

INDEPENDENT INQUIRY CHILD SEXUAL ABUSE

INVESTIGATION INTO INSTITUTIONAL RESPONSES TO ALLEGATIONS OF CHILD SEXUAL ABUSE INVOLVING THE LATE LORD JANNER OF BRAUNSTONE Q.C.

CPS SUBMISSIONS – 7 FEBRUARY 2020

1. The Crown Prosecution Service (CPS), as a Core Participant, is invited to make written submissions in respect of the future of this strand in the light of the issues outlined by CTI, Brian Altman QC in the Note to Core Participants and written Submissions dated 17 January 2020.
2. The CPS recognises that the Inquiry will be weighing up what are complex and, to a degree, competing interests, consistent with its terms of reference and with the wider public interest in its role as a Public Inquiry. We recognise that the decisions are not easy ones to make in all the circumstances.
3. We have carefully considered the submissions made by CTI about the available options for the future of the investigation. The CPS does not advocate for any particular option and will continue to co-operate in any way it can and whatever the decisions arrived at. The CPS has complied with all requests for disclosure to the Inquiry to date and has been doing so since June 2015; this has resulted in thousands of pages of material being disclosed to the Inquiry. We are confident that whatever course is determined, we will be ready to participate in hearings in October 2020.
4. The CPS charging decision following the report of the IOPC Operation Nori was made by 6 January 2020 and the decision passed on to the IICSA on 8 January once it had been possible to inform the suspect of that decision.
5. The submissions herewith are by way of identifying only one matter, particular to the CPS, but which covers a wide area the subject of this strand and relevant to the CPS in particular and to make comment on one topic that has been raised in CTI's Submissions.
 - i. The independent report by Sir Richard Henriques was published on 19 January 2016. It was detailed and wide ranging and he found that the CPS decisions Restriction Order not to prosecute Lord Janner were wrong. He also made specific recommendations in respect of the handing of such cases. The CPS accepted the report, its findings and Sir Richard's recommendations, and published its response setting that position out also in January 2016.

Should the Inquiry wish to take account of the findings of Sir Richard, such a course is provided for specifically in the Inquiry's Terms of Reference¹ and the CPS would be content for the Inquiry to work on the basis of the report and the detail within it, and use as a basis for such future reports that the Inquiry publishes.

ii. Closed sessions/anonymity;

One issue the Inquiry has raised is the question of the possible identification of complainants, whether by 'jigsaw' identification or otherwise. The CPS acknowledges CTI's view that if closed sessions are sought in order to overcome these sensitive issues, then there is at least a danger that the Inquiry could be perceived not to have followed its terms of reference in respect of transparency². Of course the Inquiry must take its own course but we know that it will be well in mind in any event.

6. Should the Inquiry wish for any further assistance in respect of these or other preliminary matters we will seek to assist by way of oral submissions.

Edward Brown QC

7 February 2020

¹ "Consider all the information which is available from the various published and unpublished reviews, court cases, and investigations which have so far concluded";

² "Conduct the work of the Inquiry in transparent a manner as possible, consistent with the effective investigation of the matters falling within the terms of reference, and having regard to all the relevant duties of confidentiality".