

Independent Investigation - Executive Summary

Contact between Banaz Mahmood and the Metropolitan Police
Service and West Midlands Police
September 2005 - January 2006

Background

Banaz Mahmud was born in Iraqi Kurdistan on 16 December 1985. When she was ten years old Ms Mahmud moved with her family to the United Kingdom to claim asylum.

In July 2003, when she was 17, Ms Mahmud married following arrangements made by her father.

Two years later, in July 2005, Ms Mahmud left her husband and returned to live with her parents in Mitcham, Surrey. She was encouraged by them to return to her marriage, but she refused. After her separation, Ms Mahmud formed a new relationship. This relationship was deemed "unsuitable" and to have brought shame on the family.

On 25 January 2006, Ms Mahmud was reported missing by her boyfriend. The Metropolitan Police Service (MPS) began a three-month, high-risk missing person inquiry and on 29 April 2006 Ms Mahmud's body was found in a suitcase buried in a garden in Handsworth, Birmingham.

On 11 June 2007, Ms Mahmud's father, Mahmud Mahmud, her uncle, Ari Mahmud, and a distant relative, Mohammed Hama, were convicted of her murder and sentenced to life imprisonment.

Between September 2005 and January 2006, Ms Mahmud came into contact with police officers and staff from the Metropolitan Police Service and West Midlands Police. This contact occurred during five separate incidents.

On 13 June 2007, at the conclusion of the criminal trial, the MPS referred this matter to the Independent Police Complaints Commission

(IPCC) and it was decided that an independent investigation would be conducted to establish the facts relating to the repeated contact Ms Mahmud had had with officers and staff from both forces.

Summary of Terms of Reference for Investigation

The following terms of reference were set for the IPCC's investigation:

The IPCC will independently investigate police contact with Banaz Mahmud to identify whether she was dealt with in a proper, thorough manner. In particular, the investigation will consider the following:

- The handling by the MPS and West Midlands Police following her allegations of physical and sexual assault made on 14 September 2005 at Croydon Police Station, with particular reference to: (a) how and when the matter was handed over from the MPS to West Midlands Police, and (b) how West Midlands Police dealt with the matter thereafter;
- The threats to kill made against her and reported to the MPS on 4 December 2005;
- How officers dealt with her allegation of threats to kill on 10 December 2005;
- How officers dealt with Banaz Mahmud on 31 December 2005 and, in particular, the decision to deal with her as the perpetrator of criminal damage without regard to her allegations of an attempt having been made on her life;
- The handling by officers at Mitcham and Kennington Police Stations on 23 January 2006 of complaints made by Ms Mahmud and her boyfriend respectively of a serious threat to her boyfriend's life, made the previous day.

Overview of Events

Incident 1

Banaz Mahmud went to Croydon Police Station on 14 September 2005 to make allegations of historical physical and sexual assault. Details of the allegations were recorded, but the location of the alleged offences and the whereabouts of the suspect were not established at this time.

The MPS's local Sapphire Unit (a team which manages the first response to victims of rape and serious sexual assault) was notified and an officer appointed to handle the case.

However, it was not until 27 September 2005 that Ms Mahmud was spoken to. At this point it was established that the alleged offences occurred in Coventry. As a result of this the MPS did not conduct an investigation and marked the matter down as "no crime". Details of the alleged offences were faxed to West Midlands Police to conduct an investigation.

On 29 September 2005 a Detective Constable from West Midlands Police contacted Ms Mahmud and arranged to take a statement. The significant witness interview of Ms Mahmud was carried out on 10 October 2005.

However, the Detective Constable admitted to IPCC investigators that due to his heavy workload he had been unable to complete the statement until 10 January 2006. The statement was signed by Ms Mahmud on 17 January 2006 - three months after she had made the original complaint.

The Detective Constable also asserted that he had carried out enquiries to trace the alleged offender. However, there was no

evidence found to support this assertion.

Investigation findings and conclusion

The IPCC investigation identified that six MPS and three West Midlands Police officers were involved in responding to this matter.

Of the six MPS officers, allegations against three were found to be unsubstantiated. The allegations against the remaining three were partially substantiated, specifically that:

- A Detective Inspector failed to correctly supervise and/or manage the rape investigation and failed to ensure that the investigation was carried out in accordance with standard operating procedures;
- A trainee Detective Constable failed to take the necessary steps to locate/arrest the suspect or carry out intelligence checks on Ms Mahmud;
- A Police Constable failed to speak with Ms Mahmud in person to carry out a full assessment of the allegations.

All allegations against the three West Midlands Police officers were substantiated, specifically that:

- The investigation conducted by a Detective Constable was fundamentally flawed and was not carried out in a timely and appropriate manner. In particular, the investigation concluded it was unacceptable for the officer to take three months to compile Ms Mahmud's statement;
- A Detective Sergeant failed to adequately supervise the investigation;
- A Detective Inspector was aware of the lack of progress in the investigation, but failed to be pro-active in terms of his supervision.

Incident 2

On 4 December 2005, Ms Mahmud attended Mitcham Police Station where she reported that during the evening of 2 December 2005, her mother had received a telephone call from her uncle, Ari Mahmud. It was alleged that, during this call, Ari Mahmud threatened to kill Ms Mahmud because she had been seen kissing her new boyfriend and had brought shame on the family. Ms Mahmud stated she did not want police involvement, but wished them to be aware of the threat so that if anything happened to her, it was known who was responsible.

The investigation concluded that the officers who dealt with Ms Mahmud on this occasion made every attempt to progress an investigation, but given Ms Mahmud's unwillingness to assist there was little else they could have done.

Incident 3

On 10 December 2005, an officer attended Ms Mahmud's home in response to a complaint of "threatening/obscene phone calls". Ms Mahmud advised the officer that she had received an anonymous, silent phone call on the house landline on 6 December 2005. The call was from an unidentified number.

She also reported that on 10 December 2005 she received another call on the landline. The male caller stated in Kurdish that he wished to speak to her, but he hung up after being asked to identify himself.

Ms Mahmud told the officer that she believed she knew who the calls were from. However, she stated she "did not necessarily want police to take action, but wished for it to be reported in case the phone calls got worse".

The officer advised Ms Mahmud to contact her telephone service provider to arrange a block on any withheld numbers that attempted to make contact via the house landline.

Incident 4

On 31 December 2005, the downstairs neighbour of Ms Mahmud's grandmother in Wimbledon contacted police to advise that the glass panels of her side door had been broken. The police recorded the matter as a burglary. No police unit was dispatched.

Meanwhile, Ms Mahmud had run into a café in Hartfield Road, Wimbledon. Staff and customers saw that she was distressed and was bleeding from cuts to her hands. She told them she had been forced to drink alcohol, that people were "after her" and that she had had to break a window to escape.

An ambulance was called and two paramedics dispatched. The London Ambulance Service requested assistance for the crew attending the scene and two police officers were dispatched (a female Pc and a male probationary Pc).

On the Control and Dispatch system Ms Mahmud was classified as "female; self harmer; smashed window and bleeding from arms".

Ms Mahmud admitted to the ambulance crew that she had broken a window, but added that her father had forced her to drink alcohol and was trying to kill her. She also said that "they" were going to kill her boyfriend.

The two police officers questioned Ms Mahmud about the broken window. They were told by witnesses that Ms Mahmud had claimed someone was trying to kill her. However they were not told this directly

by Ms Mahmud.

The female Pc noted that Ms Mahmud was "drunk", "very dramatic" and "kicking and screaming". The officer warned Ms Mahmud that she needed to "calm down" or she would be arrested for criminal damage and taken to the police station.

Ms Mahmud was taken to hospital and the police officers went to the neighbour of Ms Mahmud's grandmother to advise they were aware who had broken her window. The neighbour did not wish to pursue a complaint. The officers then attended Ms Mahmud's home and spoke to her parents. Her father claimed he had dropped Ms Mahmud off at her grandmother's house to do some cleaning and had not seen her since. He agreed to pay for the damage to the window.

The officers returned to the hospital and Ms Mahmud's boyfriend was in attendance. The female Pc stated that he advised her that Ms Mahmud had claimed someone had forced her drink alcohol but that "he didn't believe her".

This account was disputed by Ms Mahmud's boyfriend. He stated that Ms Mahmud did advise the officers that she believed her father and uncle wanted to kill her.

Nursing staff also stated that they had been told by Ms Mahmud that her life was under threat and that she was in fear of her father and uncle.

The female Pc asked for a supervisor to attend the hospital. An Inspector attended and stated he was advised by the female Pc of her intention to deal solely with the criminal damage matter as Ms Mahmud had not advised the officers directly about the threat to her life. The Inspector agreed with this course of action.

Ms Mahmud was visited by the female Pc at home on 4 January 2006 in order to finalise the criminal damage matter. At this stage the female officer stated she had asked Ms Mahmud if everything was fine at home and Ms Mahmud had nodded yes.

Incident 5

During the evening of 22 January 2006, Ms Mahmud's boyfriend was approached by four men who he knew. They asked him to go with them and when he refused a threat was made to both his and Ms Mahmud's life.

Ms Mahmud's boyfriend stated that on 23 January 2006 he attended Kennington Police Station to report the matter. No crime report was raised that day.

He stated that he spoke with two plain clothes officers who took a statement from him and that one of the officers spoke with Ms Mahmud and the officer dealing with her at Mitcham Police Station. He complained that the officers did not act on his information.

The member of staff on duty that day cannot recollect dealing with Ms Mahmud's boyfriend and has no record of him attending the police station. The officer dealing with Ms Mahmud at Mitcham Police Station states she did not speak with anyone at Kennington Police Station while she was dealing with Ms Mahmud.

The first statement taken from Ms Mahmud's boyfriend is dated 26 January 2006.

In the absence of any paperwork to support his allegation, the conflicting accounts of Ms Mahmud's boyfriend and the officers and staff on duty that day, this allegation is unproven.

Ms Mahmud did attend Mitcham Police Station that day to report the threat. She told a police officer the names of the men who had threatened her boyfriend and stated she was not a witness to the incident. Ms Mahmud presented a crime report number relating to the previous allegation of threats to kill, which she had reported to police on 4 December 2005.

Ms Mahmud advised the officer that she felt safe at home. The officer dealing with Ms Mahmud stated that she offered her support and information. She also added the details given by Ms Mahmud to the crime report file raised in relation to the matters reported on 4 December 2005.

This was picked up by the officer dealing with the 4 December matters and he attempted to contact Ms Mahmud on 24 January 2006 without success. The investigation found this matter to have been dealt with appropriately.

However, Ms Mahmud was reported missing by her boyfriend on 25 January 2006.

Overview of Investigation Findings

Misconduct conclusions - Metropolitan Police Service

As a result of the investigation findings it was concluded that misconduct was:

- Unsubstantiated against two MPS officers;
- Partly substantiated against three MPS officers (these officers have received written warnings);
- Substantiated against three MPS officers (one officer received a written warning. The other two officers will receive words of advice

after the scheduled disciplinary hearing they were due to face could not proceed);

- Unproven against one MPS officer.

In conclusion, the IPCC investigation found that the standard of service Ms Mahmud received from MPS officers varied widely. On some occasions the standard was satisfactory and on others it fell far below what should reasonably have been expected.

In particular, the investigation concluded that the female officer who dealt with Ms Mahmud on 31 December 2005 showed little empathy and conducted a cursory and insufficiently diligent investigation. The investigation concluded her actions fell far below the standard which any person reporting a crime is entitled to expect.

In addition the supervising Inspector who attended at the hospital failed to assess the situation himself and was insufficiently proactive.

It was deemed appropriate for these two officers to face a disciplinary panel. The MPS's disciplinary hearing was scheduled for 17 November 2008 but the key witness against the officers decided that he was no longer willing to participate. The MPS advised the IPCC on Thursday 13 November that they believed this decision left the hearing with insufficient evidence to prove the case against the officers. As a result they wished to exercise their prerogative under the Police Reform Act to withdraw the case.

IPCC investigators spoke with the witness and, as he reiterated his intention not to participate, the IPCC agreed that the hearing could not proceed on the scheduled date and there was no prospect of the hearing proceeding in the future.

The MPS has advised the IPCC that the officers will receive words of advice in relation to their actions.

Misconduct conclusions - West Midlands Police

Having investigated the actions of the officers involved in the events detailed above, the IPCC found that misconduct was:

- Substantiated against three West Midlands Police officers (two officers received written warnings and the third received management development intervention)

In conclusion, West Midlands Police provided a poor level of service to Ms Mahmud. There appears to have been an assumption that her complaint could not lead to a successful prosecution. As a result, the investigation was dilatory and the ensuing delays meant that any prospect of bringing the matter before a court was lost.

In particular the record keeping for the investigation conducted by the Detective Constable was woefully inadequate and there was no evidence available to support his assertions as to what he had done. The IPCC investigation concluded that the investigation was fundamentally flawed and it was unacceptable that it had taken three months to compile Ms Mahmud's statement.

Recommendations

National Issues

The IPCC investigation found a lack of awareness within the two police forces of the trigger factors of domestic violence and the impact that cultural issues can have on the outcomes.

The IPCC recommended that police forces in England and Wales should recognise that so-called "honour based violence" is more prevalent than previously understood and that this type of crime

crosses cultural boundaries. It is therefore important for police forces to raise awareness of these issues by engaging with communities and developing partnerships; review and revise policies and literature in relation to domestic violence and cultural issues; engage with support groups dealing with such issues to develop trust and confidence.

Metropolitan Police Service

1. The IPCC found specifically that the MPS failed to follow up Ms Mahmud's allegation of sexual assault in September 2005, despite the fact that she was a resident in its policing area and any initial enquiries should have been focussed on her as the victim. Support and welfare matters and the taking of a comprehensive statement should have been a priority. The IPCC recommended that the MPS review its "Standard Operating Procedures - Investigation of Rape and Serious Sexual Assault" to ensure a cogent strategy exists for dealing with allegations of rape including victims needs, so as to identify a clear structure for officers and staff at all levels in the handling of such investigations.
2. The IPCC found that the transfer of the rape allegation from the MPS to West Midlands Police occurred prematurely without any investigation being carried out. This proved detrimental and the IPCC recommended that all MPS staff should be reminded to follow their own Standard Operating Procedures in relation to the primary investigation of crime and the subsequent transfer of investigations to another force.
3. The IPCC investigation identified that there was insufficient understanding of the issues surrounding domestic violence and cultural issues in this case. The IPCC recommended that the MPS should draw their officers' attention to their Honour Based Violence Factsheet and remind officers of the implications of domestic violence and the impact of cultural issues. In addition the IPCC recommended that the MPS

develop strategies for handling victims such as Ms Mahmood, incorporating reference to inter-agency work with outside support bodies.

4. The investigation found there was insufficient attention given to the completion of the correct forms relating to domestic violence. The IPCC recommended that the MPS should remind staff about the importance of completing the appropriate forms and the definition of domestic violence.

West Midlands Police

5. The IPCC found that West Midlands Police provided a very poor level of service to Ms Mahmood. In addition there was no support for inexperienced staff at any level, caseloads were not managed effectively and there was no policy for dealing with rape and sexual offences. The IPCC recommended that West Midlands Police conduct a review of how cases of this nature are allocated, prioritised and managed to ensure a professional approach and a high standard of service to rape victims.

Independent Police Complaints Commission
November 2008