

**OPEN summary of CLOSED session
19 October 2020**

Witness 1

The Inquiry received the read evidence of a former Chief Crown Prosecutor who had provided a draft statement to the Inquiry, but died in July 2020. For the reasons given by the Chair in her ruling dated the 5 March 2020,¹ his evidence was read in CLOSED session. The following is a summary of those parts of his evidence that can be stated in OPEN:

The witness summarised his career with the Crown Prosecution Service (CPS) and described his involvement in a Leicestershire Police investigation into historical allegations concerning Lord Janner.

The witness refuted the suggestion that the decision not to charge Lord Janner had been taken at area level and stated that the decision was made by CPS Headquarters in London. He also expressed the opinion that this decision was reasonable on the evidence then available and that no errors were made by the CPS in relation to the investigation.

The witness stated that there was no pressure or influence exerted upon him or, to his knowledge, on any one else involved in the investigation into Lord Janner.

Witness 2

The Inquiry heard evidence from a former officer of the Crown Prosecution Service (CPS). For the same reasons, his evidence was given in CLOSED session. The following is a summary of those parts of his evidence that can be stated in OPEN:

The witness gave a summary of his career and explained his involvement in a Leicestershire Police investigation into historical allegations concerning Lord Janner.

The witness stated that he had worked within the General Casework Division of the CPS. He explained that the General Casework Division was a Division within CPS Headquarters which prosecuted some of the most serious and sensitive cases. The Division also took on difficult and sensitive cases from other CPS areas. He said the Division had around 8-10 lawyers and that his role was to review and provide advice on cases that came into the Division that were allocated to him.

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<https://www.iicsa.org.uk/key-documents/17767/view/2020.03.05-notice-determination-following-preliminary-hearing-20-february-2020.pdf>

The witness described working closely with the Head of Division, who reported to the Director of Casework, who in turn, reported to the Director of Public Prosecutions (DPP).

The witness said that at the time of his involvement with the Leicestershire Investigation, there was a CPS Practice and Procedure Manual that described the procedures to be taken when dealing with 'people of prominence' such as an MP. He acknowledged this guidance included referring cases to CPS Headquarters, "...where suggestions of local influence should be avoided" and / or when they involved "...exceptional difficulty or exceptional public concern".

The witness said that he first became aware of the allegations concerning Lord Janner when the Head of Division discussed them with him and he was asked to review the police file from CPS Leicestershire to ascertain the issues. He said that he had responded in writing to acknowledge receipt of the file.

He confirmed that it was the Division's responsibility to advise the CPS in Leicestershire if further enquiries should be recommended to the police.

He said that the Head of Division had also reviewed the police file. He was referred to a memorandum recording the advice of leading counsel that the file should be forwarded to the DPP, who should make the decision personally. When asked whether the DPP had reviewed the file, he responded that the question of who else had looked at the file had "...always been a bit of a mystery". He said he did not recall preparing a briefing for the DPP and that he would have expected any briefing to have been found on the file. He also acknowledged that it was "...highly unlikely" that the DPP would have considered the case without receiving a briefing.

The witness said that at no stage did he consider that he or anyone else was placed under any undue or inappropriate pressure to take a particular approach or decision in respect of the allegations against Lord Janner.

The witness stated that advice which had been provided by the Division to the local area CPS was "*provisional*". He considered that the area CPS should have referred the matter back to the General Casework Division following further developments, as the final decision should have been taken by that Division. He had no recollection of having any further involvement after the provisional advice had been provided.

Reflecting on the investigation, the witness said that "*mistakes were made*" and that further enquiries should have been carried out. He said he was "...always hoping that we would get sufficient evidence to prosecute Janner. I never shied away from that..."

Witness 3

The Inquiry heard evidence from a former Head of the General Casework Division of the Crown Prosecution Service (CPS) Headquarters. For the same reasons, his evidence was also given in CLOSED session. The following is a summary of those parts of his evidence that can be stated in OPEN:

The witness gave a summary of his career and explained his involvement in a Leicestershire Police investigation into historical allegations concerning Lord Janner.

The witness had limited recollection but explained that in considering cases involving a prominent person, he would “*probably refer it*” to the Head of Casework or whoever he thought was appropriate. He said that it was “*questionable*” whether the DPP had been involved in the case.

The witness was referred to a memorandum in which he had expressed his advice concerning a prosecution of Lord Janner. He stated that the advice had been “*carefully considered*” by both himself and a colleague and that it was “*...provisional, very definitely*” and he was not rubber-stamping anyone else’s decision. He maintained that “*...it was the right decision*”. He did not think he had any further involvement after the provisional decision.

He denied that it was Division’s responsibility to advise the police that further enquiries should be carried out, suggesting that this was a CPS Area responsibility, as they were in close contact with the police. He said that he was not aware of the Division being further involved in the allegations concerning Lord Janner after his memorandum had been sent.

Witness 4

The Inquiry also received read evidence of a former Officer-in-Charge of a Children’s Home in Leicestershire during the 1970s. For the same reasons, her evidence was read in CLOSED session. It is not possible to provide an OPEN summary of her evidence.

Witness 5

The Inquiry also received read evidence from a witness who worked in a Children’s Home in Leicestershire during the 1970s. For the same reasons, his evidence was read in CLOSED session. It is not possible to provide an OPEN summary of his evidence.