

## Commissioner's report

IPCC independent investigation into the  
Metropolitan Police Service's inquiry into  
allegations against John Worboys

## Introduction

In February 2008, John Worboys, the driver of a London black cab, was arrested and subsequently charged with a large number of serious sexual offences.

His modus operandi was to tell lone female passengers that he had either won a lot of money on the casino or lottery and invite the passenger to join him in celebrating his good fortune. Worboys would often show the passenger a bag of money which he stated contained up to £80,000. Worboys would then offer the passenger a glass of champagne, which had been previously mixed with substances and this would very quickly render the passenger unconscious. On some occasions he would also offer the passenger a tablet to take at the same time as they were offered the drink. Worboys would then subject them to a sexual assault.

Worboys' victims were often unsure as to what had occurred to them during the journey, and many did not report the matter to the police. Indeed of the 80 plus victims to contact the police after the arrest of Worboys, over 60 never reported the incident to the police. Originally 12 offences were identified as part of the enquiry into Worboys, but following a media appeal in February 2008 some 81 offences were identified, 72 of which occurred in the Metropolitan Police area. Worboys was charged with 23 offences from 14 of the reported allegations. On 13 March 2009, Worboys was convicted of 19 charges, including one count of rape and four sexual assaults on a number of women in London. The offences dated from October 2006 to February 2008. He was sentenced to an indeterminate sentence on 21 April 2009 at Croydon Crown Court.

Worboys was first identified as a suspect following an allegation of sexual assault in July 2007. He was arrested but not charged with any offence, and went on to attack a further seven women before he was charged in February 2008.

## Referral

The Metropolitan Police Service (MPS) conducted an internal review of their investigation of the known incidents which concluded in October 2008 and led to a number of recommendations as to the way victims of sexual assaults are dealt with and organisational changes with regard to investigations. The MPS subsequently voluntarily referred their handling of the case to the IPCC in January 2009.

Following an assessment, I decided that an IPCC Senior Investigator would independently examine the MPS's review to see if any further lessons needed to be learned and to consider whether there was evidence of individual misconduct by police officers in their handling of the investigations. This investigation began after Worboys' conviction in March 2009.

In May 2009, the woman who had been assaulted by Worboys in July 2007 made a formal complaint against the officers who had dealt with her initial allegation. In June 2009 a second woman, who had been sexually assaulted in May 2003, made a formal complaint against an officer who had investigated her allegation. These complaints were independently investigated.

The IPCC also received a referral from the MPS at around the same time in relation to another investigation into a serial sex attacker, Kirk Reid and I decided that the same IPCC Senior Investigator should lead enquiries into both cases so that any similarities or patterns would be noted and acted upon.

The investigation was led by Senior Investigator John Cummins.

## Background

On 26 July 2007, a woman called the MPS and reported that she had been sexually assaulted by the driver of a London taxi. An investigation began. Clothing worn at the time of the offence was taken, photographs of some minor injuries were taken and police viewed CCTV of the woman getting out of a London black cab.

As a result of these early inquiries, John Worboys was arrested the next day on suspicion of sexual assault. He provided an account of what had happened that night, which police considered to be consistent with CCTV footage. He was bailed pending further inquiries which included examining more CCTV footage, taking a victim statement and commissioning forensics tests.

Although these enquiries were carried out, the investigation was closed on 23 October 2007, as it was decided that there was insufficient evidence to take to the Crown Prosecution Service.

## MPS Review

The MPS review found that a wide range of people were involved in the incidents prior to Worboys' arrest. The main issues identified were poor compliance with the Standard Operating Procedures for investigation of rape and serious sexual assaults by front line officers and their supervisors, as well as more systemic issues such as the lack of intelligence methods to initially identify and link offences. The review also noted that despite some clear police investigative failings, it was unlikely the crimes committed by Worboys would have been identified any earlier.

The review also resulted in a large number of recommendations for organisational learning, all of which have since been actioned. These include:

- Primary investigation training covering first response to rape and serious sexual assault, to be provided to all first response officers from PCSO to Inspector;
- An obligation on boroughs to ensure that investigation of allegations of rape and sexual assault are carried out with sensitivity – when closing an investigation personal contact to be made with the victim;
- Intelligence checks in accordance with revised Standard Operating Procedures to assist the identification and linking of serial offences;
- Mandatory requirement for documented forensic intervention on all serious sexual offences;
- Central Sapphire team to assess borough compliance with 24 hour and 7 day reviews by supervisory officers;
- The responsibility for the investigation of rape and serious sexual offences transferred to the new Serious Crime Directorate command in September 2009. All investigations are now supervised by an independent crime management unit and a new dedicated management team.

## Allegations

In relation to the complaint from the woman who was assaulted in July 2007, seven officers were identified as being involved in the initial investigation. They were investigated in relation to the following allegations:

- the two police constables who responded to her initial report behaved in an insensitive manner, suggesting that bruising she suffered in the assault was as a result of falling over. One of these officers has since retired and therefore cannot be subject of police misconduct regulations, but the other was subject of an investigation.
- the SOIT<sup>1</sup> officer, again of police constable rank, failed to carry out a thorough investigation and failed to keep the woman updated in respect of the progress of the investigation as well as giving her false information such as advising her that a file had been passed to the Crown Prosecution Service when no submission was made and that the attacker did not live in the area where she lived when, in fact, he lived within an 8 mile radius.
- The detective sergeant and detective constable who were involved in the initial investigation failed to carry out a thorough investigation and failed to keep the woman up to date with its progress.
- The detective inspector who supervised them failed to carry out a thorough investigation and specifically made the decision not to carry out a section 18 search of the home address of Worboys.
- The detective inspector who made the decision to conclude the investigation in October 2007 did so when all relevant lines of enquiry were not complete.

The complaint from the woman who was assaulted in May 2003 was specifically about

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<sup>1</sup> Sexual Offences Investigative Techniques – officer specially trained to deal with victims of serious sexual violence

one detective constable who, she alleged, failed to investigate the report of rape appropriately. The woman complained that she was coached to show no emotion during her interview, she pointed out injuries sustained in the attack but no photographs were obtained, the detective did not conduct any witness interviews or take any statements from witnesses, the detective did not believe her and that the case papers were lost. She was satisfied with the efforts and her dealings with the officers who initially responded to her report, including the SOIT officer.

## Investigation

The investigation looked into the circumstances of both complaints, as well as examining the MPS's internal review.

Seven Regulation 9 notices<sup>2</sup> were served on officers during this investigation and all were interviewed under caution by IPCC investigators, except one police constable who played a less significant role who was asked to provide a written statement under caution.

Due to the serious nature of both the Worboys and Reid cases, I invited representatives from several organisations involved in supporting victims of sexual offences to join a Community Reference Group to assist the IPCC investigation. Dr Aisha Gill, Denise Marshall and Cat Whitehouse were invaluable in providing a vital perspective on the recommendations, and I extend my thanks to them for their advice and input.

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<sup>2</sup> Notice to a police officer that they are under investigation

## Findings

### **July 2007 assault**

*1. The two uniformed police constables who responded to the woman's initial report behaved in an insensitive manner.*

Two PCs went to the woman's home after she reported the assault to police. They requested the attendance of a SOIT officer. The officers began initial enquiries – obtaining exhibits, speaking to security staff at the campus and viewing CCTV material. A security guard told one of the officers that he had seen the woman fall over and the CCTV also showed her arriving at the campus in a taxi and falling over while walking to her room.

The officer who is still serving denied that he treated the matter insensitively. He considered the way he dealt with the woman as professional and courteous. He stated that he had no reason to disbelieve anything she said and that he took her report seriously. This is supported by his subsequent actions.

The evidence suggests that the CCTV and statement from the security guard did have an impact on the officers but did not influence the way they treated the woman's allegations, and the investigation found this complaint not proven. It is however a serious issue that the woman's perception was clearly different, and this issue is addressed in the recommendations which follow.

*2. The SOIT officer gave the woman false information such as advising her that a file had been passed to the Crown Prosecution Service (CPS) when no submission was made, that there was no trace of any drugs in her blood and urine samples and that the attacker did not live in the area where she lived when, in fact, he lived within an 8 mile radius.*

When interviewed by IPCC investigators, the SOIT officer accepted that she did tell the woman that a file had been passed to the CPS who had decided to take no further action, that there was no trace of any drugs in her blood and urine sample and that the

attacker did not live in the area where she lived. The officer explained that she incorrectly assumed that the file had been passed to the CPS, that she had received a verbal update from the officer in the case that there was no trace of drugs in the woman's blood or urine and that, in her view, in London, living 8 miles away from somebody would not be classed as living locally.

I have concluded that the SOIT officer should not have assumed the file had been passed to the CPS, but that information about forensic results given to her by the investigating officer was passed on in good faith, and the classification of "living locally" is subjective. Although all of these things are regrettable, I find no evidence that there was a deliberate attempt to mislead the victim. The review highlighted several good working practices carried out by this officer including prompt attendance at the victim's home address and good initial investigative action. As the information passed appeared to be based on genuine belief the investigation found this complaint not proven.

*3. The detective sergeant and detective constable, who were involved in the initial investigation, failed to carry out a thorough investigation and failed to keep the woman up to date with its progress.*

The Detective Sergeant referred to in this complaint was the officer who arrested Worboys on 27 July 2007 and interviewed him. Enquiries were made to arrest Worboys and, when he was traced via the Public Carriage Office, he surrendered himself to Plumstead Police Station.

Worboys was interviewed and gave an account which placed him at the scene but denied any assault. During the interview, the officer at no stage challenged Worboys' account. This seems to be because he did not know what the full contents of the allegations were and was not fully aware of the complainant's version as he had not seen the notes obtained by the SOIT officer after speaking with the victim.

The Sergeant and the Detective Inspector who was his supervisor, discussed the possibility of searching Worboys' home and taxi before he was interviewed but decided to hold the decision until after the interview had taken place. After the interview was

complete, they discussed the possibility again, but considered a search unnecessary as they believed Worboys would have disposed of any incriminating material before surrendering himself to custody and also because the taxi had been used for other fares since the alleged incident.

There appears to have been minimal thought in relation to what evidence may be found at Worboys' home or in his cab. The victim had mentioned a bag of money and tablets being offered, yet no attempts appear to have been made to corroborate her account. This was a serious error of judgement.

There appears to have been an acceptance of the explanation given by Worboys during his interview. The fact that a person surrenders to custody should not be a reason not to pursue investigative options. Worboys should have been bailed and interviewed again when all forensic opportunities had been seized, a section 18 search had been carried out and the interviewing officers were in possession of the victim's full version of events.

The investigation found that the Sergeant missed crucial investigative opportunities in his dealings with Worboys and **this complaint was substantiated**.

A Detective Constable became the officer in charge of this case on 29 July 2007. His first entry on the crime report made on 30 July 2007 includes the following statement: *"The victim cannot remember anything past getting in the cab, it would seem unlikely that a cab driver would have alcohol in his vehicle let alone drug substances"*.

This appears to be indicative of a mindset that had already been formed – that a black cab driver would not commit such an offence. This mindset would have meant that the cab driver, rather than the victim, had been believed, and would inevitably have damaged the victim's confidence in the police handling of her allegation.

CCTV from the nightclub that the woman had been in before the assault was ready for collection at the beginning of August, but the officer did not collect it until 10 September. Forensic samples were obtained from the complainant and Worboys on 27 July, but were not submitted to the Forensic Science Service until 29 August. No enquiries were made

to interview the woman's friends and inconsistencies in Worboys' account were noted on several occasions but never followed up.

The original statement from the Forensic Scientist cast doubt on whether the victim had been drugged or how quickly the substances would have had the effect of rendering her unconscious. In her report of 11 October 2007, the Forensic Scientist stated there was no trace of the substances commonly known as "date rape drugs" but she did indicate that other substances were detected in the victim's blood and urine. On 23 October, the officer recorded that "*it is a mystery*" how these drugs got into the complainant's system.

The most concerning issue in relation to this investigation is that Worboys was never re-interviewed by officers from Plumstead when they were in possession of the full facts from the complainant. He was interviewed on 27 July, before detailed notes were taken from the woman, and he was never interviewed again. The needs of the victim were not fully considered in the investigative process.

Even taking into account the heavy workload of the officer, which included night shifts, court appearances and other investigations, we found that he failed to conduct a thorough investigation **and this complaint was substantiated.**

*4. The detective inspector who supervised the DC and DS failed to carry out a thorough investigation and specifically made the decision not to carry out a section 18 search of the home address of Worboys.*

**For the reason set out above, this complaint was substantiated.**

*5. The detective inspector who made the decision to conclude the investigation in October 2007 did so when all relevant lines of enquiry were not complete.*

This is not the same Inspector as subject of the previous allegation. This officer had no prior knowledge of the Worboys investigation until she was approached by the DC to make a decision to "no further action" (NFA) the enquiry on 29 October 2007. She then received a verbal briefing from the investigating officer and agreed it could be NFA'd. No

challenges appear to have been made and no searching questions in respect of lines of enquiry were asked.

Had the Detective Inspector carried out a full review of the investigation, she would have realised that the suspect had never been interviewed in relation to the full account given by the complainant, that no section 18 search had taken place and that inconsistencies were noted but never explored. **This complaint was substantiated.**

In respect of more senior officers it must be noted that while investigative opportunities were missed in this case, there is no suggestion that the officers at Greenwich would or indeed could have known that Worboys had committed other offences at that stage. Worboys' pattern of offending covered multiple boroughs and areas outside London, and it was not until February 2008 that four allegations of rape were linked by method, by officers from the Central Sapphire team.

### **May 2003 assault**

*The Detective Constable who was the investigating officer in the case failed to investigate her allegation appropriately, coached her not to show emotion ahead of her interview, did not believe her and lost the case papers.*

The victim in this case had been socialising with friends and had taken a black cab at about 3 a.m. Some time later she was taken by ambulance to hospital having initially been taken by a black cab driver to the police station apparently suffering from the effects of alcohol. In interview she said she accepted a drink from the cab driver but did not know what happened to her before she woke up in hospital. The cab driver was never traced. The victim contacted police again in February 2008 in response to the MPS media appeal, when the investigation was linked to Worboys.

The officer was interviewed by IPCC investigators. He could not recall the original interview in 2003 but denied that he would have coached her. He stated that if he was aware of anyone coaching the woman on how to conduct herself during an interview he would have brought this to the attention of his supervisor. This investigation found that

the officer contacted and spoke to a number of witnesses but did not contact a potential key witness – a tenant at the house where the woman used to live who was the first person she saw after the assault - which could have led to the early identification of the alleged offender. The woman expressed concerns at the time that she was not believed and there are entries on the logging system which refer to these concerns, but there is no evidence that the officer treated the case as anything other than a genuine report of rape. In interview with the IPCC the officer stated that he did believe her but without any supporting evidence he found it difficult to progress the investigation any further. He also expressed remorse if she felt that he had left her with such an impression. This issue is the subject of learning recommendations below. The case papers were indeed lost although there is a note of the papers being forwarded to a Detective Chief Inspector, and with the passage of time the investigation was unable to identify where in the system they had been lost.

**The complaint that the officer failed to obtain a statement from an important witness was substantiated.**

## Disciplinary Recommendations

The investigations concluded that there was a case to answer by five officers, two of Detective Constable rank, one Detective Sergeant and two Detective Inspectors.

In relation to the substantiated complaints relating to the 2007 incident there is evidence that the officers did attempt to deal properly with a serious allegation, but also of missed opportunities and errors of judgement. The investigation was also skewed by assumptions and advice from the Forensic Science Service.

I have concluded in the circumstances that the officer responsible for the investigation and the Inspector who decided to take no further action should receive Written Warnings for breaching the Code of Conduct in respect of their performance of duties. This is the most serious sanction short of a misconduct hearing, and takes into account the likely outcome of a hearing. A Written Warning requires an officer to formally acknowledge that his or her behaviour has been in breach of the Code of Conduct, and is recorded on the officer's personnel record.

Allegations were also substantiated against the sergeant and inspector who played a lesser role, but nevertheless failed to ensure that a search was conducted on Worboys' home address or cab. Taking into account that a search was not compulsory and was at least considered by the officers, I have agreed that the appropriate outcome is for these officers to receive "words of advice", which is similar to a verbal warning, for their performance of duties.

A complaint was also substantiated against the officer in the 2003 incident and I have agreed that in the circumstances that this relates to one aspect of an otherwise adequate investigation, he should also receive words of advice. The issues are also addressed in the learning recommendations below.

## Learning Recommendations

The overwhelming themes in these cases are of an actual or perceived sceptical or insensitive police response to victims of sexual violence, investigations that lack rigour and during which the victims feel they are not being kept informed.

The MPS have already done a significant amount of work in response to the failings noted in both the Worboys and Reid cases. Both cases resulted in internal reviews with lengthy learning recommendations, many of which were subsumed by a complete restructure of the organisational response to sexual offences, which came into effect in September 2009. To a large extent the recommendations in both cases overlap and are therefore dealt with collectively below.

The failings identified in the overall MPS response to Worboys' victims were not only the result of some individual failures to follow the policies and procedures in place at the time. They were also due to more systemic issues, many of which have since been addressed, as outlined below:

- Initial poor investigative response, such as failure to secure all available CCTV, and the failure to check the quality of an investigation before any decision to take no further action. *Training covering the first response was provided to all Borough trainers in February/March 2009, and is being rolled out to all staff from May 2009. The SCD2 Sapphire Continuous Improvement Team is also reviewing all training given to front office staff and call handlers. A laminated card to all first responders including what action to take when administering a substance is suspected is being produced for all front line staff. Initial management of CCTV is reviewed and included in the mandatory SCD2 supervisor's 10 hour review. New quality assurance and performance management procedures are now in place, the SCD2 Regional DCI closes all investigations and will 'put away' all crimes; dedicated SCD2 Regional Detective Superintendents will also carry out dip sampling.*

- Failure to gain the trust of victims, who did not feel they were being kept updated and felt they were not believed. It is important that all staff working on sexual violence cases are given training on sexual violence myths, risks and the importance of being supportive of victims. *In addition to the training for front line staff set out above, there is a requirement now for boroughs to ensure that the investigation of allegations of rape and sexual assault are carried out with sensitivity. It is now recommended that when closing an investigation personal contact should be made with the victim. A new victim satisfaction survey is being developed.*
  
- Failure of front-line supervision: *SCD2 new senior management structure has dedicated responsibility for the management and supervision of investigations of serious sexual offences, including daily checks of rape CRIS reports by Central Sapphire Team.*
  
- Lack of facility to cross-check systems to link similar offences: *The MIB (Met Intelligence Bureau) have set up a new “Early Warning System” to check all rapes and sexual offences, for emerging trends across London on a routine basis; a new SCD2 Intelligence Unit is being established to provide investigative support on linked series investigations. Training for DI’s and DS’s on the management of linked series.*

While the above actions by the MPS are welcomed and undoubtedly seek to address the organisational issues affecting its response to the victims of sexual violence, it is inevitable that there will be a degree of scepticism about whether this is enough to deal with what is widely regarded as a long neglected area of policing. Whether or not this is true, there is a widely held perception that women reporting rape and other sexual offences have not been taken seriously, either because of the nature of the offence or because priority has been given to other offences such as burglary.

**This perception needs to be addressed in ways likely to make a tangible difference to those who are the victims of these crimes.**

**I therefore recommend that the MPS carry out the following additional measures to address the confidence of victims and those who support them:**

### ***1. Standard information for victims of sexual offences***

These cases have highlighted that many victims did not know what to expect from the police or more generally in a sexual violence case, such as time frames, court proceedings and the availability of special measures, all of which have led to unnecessary stress and distress. Providing information offers insurance against poor practice by telling people what service to expect.

- Information available online and in leaflet form should set out the expectations they should have of police during the report, investigation, and court case, along with information about making complaints if the service they should expect is not met. This information should also signpost the specific support services available in the voluntary and community sector.

### ***2. Regular case updates and support while case is ongoing***

Poor or insensitive treatment by police officers contributes to lack of confidence by victims and withdrawal from cases, as well as lack of confidence in police services by those who support victims in the voluntary sector. While training for front line officers should help to address this, specific measures that should be implemented are:

- A requirement to update victims on cases regularly, by a named contact, in a way and time that suits them wherever possible and whether or not there is news, if updates are wanted.
- In conjunction with the London Criminal Justice Board, to ensure as far as practicable that such updates include expected dates for their case, and information if targets are not met.

- The MPS should encourage victims to engage with support services, such as the use of Independent Sexual Violence Advisors and the voluntary sector (see below)
- Where victims have engaged support services, working with those services to promote confidence, for example, arranging for a support worker to sit in the court room while the victim gives evidence.

### ***3. Public information/ Intelligence sharing***

When the Worboys case came to light, many women came forward who had not previously reported the attacks as they feared not being believed. In the Reid case, where the offender was operating largely within a single borough, a media strategy was agreed in November 2004 to raise victim awareness. However, patterns of behaviour may well have become apparent sooner had police shared their intelligence.

- In appropriate cases where there is a high risk to the community, police should consider sharing information with local agencies, in order to promote public safety, prevent and detect offences.

### ***4. Working with the voluntary sector***

The sensitivities of dealing with sexual offences inevitably mean that some victims would prefer to deal with support services than the police, and the organisations that provide these services play a crucial role in promoting confidence in the police. While third party reporting does exist, it does not appear to be widely supported across the MPS, and communication between the police and support services in the voluntary sector is sporadic at best. These groups are often not aware of the standards they should expect from the police and the services available to them, which inhibits their ability to challenge poor practice at an early stage as well as their opportunity to provide informal and constructive feedback. While the MPS have demonstrated that they have made significant changes to the way they respond to such cases, there is still a need to show how systems have changed, how they will work now, and how organisations can give feedback if there are problems.

The following measures should therefore be implemented:

- Third party reporting through other agencies to be made available on a more formal basis;
- Every Sapphire Unit DI should be required to establish links with the local voluntary sector;
- The training given to front-line officers should be quality checked by independent observers from the voluntary sector and consideration given to including input from specialist advocates into such training;
- Voluntary sector organisations should be given access to police standard operating procedures.

## Conclusion

The number of victims in these cases, the outcome of the trials of Worboys and Reid and the public reaction to the MPS response has undoubtedly acted as a wake-up call to the MPS in its response to the victims of sexual violence. They have since reviewed their own procedures and training, and the changes they have already implemented are significant. The onus is now on the MPS to demonstrate that these changes make a real difference, and our recommendations are designed to help them achieve that.

Deborah Glass

Deputy Chair

January 2010

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