

OPEN summary of CLOSED session
26 October 2020

Witness 1 (continued from 22 October 2020)

On the 22 October 2020, the Inquiry heard evidence from a former Detective Superintendent of Leicestershire Police in CLOSED session. The witness returned to conclude his evidence today. As previously and for the same reasons¹, his evidence was given in CLOSED session. The following is a summary of his evidence that can be stated in OPEN:

The witness confirmed that on the first day of Operation Dauntless, he decided that a holding media statement should be prepared given the notoriety of the alleged suspect (Lord Janner) and the possibility that JA-A8 may notify media agencies. The witness confirmed that the police's position was that they would not approach the media and said that in fact no police statement was issued to the media during Operation Dauntless.

The witness was also asked about the evidence of the Detective Inspector to Operation Dauntless, who had said that he had suggested a witness 'trawl' of those witnesses listed on police databases that were connected to children's homes. The witness said that he had no recollection of such a suggestion having been made to him.

The witness said that he could not recall being told that Leicestershire Police may not have investigated a previous additional allegation of child sexual abuse. The witness said that he would not want to speculate whether he had raised this with senior officers, as he could not recall events from 13 years ago.

In relation to the decision not to arrest Lord Janner, the witness referred to a policy document (policy decision 13) which he said captured "...an outline of [his] thinking". The witness said that he was never put under any pressure not to arrest Lord Janner. He stated that he had "absolutely" informed senior officers and that there would have been no reason not to speak to them about it.

The witness said that the issue of corroboration was a "...key issue because the CPS charging standards...were realistic prospect of conviction and quite often that did make it kind of difficult - more difficult to get over that threshold in historical sexual offences, so corroboration supported the case". The witness acknowledged his policy decision 6, in which he had highlighted an absence of corroborative evidence. He said that on reflection

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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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that was “...perhaps a little bit inaccurate” as there were “...the other two potential victims” in respect of whom he, “...felt the surrounding circumstances may lend corroboration, but [he] was going to seek a legal view on that”.

The witness said that he felt that a search of Lord Janner’s property was “...highly unlikely” to result in any corroborative evidence and that due to the passage of time, there was “...very little opportunity” for “...forensic or other supporting evidence”.

Recognising that at the time of Operation Dauntless a jury could be invited to draw adverse inferences from a failure to answer questions in interview, the witness said that this was not a factor that he considered greatly, when deciding whether to interview Lord Janner. The witness said that he could also not recall having any discussions with the reviewing lawyer from the CPS concerning this issue.

The witness was asked to comment on the suggestion that had the suspect not been a member of the House of Lords, he would have been arrested and his properties searched. The witness responded that it was “...not about him being Lord Janner”; the issue, in his mind, was the likelihood of a line of enquiry producing any evidence.

The witness refuted the suggestion that it was unorthodox for a Detective Sergeant to challenge a Senior Investigating Officer (SIO) and said that, on other major enquiries, lower ranking officers had “...raised issues” and that he believed he was “...willing to listen” to such concerns.

He said that he stood by the decision not to arrest Lord Janner as it was his view that the police were highly unlikely to take the case forwards. The witness said that he could recall discussions about inviting Lord Janner to a voluntary interview and that a draft letter had been prepared. He acknowledged that others had different views about the decision but that he had “reasoned [the decision] out”.

The witness said that he had no concerns about the CPS reviewing lawyer who was asked to review the advice file. He said that a period of 8 months to receive a response from the CPS lawyer was, however, “...unusual”.

The witness said that he was “...pretty frustrated” by the conclusion reached by the reviewing lawyer to not bring charges against Lord Janner. He said that he “...wasn’t completely in accord” with the reviewing lawyer’s view. The witness was asked whether he expressed any frustration about the decision to the reviewing lawyer but said that he could not recall meeting him to discuss it.

The witness accepted that there were mechanisms to challenge the CPS’ advice, but said that no challenge was made in this case and that no one in the investigation team had suggested that it should be challenged. The witness said that a junior officer could have

taken the decision to challenge it, but he did not think that would have been appropriate in this case, with a SIO involved.

The witness said that he was never placed under any pressure about the way in which Lord Janner was investigated. He said that he was “...*really clear*” about the reasons for the decisions he made. He added that he “...*tried to do the best job that [he] could and [to] act in good faith*”.

Witness 2

The Inquiry also heard evidence from a retired Chief Constable. 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 provided evidence of his involvement in a Leicestershire Police investigation into historical allegations concerning Lord Janner. The witness provided a summary of his career and explained that during the investigation in question he was a serving Detective Sergeant. He stated that, “*unusually*”, he reported directly to the Chief Superintendent and through him to the Assistant Chief Constable, and that he also regularly briefed the Crown Prosecution Service (CPS) and leading counsel. He said that as well as working on the investigation, he was also overseeing the other tasks that a Detective Sergeant would do, including being engaged on other major force investigations.

The witness said that in earlier investigations the police’s approach to allegations of child sexual abuse was different to the current approach. He said the culture, at divisional level, was to get as many cases detected as possible and there was not “...*any focus whatsoever*” on child sexual abuse investigations. He said it wasn’t seen as ‘real’ crime as it “...*didn’t tick the target boxes*”. The witness said that when proposals were made to give investigative training and detective status to those investigating child protection cases, there had been a “*kickback*” by detective officers and the changes weren’t supported by the force. He described this ‘kickback’ as “*horrific*”.

The witness said that “...*by and large*” children were not believed and the “...*tragedy that haunted*” him was that police officers had taken children back to children’s homes where they were being abused. He described a culture in which the police would also “...*close down*” investigations once they had sufficient complainants to bring a prosecution, without examining other complainants that may have come forwards.



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The witness described the role of corroboration in an investigation at the time. He said that it presented “...*huge challenges*” in historical sexual offence cases, as there needed to be corroboration of the allegations made by the victims.

He described the approach to complainant interviews and said that the approach to those interviews was “...*caring and professional*” but “...*by no means as you would do things [today]*”. He said that, “...*one of the things that has stayed with [him] and haunts [him]*” was “...*going to see [complainants] and reawakening the worst demons in their life*”.

Reflecting on the investigation, the witness said that he did not consider that the approach of the police was different as a result of the allegations having been made against a person of prominence. He pointed out however that legislation, improved professional practice, inter-agency working and greater public awareness had all “*changed hugely*” over the years.

The witness said that throughout the investigation he had encountered difficulties in securing access to social services records, both those kept at individual children’s homes and held centrally by Leicestershire Social Services. He said that some records had even been “*burnt*” by an Officer-in-Charge of a children’s home when it came under investigation.

The witness said that he was told not to arrest and not to search Lord Janner’s home and confirmed that this instruction had come “...*from above*”. The witness said that “*it’s very rare for a police force to receive allegations of sexual offending by a sitting MP. This was being made aware to a detective superintendent and detective superintendent. My view was always that they were overseeing managing this investigation*”

The witness said that he was “...*disappointed...*” by the decision not to arrest Lord Janner “...*as he thought it was the right thing to do*”. He clarified that he thought there was a “...*justifiable case for arrest...*” but accepted that it was an “...*operational decision [such as he’d] made many times for people [who]...haven’t agreed with [them] always and it is part and parcel of being a senior officer*”. He confirmed that he didn’t view it as special favours for a high profile individual.

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