

## PRESS RELEASE

15 November 2023

### **High Court quashes IOPC decision that police officer who failed to execute arrest warrant prior to death of Wafah Chkaifi has no case to answer for misconduct**

Ms Wafah Yasmin Chkaifi was a 44 year old woman who was killed by her former partner Mr Leon McCaskie in West London on 24 January 2022. Ms Chkaifi had been in a relationship with McCaskie between 2015 and 2019 during which she had suffered serious domestic violence and coercive control. Following the end of their relationship McCaskie had been stalking Ms Chkaifi and in January 2021 she reported him to the police, stating that he was stalking her, that she felt that he was going to kill her and that his behaviour was escalating. In April 2021 the magistrates court imposed a stalking protection order upon McCaskie preventing him from contacting Ms Chkaifi or her family.

On 29 July 2021 McCaskie breached the stalking protection order and McCaskie was arrested. Training Detective Constable Marsh was tasked with policing the breach of the order. Despite delays, in late 2021 McCaskie was charged with a breach of the stalking protection order and summonsed to attend court on 4 January 2022. McCaskie failed to attend court and a warrant was circulated for his arrest. T/DC Marsh failed to execute the arrest warrant. On 24 January 2022 McCaskie approached Ms Chkaifi in the street and killed her.

Following Ms Chkaifi's death, the IOPC conducted an independent investigation into the circumstances of her death. The IOPC found that there were failings in how T/DC Marsh had managed the case, including how he had assessed the risk to Ms Chkaifi and his failure to execute the arrest warrant. However, it concluded that the failings were not sufficiently serious to justify misconduct proceedings and instead the case should be dealt with by way of "reflective practice".

In May 2023 Ms Chkaifi's family members sent a pre-action protocol letter before claim alleging that the conclusion was unlawful, primarily because it failed to have regard to the gravity of the failure to protect a victim of domestic violence as made clear by the most recent College of Policing [guidance](#), but also that the IOPC had otherwise misapplied the law, reached irrational findings and failed to discharge the requirements of the public sector equality duty. Following the issues raised by the family's lawyers, the IOPC conceded that the original decision was unlawful. By order dated 10 November 2023 the High Court has quashed the first decision of the IOPC and ordered that a new decision should now be made by a fresh decision maker with no involvement in the previous decision.

The Order of the High Court together with a Statement of Reasons can be seen [here](#).

**Lamia El-Faddi, Wafah's cousin said:** *"I was shocked by the first decision of the IOPC. Detective Marsh failed to do his job to protect my cousin and she was killed, but the IOPC did not think that was serious enough to amount to misconduct. Are women's lives not valuable? It was important for us to take a stand and I am very pleased that the High Court has struck down the first IOPC decision. I can only hope that the IOPC will now find that Officer Marsh has a case to answer for misconduct so that he can be held accountable for the failings that led to my beloved cousin's death".*

## Sophie Naftalin, solicitor for Ms Chkaifi's family said:

*“This case is yet another example of how the Metropolitan Police is failing to protect victims of violence against women and girls, and how the IOPC do not take those failings seriously. This reflects the institutional misogyny within the Met as found by Baroness Casey in her review, and sends entirely the wrong message to the both the individual officer and the public at large. We welcome the Order of the High Court quashing the original decision. We now invite the new IOPC decision maker to properly examine the evidence in this case and to make a finding of a case to answer for misconduct so that T/DC Marsh can be held individually accountable for his failure to protect Ms Chkaifi leading to her death”.*

## NOTES TO EDITORS

- Stalking is a gendered crime with 1 in 5 women and 1 in 10 men experiencing stalking throughout their lifetime.<sup>1</sup> The Home Office Stalking Protection Order [Statutory Guidance](#) recognises that a delay in arresting respondents who breach Stalking Protection Orders could increase the risk to a victim as it may be “perceived by the stalker as a challenge to their control over the victim”.
- In 2014 the [HMIC](#) identified critical failures in the police response to domestic abuse. Subsequently multiple HMICFRS reports (PEEL 2017, 18/19 and 21/22) have also highlighted shortcomings in the police response to domestic abuse.
- In 2017 CPS and police [joint inspectorate report](#) on stalking and harassment identified serious failures in the policing and prosecution of stalking.
- In 2021 the Government published its strategy for ["Tackling Violence Against Women and Girls"](#). Its key commitment was improving the response by the police to gender based violence. The strategy identifies the link between stalking and domestic homicide and specifically addresses the need to improve the management of stalking protection orders in order to protect women.
- In 2022 the Suzy Lamplugh Trust filed a [super complaint](#) identifying systemic failings in how stalking is policed, including in relation to the use of stalking protection orders.
- In March 2023 the [Casey Review](#) concluded that the Metropolitan Police Service is “institutionally misogynistic”. The report highlighted that the police disciplinary process is not delivering including identified a trend of serious failings being dealt with inappropriately through ‘learning initiatives’ where misconduct proceedings would be more appropriate.

**Lamia El-Faddi, Ms Chkaifi's cousin** is represented by **Sophie Naftalin** of Bhatt Murphy and Raj Desai of Matrix Chambers. Please email [s.naftalin@bhattmurphy.co.uk](mailto:s.naftalin@bhattmurphy.co.uk) for comment.

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<sup>11</sup> University of Gloucestershire Homicide Research Group, *Exploring the Relationship between Stalking and Homicide*. April 2017, p3 (accessed online [here](#)).