

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

Witness 1

Following his evidence in OPEN session, the witness also provided evidence in CLOSED session. The reason for this was as stated by the Chair in her ruling dated the 5 March 2020¹. The following is a summary of those parts of his evidence that can be stated in OPEN:

The witness stated that on 8 March 2000 he interviewed JA-A19 in respect of his allegations against staff at a children's home. He said that at the conclusion of those interviews, JA-A19 stated that he also wanted to speak to police about Lord Janner. Police therefore made arrangements to conduct further interviews with JA-A19 which took place on the 20 March 2000 and contained JA-19's allegations about Lord Janner. He said that he didn't conduct any research into Lord Janner prior to that interview as he "*didn't deem it necessary*". The witness said that the content of this interview was transcribed and discussed with the Senior Investigating Officer.

The witness recalled writing up a handwritten statement (referred to as S4C) based on this interview, but did not recall going back to JA-A19 to get him to sign it. He stated that he was "*fairly confident that a decision was made not to sign that until we had completed the enquiry relating to the details of it*". He stated that the Senior Investigating Officer (SIO) or Deputy SIO would have made that decision. He said that he had kept the SIO 'in the loop' at the weekly or fortnightly briefings, with everyone present.

He said that in late 2001 he had wanted JA-A19 to sign the statement, but by that stage JA-A19 was not returning calls and that was why he was "*quite confident*" that statement S4C was never signed.

The witness referred to further statements from JA-A19, identified as S4A and S4B. He surmised that these statements, although taken after March 2000, had been typed into the HOLMES system first, hence the attribution of reference S4C to the statement concerning Lord Janner. He confirmed that statement S4B had been signed on the 5 January 2001 and said that he was unable to say when, after that date, statement S4C had been typed up, although it was added to the HOLMES database on the 8 November 2001. He disputed that statement S4C had been taken on the 10 April 2000 - as had been suggested to him in his IOPC interviews conducted in July 2017 - pointing out that that wouldn't have been possible, because it referred to activity that was completed after that date by another officer.

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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 said that the unsigned handwritten statement S4C was stored in his desk drawer during the 18-month period after it was taken until it was filed on HOLMES.

The witness confirmed that Lord Janner was entered as a nominal on HOLMES during Operation Magnolia, although he could not say when. He said that the SIO should then have created a policy entry setting out whether Lord Janner was to be investigated or arrested and suggested that the SIO should also have informed the Assistant Chief Constable (Operations), although he was unable to say whether he did so.

Describing the interview with JA-A19 on the 20 March, the witness said that JA-A19 had been vague in comparison with the interview on the 8 March. He stated that the police *"...had to claw at everything. Any little detail we tried to get and he would just become vague...and having said something...then distancing himself from what he'd just said"*.

In relation to the interview on 20 March, the witness said that JA-A19 had not been *"...able to furnish [the police] with the sort of detail that [he] would have expected"* and as a result he felt *"sceptical"* about the allegations. He said that it had been his intention to revisit these issues with JA-A19, stating that he *"...didn't think [JA-A19] told us everything that he should have done or could have done on the first visit"*. When asked, he confirmed that he had never seen JA-A19 again.

The witness acknowledged thinking that it was a possibility that JA-A19 was lying, but said that despite this scepticism he did not dismiss JA-A19's allegations and did not seek to influence any of the other officers or the investigation.

The witness denied comments made by another officer (in a witness statement produced in 2018), that officers in Operation Magnolia had made comments about complainants, such as *'he's just a piss head'* and *'he's in prison so must be a scumbag'*. The witness pointed out that the same officer had also stated that the officers involved in Operation Magnolia were not biased.

The witness also gave evidence about a further complaint against Lord Janner, made by a complainant, JA-A6. He said that he had prepared a witness statement detailing JA-A6's allegations, but like JA-A19, JA-A6 was considered to fall outside of the parameters of Operation Magnolia. He said that as a result, potential actions including an interview with Lord Janner, were 'pending'. He explained this meant that the actions were queued pending an instruction from the SIO or Deputy SIO as to whether the action should be completed or not. The witness stated that at the time he thought it was the right decision not to interview Lord Janner.

The witness confirmed that he had also interviewed a complainant, JA-A25, but said that he did not recall him making any allegations against Lord Janner and was not aware that he may have wanted to do so.

Addressing more generally the issue of complainant credibility, the witness acknowledged that the fact that a person had been spoken to previously by the police and had not made an allegation of abuse “*counted against them*”. He said this was “*the way we operated in those days*”.

He confirmed that he did not disagree with the outcome of the investigation and said that even if the police had not confronted JA-A19 about the discrepancies in his evidence, this would have happened in court had the case been taken that far. He said that he did not think there should have been further enquiries into the allegations against Lord Janner and that his feelings on that had been “*...reinforced*”, having had sight of certain social services records during the hearing.

Witness 2

The Inquiry also received read evidence from a former Detective Constable for Leicestershire Police. 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. He was appointed to Operation Magnolia in February 2000. He explained that he had been tasked with interviewing a complainant, JA-A25, who was in prison at the time.

He stated that on 22 February 2000 he carried out an introductory visit with JA-A25 and conducted tape recorded interviews on 7, 10, 13, 16 and 21 March 2000. During those interviews, JA-A25 made allegations of physical and sexual abuse by staff members in the children’s homes. None of these interviews contained allegations against Lord Janner.

The witness’ evidence was that as a result of those interviews he produced a 35 page written statement which JA-A25 signed on 10 April 2000. He said that he did not recollect JA-A25 ever mentioning any allegations relating to Lord Janner. He stated that had he done so he would have made a note of the fact in his rough book and pocket notebook and mentioned it in either his statement, a report or the results of the relevant actions.

The witness stated that at some point during Operation Magnolia he was in a briefing and Lord Janner was mentioned. He said that the SIO informed those present that the police were going to maintain focus on the set parameters and that they would not be investigating Lord Janner. He confirmed that this decision was stipulated within the same briefing in which Lord Janner’s name had been raised. He added that the decision was followed by an

instruction from the SIO that if any information was forthcoming then it was to be submitted into the HOLMES system and it would be assessed accordingly.

The witness said that he was not aware of any evidence that indicated that the allegations against Lord Janner were individually assessed. He acknowledged that he was unable to state whether there was a separate sensitive policy document created by the SIO for such an occurrence, or if there was any form of assessment conducted, as the documents recovered were incomplete.

The witness also commented on a number of other topics. He stated:

1. Operation Magnolia was a low priority investigation allocated to the least experienced SIO, Deputy SIO and was poorly staffed. The enquiry was classed as a Category C investigation which is the lowest of the three gradings for a major investigation. He said that the SIO was inexperienced and the DI was an Acting DI who had never worked on a HOLMES led Major enquiry before. He stated that he could understand that the team was small in the initial stages but that it had required further staffing when the investigation grew. His evidence was that he did not feel that the enquiry was given the commitment it deserved from the senior management perspective, in particular by the Chief Superintendent and above. He referred to abstractions to other investigations, but said that he could recall that officers were returned to Operation Magnolia at the earliest opportunity and that in the long term, he did not feel that abstractions inordinately affected the effectiveness of the enquiry.
2. In relation to the suggestion that derogatory comments were made about complainants, he stated that he certainly did not feel that way towards the victims and witnesses and did not recall ever hearing anybody else refer to the witnesses as 'druggies' or being 'undeserving of our attention'. He said that he believed that everybody on the investigation worked tirelessly for two years to uncover evidence from hundreds of witnesses and searching thousands of files and were committed to the task.
3. That it was a difficult question, as to whether there was a desire amongst senior officers for the allegations against Lord Janner to go away. He added that it was also impossible for him to answer. He acknowledged that this opinion had been expressed by another officer, the DI, who was in a position of authority and privy to information that he, as a DC, would not be aware of. The witness stated that the police were told to carry out an enquiry and that any information about Lord Janner was to be submitted into the investigation and it would be assessed. He stated that what happened to the information after that submission was for the senior managers to decide i.e. the Deputy SIO, the SIO and the ACC (O).



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4. The SIO required any information about Lord Janner to be submitted into the investigation separately for assessment. He said that he personally would have expected it to have been discussed with other more experienced SIOs and brought to the attention of senior officers of at least Assistant Chief Constable Rank. He said that he was not in a position to say whether any discussions occurred between the SIO and his seniors but that it appeared to him that 'somebody somewhere' made a decision that the information would not be developed.
5. In his opinion, Operation Magnolia did not enable adequate or proper police investigation into allegations of child abuse concerning Lord Janner. He pointed out that information was produced to the enquiry, which it appeared, was not acted upon. He expressed the opinion that witnesses in Operation Magnolia were not considered reliable by the CPS, who did not authorise any charges of sexual assault against any member of staff at Ratcliffe Road or the Holt children's homes. He stated that it was his opinion that the two year investigation had failed to secure a conviction because of the approach of the CPS, which looked more at the unreliability of the witnesses rather than the strength of the evidence. He pointed out that information had been available and that it was for the senior police officers in post, not the CPS, to decide whether an investigation into Lord Janner should have been commenced and yet nothing had materialised.
6. That he did not know what discussions were held and who would have been present, but that he did not believe that the SIO would have sat on the information relating to Lord Janner without discussing it at a higher level with the senior officer overseeing the investigation, i.e. the Assistant Chief Constable (Operations).