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CROWN PROSECUTION SERVICE

MINUTE

To: Detective Sergeant Hill  
Operation "Cleopatra"

Our Ref: PLW.AB

RE: FURTHER ADVICE REQUESTED IN RESPECT OF "ROCHDALE  
SUSPECT"

URN NO: 06/P3/A930 - "JEAN BROADBENT"

1. I have now considered the additional material submitted to me with regard to the above mentioned investigation.
2. You will recollect that in my original Minute of 17th June, 1998, at paragraph 13, I concluded that proceedings should not be instituted against "S" for alleged offences complained of by the original eight complainants. I set out my reasons for that conclusion in paragraph 12. No compelling, further evidence has been produced to me in support of those complaints. Nor have any "special circumstances" been established to change the tenor of my original advice.
3. I have now been supplied with further witness statements from two further potential complainants, namely, [RO-A4] and [RO-A68]. In view of my advice in relation to the eight original complainants, I have considered the evidence in support of the further two complainants quite independently. In accordance with the Code, I have initially considered whether there would be a realistic prospect of a conviction if criminal proceedings were instituted in respect of offences against either or both of them. For that purpose, I have assumed that both of them would be willing and able to give evidence and attend court. However, I note that whilst [RO-A4] specifically mentions that he would be willing to attend court, [RO-A68] is silent on the issue. I shall deal with each of the complaints in turn.
4. [RO-A4] claims that "S" indecently assaulted him on three separate occasions. On the first he fondled his genitals under the pretext of carrying out a medical examination. On the second he spanked his bare bottom as punishment for skipping work then caressed his bottom and genitals. On the third occasion he simply held his testicles as part of an examination when he was ill. I have noted [RO-A4] was probably in India during the time that the original investigation was being carried out. However, in 1979, he agreed to make an Affidavit relating to

those incidents for Bartlett, knowing that it was to be published in a local newspaper, entitled "RAP". Despite that, he did not make an official complaint to the police at that time. Nor, did he offer an explanation as to why he had not done so. Many years have now elapsed during which time, according to [RO-A4] the things that "S" had done to him had stayed with him. Significantly, when he was struggling to find a home he visited "S" at his home to seek assistance only to discover a short time later that he had been allocated a council house in a good part of an area of Rochdale.

5. In my view the evidence against "S" on [RO-A4]'s complaint is not particularly strong. He failed to make a complaint upon his return from India, knowing that the police had already investigated other similar complaints. In 1979 he chose to make an Affidavit for a public newspaper as opposed to making an official complaint to the police. Since that time he has taken no proactive steps to complain at all. Rather than keep away from "S" he has actually approached him to seek his assistance. In his statement he makes the suggestion that "S" was frightened of being blackmailed by him. Although there is no evidence of blackmail, an inference can be reasonably drawn that [RO-A4] was expecting a favour from "S" by keeping quiet about "S"'s previous misconduct towards him. All these matters seriously undermine [RO-A4]'s credibility and considerably weaken a case which depends almost absolutely upon his uncorroborated evidence as to a series of incidents which occurred over 30 years ago.
6. [RO-A68] does not state that he was indecently assaulted. On the contrary he makes it clear that he was never indecently assaulted. He simply did not succumb to a demand from "S" that he should remove his trousers and be spanked as punishment for the criminal damage which he had occasioned to a lamp. In that respect, it is perhaps not surprising that he never complained since he never suffered any indignity at the hands of "S". He subsequently took his punishment in the accepted way at the local juvenile court. He declined to make an Affidavit for "RAP", despite the fact that Bartlett had been a father figure towards him. Having regard to all these matters I seriously wonder whether he would now wish to give evidence bearing in mind that he appears to be a successful business man.
7. On all the new evidence available, I have reached the conclusion that there would not be a realistic prospect of a conviction in respect of the offences alleged by [RO-A4] having regard to those matters set out at paragraph 5 above and the heavy burden of proof required by the court.
8. So far as [RO-A68] is concerned, I have arrived at the same view as to the prospect of a conviction, albeit I accept that any case would be stronger if based on two quite independent complaints of a similar nature. However, if I am wrong on the issue as to the prospect of a conviction, I would be reluctant to pursue proceedings on the basis of [RO-A68]'s complaint since I do not believe that it would be in the public interest to do so. Any prosecution would simply demonstrate that he declined to accept "S"'s invitation. He has never formally

complained, has declined to be a party to an Affidavit and does not appear to have suffered any consequences as a result of the mere invitation. I would have thought that any prosecution would have been more of a source of embarrassment to him than anything else.

9. Even if there was a realistic prospect of a conviction and proceedings were instituted, the prosecution would inevitably face legal argument from the defence to the effect that the substantial delay in bringing proceedings has produced genuine prejudice and unfairness to "S". In short, he could not receive a fair trial. I have already referred to this difficulty in paragraph 12 of my original Minute relating to the original eight complainants.
10. One aspect of the case which concerns me is the part played by Bartlett and the motives which he had in requesting the complainants to make Affidavits with a view to using their contents in "RAP". I note that both RO-A4 and RO-A68 independently told him of "S"s activities but he did not act on the information in the normal way by either reporting them to the police or alternatively, encouraging each of them to report them to the police. "RAP" was obviously a local and politically alternative publication in which Bartlett made a significant contribution on a controversial topic. It is unclear whether he was paid for the article and, for that matter, whether any of the Affidavit makers were paid. Bartlett admits that it was an attempt on his behalf to undermine "S"s personalised political campaign. I suspect that if proceedings were instituted the defence would labour the political aspects of the case and suggest that the complainants were being used by Bartlett to support his own campaign.
11. I now turn to the questions specifically posed:-

- (i) Is it in the public interest?

In my view it is unnecessary to ask this question with regard to RO-A4's claim because I firmly believe that there would not be a realistic prospect of a conviction. I also believe that there would be no such prospect in respect of RO-A68's complaint but if I am wrong on that I doubt very much whether it would be in the public interest to proceed for the reasons I have already set out.

- (ii) Will it serve a useful purpose?

It is really a different way of asking the public interest question to which I have already offered a response.

- (iii) Is there any new evidence?

I am satisfied that there is no new evidence which would alter my view as to whether proceedings should be instituted in respect of the eight original complaints.

There are now two completely new complaints but the prospect of convictions is unrealistic.

(iv) Are the witnesses/complainants willing to attend court?

Clearly, [RO-A4] is willing to attend court but that willingness is academic having regard to my conclusion on the evidence. [RO-A68] has not expressed a willingness to attend court but his attendance would not be necessary having regard to the conclusion that I have reached.

(v) These questions are operational matters for the police.

(vi)

12. I have been told that there are three further potential witnesses whose identities are known but who have not been interviewed by the police (or Bartlett). Whether or not they should be traced and interviewed is entirely an operational matter for the police. I do not think that it would be appropriate for me to offer any advice or recommendation upon that aspect of the case. However, I am sure that the decision will be made having regard to the observations that I have already made with regard to the prospects of a successful prosecution on the material already made available to me.

13. I hope that my views are clear and helpful. If, however, you wish to further discuss the matter with me I am content to do so.

PL Watson  
Branch Crown Prosecutor  
Rochdale/Bury  
21<sup>st</sup> May, 1999

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