



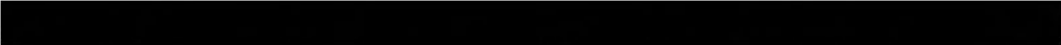

Professional Standards Department,
Guernsey Police Station,
Rue des Frênes
Hospital Lane,
GY1 2QN

 2023


Dear Sir / Madam,



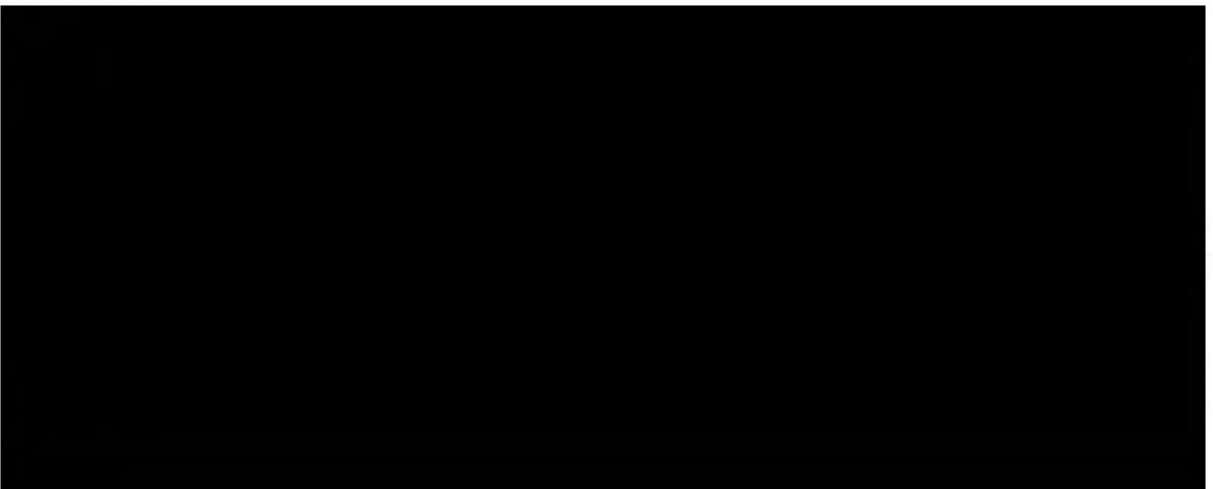
Introduction

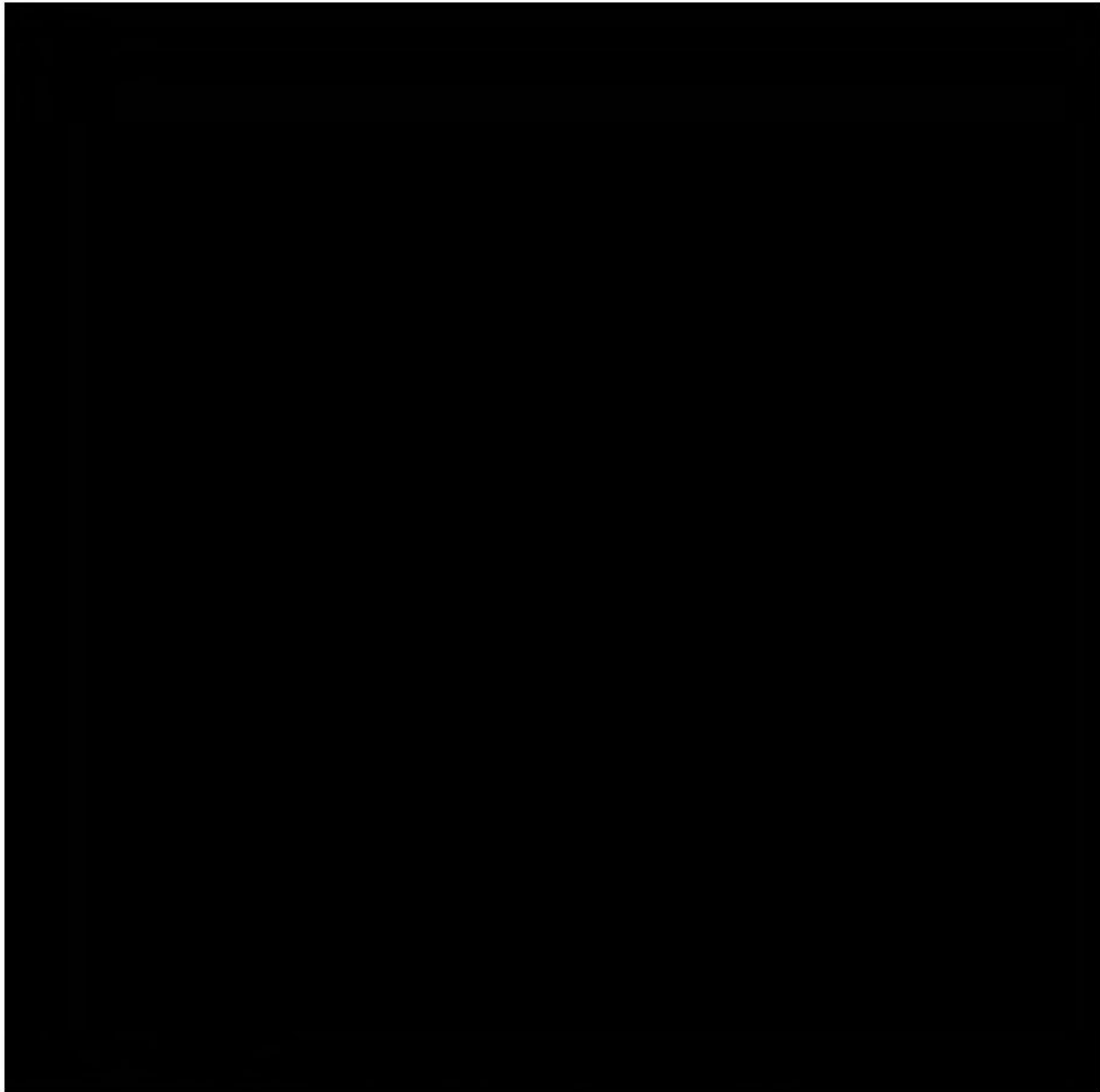
I represent 
 The complaint was made at the recommendation of SAFER who are aware of and endorse the content of this letter. In the course of the subsequent investigation, the police made



Regrettably, the investigation was plagued by a litany of alarming errors, oversights and naivety regarding the realities of domestic abuse. Much to my frustration and concern, Ms  case is one of several that I have been involved with in recent times which have made it clear to me that investigations pertaining to domestic abuse are inadequately handled by the Guernsey Police.

Chronology





Failures / Complaints

1. **Why was this case not investigated by the Public Protection Unit?**

On the Guernsey Police website, PPU is described as a “*specialist team of detectives*” which “*takes the led from a policing perspective on issues relating to ... domestic abuse.*” Furthermore, “*we coordinate and facilitate the Multi Agency Risk Assessment Conferences MARAC. These conferences are held every fortnight and focus on identifying and managing risks to victims in high-risk domestic abuse situations.*”

I attach at Tab 3 various emails dated [REDACTED] in the course of which I tried to establish why the case was not with PPU.

Acting Inspector ██████ stated “owing to workload, PPU will only take incidents that are graded as high-risk and medium and low-risk cases will remain with operational officers. At this time, this investigation has not been graded as high-risk, albeit we are aware of the history.”

On pointing out that SAFER had categorised Ms ██████ case as high-risk and that the case had been referred to MARAC which is designed to “safeguard adult victims who are at high-risk of future domestic violence” AI ██████ advised me to contact ██████ “as they will be able to provide some rationale as to why this has remained with the officer.”

As is clear from the remainder of the email chain, PS ██████ was unwilling to do so. She did not even do me the courtesy of replying to my email of ██████

2. All male investigating officers

Throughout the process of both making her complaint and when being treated as a suspect, Ms ██████ was dealt with solely by male officers. Particularly focusing on victim care, I am in no doubt that she should have been asked whether she would have felt more comfortable dealing with a female officer. That question was never posed. Had it been, my client’s answer would have been yes.

As per the email sent by my client to PC ██████ the circumstances of the case included ██████ possessing ██████ suggesting that he had a hidden camera positioned towards ██████ Given this sensitive content, this was another opportunity at which to clarify whether Ms ██████ would have felt more comfortable dealing with a female officer but that opportunity was not taken.

3. Lack of continuity of investigating officer

In any investigation involving allegations of domestic abuse / harassment, it is crucial that the complainant feels secure and at ease with the investigating officer. One obvious way to achieve that is to ensure continuity. That did not happen in this case. Ms ██████ dealt with PC ██████ PC ██████ and another officer when she attended to sign her statement on ██████ the name of whom she cannot recall.

4. Delay in investigation

As per the chronology above, Ms ██████ contacted police on ██████ but the statement taking process was not completed until ██████ In the meantime, she had been advised to continue to communicate with ██████ because, to quote the officers, if she did not do so, they feared “his behaviour would escalate.”

To leave a complainant waiting for a week against the background of a highly concerning third party disclosure in ██████ and a live concern that ██████ behaviour “could escalate” is completely unacceptable. That is a view held by both me and SAFER.

As per the email [REDACTED] it is also clear that the investigating officers did not communicate with my client as they promised they would. That lack of communication only added to her already significant anxiety.

5. Poor quality of statement

I regularly say that a witness statement is only as good as the officer taking it. Unfortunately, all too often with Guernsey Police, the officers concerned are not good enough.

Ms [REDACTED] commented to me that she was surprised by how much the first draft of her statement needed to be amended and she put that down to the officers not truly listening and taking on board the information that she was providing.

Crucially, when she attended on [REDACTED] as I have already detailed, she informed the officer [REDACTED] but she could not recall doing so. Had the officer included that detail in her statement, she would never have been treated as a suspect and she would never have lost complete confidence in Guernsey Police as, sadly, is the case.

6. Failure to follow up all lines of enquiry

[REDACTED] attendance [REDACTED] home address without good reason on [REDACTED] was a continuation of his harassing behaviour. Indeed, it is clear that the only purpose of him going there was, indirectly, to try to [REDACTED] her complaint. I am at a loss as to why neither [REDACTED] nor [REDACTED] were spoken to. about that attendance.

As referenced above, [REDACTED] that both SAFER and I are in doubt whatsoever were designed to intimate Ms [REDACTED] and, by extension, further harass her.

The [REDACTED] was sent to PC [REDACTED] by email [REDACTED]. The second [REDACTED] was too large to send by email. The relevance of this [REDACTED] to the investigation and my exasperation that the police had neither [REDACTED] nor secured it, is detailed in my email to PS [REDACTED]

Much to me amazement and frustration, no efforts were made to view the second [REDACTED] and its content did not form part of the charging decisions made in this case.

Is it really correct, in 2023, that there is no mobile phone within Guernsey Police to which videos can be sent via WhatsApp (and then secured evidentially at a later date)? If so, that is both utterly unbelievable and unacceptable.

7. Treating Ms [REDACTED] as a suspect

First and foremost, this would have been avoided if the officer concerned, as he should have done, included in her statement the fact that [REDACTED]

Secondly, had there been greater officer continuity, I would hope that even after the above failure, it would have become known to those reviewing the case that this information had been given to the police even if not included in my client's statement.

Thirdly, I am in no doubt, that the police lost sight of the bigger picture. [REDACTED]

[REDACTED] The primary aim should have been to care for Ms [REDACTED] as a victim and not, as it seems to me, to take some sort of A level policing pleasure from believing a witness has been caught out.

In my opinion, the issue should have been resolved internally with the information provided by my client [REDACTED]

[REDACTED] This could have been done sensitively with an aim to resolve the apparent inconsistency rather than completely insensitively assuming that she had intentionally attempted to pervert the course of justice and not even extend her the courtesy of viewing the highly relevant [REDACTED]

8. Decision to take no further action

Firstly, due to the complexities of this case, I believe that it should have had been the subject of expert review at the Law Officers of the Crown. On reviewing this complaint, I hope that an explanation will be provided as to why that did not occur.

[REDACTED]

I have no doubt that the ultimate decision was correct. However, it is concerning and perhaps insightful as to why cases should go to the Law Officers of the Crown more frequently, that the officer has provided an inconsistent and contradictory narrative to regarding her decision making.

The email from PS [REDACTED] to my client on [REDACTED] contains alarming content which gives insight as to why this case and cases like it should be dealt with by PPU, an entity that I hope better understands issues pertaining to domestic abuse.

At paragraph 2, PS [REDACTED] states that she was unable to review the data on my client's phone because *"you couldn't provide it for the length of time that was required."* Ms [REDACTED] made it abundantly clear that, at all times, she was willing to make her phone available. However, as was understood by PS [REDACTED] that needed to be done in a manner and within a timeframe that would allow her to [REDACTED]. Furthermore, I had expressly asked PS [REDACTED] via email what means the investigating officer intended to at least view the second of the two threatening [REDACTED]. That question was ignored. The victim of domestic abuse was ignored.

At para 2 on page 2, Ms [REDACTED] is effectively criticized because *"there is no definitive message which tells [REDACTED]"* Quite frankly, the naivety of this observation makes me angry.

Anybody with any experience of domestic abuse issues will know how hard it is for a victim to step away from communications / the relationship more generally. Therefore, the fact that there was [REDACTED] of little relevance.

Furthermore, it was the police and potentially PS [REDACTED] herself who had expressly advised Ms [REDACTED] to continue communicating with [REDACTED] *"to avoid escalating his behaviour."*

PS [REDACTED] also refers to *"false information"* contained in Ms [REDACTED] statement which *'puts doubt on her credibility.'* The conclusion was in my view palpably wrong. I say as much bearing in mind the information shared with the officer on [REDACTED]. Furthermore, bearing in mind that Ms [REDACTED] had no hesitation in providing an explanation in interview that:

[REDACTED]

On being informed of the decision to NFA [REDACTED] Ms [REDACTED] emailed me stating, *'I feel so let down by them. This has caused a massive amount of stress that I haven't needed on top of stress I already have.'*

Indeed, my client was so negatively impacted by the manner in which the police handled her case, [REDACTED]

However, during it:

- i) [REDACTED] which gives an insight into the manipulative manner in which he operates; and
- ii) to add insult to injury, Mr [REDACTED] showed my client a video he had taken in which PC [REDACTED] is heard to say, *'we know you're not the problem, she is.'*

9. Failings in other cases

As I mentioned above, the failures in this case sit alongside failures that I have experienced in the investigation of domestic violence / abuse cases [REDACTED]

For example:

1. [REDACTED] she disclosed in excess of 6 other incidents. She provided those further details very willingly on being asked open questions by me. It transpired that the officer taking the statement from her had not made any enquiry regarding other incidents.
2. I was informed by an experienced Sergeant that should my client wish to make a complaint via ABE, *'I would have to ensure that supporting evidence would be available by way of witnesses or other data that assist us in forwarding them as I don't want her to go through that and have to let her down.'*

It is clear that the officer was operating on the completely outdated and erroneous belief that some form of corroborating is required for an allegation to be pursued, a position they accepted was not correct after I intervened.

In my opinion, the failures detailed in this letter contradict the public claim that Guernsey Police treat all allegations of domestic abuse very seriously and investigate them thoroughly and sensitively.

My experience of the criminal justice system is that all too often, victims of domestic abuse are left feeling unheard, let down and would be reluctant to engage with the police again in the future should the need arise. Sadly, Ms [REDACTED] can be added to that list.

[REDACTED] you will note an email exchange in which my client alerts PC [REDACTED] to the fact [REDACTED]

[REDACTED] Sadly, to date, Ms [REDACTED] has not found the strength to return to the police for the protection she needs because her faith in the force has been so fundamentally undermined.

For the avoidance of doubt, my client is seeking a formal investigation into her complaint and does not wish the matter to be resolved by informal resolution.

I look forward to hearing from you.

[REDACTED]