

OPEN summary of CLOSED session
22 October 2020

Witness 1

The Inquiry received read evidence of a former Chief Constable of Leicestershire Police. For the reasons given by the Chair in her ruling dated the 5 March 2020,¹ 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 was appointed Chief Constable of Leicestershire Police in October 2002 and held that post until August 2009. He was therefore the Chief Constable at the time of Operation Dauntless (2006-2008)

The witness confirmed that he had a vague recollection of being informed, as a courtesy, of the provision to the CPS of a police file on historic child sexual abuse allegations made against Lord Janner. He did not recall any formal briefing on this matter, or the outcome of the investigation. He said that he did not think that such an investigation would have required extensive resourcing or close attention by the Chief Constable. He stated:

“I would have expected early contact with the CPS who would assist in assessing the evidence in support of any necessary and proportionate investigation. I do believe in such early CPS contact in complex matters, and any allegations involving historic sexual abuse that had previously been investigated would fit into that category. To seek CPS advice would be both sensible and appropriate.”

The witness was shown the statement known as ‘S4C’, which JA-A19 provided to Operation Magnolia when alleging that he had been abused by Lord Janner. The witness said that he had not seen the statement before. He said the following in the context of being asked about Operation Magnolia:

“From my knowledge of HOLMES and such investigations and having read the statement I can confirm that in a ‘live’ investigation I would have expected that the statement would have led to the identification of ‘nominals’ and lines of enquiry. I cannot offer an opinion as to why this was apparently not done.”

The witness said that he had been informed that officers working for Operation Dauntless in 2006/2007 recovered the statement and submitted it to the CPS. He said the following:

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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>



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"I believe that this was sensible and assume that the officers were seeking advice as to the potential for this evidence to corroborate the 2006 allegation.

However I understand that it is the IOPC's belief that the allegations within [S4C] were not investigated nor were the named alleged offender (Lord Janner) or allegedly sexually abused children sought for interview. If true, this is not acceptable. Leicestershire Police had an ongoing responsibility to consider the allegation and to interview the named children. I would say this responsibility was primarily in 2000 during Operation Magnolia but did still exist in 2006/7."

The witness went on to speculate that further investigative steps may not have been taken in 2006/2007 because the focus of that investigation was on the principal allegation, namely that made by JA-A8. However, he stressed that this was *"only speculation"* on his part.

Witness 2

The Inquiry heard evidence from a former Detective Chief Inspector of Leicestershire Police. 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. At the time of Operation Dauntless (2006-2008), he was a Detective Sergeant (DS) within the Major Crime department, at Loughborough Police station. He later went on to become the Deputy Senior Investigating Officer (SIO) of Operation Enamel (2013-2016).

The witness explained that Operation Dauntless concerned allegations made by a complainant, JA-A8, against three individuals, one of whom was Lord Janner. He said that the other individuals, Frank Beck and JA-F1, were dead, although JA-F1's identity had initially been unclear to the investigation team and his death was only discovered part-way through Operation Dauntless in December 2006. He said that, until that stage, the investigation had therefore not only been into Lord Janner but also into JA-F1.

The witness said that he first heard about Operation Dauntless on 27 June 2006 when his Detective Inspector (DI) spoke to him about it. The DI was the Deputy SIO of the Operation. He said that the SIO was a Detective Superintendent (DSupt). He said Operation Dauntless had a small investigation team, which worked well together and that everyone had other major crime investigations they were involved in at the same time.

He said that he believed the investigation was allocated to the major crime division *"...purely because of who the suspected individual was, ie, Lord Janner"*. He confirmed that this did

not strike him as unusual. He stated that a number of the police team who worked on Operation Dauntless had significant experience of investigating child protection and child sexual abuse cases. He stated that although he did not have that experience, he was brought onto the team due to his training as a strategic interview adviser, who could develop and formulate a strategy for obtaining the best evidence from JA-A8.

The witness said that the strategic decisions in the Operation were taken by the SIO and Deputy SIO and that when he joined, the SIO had already set the terms of reference for the Operation. He stated that a number of decisions had also already been made. He said that he did not see the SIO's policy book at the time, which was not unusual, but officers would be verbally briefed about the contents of any policy decision. He recalled such a briefing with regards to the decision to re-interview JA-A8.

The witness explained that the DI had informed him that the investigation was "*sensitive*" and needed to be carried out "*discreetly*". He said this was because the individual involved was a current member of the House of Lords. He said this decision was not unusual and was in fact, "*...normal, proper and professional*". He added that conducting the investigation discreetly "*...meant that all and sundry were not told about it, as otherwise that gives rise to salacious gossip and rumour about this individual, which is unfair*".

The witness described the investigative tasks that had been allocated to him during the Operation. He said these had included reviewing the complaint made by JA-A8 and all associated evidential material, which included any earlier complaints made by JA-A8 about other individuals. He stated that an analyst prepared a timeline of relevant events, that JA-A8's social services records were accessed and reviewed and that JA-A8's former social worker was also contacted and interviewed.

The witness also gave evidence that the investigation team had carried out a review of previous allegations that had been made against Lord Janner. He described some of the difficulties of doing so, including the disorganisation of previous records which he said were a "*complete mess*", and the fact that he did not have time to review everything that existed, as a result of his commitments in other investigations.

The witness explained that he prepared the advice file that was sent to the Crown Prosecution Service (CPS) in April 2007. He said that his covering report summarised the matters investigated in Operation Dauntless and was written in a "*fair and balanced*" way, as he had been taught to do during his training. He accepted that his report had not included references to certain witnesses who had mentioned Lord Janner during previous investigations. He further accepted that, as a result, these witnesses' evidence had not been considered further by Operation Dauntless. He said he was unable to recall why this was and suggested that it may have been because of the instructions from the SIO to focus on the complaint of JA-A8 and then, at the same time, to review the previous allegations. He



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added that he thought that the advice file would have “...*doubled in size and perhaps lost some perspective if those other allegations were included*”.

The witness said that in December 2006, a number of references to Lord Janner were discovered in the files relating to Operation Magnolia. He said that these included JA-A6’s witness statement which alleged that Lord Janner had touched JA-A6’s naked buttocks and JA-A19’s statement in which JA-A19 alleged that Lord Janner had anal sex with him. The witness explained the steps that he took to investigate these matters further, acknowledging that it was “*difficult*”, as not all the information was available and “...*certain things [he] would have expected to have discovered were not discoverable as if, quite simply, the job hadn’t been done properly*”

He explained that he contacted two former officers from Operation Magnolia. He asked them what Operation Magnolia had centred upon, the reasons why Lord Janner had not been interviewed, whether Lord Janner had formed any part of the advice file to the CPS and, if so, what the result of that advice was. The witness referred to comments made by one of those officers that “...*this one will keep coming back to haunt me for the rest of my service*”. He said that whilst he could not say what the officer had meant by the comment, he took the implication to be that “...*because it surrounded Lord Janner, who was a high-profile individual, that he feared that the statement not being dealt with properly would come back to haunt him*”.

The witness explained that as a result of his contact with these officers, he had identified that the statements concerning Lord Janner were never pursued by Leicestershire Police during Operation Magnolia or drawn to the attention of the CPS. He said that he understood from what those officers had said in emails to him, that the decision not to further investigate the statement of JA-A19 was taken by the SIO in Operation Magnolia, in conjunction with the Acting Assistant Chief Constable.

The witness gave evidence about the content of the advice file that he had prepared for the CPS. He explained that this had included the statement of JA-A19, which he described as the “*unrevealed*” statement as it had not been provided to the CPS during Operation Magnolia. It also enclosed other statements from Operation Magnolia, including the one from JA-A6. The witness confirmed that his covering report to the CPS identified certain inconsistencies in JA-A8’s account and had questioned whether those should be considered and advice obtained from a forensic psychologist. He said that a forensic psychologist’s advice was not obtained. He did not know the reasons why. The witness also confirmed that the advice file had referred to medical evidence which did not support the complainant’s account.

The witness acknowledged that his conclusion in the covering report that Leicestershire police failed to investigate an allegation of child sexual abuse against Lord Janner was a “*significant conclusion*”, as was his conclusion that Lord Janner had not been spoken to

about the allegation and that the CPS had not been provided with those statements. He said that he thought that it was “...*wholly wrong that such serious allegations should be made and then not be investigated and ... to receive two emails of other serving officers who say it was not proceeded with because it fell out of the remit of the enquiry felt wrong for me as a serving officer*”.

The officer stated that he had reported these concerns to his DI and his DI had reported these to the DSupt. He said that it was “*inconceivable*” that such a conversation would not have taken place and in any event, these issues were included in the covering report to the advice file that was passed on by the DI to the DSupt, the SIO of the Operation. The witness also recalled attending a meeting with the DSupt, at which both he and the DI had referred to what had been discovered from Operation Magnolia and had made it clear that they considered it to be “*important information*”.

The witness confirmed that he was not asked to conduct further enquiries in relation to JA-A19, such as to try and trace and reinterview him

The witness said that the SIO decided not to arrest Lord Janner or to search his properties. The witness stated that he thought Lord Janner should have been arrested as it would have allowed for further exploratory work to be carried out by Leicestershire Police. He said that he also thought that “*someone who is accused, and accused of serious allegations, in their life should be allowed to account for them. They should be allowed to provide answers to questions and reasonable explanations, and, if necessary, assert their innocence*”. He added that he and the investigation team all felt it was “...*incredible that an individual such as Lord Janner should be treated any differently by not interviewing him, not arresting and searching*” his properties. He stated that the fact that Lord Janner “...*was not allowed the opportunity to dispel those allegations or provide a reasonable account is staggering, bewildering and disappointing*”.

The witness confirmed a view that he had expressed during a meeting with his DI and the SIO, that if the accused had been a “*man on the street*” then the police would have arrested him, searched his home and interviewed him. He added that it was “*unorthodox*” for an officer of his rank to express such strong views towards a senior officer, but he felt he had “...*a duty as a police officer to do [his] job correctly and to try and influence the SIO to gather evidence to either confirm or refute the allegations, to recover evidence, to look at important safeguarding implications...and a whole host of reasons that are obvious to this enquiry*” .

The witness said that he didn't think there was anything more he could have done to ensure that Lord Janner was arrested and his home searched “*without disobeying lawful orders*”. He stated that he had “...*pushed and pushed and pushed and tried as hard as [he] could to influence and cajole these people into making what [he] thought was the right decision*”

The witness explained that on 2 January 2007 he drafted a letter in the SIO's name inviting Lord Janner to attend a voluntary interview. He stated that he discussed the drafting of this letter with his DI and that they had come to the viewpoint that the letter could be used to try "to influence the SIO", whose decision it was whether Lord Janner should be interviewed. The witness confirmed that the letter was never sent.

The witness said that, in a final attempt to influence the prosecuting authorities he asked the CPS for advice on whether any charges should be brought against Lord Janner and raised the possibility of further investigations being carried out, including the interview of Lord Janner,

He explained that the CPS had taken a considerable period of time to provide advice and said that he was "very, very disappointed" with the outcome. He stated that he had voiced his disappointment to his DI and to the rest of the team

Witness 3

The Inquiry heard evidence from a former Detective Inspector of Leicestershire Police. 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. At the time of Operation Dauntless (2006-2008), he was a Detective Inspector within the Major Crime unit and was appointed as the Deputy SIO of the investigation. He said that a Deputy SIO's role is exactly the same role as the SIO but on a day-to-day basis, to ensure that the SIO's instructions and strategy are carried out.

The witness confirmed that before Operation Dauntless began he was already aware of previous allegations of sexual abuse having been made against Lord Janner. He said that he had informed the SIO of these when he was appointed and had asked whether a review of the previous investigations could be included within Operation Dauntless. The witness said that he sought to influence the SIO's decision in respect of the advice file, stating that he challenged it, as he felt there was more that the police could do to investigate.

The witness said that he had wanted to arrest Lord Janner after the discovery of the unrevealed statement, as there were reasonable grounds to suspect him, not only in relation to JA-A8's allegations, but also the previous allegations that had been made. The witness

confirmed that his DS had shared his desire to arrest Lord Janner and had made it clear *“repeatedly”*.

The witness said that after he and his DS were told that it was unlikely that they would be able to arrest Lord Janner, they discussed an alternative, which was to invite Lord Janner to a voluntary interview. He said that he had instructed the DS to write a letter on behalf of the DSupt, that he had done so and this had been forwarded to the DSupt. He said that after a *“number of weeks”* he got a *“very curt email back, which was “No”* ”

The witness said that he felt the decision to seek advice from the CPS when the DSupt did was *“premature”*, because, *“...most...main lines of enquiry had not been completed”*. He acknowledged that an SIO can choose when to seek advice, so he would not criticise the DSupt for that, but his criticism was that they *“...hadn't provided the Crown Prosecution Service with a full and thorough investigation”*.

In relation to the statement of JA-A19 in Operation Magnolia, the witness said that he had recovered the hardcopies of these statements in a secure area, at Market Harborough Police Station. He stated that he had handed them to the DS the following day and that is what had led to the discovery that the statement did not appear to have been investigated, that Lord Janner had not been interviewed and that the statement had not been passed to the CPS.

The witness said that he had also spoken to officers from Operation Magnolia face-to-face and *“...they were both very uncomfortable. They felt that more could have been done at the time”*.

The witness said that he was also told specifically by the SIO not to make any further enquiries in respect of JA-A19, until advice from the CPS had been received.

The witness said that when the advice from the CPS was received in December 2007, he felt *“very disappointed”*, particularly bearing in mind a previous conversation he said that he had had with the advising lawyer. During that conversation, he said that he had asked the lawyer: *“at the very least...please will you support us with our view that we should continue with those enquiries?”* He said that the CPS officer's response was: *“It is not my job to tell the police how to conduct an investigation”*. He stated that the whole team shared his view, except for the SIO. He added that his DS had come to see him about challenging the advice and that he had challenged the SIO about it, on more than one occasion. He said he had asked the SIO whether the Gold Group reviewed the advice file and were happy with it and the SIO had said that they were.

The witness commented that the decision not to interview Lord Janner, to seek early advice from the CPS and to not investigate JA-A19's allegations further were all failures of Operation Dauntless. He said that in respect of each issue, his view had differed from that

of the SIO and that he had informed him of those differences of opinion. He added that there was a Detective Chief Superintendent that he could have gone to, but said that he didn't as he'd been given the impression by the SIO that the Gold Group was involved and that ultimately the ACC was signing off and agreeing with the DSupt's decisions.

Reflecting on the Operation, he said that he should have gone with his instinct and gone to a more senior officer.

When asked, the witness accepted that "*children involved with Social Services naturally attract more notes in files than children who are not*". He said that had they conducted a full and thorough investigation they would have taken this into account when considering witnesses' credibility

Finally, the witness said that he didn't think that Lord Janner was treated in the same way as a person in a similar position would have been. He commented: "*He was afforded the benefit of the doubt. If we'd have continued with those investigations, I could have removed that benefit of doubt*"

Witness 4

The Inquiry heard evidence from a former Detective Superintendent of Leicestershire Police. 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. At the time of Operation Dauntless (2006-2008), he was a Detective Superintendent within the Major Crime unit and was appointed as the SIO of the investigation by the Gold Group set up for Operation Dauntless.

The witness explained the purpose of a 'Gold Group', which is set up to provide strategic oversight to an investigation, particularly if it is sensitive or there are reputational issues. He stated that it was not a surprise that a Gold Group was set up in a case involving a member of the House of Lords.

He said that at the time of this enquiry, the Gold Group oversight was not that intrusive. He confirmed that following the initial Gold Group meeting, he was not aware of any further meeting having taken place. The witness said that he reported back to the Head of Crime, who he would have seen on an almost daily basis on an informal basis.

The witness refuted the suggestion that he had misled the DI that the Gold Group continued its oversight throughout Operation Dauntless.

The witness explained the function of his policy log, which he used to help him work through decisions. He explained how each entry included a space to set out the reasons for making a decision.

He said that the fact that JA-A8 was seeking compensation did not influence the way in which the investigation was carried out.

The witness said that he thought the investigation team was sufficiently resourced initially and acknowledged that his policy decision stated that he would revisit the issue, if he felt it was necessary after an initial scoping exercise.

The witness said he did not recall being informed of Operation Magnolia towards the start of the investigation, as the DI had suggested. The witness said that the focus was on JA-A8's allegation, as he was the victim and so the police were focussed on finding evidence to support his allegation. He said that he was instructed to do this by the Head of Crime, because not to do that would have brought in the historic investigations.

The witness said that he would have listened to other team members' views, but ultimately the decisions were his. He said that he wouldn't necessarily have had to seek approval from the Head of Crime, if he wanted to investigate a different angle, but that if there were resource implications a conversation with the Head of Crime would have taken place. He stated that he would have felt comfortable having such conversations with his superior officer.

The witness said that he did not put in place regular updates with the Deputy SIO, but would have expected the Deputy SIO to get in contact with him if there was something significant to discuss.

The witness said that he did not recall being contacted about statements from Operation Magnolia, but did not dispute that it happened or that he gave the direction to print them. He felt that he may have directed this action, as the statements could have been supportive of JA-A8's allegations.

The witness was asked about the conclusions concerning Operation Magnolia that had been set out by the DS in his covering report to the CPS. The witness responded that he had read the advice file, but did not consider that those conclusions could be stated, as only some of the materials from Operation Magnolia had been found. He explained that, in his opinion, they did not know exactly what had happened.

The witness said that he was therefore “*less certain*” than the DS that the statements from JA-A19 had not been provided to the CPS. He said that the reason for this opinion was because the police had not reviewed all the material. He said the purpose of Operation Dauntless was not to “...*toothcomb the previous investigations*” to find all the decisions and all the material.

The witness said that he did not take any further steps in relation to JA-A19’s allegations and waited to see whether the CPS would advise that further enquiries should be conducted. He said that it was his view that they should “*pause*” the investigation and seek a legal perspective, from the CPS.

The witness said he did not recall the DI saying that further investigations should be carried out. He also said that he had no recollection of telling the DI not to carry out any further investigations, but did not think he would have done so.

[The evidence of this witness concluded part-heard and he will return to complete his evidence in a further CLOSED session]