

**INVESTIGATION INTO INSTITUTIONAL RESPONSES TO ALLEGATIONS
OF CHILD SEXUAL ABUSE INVOLVING THE LATE LORD JANNER OF
BRAUNSTONE QC**

**CHIEF CONSTABLE OF LEICESTERSHIRE'S SUBMISSIONS FOR
THE PRELIMINARY HEARING DATED 20.02.20**

Introduction

1. The Chief Constable of Leicestershire Police ('the Chief Constable'), serves these submissions in response to the submissions served by Counsel to the Inquiry ('CTI') dated 17th January 2020.
2. Whether or not the hearings proceed in this investigation, the Chief Constable would like to offer his sincere apology on behalf of Leicestershire Police for any case where the actions or inactions of police officers or staff, or the way in which allegations were handled, in any way exacerbated or prolonged the pain suffered by any complainant. He recognises how crucial it is that complainants should be taken seriously, kept informed and supported and treated with respect by his officers and staff, particularly since so many have been failed by institutions in their past.
3. He further wishes it to be known that Leicestershire Police will have regard to any recommendations made by the Panel, whether in this investigation or others, which will be fed back to those investigating child sexual abuse.

Update on the investigation.

4. The Chief Constable recognises the amount of work undertaken and the volume of material considered by the Inquiry Team. Leicestershire Police have cooperated fully with the Inquiry Team. A large volume of documentary material has been provided to

the Solicitor to the Inquiry ('STI'), which has been followed up by statements setting out responses to requests under Rule 9.

Procedural matters.

5. Closed session of the preliminary hearing

- a. If there is to be any analysis of the way in which the anonymity of any of the complainants will impact upon the Inquiry's ability to examine the institutional responses, then it will be necessary to hold part of the preliminary hearing in closed session. It is difficult to see how there can be uninhibited analysis and frank discussion of the issues in an open forum, without identifying the relevant complainant.
- b. Having regard to the principle of open justice, it would plainly be preferable for accredited members of the media to be permitted to attend.
- c. The Chief Constable makes no submission as to whether the existing Restriction Orders will suffice.

The future of the investigation absent recent developments.

6. List of issues to be covered at the public hearings

The Chief Constable notes the observations made by CTI as to the way in which it would have been proposed to conduct the hearings, had the issues around anonymity not arisen. CTI have covered all of the relevant issues and the Chief Constable does not seek to add to them.

7. Approach to findings of fact on the underlying allegations

The Chief Constable accepts the analysis set out in paragraphs 34 to 37 of CTI's submissions and agrees that the approach was followed with success in the Westminster Investigation. Such an approach is applicable to the present investigation.

8. Credibility of witnesses

The Chief Constable notes the approach set out in paragraph 38 of CTI's submissions (with reference to paragraph 37). It is accepted that whilst it would be unfair to adduce evidence about the credibility of complainants for the improper purpose of attacking those complainants in public, the institutional response will depend upon what was known about the complainant at the time – this may include *inter alia* the complainant's mental health history, convictions, general behaviour and allegations against others. In looking at the institutional response, evidence may need to be heard about these matters in order to put the decision-making in its proper context.

9. Procedure for questioning witnesses

The proposals set out in paragraph 39 of CTI's submissions are endorsed by the Chief Constable.

Recusal

10. No submissions are made as to the issue of recusal.

Options available for the future of the investigation

11. The Chief Constable recognises the invidious position in which the Chair and Panel now find themselves, having to determine which of three proposed options to take, none of which is attractive or satisfactory. He understands that the submissions circulated by CTI will come as a devastating disappointment to the complainant Core

Participants, who have proceeded on the assumption that there would be a public hearing of the institutional responses to their allegations.

12. The Chief Constable wishes it to be known that whatever the decision of the Chair and Panel:

- a. He shares the disappointment of the complainants that the hearings are currently unlikely to proceed in their entirety in the public manner that had originally been anticipated by all CPs;
- b. Leicestershire Police will continue to co-operate with and assist the Inquiry in any way it can; and
- c. Leicestershire Police will work with the Inquiry and the County Council to continue to support complainants.

13. As to which of the options should be pursued, the Chief Constable does not make submissions in support of any one of the three. The following brief observations on each option are advanced:

Option 1: Part open, part closed hearings.

- a. The Chief Constable does not dissent from any of the matters set out and analysed in paragraphs 45-52(h) of CTI's submissions. All of the points made are valid, including the public interest points made in paragraphs 51 and 52. Whilst any investigation and conclusions should be as open and transparent as possible, it should be borne in mind that there is ample precedent for holding public inquiries which are held partly in private: *Litvinienko*; *UCPI*; *Anthony Grainger*; *Azelle Rodney*, to name but four.
- b. The fact that not all of the conclusions could be made open does not, in itself, preclude the Inquiry from proceeding in this way. However, if the principal

findings and the rationale for them cannot be made public, this will weigh against this option.

Option 2: Reduced open hearing.

- c. Whilst the Chief Constable does not submit in favour of any one of the 3 options, it is submitted that a reduced open hearing is the least satisfactory, for the reasons enunciated by CTI in paragraphs 54 to 58 of their submissions.

Option 3: Discontinuance

- d. The Operation Enamel investigation culminated in the charging of Lord Janner with 22 separate offences of sexual crimes against 9 different children. Lord Janner died before the trial was able to commence. For the record, it should be noted that none of these 9 complainants was Carl Beech, aka ‘Nick’, who was recently convicted of perverting the course of justice and fraud. Nor does he figure amongst the total of 38 complainants who have alleged sexual abuse. If the hearings in this investigation do not proceed, it should be made clear to the public that this has nothing to do with allegations made by ‘Nick’. Whilst the Metropolitan Police Service passed on an allegation that he had made, this was not pursued by Leicestershire Police.
- e. ‘Option 3: Discontinuance’ would clearly come as a great disappointment to a number of CPs, including the Chief Constable and Operation Enamel officers and staff, who have spent a considerable amount of time investigating the historic allegations and providing evidence to the CPS and Inquiry team.
- f. The Chief Constable does not shy away from the spotlight being shone on previous investigations and the evolution of techniques for investigating child sexual abuse.
- g. However, the rationale for putting forward this option is understood and the submissions set out in favour of it by CTI are respectfully noted.

Timing

14. As was submitted at the last Preliminary Hearing, should the Chair and Panel determine that the hearing will go ahead in October 2020 in some form, there would be no objection to commencing a 3 week hearing on 12th October, following the conclusion of the Jewish Holidays. It is accepted that it could not realistically commence before that date.
15. The Chief Constable and those working on his behalf will continue to assist the Inquiry in its work.

AOB

16. There are no other matters which the Chief Constable seeks to raise.

6th February 2020

SAMANTHA LEEK QC

5 ESSEX COURT

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