the likely dates the officers attended do not accord with the medical notes.
96. Ms A recalled on the first occasion speaking with a lone male officer. Ms A informed the IPCC she felt she should have been taken into a private room for the interview. She described the interview as very brief.

97. The officer who spoke with Ms A has not been identified as there is no record of this meeting. Although Ms A felt that she should have been taken into a private room for the interview, it is noted on her medical records that she had nausea when moved, therefore, this may not have been possible. Ms A explained how she informed the officer of the previous violence, burglary, telephone calls and threats. It may therefore not have been apparent to that officer that she was reluctant to speak about the allegation of being pushed into the road due to the lack of privacy. In addition to Ms A describing the interview as brief she also told the IPCC investigator she did not believe she was in a very good state to be interviewed. A lengthy interview so soon after incurring her injuries may have been inappropriate.
98. When Ms A was visited on the final occasion, the presence of three, male officers may be considered to have been unwise and is likely to have contributed to making Ms A feel intimidated. Aside from one of the three officers introducing himself there is no evidence to suggest any effort was made to engage with Ms A or explain what was happening regarding the police involvement. Only one question was posed. This was a leading question which implied she had made a mistake. There was no explanation as to what action would or would not be taken.
99. It is the view of the Lead Investigator that Ms A ought to have been given the opportunity to provide a full account and give a witness statement. It is Ms A's assertion that the manner in which the conversation was conducted resulted in her feeling unable to assert her allegation that she was pushed by Mr B and pressured to agree that she was mistaken.
100. It is not known what information these three officers would have had regarding Ms A's previous reports of assaults and threats by Mr B. Due to the lack of any record, the Lead Investigator considers it to be likely they had no knowledge of the previous reported rapes. But, at a minimum, they ought to have been aware of the burglary, harassment which was reported at the time of the burglary, and the account of previous violence she had

given to the officer who attended the hospital and spoke alone with Ms A. It therefore should have been known by them that there was a pattern of alleged offending by Mr B established to threaten and intimidate her. It is the Lead Investigator's opinion that the police should have given consideration to treating Ms A in a sensitive and sympathetic manner.

101. Without any record of the investigation it cannot be ascertained what considerations, if any, were given to Ms A's welfare and whether consideration was given to using an officer from the domestic violence unit or a female officer from CID to conduct the interview.
102. In her complaint to the IPCC, Ms A alleged that the road traffic collision was an act of honour based violence. There was no national policy or initiative, and no record of a local policy in place at the time to guide officers to consider whether incidents of violence should be treated as honour based.
103. Therefore, in the opinion of the Lead Investigator, the police could not be expected to have recognised that this was an alleged act of honour based violence. There was no approved procedure or best practice to apply to the investigation in this respect.
104. Ms A told IPCC investigators that she felt forced backwards off the curb by Mr B's *'aggressive words and forceful actions'*. She did not allege to the IPCC that Mr B had physically 'pushed' her into the road. Had a more appropriate witness/victim interview been conducted with Ms A by the police, they may have been able to obtain a full account of events from her and conducted a thorough investigation from which they could have reached a conclusion based upon the evidence available to them.
105. The three officers who attended the hospital on this occasion have not been identified and IPCC investigators have therefore been unable to obtain their version of events regarding this meeting. If the meeting did occur as Ms A described, it is difficult to see what possible explanation could be given for the inadequacy of the interview and the inappropriate

questioning of a vulnerable complainant. In the absence of an alternative explanation, in the opinion of the Lead Investigator, there exists evidence from which it can be inferred Ms A was dissuaded by the police who visited the hospital from making a complaint against Mr B.

Was the ethnicity of Mr B a factor in how SYP responded to and dealt with the allegations and reports of crimes against him by Ms A?

106. None of the officers with whom Ms A had contact have been identified and therefore it has not been possible to question them regarding the reasons for their alleged actions or omissions. There is no evidence to suggest Mr B's ethnicity had any affect on how the allegations made against him by Ms A were dealt with by SYP.

Recommendation for Officer C

107. Officer C was interviewed by IPCC investigators and denied that he was the '██████████' who took the report from Ms A in 1995. That he shares a ██████████ common surname and matches a fairly generic physical description is far from sufficient evidence to prove, on the balance of probabilities, that he is the same person. Considering the circumstances of his role and location at the relevant time, the lead investigator believes it would be highly unlikely that Officer C would have been tasked to meet with Ms A and take her complaint. It is considered by the Lead Investigator to be more likely than not that Officer C is not the '██████████' who met with Ms A.
108. On the basis of the evidence presented above it is the opinion of the Lead Investigator that Officer C has no case to answer in respect of the allegation that he failed to promptly and diligently investigate the alleged offences reported by Ms A.

Ruth John

Lead Investigator, IPCC

3 August 2015