

Decision 163 – 15th April 2014

NO-F283 (former **Senior position**) to be interviewed under caution in relation to the complaints made by **NO-A619** and a review completed of the evidence.

Reason

Following my previous decision (policy 152 refers) not to interview the above named, I was made aware that **NO-A619** had made a complaint against police. I subsequently received a copy of the documentation submitted by **NO-A619** as the grounds for her appeal. This was emailed to me on the 10th April 2014. Having examined the content, that indicated that **NO-A619** **NO-A619** had already been in communication, I decided that contact was now necessary with **NO-F283** to clarify the situation and provided his health condition allowed to interview him.

I communicated this decision to DCI Bowden on the 15th April 2014 (copy of email attached).

Decision 166 – 7th May 2014

Further to policy decision 163 no further action will be taken in relation to **NO-F283** born **DPA**/1944 and **NO-A619**'s complaints.

Reason

I have previously written to the complainant on the 1st December 2013 and outlined the reasons why the evidential threshold test was not met in this case. Following on from this, **NO-F283** has now been interviewed under caution and I have reviewed the evidence. I remain of the view that there is no realistic prospect of conviction and therefore no requirement for an advice file to be submitted to CPS. I am satisfied that there are no outstanding enquiries that would progress this case any further. The evidential difficulties or weaknesses are as follows:

- 1) Whilst corroboration is not necessary in sexual abuse cases, there is a significant delay in the complaint and any evidence is no longer available.
- 2) **NO-F283** denies the allegations and there is no evidence of any previous concerns with the former **Senior position** of a sexual nature.

- 3) There is no third party material to support the allegations instead examination of the complainant's social care file has revealed evidence that undermines her credibility.
- 4) NO-F283 has given a detailed account of what procedures would have been in place to take allegations of assault of this nature at the time and this is supported by former DC Jarvis. This included the following: cameras would not have been available to take photographs of injuries. An appointment would have been made with the Scenes of Crime Dept, for them to attend the victim's house or a police station of their choice for these photographs to be taken by a SOC Officer of the same sex of the victim; injuries would be described in witness statements and, if injuries were in sensitive places, an officer of the same sex would have examined them and then reported them to him; No surgery was set up in those days at Station Street Police Station in the CID. The only surgery was downstairs in the custody suite; the statement would have to have been taken in the presence of an adult due to NO-A619's age.