

11 June 2020



Elliot Colburn MP
House of Commons
London
SW1A 0AA

Dear Mr Colburn

Thank you for your letter of 2 June. The sad death of Mrs Belly Mujinga from Coronavirus was a shock to many people. Whilst investigating whether a crime has been committed is our key objective, British Transport Police (BTP) also has a responsibility to professionally and sensitively support Mrs Mujinga's husband, family and friends as they adjust to life without her.

We understand the depth of feeling there is in relation to this case and that there are questions as to how we have reached our determination that there is insufficient proof of a crime to justify prosecuting anyone. I can assure you that we have comprehensively reviewed all the available evidence and have not identified any offences or behaviour that meets the threshold for prosecution. I recognise that it may be difficult for some people to understand why we have reached this conclusion and I would therefore like to set out the timeline and key aspects of the case, as well as the factors that informed our conclusion.

On Saturday 21 March it is alleged that Mrs Mujinga and two of her co-workers were working on the concourse of Victoria Station when they were involved in a fleeting disagreement with a customer who it is alleged coughed and spat at them.

Over the next few weeks concerns began to emerge within the workplace. These culminated in the Transport and Salaried Staffs Association (TSSA), Mrs Mujinga's union, raising these concerns with her employer Govia Thameslink Railways on or around 19 April. The TSSA also raised concerns with the Office of Rail and Road at this time.

On 2 April Mrs Mujinga was admitted to hospital where she sadly died a few days later on 5 April.

Details of the incident of 21 March were reported to British Transport Police on 11 May. Recognising the significance of the case, BTP commissioned its Major Serious and Organised Crime team (MSOC) to undertake an investigation and gather evidence of the incident.

British Transport Police

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Perhaps unusually, given the passage of time between the incident and a report to BTP, the CCTV was still retrievable. Following review of footage, and extensive enquiries, the detectives identified a man they believed could provide information to help them understand more of the circumstances of the encounter with Mrs Mujinga and her colleagues. On 17 May this man was interviewed by detectives under caution having voluntarily attended a BTP police station. The man answered all questions put to him in the interview.

Following a review of all the information available, including CCTV images, witness statements and explanations given in interviews, senior detectives concluded that there was insufficient evidence to substantiate that any criminal offences had taken place and that the death of Mrs Mujinga did not occur as a consequence of that incident.

BTP considered a range of potential criminal offences that might have been committed. Where there is evidence of someone deliberately spitting at another person this might constitute Common Assault or a Public Order offence. In order to consider whether any actions contributed to Mrs Mujinga contracting Coronavirus and her subsequent tragic passing, it would be necessary to first have evidence of spitting or another action that might lead to infection, and therefore have a direct causal link.

Having thoroughly reviewed all statements from key witnesses including co-workers and closely reviewing the CCTV footage, the investigating officers concluded there was insufficient evidence to support a prosecution based upon the allegation that the man spat deliberately on Mrs Mujinga or said that he had the virus. It was therefore determined that there was insufficient evidence to pursue charges of Common Assault or a Public Order Act offence. Without those precursor elements there is insufficient evidence to link the alleged actions with Mrs Mujinga contracting Coronavirus.

Where the police do not think there is sufficient evidence to support a prosecution, the initial threshold is not met and a referral to the Crown Prosecution Service (CPS) is not made.

Nonetheless, in recognition of the wider public interest in the circumstances of this case, I have invited independent review by the CPS of the available evidence, and whether there are any further lines of enquiry and opinion in relation to BTP's position on the prospect of meeting the general principle of a successful prosecution.

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BTP has received a number of requests for information regarding this investigation from a range of people. We are in the process of replying to them, but to achieve wider public transparency, a link will be added to our website that will provide a similar summary of the timeline and our rationale.

We have kept Mrs Mujinga's husband involved in our deliberations and have shared the information we have to help the family understand our rationale for the conclusion we reached. Our family liaison officers continue to support the family as they grieve the loss of an adored mother and wife.

I hope this helps contextualise BTP's approach to investigating these allegations of a criminal incident, the evidence available to support further judicial proceedings in respect to those allegations and our on-going compassion for those who knew and loved Mrs Mujinga.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Paul Crowther'.

Paul Crowther CBE
Chief Constable