



**METROPOLITAN POLICE SERVICE**

DIRECTORATE OF PROFESSIONAL STANDARDS

SERIOUS MISCONDUCT INVESTIGATION UNIT

# Public Complaint / Conduct Matter

REFERENCE: PC 2752/13

**Investigating Officer**

DS THOMAS

FREEDOM OF INFORMATION ACT	
PROTECTIVE MARKING: RESTRICTED	PUBLICATION SCHEME Y/N:N
TITLE: PUBLIC COMPLAINT	
SUMMARY: INVESTIGATION INTO PUBLIC COMPLAINT REPORTED BY <i>Mr. Simon Goodwin</i>	

BRANCH / OCU: DPS		
DATE CREATED: 28/4/15	REVIEW DATE: N/A	VERSION: 1
AUTHOR: DS HELEN THOMAS		

## Interested Parties

**Complainant:** Ms Jasna Badzak

**Officer(s) Concerned:** Ex DI Fleming, DS Reardon, DC Holden, DC Galvin, DS Page, PS Wray

**Welfare Officer:** N/A

**Federation Representative:** DC Stapely

**Professional Standards Champion on B/OCU:**

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## 1. Introduction

1.1 Ms. Badzak believes that she has been the subject of conspiracy to obtain a conviction for fraud against her. This is due to her revealing issues into the public domain regarding the contact of UKIP and its members. She also believes that UKIP MEP, Mr. Gerard Batten, solicitor, Mr. Paul Diamond, the police and the Judge, Mr. Michael Gledhill QC all played a role in this conspiracy.

Ms Badzak was convicted of fraud in July 2013. The victim was Mr Gerard Batten. At the time of the incident Ms Badzak was employed by Mr Batten working for the UKIP. The criminal court found that she had fraudulently obtained monies from Mr Batten.

## **2. Points of Complaint**

At the meeting on the 24th June 2014 held at Empress State Building, with the complainant, her solicitor and the DPS, the heads of complaint were discussed and agreed which are shown below:-

2.1 **Point 1** - On 29 November 2011 DC Galvin planted evidence in the form of a bank statement at Ms. Badzak's home address. DC Galvin's statement said that he found the bank statement in Ms. Badzak's bedroom. Ms. Badzak stated that she handed all the statements from her bedroom to TDC Else. These were all business bank statements. DC Galvin claimed that he found the personal statement 'hanging out' of the bundle. Ms. Badzak stated that she did not keep any personal statements at the home. In addition, it is alleged that DC Galvin never entered the bedroom and that he planted the said statement there. The bank statement had no date on it which Ms. Badzak believed is further evidence that it was false. Therefore, it is alleged that DC Galvin perverted the course of justice.

2.2 **Point 2** - DC Galvin lied whilst giving evidence at Ms Badzak's trial and, as a result of this, was 'thrown' out of court. It is alleged that DC Galvin committed perjury.

2.3 **Point 3** - On 27 February 2012 a civil hearing was held at Central London County Court under Judge Gilchrist. Ms. Badzak was seeking a restraint order against Mr Gerard Batten MEP after being subjected to harassment by him. DC Galvin attended this hearing and gave evidence for Batten. On arrival at the court DC Galvin hugged Mr. Batten and said to him 'don't worry; she is going to be charged, convicted and sent to gaol'. That DC Galvin was involved with Mr Batten in some way and that he perverted the course of justice.

2.4. **Point 4** - At the above hearing Mr. Batten was represented by a solicitor, Mr. Paul Diamond, and they are good friends. Mr. Diamond said to Ms. Badzak at the court and after the hearing 'you won't go to gaol if you shut your mouth for ever'.

2.5. **Point 5** - Ms. Badzak telephoned Charing Cross Police Station on 27 February 2012 and asked to speak to DC Galvin's boss. She spoke to DI Fleming and told him to make sure that DC Galvin told the truth and stopped



threatening her. This took place before she was charged with fraud on 21 March 2013. The allegation is that DC Galvin behaved inappropriately by threatening her and constantly made comments that indicated that she was guilty of the offence of fraud.

2.6. **Point 6** - DI Fleming sent Ms. Badzak an e-mail on 27 February 2012 stating that she was guilty. (There is no copy of the e-mail available) The allegation is that DI Fleming behaved inappropriately by referring to Ms Badzak as being guilty, when she had not even been charged.

2.7. **Point 7** - Ms. Badzak called police approximately 10 times from her home address whilst she was on bail after she was subject to harassment at the front door of her home. She knew that this was carried out on behalf of UKIP. Police attended each time and each time she later received an e-mail from DS Shaun Reardon that no further action would be taken. The allegation is that DS Reardon failed to properly investigate the allegations of harassment made by Ms Badzak.

2.8. **Point 8** - DC Galvin presented the case against Ms. Badzak to the CPS for charging advice and this was declined as it did not meet the threshold. He went on to appeal against this decision approximately 10 times. (This information was provided by Ms. Badzak's barrister Ms. Arlette Piercy). The allegation is that DC Galvin perverted the course of justice by referring to the CPS so many times.

2.9. **Point 9** - DC Galvin hacked into Ms Badzak's emails.

2.10. **Point 10** - Ms. Badzak's trial was scheduled to commence at Southwark Crown Court on 25 July 2013. She first met her barrister Ms. Arlette Piercy on the 11 or 12 July 2013. Ms. Piercy telephoned her the following day and informed her that the trial date had been brought forward to 15 July 2013 as the Judge was available (Mr. Michael Gledhill QC). It is alleged that the trial was brought forward on the false pretence of the imminent death of DS Reardon's father so that Mr Michael Gledhill QC would preside over the trial.

2.11. **Point 11** - The Judge opened the trial by stating that Ms. Badzak was a known criminal. Ms. Piercy objected, as did the CPS, stating she was of good character. The Judge went on to say that Ms. Badzak was a criminal in other countries. When Judge Gledhill summed the case up for the jury he took two and a half hours (78 pages). The Judge and the solicitor Mr. Diamond (above) have worked together on several cases including

Jerry Stringer on behalf of 'Christian Concern for our Nation'. This organisation co-produced Batten's pamphlet the 'Proposed Character of Muslim Understanding'.

2.12. **Point 12** - DC Tony Holden charged Ms. Badzak with fraud. Mr. Batten contacted DC Holden and informed him that two journalists had been trying to contact him regarding a story concerning UKIP. The two journalists (Rob Hastings from the Independent and Dipesh Gadhur from the Sunday Times) subsequently received e-mails from DC Holden making threats to them not to contact Ms. Badzak. That DC Holden perverted the course of justice by threatening two journalists on behalf of Mr Batten.

2.13. **Point 13** - DC Tony Holden has been harassing Mr Greg Lance-Watkins via Mr Lance-Watkins' LinkedIn profile.

2.14. **Point 14** - Ms. Badzak wrote to the Mayor, Boris Johnson, and the Prime Minister, David Cameron, regarding the conduct of DI Fleming, DS Reardon and DC Galvin. She was informed, by both, that none of these officers were employed by the MPS. This response was obtained from the Commissioner. The allegation is that an MPS officer, PS Sean Wray, deliberately misled both Ms Badzak, and others, by stating that the officers did not exist.

2.15. **Point 15** - After having seized Ms Badzak's computer officers have purchased the Norton anti-virus package using her bank card. The allegation is that the police officers have committed fraud.

2.16. **Point 16** - On 23rd June 2014 DS Christopher Page spoke with Ms Badzak on the phone in relation to a harassment allegation made by Mr Batten. Ms Badzak alleges that this conversation amounts to harassment on the part of DS Page.

2.17 In addition to these heads of complaint there are additional complaints sent via various emails from Ms Badzak which are detailed as follows:-

2.18 *Four strange documents that DC Galvin submitted which are not dated, not signed, and where both my ex-husband and I somehow magically have same handwriting that is not ours* (e-mail dated 02/07/14).

2.19 *Proof of my security clearance that DC Galvin in the Southwark Crown Court stated does not exist, she is lying* (e-mail dated 02/07/14).

- 2.20 *Persistent harassment by Christopher Page, failure to provide disclosure, illegal arrest illegal charges (e-mail dated 05/01/15).*
- 2.21 *Persistent harassment by ex DI Andrew Fleming and viewing of complainant's LinkedIn on 25 December 2014 to cause alarm and distress (e-mail dated 05/01/15).*
- 2.22 *Meeting of Andrew Fleming, ex DI, and head of illegal persecution against Jasna Badzak, with MEP prior to latest harassment by Gerard Batten MEP, and DS Christopher Page (e-mail dated 05/01/15)*
- 2.23 *Deliberate and intentional lie by Inspector Paul Etheridge about whereabouts of PS Sean Wray (who lied about to PM, Mayor of London and Jasna Badzak MBA about non-existent police officers) where it has transpired that PS Sean Wray has all this time been and is serving police officers within DPS of Metropolitan Police (e-mail dated 05/01/15).*
- 2.24 *Deliberate harassment by DS Gordon McKay of Wood Green Police Station against Jasna Badzak based on false, illegal complaint by crime suspect Annabelle Fuller (e-mail dated 05/01/15).*
- 2.25 *Failure to investigate Gordon McKay (e-mail dated 05/01/15).*
- 2.26 *Failure to investigate Inspector Etheridge as per attached (e-mail dated 05/01/15).*
- 2.27 *Illegal notice of harassment by DS Gordon McKay (e-mail dated 05/01/15).*
- 2.28 *Failure to investigate, search premises and arrest Gerard Batten, Harold Batten, Annabelle Fuller based on repeated allegations of exceptionally serious crimes first filed in March, May and July 2011 and re-filed with Acting Superintendent Manning on 24 March 2014 (e-mail dated 05/01/15).*
- 2.29 *Failure to suspend, arrest, and investigate DI Andrew Fleming, DS Shaun Reardon, DC James Galvin and DC Tony Holden for perverting the course of Justice, conspiracy to pervert the Course of Justice, Perjury, Deliberate tampering with Police National Computer, deleting incriminating emails and deliberate lie by DC James*



*Galvin that he did not testify on behalf of Gerard Batten logged into Police Computers while there is his actual statement in possession of Helen Thomas (e-mail dated 05.01.15).*

### **3. Terms of Reference**

3.1 The role of the DPS investigating officer is to ascertain if there is credible evidence to the required standard of a criminal offence or a failure of standards against a police officer contrary to the Police (Conduct) Regulations or to identify corporate or individual learning.

### **4. Summary of Evidence**

#### **4.1 Heads of Complaint Point One:**

4.2 Cris 6557011/11 This details the investigation into the allegation of fraud against Ms Badzak which was reported on 07/10/2011 by Mr Gerard Batten. It was alleged that Ms Badzak, whilst being employed within the UKIP, obtained monies -£2,500, by deception. Ms Badzak was arrested at her home address on the 29/11/11; in attendance were DC Galvin, DS Reardon, DC Stoddart and TDC Else. DC Galvin updated the Cris report on the same day at 1707hrs stating that Ms Badzak ushered the officers into her bedroom and began pulling files off a shelf and throwing them on the bed. As she did so, she became more distressed. She then left the room and went back to the living room. DC Galvin stated that he searched through the files and, amongst other things, seized a NatWest bank statement exhibit JEG/2.

4.3 Judges Summing Up Southwark Crown Court 18/7/13 Page 51 of the judges summing up reference is made to the NatWest statement exhibit JEG/2. The judge stated 'Miss Piercy's point, made in cross-examination, is the alternative to that particular page being taken out of the sequence for examination and put back into the wrong file (which is the Crown's case in effect) by Ms Badzak at some stage, in that it had simply been put by accident into the wrong file because of the state of the purple file particularly that seems to be falling apart, the fact that these files had been thrown onto the bed, and so it could be completely accidental that page has got into the wrong file'. The judges followed on by stating that 'it has not been suggested it has been deliberately done by the police and planted, certainly not by Miss Piercy when cross-examining, and not directly by the defendant when she gave evidence'.

#### **4.4 Heads of Complaint Point 2:**

4.5 Judges Summing Up Southwark Crown Court 18/07/13 It can be seen from this that there is no reference to any concerns re DC Galvin's evidence. The judge made mention to DC Galvin's evidence within his summing up and did not voice any concerns re the evidence that he had given. DC Galvin's evidence, as a whole, was deemed admissible during the trial.

#### 4.6 Heads of Complaint Point 3

4.7 Cris 6557011/11 DC Galvin made an entry on the Cris report on the 27th February 2012 at 1657hrs, he stated 'the following is an email received from Mr Paul Diamond who is representing the victim in this case in a separate civil matter regarding the suspect':-

*Dear Mr Galvin,*

*I am representing Mr Batten at the hearing at the Central London County Court at 13-14 Park Crescent, London W1,*

*As you know Ms Badzak has made a claim against Mr Batten under the Protection from Harassment Act 1997; in part in relation to the arrest and investigation by the police in relation to her fraud,*

*I would like to request your presence at court at the above time to confirm the facts as you understand them; and that the application (in this respect is abusive).*

*If time does not permit, I would be grateful if a statement could be sent to me in relation to the arrest and investigation against Ms Badzak.*

4.8 DC Galvin made a further entry, also dated 27th February 2012, in which he stated 'I have informed DS Reardon and DI Fleming of the request and they advised I should attend court. I attended court and, despite Ms Badzak's objections to my presence, the judge thanked me for my attendance and released me from court at 1108hrs. I gave no oral or written evidence under oath. I was asked to confirm my name and to confirm that the police had a bona fide allegation which was being investigated. All other matters raised within my time at the hearing were related to procedure and nothing I heard would influence this investigation.'

4.9 There is also an entry dated 13th March 2012, by DC Galvin, in which he stated 'whilst investigating another matter a man called Goran from Hodge Jones and Allen who claimed to represent Ms Badzak asked me if we



were going to charge Ms Badzak, he also asked if I had given evidence in a civil matter. This took place in the custody suite of Charing Cross Police Station. When I answered that the CPS would be handed the file and I had not given evidence he said "he had concerns". I invited him to make a formal allegations if he had concerns and upon showing him out of the police station asked him to make his complaint to a senior officer via the station office if he had "concerns".

4.10 MG14(D) from DC Galvin dated 26/02/15 and 24/03/15 DC Galvin stated that he attended Central London Court as per the direction of DI Fleming this was following a request from counsel. He denies hugging Mr Batten and stated that he wouldn't do such a thing. He did not give evidence and believed that the case was in relation to an alleged employment dispute/harassment matter. DC Galvin stated that he could not recall the actual date. He was asked to confirm by the court to the best of his knowledge if at that time there were any current criminal investigations being conducted into Mr Batten. He cannot recall if this was in the form of a witness statement or in a document format. He had no knowledge if it was actually used by the court. He stated that the whole matter was supervised closely by DI Fleming who advised him and guided him throughout the process. He believed that this was logged on the Cris report.

4.11 Statement of Truth made by DC James Galvin signed and dated 10th April 2012 (pertaining to the civil case) DC Galvin confirmed that an allegation of fraud made by Mr Batten on the 5th October 2011 was being investigated under crime reference 6557011/11 and that police received a vast amount of documentation from Mr Batten to support the allegation.

#### 4.12 Heads of Complaint Point 4

4.13 This is not a complaint against a member of the MPS and was not investigated. Ms Badzak was informed of this at the meeting on the 24th June 2014.

#### 4.14 Heads of Complaint Point 5

4.15 I have not received any information or evidence from Ms Badzak and/or her solicitor in relation to this complaint. E- mails were sent to the solicitor Graham Atkins and Ms Badzak requesting this. It has not been possible to progress this complaint without the necessary information.

#### 4.16 Heads of Complaint Point 6

4.17 There is an e-mail from DI Fleming to Ms Badzak dated the 13th November 2013. This was sent from his private e-mail address as DI Fleming had retired from the MPS in June 2013. This email was sent after Ms Badzak had been convicted of fraud against Mr Batten. Ms Badzak alleged that an email was also sent to her from DI Fleming on the 27th February 2012 whilst she was on police bail and prior to charge, where, apparently, DI Fleming told her that she was guilty. Enquiries with DI Fleming's MPS e-mail account for the relevant period show that no e-mail was sent to Ms Badzak. Ms Badzak has not provided a have a copy of this e-mail to facilitate the investigation.

#### **4.18 Heads of Complaint Point 7**

4.18 Cris 6537250/12 This details the allegation of perjury made by Ms Badzak on 22/06/12 against four people which include Mr Batten. DS Reardon was the investigating officer. The report details that Ms Badzak had initiated court proceedings against Mr Gerard Batten in relation to employment matters. These proceedings had been recently struck out by the court and the allegation of perjury by Ms Badzak was subsequently made. Ms Badzak was on police bail when she made this perjury allegation.

4.19 E- Mail dated the 04/08/12 This e- mail was sent from DS Reardon to Ms Badzak. The e-mail sets out the investigation by DS Reardon into the perjury allegation and that there was no evidence to support this and that the investigation was complete. Enquiries with DS Reardon's MPS e-mail account show that no other e-mail was sent to Ms Badzak.

4.20 Response to 163 DS Reardon He stated that, to the best of his recall, the only e-mail correspondence he had with Ms Badzak was in relation to a crime allegation of perjury.

4.21 DARIS (Demand and Resource Information System) This provides summarised incident data recorded on CAD (Computer Aided Despatch). In relation to phone calls relating to Ms Badzak's home address DARIS was checked for the last 5 years. For the relevant period that Ms Badzak was on bail:- 1. CAD 5956 29/11/11 relates to Ms Badzak calling police in relation to a racial allegation. Police attended, a Cris reported created and investigated (Cris 6567497/11), and no further action was taken. 2. Cris 6537250/12 which relates to the perjury allegation was has already been discussed, Ms Badzak reported this via e-mail. There are also two further CAD's 5205 and 4335 from the 8th and 13th November 2013 respectively, when although Ms Badzak was no longer on



bail she called police in relation to an alleged threat against her posted on the internet. Police attended on the 08/11/13 a Cris reported created (6555214/13), and the matter was classified as a CRI (crime related incident). No further action was taken. On the 13th November when Ms Badzak called police, who attended, she alleged that on the 11/11/13 a female approached her door and handed her a piece of paper. On the paper heading it said 'office of Gerrad Batten' underneath it said 'your son will be raped and killed'. Ms Badzak had emailed a photo from a CCTV still showing a person in her hallway. Ms Badzak did not want to talk further to the officers and told them to get out of her flat. Ms Badzak told the officers that she was going to report them to the European Union for not bowing to her as they left the property.

#### **4.22 Heads of Complaint Point 8**

4.23 Cris 6557011/11 Relating to the fraud allegation against Ms Badzak by Mr Batten. From reviewing the report it can be seen that DC Galvin presented the MG3 to the CPS on the 30/03/12. The CPS requested a face to face meeting which took place on the 25/04/12. The CPS requested numerous further evidence which resulted in Ms Badzak being re-bailed until the 20/06/12. She was further re-bailed until the 16/07/12 in order that her case to be placed before the CPS for a decision on charge. On the 17/07/12 the CPS gave verbal authority to charge but the paperwork from them had not been received for the bail date on the 16/07/12. Because of this a new bail date was set. On the 06/08/12 the CPS contacted the OIC and requested that further evidence be obtained before any charge. Ms Badzak was again re-bailed to 03/10/12 and further to the 05/12/12. The evidence that the CPS were requiring was information from the Belgian Judiciary which would necessitate an ILOR (international letter of request) which would be drafted by the CPS. By the 28/11/12 this hadn't been actioned by the CPS and there had also been 6 reviewing lawyers in the case. A further re-bail was authorised. On the 05/03/13 the further evidence was given to the CPS. Ms Badzak was further bailed to the 21/03/13. She was then charged on this date.

#### **4.24 Heads of Complaint Point 9**

4.25 E- Mails sent to Ms Badzak and Graham Atkins from DS Thomas A request was made to Ms Badzak's solicitor, Graham Atkins, on the 30/06/14 requesting further evidence/information in relation to this aspect of the complaint. On the 28/07/14 a further request was made to both Mr Atkins and Ms Badzak.



4.26 E -Mails sent from Ms Badzak to DS Thomas dated the 10/10/14 Two e-mails were received from Ms Badzak. The first stated that 'also attached is James Galvin hacking and another Fleming email (one Fleming has deleted must be on Met network sent 27 Feb 2012)'. The second e-mail stated 'my computer was seized, was in Galvin's hands leading to opening of email and postponement of interview scheduled for 07/12/14 few minutes after I received read notice on my Blackberry, you have also forgot attached'. Attached to the first e-mail was a type of photocopied 'read notice' in relation to an e-mail sent from Kamila Zarychta to Ms Badzak on the 25/01/11 which shows as being read on the same day and also again on the 06/12/11. On this date Ms Badzaks computer had been seized (after her arrest on the 29/11/11) and was in possession of police. Attached to the second e-mail is again the 'read notice' dated 25/01/11. This time it is set out on a page which appears to relate to DC Galvin's MPS e-mail account as the header shows his MPS details. This again is a photocopied page and handwritten on this is 'copy GB/8'. It is presumed that GB/8 relates to one of Mr Gerard Batten's exhibits in relation to the fraud case against Ms Badzak. In Mr Batten's statement he described exhibit GB/8 as a copy of Ms Badzak's bank statement which demonstrated the deposit from his account into the account of Ms Badzak.

4.27 MG14 from DC Galvin dated 24/03/15 He stated that he has looked at GB/8 which was shown to him by his federation rep. He didn't recognise the e-mail. He recalled speaking to, and being in e-mail contact with Miss Kamila ZARYCHTA, as she ran the office of Mr Gerard Batten MEP, within the European Parliament.

#### **4.28 Heads of Complaint Point 10**

4.29 E-Mail from Ms Badzak to DS Thomas dated 16/07/14 Ms Badzak writes 'case of DS Reardon's father - Mr Reardon must produce death certificate for his father dated between 15-20 July 2013 because that was excuse used for bringing my case urgently forward to be heard in front of 'only available' Judge Recorder Michael Gledhill, who has not only shown extreme bias but did not disclose nature of his close relationship with Gerard Batten'.

4.30 E - Mail from DS Reardon to CPS dated 20/06/13 Informing the CPS that he is aware the case of Badzak is warned as "a floater" from 15th July for a period of two weeks and that he is required as a fully bound witness. DS Reardon states that he has urgent personal reasons which he detailed in the e-mail and requested that either the case was removed from the list for the relevant period or his evidence was agreed with the defence. The CPS subsequently replied that they would make enquiries to ascertain if DS Reardon's evidence could be agreed.

4.31 E-Mail from DS Reardon to DC Holden dated 27/06/13 Informing him that it is not possible to stand the trial out and that the trial is listed as a one week floater. Mr Connell (CPS) had written to the court outlining the situation and requesting that the trial was listed as number one of the floater list. If the trial was called later in the week Mr Connell would ensure DS Reardon was the first witness so that he could be released.

4.32 Letter from CPS to the Listing Office at Southwark Crown Court Informing them of DS Reardon's request and asking that if the case is called on, DS Reardon will be called very early in the case, and if the matter is re-listed, DS Reardon's availability would be considered by the court. The CPS stated that DS Reardon would not go on holiday during the week of the trial.

4.33 163 response DS Reardon dated 07/08/14 He stated that the trial was not brought forward. It was listed as a floater for a period of two weeks from 15th July 2013. He asked CPS/Court to postpone the trial or accept his evidence due to his father's terminal illness. He did not know the trial judge nor had any contact with him whatsoever.

#### **4.34 Heads of Complaint Point 11**

4.35 This is not a complaint against a member of the MPS and was not investigated. Ms Badzak was informed of this at the meeting on the 24th June 2014.

#### **4.36 Heads of Complaint Point 12**

4.37 E-Mail dated 02/05/13 from DC Holden to Rob Hastings, Dipesh Gadher and Gerard Batten DC Holden wrote 'it has been brought to the attention of the Metropolitan Police, that in recent days journalists from the Sunday Times and the Independent have been provided material by an unknown source concerning the political affairs of Mr Gerard Batten MEP. An ex-employee of Mr Batten's has recently been charged with numerous dishonesty offences and is currently awaiting trial at Southwark Crown Court. Part of the bail conditions for this ex-employee is not to contact directly or indirectly Mr. Batten. This condition is in place to prevent any further publication of articles which the courts have deemed to be untruthful and concerning to Mr Batten. Any articles published that are linked to the subject who is currently on bail, may result in further arrests being made. I request whilst these ongoing court proceedings are underway that you thoroughly check the sources of the information prior to contacting Mr Batten or going to the press.'



4.38 MG14 From DC Holden dated 10/02/15 He stated 'leading up to the trial he was in e-mail contact with Mr Batten in a perfectly appropriate way given he was the victim in a case which I was presenting at Court with the CPS and Counsel. On the 2nd May Mr Batten sent me an e-mail expressing concern that Ms Badzak had breached her bail conditions by contacting the Independent newspaper. He forwarded me an e-mail which he had been sent by a reporter called Rob Hastings from the Independent which indicated that he had been shown some documents relating to policy proposals for UKIP which it was believed may have been stolen by Ms Badzak. Mr Batten was concerned that the contact from the journalist may represent an attempt by Ms Badzak to indirectly contact him. I was aware that Mr Batten had e-mailed Mr Hastings direct expressing concern. His concerns in relation to Mr Hastings arose after an incident a few days before when he had been contacted by a journalist from the Sunday Times, Dipesh Gadher, on the 26th April in relation to a similar scenario. Mr Batten sent me an e-mail on the 30th April 2013 about that, again expressing concern that it represented an attempt to indirectly contact him via the journalist by Ms Badzak. He was genuinely concerned about this and I believed it was appropriate to do something about it on his behalf and to advise the journalists of the need for caution in relation to Ms Badzak, and particularly either what they may say to Mr Batten and more particularly what they may then go onto publish in the two newspapers. Accordingly, I sent the e-mail dated the 2nd May 2013 to Mr Hastings and Mr Gadher. I copied Mr Batten into it. I tried to take advice from a supervisor that evening but, as I recall, I was unable to locate a supervising officer and I felt there was an urgent need to deal with this case there was any risk of publication of anything which could potentially compromise the trial in relation to Ms Badzak. I believed if the MPS was not seen to do something quickly; it could represent a failure to properly address the duty of care, which we had to Mr Batten as a victim of crime. I did not take any advice before I composed and sent the e-mail on the 2nd May 2013; neither from another Police Officer or from Batten. The wording was my creation. All I wanted to do was advise the journalist that they needed to be careful if indeed the source of their material was an ex-employee of Mr Batten (i.e., Ms Badzak) who had recently been charged. I wanted them to understand that there were conditions on her bail and that it was my view that publication of articles which had already been an issue in the civil proceedings between Badzak and Batten, re material she may not have been entitled to and could be detrimental to both parties in the judicial proceedings re the case against Ms Badzak, and the victim Mr Batten. I had these civil proceedings in mind when making a reference to what the Courts had deemed to be untruthful already. I did not send the e-mail at the request of Mr Batten or at his insistence. I believed there was a genuine risk that Ms Badzak was endeavouring to breach her bail and was simply trying to advise the two journalists to be careful as to



their sources, and to check the veracity of what they were being told and that it was authentic and reliable. I copied Mr Batten in as a matter of courtesy. I reiterate the e-mail was not sent at the request of Mr Batten, but in the interest of justice. I am aware that on the 10th June 2013 Mr Batten sent me another e-mail expressing concern that Ms Badzak was potentially in breach of her bail conditions as a result of entries she had placed on her Twitter account. I would like to add that when I was contacted by the Press Bureau about the newspaper article, I was on my way to the West Country. I can remember that I stopped and spoke to Superintendent Kevin Southworth, the Borough Commander on Westminster Division at the time; this was on Friday the 3rd May 2013. I gave a full explanation as to why I had written the e-mail and what it was all about. He seemed satisfied with this explanation and was in agreement that it had been necessary to deal with the issues raised by Mr Batten in his e-mails of the 30th April and 2nd May, and the contact he had from the two journalists. After the phone call with Mr Southworth, no one ever contacted me again to suggest that upon reflection there was any concern around what I had done or that it was in anyway inappropriate.

#### **4.31 Heads of Complaint Point 13**

4.32 E-Mail from Ms Badzak to CI Dave Manning Ms Badzak stated that 'DC Holden is using police resources, abusing his office to harass innocent people whose sole 'crime' is criticising his beloved Batten and UKIP'. Attached to the e-mail was a LinkedIn profile relating to a Greg Lance-Watkins. It showed that DC Holden had viewed Mr Lance-Watkins LinkedIn profile. DC Holden is shown as an accredited financial investigator within the MPS. He also has a LinkedIn account.

4.33 E-Mail sent to Ms Badzak and Mr Graham Atkins from DS Thomas dated 30/06/14, 28/07/14 and 11/10/14 Requesting consent from Mr Lance-Watkins that he wishes for the allegation to be investigated. This consent, for whatever reason, was not forthcoming.

4.34 MG14 from DC Holden DC Holden stated 'I am aware that he (Mr Lance-Watkins) had looked on my LinkedIn account so I looked on his. I was simply interested to see who had been looking at my details which were pretty sparse on the LinkedIn entry at that time in any event I do not know Mr Greg Lance-Watkins, I have never met him, I am aware that he is one of a number of people who I believe may have contributed to or published a defamatory article in relation to me.

#### 4.33 Heads of Complaint Point 14

4.34 Letter from PS Wray to Ms Badzak dated 25/10/12 PS Wray stated that the officers that Ms Badzak had named as being involved in her complaint were not officers within the MPS. He had thoroughly interrogated all MPS systems and could find no trace of those officers.

#### 4.35 Heads of Complaint Point 15

4.36 NatWest Statement Re Ms Badzak Entry on the 19th April 2012 shows a Norton Annual Renewal for £64.99.

#### 4.37 Heads of Complaint Point 16

4.38 Tape Recording of Meeting with Ms Badzak on the 24/06/14 to Discuss Heads of Complaint

4.39 Present during this meeting to discuss heads of complaint and terms of reference was DS Thomas, Inspector Pollard, Ms Badzak, Mr Mukulic (ex-husband of Ms Badzak) and Mr Graham Atkins (solicitor). Ms Badzak had recorded a conversation that took place between her and DS Page the previous day in which DS Page had contacted Ms Badzak in relation to Cris 6527931/14, allegation of harassment made by Mr Batten against Ms Badzak. This conversation was played during the meeting. In it, it is heard that DS Page requests that Ms Badzak attend for a caution plus 3 interview as an allegation has been made against her. He explained that he was neutral and was not involved with any of the other issues concerning Ms Badzak. He requested that Ms Badzak refrains from posting details on social media.

#### Additional Complaints

4.39 Four Strange Documents These were attached to an e-mail sent from Ms Badzak on the 02/07/14. They are four debt recovery letters:- 1. from Buchanan Clark and Wells dated 23/02/2011 addressed to Mr Dragomir Mikulic (Ms Badzak's ex-partner) 2. from Power2contact Ltd dated 15/02/2011 addressed to Ms Badzak 3. from Midas legal service dated 19/02/11 addressed to Ms Badzak 4 from Hamptons Legal dated 16/02/11 addressed to Ms Badzak. On three of these letters (1, 3 and 4) there is a handwritten note basically pleading poverty and depression. Ms Badzak alleged that the notes were not written by her, or Mr Mikulic, and were submitted by DC Galvin as part of the fraud case against her.



4.40 Judges Summing Up 18/07/13 Southwark Crown Court(pg 64) The judge stated 'what i do want to do though is go through, is to take you to those letters that were produced concerning the debts that this lady owed, and her draft replies to those letters. This is a letter from a company called Hamptons Legal dated 16/02/11. There is a draft reply, which Mrs Badzak accepts was written by her. Whether or not it was sent I do not think she was ever asked. Page 10 similar letter, the date on this letter is 19 February. These were all recovered from her bedroom in the search on 29 November (reads out handwritten note). What does she say about these letters? Well, she admits that she lied about them.

4.41 Proof of Security Clearance Letter Attached to an e-mail sent from Ms Badzak on the 02/02/14. Ms Badzak alleges that DC Galvin told the court that this doesn't exist. The letter is dated the 10/09/01, addressed to Ms Badzak and is from Andrew Ingold Foreign and Commonwealth Office. It informs her that her Security Clearance has been approved.

4.42 Persistent harassment by Christopher Page In an e-mail from Ms Badzak dated 05/01/15 alleging failure to provide disclosure, illegal arrest, and illegal charges. Cris 6527931/14 detailed the allegation of harassment made by Mr Batten against Ms Badzak. It shows entries by DS Page relating to him contacting Ms Badzak on the 23/06/14 and inviting her in for a caution plus 3 interview and a follow up e-mail on the same day. DS Page detailed all his contact with Ms Badzak and her solicitor, Mr Graham Atkins. Ms Badzak was interviewed and a file subsequently sent to the CPS advice re charging. This was followed by a face to face meeting with a CPS lawyer in October 2014. Further information was required by the CPS including another interview with Ms Badzak. Ms Badzak was later charged with harassment on the 05/11/14

4.44 Persistent harassment by ex DI Andrew Fleming and viewing of complainant's LinkedIn on 25/12/14 Information showing that ex DI Andrew Fleming, who has a LinkedIn account, viewed Ms Badzak's profile on this date.

4.45 Meeting of Andrew Fleming and Head of Illegal Persecution against Ms Badzak with MEP prior to latest harassment by Gerard Batten MEP and DS Christopher Page No further information has been received re this.

4.46 Deliberate and Intentional Lie by Inspector Paul Etheridge/Failure to Investigate Inspector Etheridge In her e-mail of 05/01/15, Ms Badzak stated 'Inspector Etheridge lied about the whereabouts of PS Sean Wray where it



has transpired that PS Sean Wray has all this time been and is serving police officer within DPS'. An e-mail was sent to Ms Badzak and Mr Atkins on the 05/02/15 requesting further information on this point. No reply was forthcoming. PS Wray went on a career break in June 2013. He subsequently resigned from the MPS in January 2015.

4.47 Harassment by DS Gordon McKay, failure to investigate Gordon McKay and illegal notice of harassment by DS McKay, E-mail sent 05/01/15. No further information from Ms Badzak has been provided. It is known that Ms Louise Mensch made a complaint to the MPS on behalf of Ms Badzak under reference QU/2109/14. This was in relation to DS McKay issuing a harassment warning to Ms Badzak on the 14/11/14. The actual complaint is: - 1. Officer recorded he had verbally issued harassment warning under sec 2 of the prevention of harassment act when in fact he did not and 2. Ms Badzak was told she may not speak to a journalist about allegations and that she may be committing an offence if she does. A request was made to Ms Mensch on the 24.11.14 with regard to obtaining written consent from Ms Badzak for the complaint to be investigated. None was forthcoming. The matter was subsequently closed. Cris 2824903/14 relates to the harassment allegation made by Ms Annabelle Fuller against Ms Badzak. DS McKay made an entry on this report detailing his contact with Ms Fuller and Ms Badzak and giving a verbal 1st instance harassment warning to Ms Badzak. The report did not state if this was on the phone, or in person, although it is presumed it was on the phone, as a later entry by DS McKay stated that he sent F9993(first instance harassment warning letter) to Ms Badzak via recorded delivery.

4.48 Failure to investigate, search premises and arrest Gerrard Batten, Harol Batten and Annabelle Fuller I have no information on this.

4.49 Failure to suspend, arrest and investigate DI Andrew Fleming, DS Shaun Reardon, DC James Galvin and DC Tony Holden This will be discussed later.

## 5. Result of Investigation

### 5.51 Standards of Proof

The accused officer is presumed to be innocent until proven guilty. It is for the prosecuting body to establish guilt.

### 5.52 Criminal Allegations

To convict, the magistrate/jury must be satisfied 'beyond a reasonable doubt' of the defendant's guilt. In other words, the magistrate/jury must "be sure" of the defendant's guilt. (Paraphrased from Archbold 2012 - Criminal Pleading Evidence and Practice)

The information collated throughout this investigation does not meet the DPP's guidance on charging. The police are under an obligation to only refer a case to the prosecutor where there is sufficient evidence (or capable of being obtained) to provide a realistic prospect of conviction. Therefore, this matter has not been referred to the CPS.

### 5.53 Misconduct and Gross Misconduct Allegations

An allegation will be proved if it is concluded that it is "more probable than not" or "more likely than not" that the allegation is true. (Paraphrased from Archbold 2012).

5.54 Ms Badzak has been convicted of fraud. The evidence of the officers was tested at court and there were no adverse findings by the trial judge. The reviewing Judge rejected the appeal application and concluded that the conviction at Southwark Crown Court as made by the Jury was to stand. No further applications were made.

The judges' summing up outlined the fact that neither the defence counsel nor Ms Badzak suggested that the 'evidence' exhibit JEG/1 the NatWest statement, was planted. No concerns were raised re DC Galvin's evidence at the trial. No new evidence or information has been obtained throughout this investigation, or provided by Ms Badzak, to substantiate perjury. In respect of points 1 and 2 I find no case to answer.

5.55 DC Galvin was requested to attend Central London County Court by Mr Batten's solicitor. He took advice from his supervising officers as to his attendance and was told that he could attend. This is documented on the relevant Cris report. DC Galvin gave no oral or written evidence under oath. DC Galvin denied any suggestion that he was 'overly familiar' with Mr Batten outside of the court. There is no evidence to suggest that DC Galvin was involved with Mr Batten in some way. Whilst best practice would dictate that the decision to allow the officer



to attend court on an unrelated matter should have been referred to the DLS, there is no evidence to show that the officer, or his supervisors, acted with ill intent or to frustrate Ms Badzak. As he gave no evidence, it is difficult to determine how the attendance of DC Galvin could have detrimentally affected Ms Badzaks civil claim against her previous employer. There is no other supporting evidence in relation to this allegation and, on the balance of probabilities, I find no case to answer in respect of point 3.

5.56 I have received no information or evidence in relation to the allegation that DC Galvin threatened Ms Badzak. During my complaint investigation I have not been made aware of any behaviour by DC Galvin during the criminal fraud investigation that would give me cause for concern. As a result I have found no case to answer in relation to point.

5.57. DI Fleming did send an e-mail to Ms Badzak but this was sent on the 13th November 2013 after she had been convicted. Ms Badzak has not provided the investigation with the alleged e-mail dated the 27th February 2013. DI Fleming's MPS e-mail account does not hold the alleged e-mail. Without this e-mail I am unable to progress this aspect of Ms Badzak's complaint. DI Andrew Fleming retired from the MPS in June 2013. I find no case to answer regarding point 6.

5.58 Details of the occasions when Ms Badzak called police and the reported allegation of crime have already been documented earlier in this report. DS Reardon was the investigator in the perjury allegation and he did e-mail Ms Badzak on one occasion at the end of the investigation. He was not involved in any alleged allegations made by Ms Badzak of harassment and did not e-mail her in respect of these alleged harassment allegations. This investigation has revealed that in respect of Cris 6555214/13 (reported 8th November 2013) Ms Badzak again called police on the 13th November 2013. Officers attended and as a result of what Ms Badzak told them in that on the 11th November a female attended her door and handed her a piece of paper which had threats thereon, an officer updated the Cris report with this information but did not speak further with any other CID about it and the matter was not progressed. I find that DS Reardon properly investigated the allegation of harassment made by Ms Badzak. He was not involved in any harassment allegation and was only responsible for the perjury allegation which was investigated fully and in the correct manner. The officers who attended on 13/11/13 diligently recorded the details on to the existing crime report. Ms Bazak gave limited information and then asked the officers



to leave her property. It does appear that the previous criminal allegation had been classified as a crime related incident and had already been screened out having been assessed by a supervisor. However, it appears that the officer who attended did not flag the new incident up to the Officer in the case (OIC), or a supervisor so that advice could be taken as to how to progress any investigation. It is not known if the piece of paper was seized as an exhibit or if Ms Badzak retained it. There is no evidence that this was a deliberate act to deny Ms Badzak the opportunity to record another allegation. There is no evidence of misconduct. However, this will be passed back to the Borough Professional Standards Champion (PSC) to consider individual learning opportunities. I find no case to answer in respect of point 7.

5.59 DC Galvin investigated the fraud allegation against Ms Badzak and referred the matter to the CPS for a charging decision. The Director of Public prosecutions (DPP) lays down guidance on the CPS and Police charging responsibilities. The guidance sets out arrangements prescribed by the DPP for joint working of police officers and prosecutors during the investigation and prosecution of criminal cases. Police Officers and CPS must comply with this guidance to ensure that charging and other prosecution decisions are fair and consistent and fully comply with PACE and the code for Crown Prosecutors. DC Galvin only made one referral to the CPS. Because of what the CPS required in respect of evidence Ms Badzak had to be re-bailed on numerous occasions. This was unfortunate for Ms Badzak. However, it was out of the control of DC Galvin. He was being guided by the CPS and what they required so that they were able to assess the case in the correct manner. The relevant Cris report was continually updated by DC Galvin in respect of the BTR's (bailed to returns) and the reasons why. There is no evidence to show that DC Galvin perverted the course of justice by referring to the CPS so many times. I find no case to answer in relation to point 8.

5.60 Ms Badzak has forwarded two 'read' notices which have been discussed earlier in this report. I am not entirely sure as to the authenticity of these, as they are photocopies and not originals. It would not be proportionate and serve no purpose to have the copies forensically examined and the originals have not been provided to the investigation. Ms Badzak has not provided a full explanation as to why she believes that DC Galvin hacked into her e-mails. I presume that, as her computer had been seized by police on the 29th November 2011, and one of the copies of a 'read' notices relate to the 6th December 2011 she believes that DC Galvin hacked into her e-mail. It is likely that, if Ms Badzak had already read the e-mail from Ms Zarychta on the 25/01/11

and this had been shown as 'read' then if someone else had read the e-mail (06.12.11) then there would not be a further 'read' notice. With regard to the 2nd 'read' notice which is shown as exhibit GB/8, it is unknown why this is shown or attributed to DC Galvin's e-mail account or how it potentially got there. There is insufficient evidence to show that DC Galvin, or indeed any other officer, hacked into Ms Badzak's e-mails. Unfortunately, the evidence that has been submitted by Ms Badzak is not evidential proof that this had happened and thus I find no case to answer in respect of point 9.

5.61 There is well documented two way communication from DS Reardon to the CPS in relation to the reason why DS Reardon requested that the trial was postponed or his evidence accepted. This was because his father was terminally ill and DS Reardon wished to accompany his father on a holiday which had already been booked. Ms Badzak requested that a death certificate be produced for DS Reardon's father. The trial was never brought forward as it was always in the "early warned" list for the week commencing the 15th July. There is no supporting evidence to back up Ms Badzak's claims that there was a conspiracy between officers, Mr Batten and Michael Gledhill QC for the original trial date to be moved in order that Gledhill presided over the case. In relation to any wrongdoing by DS Reardon I find that he did seek to have the trial postponed or his evidence accepted because of the ill health of his father who has since passed away. However, there is no evidence of misconduct. There is no case to answer.

5.62 It is accepted that DC Holden did contact two journalists, Rob Hastings and Dipesh Gader as shown earlier in the report. It is accepted that he should have referred this matter to the MPS Directorate of Media and Communications (DMC). They are experienced in dealing with all strands of the media and responding to queries from reporters and members of the press. This is a joint partnership agreement and Journalists are aware of the route in which they can seek information in relation to police officers, high profile incidents and court cases. It is a fact in this investigation that reports have been posted on social media sites discussing the complaints lodged by Ms Badzak and the DPS handling of her concerns. It is also clear that, at times the details disclosed were inaccurate. The DPS have not been approached to give an account or respond to the allegations made. In this instance, when approached by the victim, DC Holden addressed the issue that was raised. He has given a plausible explanation as to the action that he took. There is no evidence of malice. It is accepted that the officer had a duty of care towards the victim. It appears that the officer was trying to ensure that any reports in the paper



would not compromise any forthcoming trial and were accurate in content. This is not an unreasonable request. However, a corporate response from the DMC would have been more appropriate. There is no case to answer in respect of misconduct. However this matter will be referred back to the BOCU PSC to consider individual learning.

5.63 There has been no contact from Mr Greg Lance-Watkins in relation to this aspect of Ms Badzak's complaint and no written consent from Mr Lance-Watkins has been received for this matter to be investigated. In any case DC Holden stated that did he access Mr Lance-Watkins' LinkedIn profile as Mr Lance-Watkins had looked at his profile. He was interested to see who he was. LinkedIn is accessible for all and there are no exclusions as to who may look at profiles. An officer looking at another person's profile is not harassment. As LinkedIn is a networking site, anyone subscribing to it knows that it is likely that others will have access to and can peruse their profile. A police officer has the right to a private life. They can be a member of social media accounts. There is no evidence that DC Holden has harassed Mr Lance-Watkins. There is no evidence of misconduct and there is no case to answer in respect of point 13.

5.64 It is known that PS Wray did inform Ms Badzak and others that DI Fleming, DS Reardon and DC Galvin were not employed by the MPS. PS Wray resigned from the MPS in January 2015. Although he had been on a career break since June 2013 he was contacted by DPS in relation to this complaint. However he resigned before a response was gained from him. It is unknown why PS Wray informed Ms Badzak, and others, of information that was incorrect. He had access to officers' records within the MPS and a thorough search on the relevant system would have shown the officers as being within the MPS. It may be that PS Wray spelt the officers names wrong or that he did not interrogate the system fully. I apologise for this but on the balance of probabilities and without any supporting evidence I cannot say that PS Wray deliberately misled Ms Badzak and others and I find no case to answer in relation to point 14.

5.65 Ms Badzak's Norton anti-virus package was renewed on the 19th April 2012 as shown on her bank statement. This would have been an automatic renewal as her bank card details would have been known from when the package was originally taken out. There is no evidence that the officers deliberately instigated the purchase and/or gave permission for the payment to be made. There is no evidence of misconduct. I find no case to answer in respect of point 15.

5.66 DS Page contacted Ms Badzak by phone on the 23d June 2014 in relation to a harassment allegation that had been made against her. For whatever reason, Ms Badzak decided to tape this conversation. DS Page was unaware that the conversation was being recorded and has not been provided with a copy of it. This conversation was played by Ms Badzak during the meeting on the 24th June 2014. It is not known if the recording has been edited. Ms Badzak declined to give the DPS a copy stating that it would have recorded onto the tape that was made when the meeting with her and the DPS was recorded. However, it is unknown if the full extent of the conversation was played at the time. DS Page requested that Ms Badzak attended the police station so that she could be interviewed under caution. He did state that if she didn't attend she may be arrested. This was not a threat but merely an explanation that an allegation had been made which needs to be investigated either through interview under caution or arrest. DS Page was calm throughout the conversation. DS Page did not harass Ms Badzak. He is a police officer and thus was doing his job in that he was following up an allegation of crime. This was a legitimate line of enquiry. There is no evidence of misconduct. There is no case to answer in relation to point 16.

5.67 Ms Badzak submitted 4 letters to DPS in relation to debt recovery. Ms Badzak admitted at her fraud trial that she had handwritten on two of these debt letters. On the balance of probabilities it follows that the 2 remaining letters, one of which also had a handwritten note along the same lines as the other 2, was also written by Ms Badzak. The writing and content were very similar, if not the same. I do not find that DC Galvin has acted inappropriately in relation to these letters and there is no evidence of misconduct. I find no case to answer.

5.68 I am not aware of what the 'proof of security letter' is within the context of the fraud trial, if indeed it was part of the trial. Ms Badzak alleged that DC Galvin told the court that it didn't exist. It would be likely that any relevant evidence would have been submitted by Ms Badzak's defence team and that if there was an issue with any evidence it would have been raised during the trial. In any case, within the judges summing up of Ms Badzak's trial, there is no mention of any irregularity of DC Galvin's evidence and more specifically in relation to a security clearance letter. There is no case to answer.



5.69 DS Page conducted an investigation into harassment by Ms Badzak as reported on Cris 65279312/14. This report detailed his investigation and his case submission to CPS for charging advice. Ms Badzak was charged and the case is due at court for trial later this year. Ms Badzak alleged that DS Page persistently harassed her. I cannot find any evidence to support this. DS Page was conducting an investigation and had to follow lines of enquiry and gather evidence. This would mean that he had to interview Ms Badzak and then follow up any other enquiries that may have come out the interviews or from other sources. There is no evidence of misconduct. I therefore find no case to answer against DS Page. With regard to the illegal arrest, illegal charges and failure to provide disclosure this will form part of her case at the trial. I cannot at this stage comment on the allegations that she has made.

5.70 DI Andrew Fleming retired from the MPS in 2013. Mr Fleming is no longer a police officer. However it is accepted that he did view Ms Badzak's LinkedIn profile on the 25th December 2014. Any person is able to view other profiles on LinkedIn because that is what LinkedIn is all about. I cannot see how this is persistent harassment by him on Ms Badzak. Retired officers are not subject to Police Regulations. There is no evidence of a criminal offence. Therefore no further action will be taken by the MPS.

5.71 Ms Badzak alleges a meeting between Andrew Fleming with a MEP (not known who) prior to latest harassment by Gerard Batten MEP and DS Christopher Page. I have no other information in relation to this. I can only surmise that this is in relation to an entry that Andrew Fleming has put on his LinkedIn profile in that he had lunch with a MEP (unnamed). Andrew Fleming is no longer a serving officer and therefore is not subject to Police Regulations. There is no evidence of a criminal offence. Therefore no further action will be taken by the MPS.

5.72 Ms Badzak alleged that Inspector Etheridge lied about the whereabouts of PS Wray and that PS Wray has all this time been, and is, a serving police officer. PS Wray took a career break from the MPS in June 2013. He resigned from the MPS in January 2015. Between these times he was not an operational officer and was not 'serving' the MPS. He did not attend work. Inspector Etheridge liaised with Ms Badzak at the beginning of 2014. PS Wray was still on a career break at this time. Inspector Etheridge was truthful in his response to Ms Badzak. Inspector Etheridge has since retired from the MPS.

5.73 In respect of DS Gordon McKay, an original allegation was made by Ms Louise Mensch, in respect of the issuing of the harassment order by him to Ms Badzak. As there was no written consent from Ms Badzak the complaint was shown as complete. The Cris report for the harassment was updated by DS McKay. He was followed up an allegation made to him and has issued a 1st instance harassment notice to Ms Badzak which has been followed up by a F9993 which was sent to her. There has been no harassment by DS McKay, as a police officer part of his role is to investigate criminal allegations. This he did. The notice of harassment was not an illegal notice. DS McKay was not initially investigated as the original complaint was made by a 3rd party. Written consent was needed from Ms Badzak which was not forthcoming. I find no case to answer.

5.74 Ms Badzak cites one of her complaints as failure to investigate, search premises, and arrest Gerrard Batten, Carol Batten and Annabelle Fuller. I am unsure as to what this is in relation to and without further information and evidence from Ms Badzak, I cannot progress this aspect of her complaint. I do not know the identity of the officers Ms Badzak is complaining about.

5.75 No officers have been arrested in this investigation as there is no evidence to suggest that they have committed any criminal offences. If further evidence comes to light in respect of any officer who may have committed an offence then this matter will re-assessed.

#### 6. Unsatisfactory Performance Procedures

The Police Reform and Social Responsibility Act 2011 requires me to consider if the findings of any case relating to a public complaint warrants referring an officer to our Unsatisfactory Performance Process (UPP). Having reached the conclusion that I have, do not consider that UPP is appropriate in respect of any of the officer named in this report.

#### 7. Recommendations

None

#### 8. Organisational Learning

None