

**RASSO RAODSHOW**

**CASE STUDY**

**R v Daniel Davies**

1. [a] The complainant is Amy, aged 15 at all times. She has a learning disability.  
 [b] Her younger sister is Becky, aged 13 at all times. She has ADHD and can be difficult to manage as a result.  
 [c] They live with their mother, Carol.
  
2. [a] The suspect is Daniel Davies, aged 42 at all times.  
 [b] Mr Davies is Amy's PE teacher.  
 [c] He is married to Emily who is 15 years younger than him. She was a former pupil whom he married when she was aged 17.  
 [d] He has no previous convictions.
  
3. [a] On 2 December 2016, Amy disclosed to her mother that she had been sexually assaulted by the suspect, Mr Davies.  
 [b] That night Amy was quiet and appeared upset and eventually stormed off to her room. Her mother followed her and asked what the matter was. She would not say but burst into tears. Her mother provided encouragement. Amy kept saying: "I can't tell you mummy". Her mother provided more encouragement and Amy eventually said: "It's Mr Davies at school". Carol became angry and demanded to know what had happened. At one point she grabbed Amy by the arms and shouted: "You've got to tell me". Eventually, Amy said that Mr Davies had touched her "Mary", her word for her vagina. She went on to say he had inserted his finger into her vagina. She said nothing else had happened.  
 [c] Amy said it happened in the first week of May 2016. She was absolutely positive about this as she had been to her friend Fred's birthday party on the Tuesday and it happened a day or two after that.  
 [d] Amy said it had happened in the gymnasium at lunchtime.  
 [e] Carol cuddled Amy and provided reassurance. She then called the police.
  
4. [a] On the 3 December 2016 Amy was ABE interviewed by PC Gwyn Garside.  
 [b] Before the interview her mother promised Amy that, if she was a good girl and told the police officer everything, she would get Auntie Harriet to look after Becky [Amy's sister] for the day and take Amy to the zoo and then for a pizza.  
 [c] Amy repeated her account in considerable detail in the interview. She was very distressed when recounting it. She kept being reassured by PC Garside.

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[d] One detail she was able to provide was that Mr Davies had a tattoo of a swallow on the lower left side of his abdomen. She said she was able to see this when his sports top rode up when he was rubbing his own body during the assault.

[e] This prompted the following exchange:

PC G Amy, did you see other part of Mr Davies body? Amy did not reply.

Amy did you see Mr Davies' willy [Amy's word for a penis]? Amy looked upset but did not reply.

Amy, did you touch Mr Davies' body?

Amy [In flood of tears] Yes, he took his shorts down and made me touch his willy.

[f] Amy went on to give another detailed account of this event. When asked why she did not tell her mother about it she said she was scared as Mr Davies told her would get expelled if she told anyone about what had happened.

5. [a] PC Garside contacted Fred's mother. She told the officer that Fred's birthday was, in fact, in the second week of May and not the first and was on the Thursday of that week, not the Tuesday as Amy said.

[b] PC Garside also checked the school records and discovered Mr Davies was on an Outward Bounds activity course in the Peak District for both the first and second weeks of May 2016.

6. [a] On 4 December 2016 PC Garside went to the school to arrest Mr Davies. After caution he replied: "Is this a joke?"

[b] In interview Mr Davies vehemently denied any sexual misconduct.

[c] He was asked to show the officers his tattoo. It was precisely where and what Amy said it was. When asked how Amy would know that, he said he had "I have no idea, perhaps a good guess".

[d] He was asked about his wife, Emily. He conceded that they started to see each other when she was still a pupil, aged 15, but he certainly did not have any sexual contact with her until she had left school at the age of 16. He got flustered and said: "ok, I accept I used to like younger girls when I was in my 20's, so do lots of men, but Emily and I have a great sex life and I don't need to touch up another student to get my kicks".

[e] He pointed out he had continued to teach Amy PE twice a week since her allegation and she showed no signs of being afraid of him. To the contrary, she liked climbing the rope in the gym and he had showed her how to do it and helped her on many occasions.

[f] He ended the interview by saying: "Go take a look at the gym, do think I would take the risk in there?"

7. [a] PC Garside went to the gym at lunchtime.

[b] One on side there was a large window looking at onto the playground which was packed with children.

- [c] On the other side, adjacent to the corridor, there were two adjacent windows through which people passing in the corridor could easily see into most of the gym. Lots of people were passing in the corridor. On two separate occasions whilst PC Garside was there a student even came inside to collect a football from the gym store cupboard.
- [d] All windows had blinds which could be pulled down easily.
- [e] There was no lock on the door.
8. [a] On 8 December 2016 PC Garside contacted Amy's mother, Carol, to
- arrange a second ABE with Amy to ask her about the layout of the gym; and
  - take a statement from Carol.
- [b] Carol was furious as she would have to make arrangements for someone to look after Becky. She said to the officer: "Do you realise how difficult that is? I'm the only one who can deal with her and even I find it very demanding. What is this all about? Is it necessary?"
- [c] Against her better judgment but to ensure co-operation, PC Garside told Carol that she was just a little concerned why an act of indecency in the gym at lunchtime would not have been seen by people in the corridor or in the playground. She said: "It's a massively risky think for him to do Carol, I need to ask Amy about it".
- [d] That night, because Amy was upset at the prospect, Carol told Amy why she was being re-interviewed. She also promised to take her to the cinema afterwards.
9. [a] The second interview took place on 9 December 2016.
- [b] When asked about the windows, Amy said Mr Davies had pulled down the blinds before he assaulted her. She said she found the event so distressing that she had forgotten this detail.
- [c] When asked about the door, Amy said Mr Davies had locked it. When PC Garside pointed out there was no lock, Amy burst into tears and there had to be break in the interview.
- [d] When it resumed, Amy said that the assault she had described had actually taken place in the store cupboard off the gym, where the footballs and other equipment were kept. When asked why she had not said this before, Amy burst into tears again. She said Mr Davies had touched her vagina about 10 times in the cupboard but never in the gym. It brought back such horrible memories that she could not begin to think about what happened in the store cupboard. That is why she transposed the event as happening in the gym itself.
10. [a] Amy's mum, Carol, gave a statement to the police on the same day.
- [b] Carol said that on 2 December 2016, the day of Amy's disclosure, Becky had been particularly difficult and this had occupied all of her attention. Therefore, when Amy had stormed off to her room, she did initially think it was because she was attention seeking. However, Carol was adamant Amy was telling the truth because of the way it came out. She said to the officer: "I know my daughter. Something must have really upset her. Besides, how

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would she know where his tattoo was? You only need consider his child bride. It makes me shudder, the filthy paedo”.

11. [a] On 11 December 2016, PC Garside took a statement from Emily, the suspect's wife.  
[b] She confirmed they had not had sex until she was 16. She also said that in recent years her husband seemed to have lost his libido, so much so that they had not even had sex for about two years.
  
12. [a] On 15 December 2016 the suspect's solicitor sent a dossier of material to the police.  
[b] The covering letter pointed out that Mr Davies had been taking teenage children on Outward Bounds activities for nearly 20 years and no one had ever made a complaint against him. This was supported by a dozen statements from parents whose children had attended such activities on a repeat basis, all saying that they had no concerns whatsoever about Mr Davies.  
[c] The dossier included statements from three of Amy's classmates. They all said that Amy had acted perfectly normally in the company of Mr Davies over the past year. Indeed, she had always enjoyed rope climbing with him in PE. One said she was so keen that she would always rush into the store cupboard at the start of the PE lesson to fetch the rope climbing gloves so that she was ready and waiting when Mr Davies arrived. Mr Davies always arrived a little late to PE lessons as he had to lock his office next door to the gym.  
[d] The dossier also includes an entry from the school's incident book showing that Mr Davies had had to report Amy to the Headmaster on 30 November 2016 for unruly behaviour he had seen in the playground. The entry showed Amy had called Mr Davies a "grass" and spat at him.
  
13. [a] PC Garside researched Amy's social services records and spoke to her social worker.  
[b] Some entries suggested she was prone to attention seeking which manifested itself in sudden outbursts of her demanding attention after periods of low mood.  
[c] About two years earlier Dr Ian Ings, a respected clinical psychologist, had performed the Gudjonsson Suggestibility Test on Amy. Dr Ings found her to be highly suggestible. His report commented: "If one has any hope to getting reliable information from Amy then it is necessary to avoid leading questions at all costs".