

WITNESS: DAMIAN OWEN

STATEMENT NUMBER: WITN0152_01

EXHIBITS: 0

DATED: Jan 13, 2022

POST OFFICE HORIZON IT INQUIRY

FIRST WRITTEN STATEMENT OF MR DAMIAN OWEN

THIS STATEMENT IS PROVIDED IN RESPONSE TO THE RULE 9 REQUEST OF THE PUBLIC INQUIRY DATED 29/10/2021 TO ADDRESS THE HUMAN IMPACT OF THE FAILINGS OF THE HORIZON IT SYSTEM

I, MR DAMIAN OWEN Date of Birth of

will say as follows:-

PERSONAL BACKGROUND

1. I was born in Wrexham and grew up in Anglesey. I am now divorced but met my ex-wife in 2002 and we married in 2010. I have two children from this marriage – aged 10 and aged 7. I now have a new partner who has her own children from a previous relationship.

POST OFFICE HISTORY

2. I started my working life working for my Dad, who had a shop which was connected to a Post Office that he and my mother also ran.

3. I wanted to gain more independence however and therefore I left to run a community centre from 2008-2012. This was an unpaid position, but the role covered my accommodation, council tax and utility bills. I also had an assistant manager's role at the local pub which provided an income. I was working hard and long hours but able to fully support myself financially.
4. I lived with my girlfriend at the time who later became my wife in December 2010 and we had our first child, [GRO], in February 2011. Everything was working out well and I was enjoying my life.
5. I was appointed as Branch Manager of the Glanadda Post Office by [GRO] [GRO] who was the Sub-Postmaster at that branch.
6. [GRO] was an old family friend who used to work for my dad. Our families knew each other well at that time and he knew I had worked in my dad's post office before and had some experience in the role. He told me about his branch manager leaving and asked if I wanted the position. I said I would think about it and later accepted the role. I was of course completely unaware at this stage of the resulting impact this would go on to have on my life and that of my family.

CRIMINAL ALLEGATIONS AND ANY PROCEEDINGS/CONVICTION

7. The accusations from the Post Office arose following an audit in August 2010. I was interviewed under caution by the police and then subsequently charged with the offence of theft.
8. I was then convicted of theft and sentenced to eight months imprisonment. I served three months before being released with an electronic tag.

THE HUMAN IMPACT

9. The human impact which the failings of the Horizon IT System have had and continue to have upon me and my family are set out in the remainder of this statement. The section headings follow the particular questions posed by the Inquiry.

WHAT WERE THE CONSEQUENCES OF BEING REQUIRED TO MAKE GOOD APPARENT SHORTFALLS SHOWN BY THE HORIZON IT SYSTEM?

10. I underwent an audit by the Post Office in August 2010. I did not know anything was wrong at this point. The Auditor found a shortage of £24,867.99. I was shocked as I thought everything was fine. I tried to contact the Sub-Postmaster but I couldn't as he was facing a separate police investigation for an unrelated matter and was not contactable.
11. I did not have to make any financial shortfall payments to the Post Office. Having the alleged shortfall of nearly £25,000.00 hanging over me was however very frightening and I was not sure if I was going to be made to pay this sum.
12. In court I asked my barrister whether I would be made to pay the shortfall, but the Post Office advised they were not looking for repayment of the money under the Proceeds of Crime Act. This was bizarre to me, but at the same time told me everything I needed to know. I couldn't understand why you would not ask for repayment if you were sure someone had committed theft against you.

WHAT WERE THE COSTS OF MAKING GOOD ALLEGED SHORTFALLS SHOWN BY HORIZON?

13. As I did not make up the shortfalls initially, I did not suffer any costs.

HOW WERE YOU AFFECTED WHEN ALLEGED TO BE RESPONSIBLE FOR SHORTFALLS OR DISCREPANCIES SHOWN BY THE HORIZON IT SYSTEM?

14. It was an absolute nightmare. I counted the money in and out. I knew that the shortfall they were alleging could not exist and the size of the shortfall was also not possible. All paper records were maintained by the Post Office and therefore I could not access them to try and show I was innocent. This was very frustrating and made me very angry.

15. The investigation was horrible. I felt like my private life was being invaded. Before the interview, my home was searched, and my mother, who is a Sub-postmistress, had her home searched too. This was embarrassing.

16. My bank accounts were also examined which was very degrading.

17. This was when my mental health started to be impacted and as a result of which my personal relationships were beginning to be strained.

WHAT WERE THE CONSEQUENCES OF BEING HELD RESPONSIBLE FOR SHORTFALLS AND DISCREPANCIES SHOWN BY THE HORIZON IT SYSTEM?

18. After the audit, the keys were taken off me, and the alarm codes were changed. I no longer had access to the branch at all, which was very frustrating.

19. I was interviewed under caution at the Police Station in September 2011 for a very long time. I felt as though the interviewers thought I had taken the

money. I found the interview stressful and it seemed like they were trying to trip me up and get me to incriminate myself. The Police suggested to me that there were no charges to answer, however the investigators conducting the interview were from the Post Office and not police officers.

20. I studied accountancy and I know a lot of respected accountants. A forensic accountant, who is very respected in his field and a family friend, wrote to the Post Office and my solicitors offering to conduct a forensic review of the accounts. He had read about the emerging problems with the Horizon system in the Computers Weekly magazine. The Post Office refused this and would not allow any access to the paper transaction records.

21. My branch was closed, and a temporary Sub-Postmaster was appointed. My livelihood was taken away and my income removed.

WHAT WERE YOUR FINANCIAL LOSSES CAUSED BY ACTION TAKEN AGAINST YOU IN RELIANCE UPON HORIZON DATA?

22. I suffered a loss of income as soon as the keys were taken away from me.

WHAT EFFECT DID IT HAVE TO BE ACCUSED OF COMMITTING CRIMINAL OFFENCES AS A RESULT OF SHORTFALLS AND DISCREPANCIES SHOWN BY THE HORIZON IT SYSTEM?

23. The only investigations the Post Office carried out were surrounding whether there was criminal activity on my part. It was horrible because no one investigated the real cause of the shortfall, despite everything being fine the week before. My anger and frustration were building and my mental health was worsening.

24. It was awful. I went to court and when I was questioned, I felt intimidated. It was a very difficult position to be in. My Post Office branch was in a small town so people started talking about me.
25. I attended Caernarfon Magistrates Court approximately four times. This was because the Post Office did not turn up and it kept getting adjourned again and again. When they did arrive, my solicitor asked them for papers to help our case. We did not receive these until we were at the Crown Court. The case was moved to the Crown Court because of the allegation of fraud. I had a three-day trial.
26. What made this worse was that the case was moved to Mold Crown Court instead of Caernarfon and therefore it was a motorway trip of over an hour each way on each day of the hearing. My father insisted on attending with me each day and this was a long round trip for him each day also.
27. I was staying at my father's house during the trial. As my father's house is connected to the family newsagents, I saw the local paper before setting off to court on day two of the trial. I was on the front page. I believe the information was leaked to the press. The reporter was there at the court when I arrived and was taking pictures. I took the stand that day and was questioned; I felt intimidated in there and as I was not great mentally at the time - it was a very difficult position to be in.

WHAT WERE THE CONSEQUENCES OF BEING CONVICTED OF A CRIMINAL OFFENCE AS A RESULT OF SHORTFALLS AND DISCREPANCIES SHOWN BY THE HORIZON IT SYSTEM?

28. I was convicted of theft and sentenced to eight months in prison. I served three months at HMP Liverpool and was released on an electronic tag.
29. I understand the Post Office prosecutors pushed for my imprisonment to start before Christmas and my imprisonment started on 23/12/2021. I therefore spent Christmas in prison. I missed my first child's first birthday and first Christmas. That was the hardest part.
30. I tried to keep myself to myself in prison. I lost around 4 stone in weight during my time in prison. I also witnessed a number of violent incidents between inmates which worried me.
31. When I was released from prison I worked with my dad in his shop, but I struggled with my mental health and was drinking too much.
32. My eventual goal had been to take over the role of Sub-Postmaster, which I could not do as a result of my conviction. I was also not able to stay on living at the local community centre as I wished following my release from prison and it was difficult to get on my feet with buying a property. I was not able to buy a house for myself and become financially stable.
33. I lived with my parents and worked in the family shop. This was a very difficult time for me, I was subject to hostility from the local village community and I drank alcohol heavily over the following years.
34. Following the work in the family shop I obtained a job looking after children with special needs for three years. I then subsequently moved to new accommodation near Stafford and worked for an internet service provider. I

was however working irregular shift patterns and earning less than half of what I would have been earning with the Post Office.

35. I had time off this role for urgent knee surgery and subsequently contracted GRO and had a protracted stay in hospital. I was then made redundant and I am currently unemployed.

36. The whole situation with the Post Office has had a significant impact on my well-being, my self-confidence and self-esteem and has caused me significant hurt.

37. Mental health wise, I had been at the same doctors since I was little, and when I went after being released, the doctor said I was struggling and wanted to give me medication; I did not agree to this and just carried on. It was not until I went back about something completely different when we discussed how I was coping, and he referred me for counselling and put me on anti-depressants.

38. I have been assessed by a Consultant Psychiatrist for the purposes of my legal action against the Post Office and have been diagnosed as suffering from a major depressive disorder.

WHAT EFFECT DID THESE ISSUES HAVE UPON YOUR RELATIONSHIPS WITH YOUR FAMILY, FRIENDS, COLLEAGUES AND LOCAL COMMUNITY?

39. My conviction and imprisonment put a considerable strain on my marriage which ultimately broke down and ended. This was extremely upsetting at the time as we had been together since 2002 and have two children together.

40. My conviction was also the end of my relationship with my brother. We did previously have a good relationship and have for example played rugby on

the same team in the past. However, the conviction brought up various insecurities and jealousies in our relationship that my brother had towards me. This reached the point where I now do not see or speak to my brother at all and our relationship is now beyond repair.

41. Prior to my conviction I was also a very social person and from my time working at the pub I was involved in lots of social activities such as pool and darts. Following my conviction I have lost touch with lots of friends but also feel that I am now less inclined to socialise and stay at home a lot more now than I ever used to.

42. I became the subject of local gossip in my local community as a result of my court trial and conviction. As explained above, my story made the front page of the Daily Post during my trial. I felt like everyone was talking about me and judging me.

43. I do not think the stigma from my court case and conviction will ever go away in the local area.

PLEASE DESCRIBE THE DIRECT AND INDIRECT EFFECT WHICH THESE ISSUES HAD UPON THE MEMBERS OF YOUR FAMILY?

44. Whilst a large burden has been lifted following the quashing of my conviction, I still feel angry about the Post Office and how it has affected me and my family. My parents had to tolerate numerous hurtful comments from the local community and it angers me that they were treated that way for so many years.

45. As detailed above, my marriage broke down following my conviction and I am concerned of the effect my wrongful conviction may have on my children. It

causes me concern as to how to explain the events of my wrongful conviction to my children and what impact it may have on their own futures. My daughter is now at an age where she can do internet searches and I am worried about what she may read about me and what she may think about my prison time without knowing the full story.

46. As a result of my conviction my ex-wife moved to the Midlands with the children and my daughter [GRO] had to move from a Welsh speaking school to an English school which was very challenging at the time and almost like starting school again for her. Following the breakdown of my marriage, I now only see my children on weekends.

47. As a result of my relationship breakdown with my brother, my children have grown up not knowing I had a brother and were shocked when they recently inadvertently learned they had an uncle and cousins. This is upsetting as this whole saga has taken away these relationships they would have otherwise have had.

48. As detailed above, my financial circumstances were drastically changed as a result of my dismissal from the Post Office and resulting conviction. This has meant that I have not been able to financially support my children as much as before.

CONCLUDING REMARKS

49. The whole situation with the Post Office has had a significant impact on my well-being, my self-confidence and self-esteem and has caused me and my family considerable hurt. I have suffered over the last 13 years and I do not feel that I started returning to the 'normal me' until around the last 1-2 years.

50. I remain angry about the way I was treated by the Post Office and hope that those responsible at the Post Office will be brought to justice. I do not think I will ever get closure until the individuals responsible at the Post Office are brought to account.

Statement Of Truth

I believe that the facts stated in this witness statement are true.

Signed:

GRO

Damian Owen (Jan 13, 2022 16:58 GMT)

Position Or

Office Held:

Print Full

Date of signature: Jan 13, 2022

Name: DAMIAN OWEN

FILE REFERENCE:

GRO

