

<p>1 Tuesday, 5 March 2019</p> <p>2 (10.00 am)</p> <p>3 THE CHAIR: Good morning, everyone, and welcome to Day 2 of</p> <p>4 this public hearing. Mr O'Connor?</p> <p>5 MR O'CONNOR: Good morning, chair. The first witness for</p> <p>6 this morning is Chris Mahaffey from the IOPC, but before</p> <p>7 we invite you to call him, Mr Henderson is going to</p> <p>8 refer to some witness evidence that was mentioned in our</p> <p>9 opening yesterday and ask you to adduce that.</p> <p>10 Witness statements adduced by MR HENDERSON</p> <p>11 MR HENDERSON: Thank you. Good morning, chair and panel.</p> <p>12 In Mr Altman's opening submissions yesterday, he</p> <p>13 referred to various witness statements which have been</p> <p>14 obtained by the inquiry, and we would like to invite you</p> <p>15 to adduce three of those now. They will also be</p> <p>16 published in due course on the inquiry website.</p> <p>17 The first is a witness statement from Lord Tebbit.</p> <p>18 If we could just bring up the first page of that, it's</p> <p>19 INQ001846. In this statement, Lord Tebbit explains</p> <p>20 comments which he made in a television interview on the</p> <p>21 Andrew Marr Show -- you will recall we saw a clip of</p> <p>22 that yesterday -- back in July 2014 about the political</p> <p>23 culture of the 1980s being to protect the establishment</p> <p>24 rather than investigate allegations of child sexual</p> <p>25 abuse.</p> <p style="text-align: center;">Page 1</p>	<p>1 He also sets out his recollection of hearing rumours</p> <p>2 about Cyril Smith abusing teenage boys, following the</p> <p>3 Private Eye article published in 1979, and of being told</p> <p>4 by a Cheshire Constabulary police officer, in around</p> <p>5 1986, about Peter Morrison engaging in sexual activity</p> <p>6 with sixth-form-age young men. So we would ask you to</p> <p>7 adduce that statement.</p> <p>8 We will also adduce an earlier statement provided by</p> <p>9 Lord Tebbit to the police, and that's at OHY005427.</p> <p>10 There is no need to bring that one up on the screen.</p> <p>11 The third statement is the statement of</p> <p>12 Mr Anthony Daly. Mr Daly, if you recall, chair, is</p> <p>13 someone whom the inquiry requested evidence from in</p> <p>14 relation to a book he published last year. It is</p> <p>15 entitled "Playland: Secrets of a Forgotten Scandal". In</p> <p>16 it, Mr Daly tells the story of his time as a rent boy,</p> <p>17 when he was aged 20, over three months in 1975. Again,</p> <p>18 if we could just bring up the first page of</p> <p>19 the statement. Thank you very much. INQ003915.</p> <p>20 Mr Daly alleges that he was initially captured and</p> <p>21 recruited by Charles Hornby, and that he became well</p> <p>22 acquainted with Charles's brother, Simon Hornby, who</p> <p>23 paid him for sex. Although he was not a child himself</p> <p>24 at the time, Mr Daly alleges he was forced to witness</p> <p>25 the depraved sexual abuse of two boys, aged 8 to 10, at</p> <p style="text-align: center;">Page 2</p>
<p>1 a party attended by unnamed persons and two individuals</p> <p>2 whom he did know. He also made claims in his book that</p> <p>3 senior establishment figures, including some</p> <p>4 politicians, were present at parties where underage rent</p> <p>5 boys were sexually abused and exploited. So, again,</p> <p>6 chair, we would invite you to adduce that statement, and</p> <p>7 it will be published on the inquiry website. Thank you.</p> <p>8 THE CHAIR: Thank you, Mr Henderson.</p> <p>9 MR O'CONNOR: Chair, may we now invite you to call</p> <p>10 Mr Mahaffey.</p> <p>11 MR CHRISTOPHER MAHAFFEY (sworn)</p> <p>12 Examination by MR O'CONNOR</p> <p>13 MR O'CONNOR: Do sit down, Mr Mahaffey.</p> <p>14 A. Thank you.</p> <p>15 Q. You are Christopher Mahaffey?</p> <p>16 A. I am, yes.</p> <p>17 Q. Your post is a lead senior investigator for the</p> <p>18 Independent Office for Police Conduct, or the IOPC?</p> <p>19 A. It is, yes.</p> <p>20 Q. Mr Mahaffey, you will have heard yesterday -- I think</p> <p>21 you were in court yesterday?</p> <p>22 A. I was, yes.</p> <p>23 Q. You will have heard a number of references being made</p> <p>24 during the opening statements to a series of</p> <p>25 investigations that the IOPC has been conducting for</p> <p style="text-align: center;">Page 3</p>	<p>1 several years now into the way in which the police</p> <p>2 responded to or investigated various allegations of</p> <p>3 child sexual abuse made against Westminster figures?</p> <p>4 A. Yes, that's correct.</p> <p>5 Q. I think it is right to say that your evidence today will</p> <p>6 cover those investigations?</p> <p>7 A. Yes, it will.</p> <p>8 Q. Just a word or two about your own career, Mr Mahaffey,</p> <p>9 before we get into the detail of the investigations.</p> <p>10 You were a police officer for 30 years, I believe?</p> <p>11 A. Yes, in the Metropolitan Police Service.</p> <p>12 Q. And you retired as a temporary detective superintendent</p> <p>13 in 2004?</p> <p>14 A. I did, yes.</p> <p>15 Q. If my maths is right, that means you were</p> <p>16 a Metropolitan Police officer during the 1970s and '80s?</p> <p>17 A. Yes, I joined the Metropolitan Police in 1974.</p> <p>18 Q. Which is very much the period that we are concerned</p> <p>19 with --</p> <p>20 A. It is, yes.</p> <p>21 Q. -- in this investigation. You said that you joined the</p> <p>22 IPCC, as it then was, in 2009?</p> <p>23 A. I did, yes.</p> <p>24 Q. We will come to the name change shortly.</p> <p>25 A. Okay.</p> <p style="text-align: center;">Page 4</p>

<p>1 Q. But you have worked for that organisation for eight or 2 nine years since?</p> <p>3 A. I have, yes, continuously.</p> <p>4 Q. Since 2015, you've been operations manager within the 5 IOPC?</p> <p>6 A. I have, yes.</p> <p>7 Q. In the Directorate of Major Investigations?</p> <p>8 A. That's right, yes.</p> <p>9 Q. Can you tell us a little bit about that role?</p> <p>10 A. The Directorate of Major Investigations is a national 11 department within the IOPC who deal primarily with 12 investigations of a serious or complex nature and, 13 equally, one element of our remit is also responsibility 14 for the investigations which are relevant to this 15 hearing.</p> <p>16 Q. Those investigations have formed part of your role, but 17 you have been involved with other cases as well?</p> <p>18 A. That's correct, yes.</p> <p>19 Q. As I say, we will turn shortly to look at the detail of 20 the investigations, but just by way of introduction, 21 there are 37 investigations in total that have been 22 identified as having a link to Westminster issues. Is 23 that right?</p> <p>24 A. That's correct, yes.</p> <p>25 Q. As we will see, the facts vary considerably?</p> <p style="text-align: center;">Page 5</p>	<p>1 A. Absolutely, yes.</p> <p>2 Q. But, for example, if one was to identify a typical 3 investigation within that group, we see, don't we, 4 allegations that police officers failed to investigate, 5 or are said to have failed to investigate, or covered 6 up, allegations of child abuse involving Westminster 7 figures?</p> <p>8 A. That's correct, yes.</p> <p>9 Q. Again by way of summary, in almost all the cases, the 10 underlying allegations of abuse took place, or are said 11 to have taken place, during the 1970s or 1980s?</p> <p>12 A. That's correct, yes.</p> <p>13 Q. But the complaint which has triggered your investigation 14 is much more recent than that?</p> <p>15 A. It is, yes.</p> <p>16 Q. We heard yesterday in the openings about Tom Watson's 17 parliamentary question --</p> <p>18 A. Yes.</p> <p>19 Q. -- coming shortly after the television programme 20 relating to Jimmy Savile --</p> <p>21 A. That's correct.</p> <p>22 Q. -- and the growing concern about allegations relating to 23 Cyril Smith. Is it right to say that most, if not all, 24 of these complaints can be located within that time 25 period of a few years of public concern?</p> <p style="text-align: center;">Page 6</p>
<p>1 A. They can, yes.</p> <p>2 Q. Lastly just by way of introduction, it is important to 3 stress, isn't it, that the purpose of the investigations 4 that you have been carrying out, the IOPC have been 5 carrying out, has not been to determine whether the 6 underlying allegation of abuse -- for example, that 7 a particular MP assaulted a child -- is true or false, 8 but, rather, to look into the way in which the police 9 responded to that allegation?</p> <p>10 A. That's correct, yes.</p> <p>11 Q. So, put another way, what is being investigated is the 12 police conduct, rather than the underlying allegation?</p> <p>13 A. It is, yes.</p> <p>14 Q. Let me ask you about the report that the IOPC have 15 prepared, Mr Mahaffey. There has been a report 16 prepared?</p> <p>17 A. There has, yes.</p> <p>18 Q. We certainly have described it as an overarching report?</p> <p>19 A. Yes, it is, yes.</p> <p>20 Q. Can you describe the report to us, just in summary?</p> <p>21 A. Yes. It's an overview report. It details specifically 22 the role of the IOPC. It goes into some detail around 23 our statutory responsibilities within the Police Reform 24 Act, and it sets out quite a significant amount of 25 analysis that's been undertaken within the IOPC in</p> <p style="text-align: center;">Page 7</p>	<p>1 relation to the 37 investigations that you have 2 mentioned earlier.</p> <p>3 Q. Perhaps we could call the report up on screen. It is 4 IPC000830?</p> <p>5 A. Yes, that's correct.</p> <p>6 Q. That's the front page of the report, Mr Mahaffey?</p> <p>7 A. Yes, it is.</p> <p>8 Q. We see it is entitled "Overview report of IOPC cases 9 relevant to the IICSA Westminster investigation". As 10 you have said, the report covers a lot of generic issues 11 which are themes, if you like, passing through a number 12 of these different investigations?</p> <p>13 A. Yes, it provides some detailed analysis that links in to 14 the investigation.</p> <p>15 Q. Then at the appendices to this report -- we will be 16 going to some of them later on this morning -- there are 17 summaries of each of the 37 investigations?</p> <p>18 A. That's correct, yes.</p> <p>19 Q. I just want to ask you about the date of this report, 20 Mr Mahaffey. Can we perhaps just go to page 5 of 21 the report, paragraph 10. If we can just enlarge 22 paragraph 10, please.</p> <p>23 A. Yes, the detail within the report is current as of 24 1 November 2018.</p> <p>25 Q. That is, as it were, the formal date of the report?</p> <p style="text-align: center;">Page 8</p>

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<p>1 A. Yes.</p> <p>2 Q. But I think it is right to say there have been some</p> <p>3 amendments made to it since --</p> <p>4 A. There have been, yes.</p> <p>5 Q. -- updating some points?</p> <p>6 A. Yes.</p> <p>7 Q. But the reader would be wise to assume that that is the</p> <p>8 date on which it is accurate?</p> <p>9 A. That's correct.</p> <p>10 Q. We will come to some of the respects in which things</p> <p>11 have moved on since then, but is it right to say that</p> <p>12 the 37 investigations have been continuing</p> <p>13 since November last year?</p> <p>14 A. Yes, they have. Of the 37, five remain outstanding,</p> <p>15 inasmuch as they still have either outstanding lines of</p> <p>16 enquiry or they may still be going through the IOPC QA,</p> <p>17 quality assurance, type process, or they may still be</p> <p>18 with the decision maker. So, out of the 37, 32 are</p> <p>19 complete and five remain outstanding.</p> <p>20 Q. Is it right that back in November last year, there were</p> <p>21 far fewer than 32 that had actually been completed?</p> <p>22 A. That's correct, yes. I don't have the exact figure, but</p> <p>23 that's correct.</p> <p>24 Q. We will come to talk in a few minutes about the closing</p> <p>25 report, which is the report which is a stage which marks</p> <p style="text-align: center;">Page 9</p>	<p>1 the end, or almost the end, of investigation.</p> <p>2 A. Yes.</p> <p>3 Q. Just by way of example, could we go to page 39 of</p> <p>4 the report, please. If we could zoom in on the final</p> <p>5 paragraph, the conclusions/findings, this is, as you can</p> <p>6 still see in the background, Mr Mahaffey, the summary,</p> <p>7 isn't it, for Operation Beech --</p> <p>8 A. It is, yes.</p> <p>9 Q. -- which is one of the operations we will come to talk</p> <p>10 about?</p> <p>11 A. Yes.</p> <p>12 Q. We can see in the summary for Operation Beech, as</p> <p>13 at November last year, there is a comment in the final</p> <p>14 sentence:</p> <p>15 "A closing report has been submitted to the IOPC and</p> <p>16 is currently subject to the quality assurance process."</p> <p>17 I think it is right to say that that is one of</p> <p>18 the investigations where, since November, the report has</p> <p>19 been concluded and the investigation has finished?</p> <p>20 A. That's correct. Operation Beech has now finished.</p> <p>21 Q. I'm not going to take you to all of them, but that is</p> <p>22 the position with quite a number of these cases?</p> <p>23 A. It is, yes.</p> <p>24 Q. Thank you. Let me just ask you, Mr Mahaffey, can you</p> <p>25 just tell us something about why this report was</p> <p style="text-align: center;">Page 10</p>
<p>1 prepared, and also whether it's usual for the IOPC to</p> <p>2 prepare reports like this?</p> <p>3 A. It is not usual for the IOPC to prepare an overarching</p> <p>4 report covering the investigations that we've mentioned,</p> <p>5 but it's seen as a means, perhaps, a best means, to</p> <p>6 describe the role and function of the IOPC and where</p> <p>7 this fits in with the 37 investigations that have been</p> <p>8 undertaken. As I said earlier, it does provide the</p> <p>9 reader with some analytical detail to help them</p> <p>10 understand perhaps, when they get into the actual</p> <p>11 closing reports themselves, how they interlink with the</p> <p>12 overarching -- the overarching, in effect, pulls them</p> <p>13 together.</p> <p>14 Q. Perhaps if we can go to page 6 of the report, please,</p> <p>15 paragraph 11 at the top, Mr Mahaffey. There we see</p> <p>16 summarised the purposes that the report seeks to</p> <p>17 achieve?</p> <p>18 A. Yes, it's, in effect, to provide an overview of</p> <p>19 the investigations that have been undertaken which fall</p> <p>20 within the scope of the inquiry's Westminster</p> <p>21 investigation; hopefully, it explains the methods by</p> <p>22 which the allegations have been investigated; it seeks</p> <p>23 to highlight common themes identified within and between</p> <p>24 the investigations, both procedural and substantive; it</p> <p>25 seeks to identify common persons who may feature within</p> <p style="text-align: center;">Page 11</p>	<p>1 more than one of the investigations that's been</p> <p>2 undertaken; we equally go some way to try and explain</p> <p>3 some of the difficulties or problems that have been</p> <p>4 encountered during the course of the investigations; and</p> <p>5 we summarise the ways in which the investigations have</p> <p>6 been concluded, and hopefully offer up some rationale or</p> <p>7 reason as to why they have reached that point.</p> <p>8 Q. Thank you, Mr Mahaffey. We have already been talking</p> <p>9 about this report for a few minutes. Do you wish this</p> <p>10 report to be part of your evidence?</p> <p>11 A. I do, yes.</p> <p>12 Q. Chair, we invite you to adduce this report in its</p> <p>13 entirety. It will be published on the IICSA website in</p> <p>14 due course, and I think it is right to say the IOPC will</p> <p>15 also be publishing this report?</p> <p>16 A. I would think so, yes.</p> <p>17 Q. Mr Mahaffey, I am going to be asking you questions for</p> <p>18 perhaps the rest of the morning very broadly on three</p> <p>19 topics. First of all, I am going to ask you some</p> <p>20 questions about the IOPC, how it works, how it</p> <p>21 interrelates with the police and the complaints process.</p> <p>22 Secondly, I will then ask you some generic questions</p> <p>23 about the 37 investigations and the links between them,</p> <p>24 in particular, some of the points you have just</p> <p>25 mentioned, for example, some of the difficulties or</p> <p style="text-align: center;">Page 12</p>

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<p>1 problems encountered in the investigations.</p> <p>2 A. Yes.</p> <p>3 Q. And then, lastly, I will go to some, but not all, of</p> <p>4 the investigations in more detail; in particular, I will</p> <p>5 take you to some of the investigations which have</p> <p>6 responded to allegations made by retired officers who</p> <p>7 are going to be giving evidence tomorrow.</p> <p>8 A. Thank you.</p> <p>9 Q. First of all, just something about the way in which the</p> <p>10 IOPC works. As I think we have already said, it is the</p> <p>11 Independent Office for Police Conduct?</p> <p>12 A. It is, yes.</p> <p>13 Q. It is essentially the same organisation that, until the</p> <p>14 beginning of 2018, was the Independent Police Complaints</p> <p>15 Commission?</p> <p>16 A. That's correct, yes.</p> <p>17 Q. There are differences between the two, but none that we</p> <p>18 need to bother ourselves with today?</p> <p>19 A. That's correct.</p> <p>20 Q. It is clear from the name that the organisation is</p> <p>21 independent of the police?</p> <p>22 A. It is, yes. I mean, the IOPC oversees the police</p> <p>23 complaints system in England and Wales, and we have</p> <p>24 a statutory duty to secure and maintain public</p> <p>25 confidence in it. We are independent. We make</p> <p style="text-align: center;">Page 13</p>	<p>1 decisions independently of the police, the government</p> <p>2 and other interest groups. We investigate the most</p> <p>3 serious complaints and incidents involving the police</p> <p>4 across England and Wales, as well as handling a number</p> <p>5 of appeals from people who are not satisfied with the</p> <p>6 police -- with how the police may have dealt with</p> <p>7 a complaint that they have made. So that's our primary</p> <p>8 purpose.</p> <p>9 Q. So the core purpose, as you say, is to be concerned with</p> <p>10 complaints against the police?</p> <p>11 A. It is, yes.</p> <p>12 Q. And allegations of police misconduct?</p> <p>13 A. Yes, it is.</p> <p>14 Q. But I think it is clear from what you said a moment ago</p> <p>15 that the IOPC doesn't investigate all allegations of</p> <p>16 police misconduct?</p> <p>17 A. No.</p> <p>18 Q. Some are dealt with by the forces themselves?</p> <p>19 A. No, it's a case that the majority of complaints against</p> <p>20 the police are actually dealt with by the relevant</p> <p>21 police force or agency without the need for IOPC</p> <p>22 involvement. Certain types of complaints and incidents</p> <p>23 must be referred by the police to the IOPC, and these</p> <p>24 include where someone has died or been seriously injured</p> <p>25 following direct or indirect contact with the police, as</p> <p style="text-align: center;">Page 14</p>
<p>1 well as allegations of serious corruption, serious</p> <p>2 assault or any level of criminal offence. We decide</p> <p>3 when an investigation is necessary and, if so, what</p> <p>4 level of involvement we, the IOPC, should have in that</p> <p>5 process. There are three specific categories, if I can</p> <p>6 use that word.</p> <p>7 We may choose to conduct our own independent</p> <p>8 investigation. We may choose to manage an</p> <p>9 investigation, as in the case with the matters being</p> <p>10 investigated through this inquiry. We may choose to</p> <p>11 supervise a police investigation, or, indeed, make</p> <p>12 a decision that a complaint can be dealt with locally by</p> <p>13 the police force concerned.</p> <p>14 Q. So, in a nutshell, Mr Mahaffey, you are concerned with</p> <p>15 the most serious of complaints?</p> <p>16 A. That's correct.</p> <p>17 Q. We often hear, don't we, in the news, where someone has</p> <p>18 died in connection with police conduct there is an</p> <p>19 automatic referral to the IOPC --</p> <p>20 A. There is a mandatory referral process.</p> <p>21 Q. -- but there are others, you have said, other</p> <p>22 situations, where a serious allegation is made that is</p> <p>23 referred to you?</p> <p>24 A. That's correct.</p> <p>25 Q. The IOPC is a statutory body?</p> <p style="text-align: center;">Page 15</p>	<p>1 A. It is.</p> <p>2 Q. It can only act when certain criteria are met that are</p> <p>3 laid down within the legislation?</p> <p>4 A. That's correct, within the Police Reform Act.</p> <p>5 Q. A phrase which is referred to in your report is</p> <p>6 "recordable conduct", and that -- well, tell us what</p> <p>7 that means and how that triggers an investigation?</p> <p>8 A. Well, certainly, a force receiving a complaint or</p> <p>9 identifying an allegation of misconduct against one of</p> <p>10 its officers should decide whether the mandatory -- any</p> <p>11 of the mandatory criteria set within the Police Reform</p> <p>12 Act are met and, if they are, they should record that</p> <p>13 complaint or conduct matter and refer it to the IOPC for</p> <p>14 us to make the decision as to the most appropriate</p> <p>15 method of investigation.</p> <p>16 Q. So, in other words, it's a phrase which indicates --</p> <p>17 A. It's a process.</p> <p>18 Q. -- the severity of the conduct in question --</p> <p>19 A. That's correct.</p> <p>20 Q. -- and the consequence is that a referral is made to</p> <p>21 you?</p> <p>22 A. Yes, once a complaint or conduct matter has been</p> <p>23 recorded and has been referred, it goes to our own</p> <p>24 assessment team who carry out a process to make those</p> <p>25 decisions.</p> <p style="text-align: center;">Page 16</p>

<p>1 Q. You mention a complaint. That's a slightly different 2 route into the IOPC. That describes a situation where 3 someone makes a complaint directly to your organisation 4 rather than the matter being referred from the police 5 force? 6 A. Or they may make the complaint to the police force. 7 Q. And then the police would have to decide whether it's 8 recordable conduct? 9 A. They would have to decide whether it sits within the 10 criteria and whether it needs to be recorded and 11 referred. 12 Q. I think that's enough of the technicality. When we come 13 to look at these investigations, I think it is right to 14 say that most of them were referred to you by the police 15 forces; in other words, they were referred as recordable 16 conduct, but some were complaints made directly to you? 17 A. My recollection is, there's five public complaints; so 18 the remainder are what we would refer to as conduct 19 referrals. 20 Q. Yes. Moving on, Mr Mahaffey, you mentioned a few 21 moments ago the question of what the IOPC does once it 22 receives a complaint or a referral, and you described 23 how there were different ways in which the IOPC might 24 investigate a matter. Can we go to page 8 of 25 the report, please. If we look at paragraph 21 at the</p> <p style="text-align: center;">Page 17</p>	<p>1 top, we see here -- I think these were the categories 2 that you mentioned, Mr Mahaffey -- four different levels 3 of investigation: one, the independent investigation -- 4 that's an investigation which the IOPC will carry out 5 without any involvement of the police force. Is that 6 right? 7 A. That's correct, yes. 8 Q. Then below that are three other levels, all of which 9 mean that the local police force, to a greater or lesser 10 extent, is involved in conducting the investigation? 11 A. That's correct. 12 Q. A managed investigation where, as it says here, the 13 force carry out the investigation but under the 14 direction and control of the IOPC? 15 A. That's correct, yes. 16 Q. Then below that, a supervised investigation where the 17 IOPC has slightly less involvement? 18 A. Yes. 19 Q. And then, lastly, a local investigation where you don't 20 have any involvement at all? 21 A. No, we would simply refer it back for the force 22 concerned to investigate for themselves. 23 Q. Would they report the outcome of the local 24 investigation, or is it, in a sense, the IOPC saying, 25 "We don't need to have any more to do with this"?</p> <p style="text-align: center;">Page 18</p>
<p>1 A. Yes, it's for the force to deal with. We don't require 2 any further information. However, I think it is within 3 the report that in this particular instance a number of 4 investigations did go back to the MPS for local 5 investigation on the understanding that if there were 6 any developments during the course of those local 7 investigations which may impact upon the original MOI 8 decision, then we would need to be told about it. 9 Q. I think you have already mentioned that almost all of 10 the 37 investigations that we are concerned with were 11 managed investigations? 12 A. That's correct. 13 Q. In other words, it's the second rung down? 14 A. It is. 15 Q. If we can look at paragraph 23 of the report, that 16 describes the factors that were taken into account when 17 those decisions were made. Just briefly running down 18 the list: the seriousness of the allegations; the risk 19 that the nature of the allegations could seriously 20 undermine public confidence in the police and the rule 21 of law; the public interest in ensuring the independence 22 and integrity of the investigations; the public interest 23 in the investigations being conducted efficiently and 24 effectively; the inextricable link, in many cases, 25 between the allegations regarding the police and the</p> <p style="text-align: center;">Page 19</p>	<p>1 underlying allegations of criminality; and then, 2 finally, the scope of the underlying investigations, and 3 the absence of suitable resource -- for example, 4 specialist child sexual abuse investigators -- within 5 the IOPC to carry out the investigations? 6 A. Yes, that's correct. 7 Q. What can we take from that list, Mr Mahaffey, and, in 8 particular, why -- given the seriousness of these 9 allegations, why didn't the IOPC conduct all of these 10 investigations themselves? 11 A. I think there were a number of factors, inasmuch as 12 a managed investigation -- the definition that sits 13 within a managed investigation indicates that the IOPC 14 would retain direction and control, would be responsible 15 for preparing any terms of reference, and, in the case 16 of these particular investigations, they were dealt with 17 jointly with the Operation Winter Key team, and it was 18 very much a hands-on approach on the part of the IOPC to 19 identify lines of enquiry that the MPS were proposing to 20 take forward and to ensure there was maximum exchange of 21 information throughout all of the 37 investigations that 22 were undertaken. 23 Equally, I think some of the other important factors 24 were the fact that the Metropolitan Police were best 25 placed to recover documents, to assist in identifying</p> <p style="text-align: center;">Page 20</p>

<p>1 witnesses, particularly retired officers, particularly 2 identifying those who had passed away, and I think the 3 historic element to these investigations indicated that 4 it would be more efficient and more effective to run 5 these as managed investigations, rather than an 6 independent investigation, which might prolong the time 7 it would take to recover documents and identify 8 witnesses, et cetera. So I think that was a key 9 element. 10 Q. Thank you. I think just finally on this, just a few 11 questions about exactly how the managed investigation 12 works. For these purposes, can we go to page 10, 13 please, and look at the top two paragraphs, 14 paragraphs 29 and 30. Mr Mahaffey, we see here: 15 "In managed investigations ..." 16 That's what we are talking about: 17 "... the investigator will be appointed by the 18 relevant force, although this appointment may be subject 19 to the approval of the IOPC." 20 A. That's correct. 21 Q. So the investigator will, in these cases, be someone 22 from the local force? 23 A. Yes, they would be. 24 Q. But you would be able to -- 25 A. They would be approved by the IOPC.</p> <p style="text-align: center;">Page 21</p>	<p>1 Q. And the investigator will work to terms of reference? 2 A. Yes. 3 Q. For the investigation, and we see here that you, the 4 IOPC, set the terms of reference? 5 A. The IOPC do, yes. 6 Q. Then it reads: 7 "Throughout the course of the investigation, the 8 appointed investigator is under the direction and 9 control of the IOPC director-general. For practical 10 purposes, this direction and control is exercised by 11 IOPC investigators, who scrutinise, challenge and advise 12 on investigative steps and strategy." 13 A. That's correct. 14 Q. So as well as the investigator, who is the local police 15 officer conducting the investigation, there is an IOPC 16 investigator -- 17 A. Correct. 18 Q. -- who is managing the process? 19 A. That's correct. 20 Q. Can you just give us some practical examples of the type 21 of way in which that management will take place? 22 A. Well, certainly in these cases, there were almost weekly 23 meetings with the Operation Winter Key investigators to 24 make sure that our own team were fully apprised of all 25 the progress that had been made. There were regular</p> <p style="text-align: center;">Page 22</p>
<p>1 management meetings. 2 I would like to think that the process put in place 3 was intrusive and challenging, but at the same time 4 collaborative; it actually worked, in my view, well. 5 Q. So, for example, the IOPC may say, "You haven't pursued 6 this line of inquiry far enough. Go back and find some 7 more witnesses" -- 8 A. Yes. 9 Q. -- or "Why haven't you looked for documents in this 10 particular place? You need to go and do that?" 11 A. That's correct, yes, identify people who -- identify 12 other lines of enquiry that it might be helpful to 13 follow up. 14 Q. Then moving down to paragraph 30, this is describing the 15 end of the process, which, as we have said, is 16 essentially where these investigations are all now: 17 "The appointed investigator ..." 18 Here we are talking about the local force 19 investigator -- 20 A. Yes. 21 Q. "... is responsible for completing the investigation 22 report at the end of the investigation." 23 Then it says this: 24 "The decisions to be made at the conclusion of 25 a managed investigation are made by an IOPC decision</p> <p style="text-align: center;">Page 23</p>	<p>1 maker as in independent investigations." 2 So the closing report is written by the local 3 investigator? 4 A. Yes. 5 Q. It is then passed to the IOPC? 6 A. Mmm-hmm. 7 Q. What are the decisions that might be made by an IOPC 8 decision maker? 9 A. The decision maker is responsible for determining 10 whether any relevant person has a case to answer for 11 misconduct or gross misconduct and whether any 12 disciplinary proceedings should result. 13 Equally, it is the decision maker's function to 14 decide upon the evidence that they are presented with. 15 If there's evidence of criminality, then the decision 16 maker decides whether to refer the matter to the Crown 17 Prosecution Service for their consideration. Those are 18 the key functions of the decision maker's role in this 19 process. 20 Q. So, very broadly speaking: disciplinary and criminal 21 proceedings that might follow from the investigation? 22 A. Yes, that's correct. 23 Q. Now, of course, these are historic cases? 24 A. They are. 25 Q. If there was police misconduct, we are talking about</p> <p style="text-align: center;">Page 24</p>

<p>1 misconduct that happened 10, 20, 30 years ago?</p> <p>2 A. That's correct.</p> <p>3 Q. How does that influence either or both of those routes?</p> <p>4 A. Well, clearly, it's the case that the officers who came</p> <p>5 under any level of investigation or scrutiny would have</p> <p>6 long since retired, so they wouldn't be subject to any</p> <p>7 recommended misconduct proceedings, if indeed there was</p> <p>8 a finding made by the decision maker.</p> <p>9 Q. Possibility of criminal proceedings?</p> <p>10 A. Yes. Yes, if evidence had been identified and the</p> <p>11 report was forwarded to the Crown Prosecution Service,</p> <p>12 then they would decide whether or not to bring any</p> <p>13 criminal charges.</p> <p>14 Q. So those are the matters that will have been considered</p> <p>15 by the decision maker in each of these investigations?</p> <p>16 A. That's correct, yes.</p> <p>17 Q. Thank you, Mr Mahaffey. That's all I wanted to ask you</p> <p>18 about, as it were, the IOPC procedural questions.</p> <p>19 I will turn now to ask you some general questions about</p> <p>20 the 37 investigations, and then, after that, we will go</p> <p>21 to some of the investigations, as I have said.</p> <p>22 Just recapping, first of all, what do the</p> <p>23 37 investigations have in common? First of all, they</p> <p>24 all have, to a greater or lesser extent, a common</p> <p>25 subject matter, which we have said was, they all broadly</p> <p style="text-align: center;">Page 25</p>	<p>1 relate to allegations of police misconduct --</p> <p>2 A. That's correct.</p> <p>3 Q. -- connected to Westminster, allegations of child sexual</p> <p>4 abuse?</p> <p>5 A. That's correct.</p> <p>6 Q. I think we have already said that almost all of them</p> <p>7 were managed investigations conducted by the IOPC?</p> <p>8 A. That's correct, yes.</p> <p>9 Q. It is also right, isn't it, that almost all of them are</p> <p>10 Met cases?</p> <p>11 A. Yes, that's correct.</p> <p>12 Q. Whether they were complaints or referrals --</p> <p>13 A. Yes.</p> <p>14 Q. -- they relate to allegations --</p> <p>15 A. Yes.</p> <p>16 Q. -- of potential misconduct by Met officers?</p> <p>17 A. That's correct.</p> <p>18 Q. We have touched on the status of these investigations</p> <p>19 already, but can I just ask you to go to page 30 of</p> <p>20 the report. If we can look at the top, please,</p> <p>21 "Outstanding actions". Now, this, Mr Mahaffey, is where</p> <p>22 we have to remember that this report, as we have said,</p> <p>23 was up to date as of November 2018?</p> <p>24 A. Yes, that's correct.</p> <p>25 Q. So what it says here is that three of the investigations</p> <p style="text-align: center;">Page 26</p>
<p>1 remain ongoing and nine further investigations have --</p> <p>2 are essentially complete in terms of investigative</p> <p>3 actions, but haven't been formally concluded, so that's</p> <p>4 the process we were just looking at, the closing reports</p> <p>5 and the decision maker?</p> <p>6 A. That's correct.</p> <p>7 Q. Those numbers are smaller now, aren't they?</p> <p>8 A. They are, inasmuch as, of the 37, 32 have been completed</p> <p>9 and five remain outstanding.</p> <p>10 Q. And of those five, in how many are further investigative</p> <p>11 steps being taken?</p> <p>12 A. Probably three.</p> <p>13 Q. Thank you.</p> <p>14 A. But I can't be accurate on --</p> <p>15 Q. Don't worry. I think that a general answer is fine for</p> <p>16 these purposes.</p> <p>17 Mr Mahaffey, you have referred a number of times</p> <p>18 already to Operation Winter Key?</p> <p>19 A. Yes.</p> <p>20 Q. I don't want you to go into great detail about this,</p> <p>21 because Commander Roper is probably better placed to</p> <p>22 tell us about that later on, but can you, in a few</p> <p>23 sentences, describe what it is and how</p> <p>24 Operation Winter Key has -- or what part it's played in</p> <p>25 these investigations?</p> <p style="text-align: center;">Page 27</p>	<p>1 A. Yes. Operation Winter Key is the professional standards</p> <p>2 arm of the overall Metropolitan Police investigations</p> <p>3 into historic child sexual abuse. In other words, if,</p> <p>4 during the course of the police investigations into the</p> <p>5 criminal actions of alleged historic child sex abuse,</p> <p>6 any level of conduct, or indeed public complaint, is</p> <p>7 identified, then the Metropolitan Police's</p> <p>8 Operation Winter Key take that forward. They are the</p> <p>9 professional standards arm of the overarching</p> <p>10 investigation into historic child sex abuse matters.</p> <p>11 Q. So your relationship with Operation Winter Key is quite</p> <p>12 unusual, isn't it? I mean, in the ordinary run of</p> <p>13 events, there wouldn't be a designated part of</p> <p>14 the Professional Standards Department which was dealing</p> <p>15 with that and other similar cases?</p> <p>16 A. I think it's quite unique, yes.</p> <p>17 Q. Can we, on a slightly different subject, go, please, to</p> <p>18 page 11 of the report. Mr Mahaffey, this just</p> <p>19 emphasises a point I asked you about right at the</p> <p>20 beginning of your evidence. It is critical that this</p> <p>21 point is understood, I think. It is made at</p> <p>22 paragraphs 34 and 35, and it is the distinction between</p> <p>23 the underlying allegations of criminality, which, if you</p> <p>24 like, provide the factual context for these</p> <p>25 investigations, and what the IOPC is actually</p> <p style="text-align: center;">Page 28</p>

<p>1 investigating. Paragraph 34 says: 2 "Many of the investigations undertaken by the IOPC 3 and/or the MPS relate to police investigations of 4 allegations of criminal behaviour. The purpose of 5 the IOPC investigations has not been to investigate the 6 original allegations made to the police, but instead to 7 consider the actions and behaviour of the police 8 officers and staff members who were involved in 9 investigating those allegations." 10 A. That's correct. 11 Q. "As such, these investigations do not seek to establish 12 whether or not any abuse is more likely than not to have 13 happened." 14 Just pausing there, were someone to say -- to ask 15 you, the IOPC, "Well, you know, did you establish that 16 this politician or that civil servant had committed 17 actions of abuse?", that would be to ask the wrong 18 question, wouldn't it? 19 A. It would, yes. 20 Q. You are focusing, rather, on the allegations that the 21 police failed, for example, to investigate those 22 underlying allegations properly? 23 A. Yes, how the police conducted themselves in carrying out 24 those historic investigations. 25 Q. That point then just leads us to the last couple of</p> <p style="text-align: center;">Page 29</p>	<p>1 sentences of paragraph 35, because where the police 2 themselves have been accused of criminal conduct, 3 including sexual abuse, then that will fall within the 4 terms of reference of an IOPC investigation? 5 A. Yes, it would, yes, and there are five instances or five 6 operations looking into those matters. 7 Q. Thank you. Now, moving on just to another generic issue 8 relating to all of these investigations, we have talked 9 about the fact that, in a managed investigation, one of 10 the roles of the IOPC is to supervise the investigative 11 steps that are being taken to perhaps suggest that 12 different steps should be taken. At paragraph 37, so 13 page 11 of the report, the report summarises the type of 14 steps that have typically been taken in these particular 15 cases. Just going through them: taking detailed 16 statements from those making the relevant allegations; 17 identifying and contacting police or former police 18 witnesses in order to obtain their accounts. 19 A. Yes. 20 Q. Pausing there, we see in a lot of these cases, don't we, 21 an officer saying, "I remember such and such", and then 22 that officer is asked, "Well, who was in your team with 23 you?", and then, is it right that the investigators have 24 gone to those other members of the team -- 25 A. They have made every effort to interview everybody named</p> <p style="text-align: center;">Page 30</p>
<p>1 by the person making the initial allegation. 2 Q. For what purpose? 3 A. To obtain independent corroborative evidence of what 4 that particular individual may be alleging. 5 Q. So if the individual said, "I remember someone telling 6 me that an operation was shut down", the other witnesses 7 will be asked whether they have the same memory or 8 whether they can remember anything like that? 9 A. Absolutely. In effect, Operation Winter Key attempted 10 to follow the evidence wherever it took them. 11 Q. Thank you, Mr Mahaffey. Let's carry on looking through 12 this list. Over the page: identifying and contacting 13 nonpolice witnesses, depending on the facts of the case? 14 A. Yes. 15 Q. Seeking to obtain relevant documentation? 16 A. Yes. I mean, it's a common thread throughout the report 17 and throughout the investigations that one of 18 the problems encountered has been that, over the years, 19 much documentation has been destroyed -- not wantonly or 20 deliberately, as such, but the majority, as part of 21 whatever the destruction policy was within the 22 Metropolitan Police at that time. 23 Q. We will come to this, but some documents have been 24 destroyed deliberately, and simply because documents are 25 destroyed after they have been held for 10 or 20 years?</p> <p style="text-align: center;">Page 31</p>	<p>1 A. Absolutely. That's correct. 2 Q. Not "deliberately" in the sense of any sort of 3 suspicious activity -- 4 A. Coverup. 5 Q. -- but just routine destruction of documents? 6 A. That's correct. 7 Q. That's a problem when one is looking at things that are 8 said to have happened 30 or 40 years ago? 9 A. Yes, I agree. 10 Q. The other items on the list, many of them refer to 11 documents, records, archives, and so on, and then the 12 penultimate item: liaising with other public bodies? 13 A. Yes. 14 Q. Such as? 15 A. Such as the Crown Prosecution Service, such as 16 government departments, Social Services; there's quite 17 a range contained within the investigations that have 18 been undertaken. 19 Q. Thank you. Now, further down that page, there is 20 another heading, which is something you have already 21 mentioned, Mr Mahaffey, which is the difficulties 22 encountered in the investigations, and these are not 23 intended to focus on specific problems in any particular 24 investigation, but generic difficulties which many of 25 these historic investigations have encountered.</p> <p style="text-align: center;">Page 32</p>

<p>1 A. Correct.</p> <p>2 Q. First of all, and perhaps an obvious point, many of</p> <p>3 the potential witnesses have now died, given the passage</p> <p>4 of time?</p> <p>5 A. They have passed away.</p> <p>6 Q. The report says that in 22 of the investigations, people</p> <p>7 who the investigators might otherwise have wanted to</p> <p>8 talk to have died?</p> <p>9 A. That's correct.</p> <p>10 Q. The next item on the list talks about witnesses who are</p> <p>11 still alive, but who can't remember or who have</p> <p>12 difficulty remembering the events?</p> <p>13 A. And that's been a feature in 11 of the investigations.</p> <p>14 Q. But just moving down the list, we see similar problems:</p> <p>15 witnesses unable to identify relevant persons; and then</p> <p>16 witnesses refusing to engage with the investigation.</p> <p>17 A. Yes.</p> <p>18 Q. Tell us more about --</p> <p>19 A. That's featured in two of the investigations, certainly</p> <p>20 from the material I have read most recently, there's one</p> <p>21 particular officer who has wholly declined to assist,</p> <p>22 and there is another where one officer initially engaged</p> <p>23 with us but has declined to assist further, and I think</p> <p>24 that was prior to him or her making a formal witness</p> <p>25 statement.</p> <p style="text-align: center;">Page 33</p>	<p>1 Q. It is right, I think, that you don't have, in conducting</p> <p>2 an investigation like this, any power to compel</p> <p>3 a witness --</p> <p>4 A. We don't, no.</p> <p>5 Q. -- to cooperate?</p> <p>6 A. We don't.</p> <p>7 Q. From what you have said -- I mean, a clear refusal to</p> <p>8 cooperate is quite rare; is that right?</p> <p>9 A. It is rare.</p> <p>10 Q. Of course, another possibility is that some of those</p> <p>11 people who said they couldn't remember could, but they</p> <p>12 just didn't want any part of the investigation?</p> <p>13 A. Yes, that's entirely possible.</p> <p>14 Q. Are you able to say any more about that?</p> <p>15 A. I don't think you can draw any conclusion from somebody</p> <p>16 who says, "I don't remember". There's not an awful lot</p> <p>17 I think you can do with that. Having reviewed the</p> <p>18 37 investigations more recently, I must say that I think</p> <p>19 in the bulk of cases there's a willingness to help, or</p> <p>20 willingness to assist. The level of response has either</p> <p>21 been by way of telephone, email or actually preparing</p> <p>22 for witness statements, so it's the full range of</p> <p>23 communication has been attempted, and I think when you</p> <p>24 look at the figures here, it's only a very small number</p> <p>25 of individuals who, for whatever reason best known to</p> <p style="text-align: center;">Page 34</p>
<p>1 them, have decided they just don't want to assist.</p> <p>2 Q. When we go, as we will, to look at the individual cases,</p> <p>3 it is important to bear in mind, isn't it, that some of</p> <p>4 these witnesses had police careers lasting many years</p> <p>5 and would therefore have been involved in hundreds of</p> <p>6 thousands of individual investigations and were being</p> <p>7 asked to remember really very precise detail about one</p> <p>8 particular operation many years later?</p> <p>9 A. That's correct, and, equally, quite often, the</p> <p>10 Winter Key team weren't in a position to provide them</p> <p>11 with any documentation because that had been destroyed</p> <p>12 which may have aided their memory or recall.</p> <p>13 Q. That, indeed, is the last bullet point, and you have</p> <p>14 already mentioned -- we will perhaps come to see this in</p> <p>15 some of the investigations -- that sometimes simply</p> <p>16 documentation wasn't available?</p> <p>17 A. That's correct.</p> <p>18 Q. In others, of course, it was?</p> <p>19 A. Yes.</p> <p>20 Q. And there are some investigations where complete case</p> <p>21 files were found and they were helpful?</p> <p>22 A. Absolutely.</p> <p>23 Q. I want to move just to talk about the summary and</p> <p>24 analysis of the evidence obtained in the report. Now,</p> <p>25 clearly, Mr Mahaffey, as we have said, each of these</p> <p style="text-align: center;">Page 35</p>	<p>1 investigations turns on their own facts?</p> <p>2 A. Yes.</p> <p>3 Q. You can say they were all Westminster, they were all</p> <p>4 child sexual abuse, they were all 20, 30 years ago, but</p> <p>5 whenever one looks at the individual investigation, it</p> <p>6 is very particular facts?</p> <p>7 A. It is.</p> <p>8 Q. So one can't generalise too far; is that fair?</p> <p>9 A. Yes.</p> <p>10 Q. Having said that, the report does attempt to identify</p> <p>11 some common themes and bring some of the common facts</p> <p>12 together. Can we go, first, to page 16, please,</p> <p>13 paragraph 55 of the report. Here the report addresses</p> <p>14 what can be said generally about the allegations.</p> <p>15 A. Yes, it does. Again, this is some of the more detailed</p> <p>16 analysis that's been undertaken. As set out in</p> <p>17 paragraph 55, 27 of the operations concerned allegations</p> <p>18 that evidence or lines of enquiry were suppressed. In</p> <p>19 seven cases, investigations were halted or threatened to</p> <p>20 be halted. In two of the investigations, there's an</p> <p>21 allegation that an individual was charged with a less</p> <p>22 serious crime than should have been the case, due to</p> <p>23 their status. And in one of the investigations, that</p> <p>24 officers harassed and intimidated a member of</p> <p>25 the public.</p> <p style="text-align: center;">Page 36</p>

<p>1 Following on, in the next paragraph, the 2 categorisation is often unclear, because there are many 3 overlaps of various categories. 4 Q. Yes. One distinction that can be drawn, and which the 5 report does draw, is between cases where the police 6 simply fail to act and others where what is said is that 7 they positively tried to disrupt an operation? 8 A. Yes. 9 Q. Let's just look at that briefly, if we can. First of 10 all, can we go to page 17, paragraph 60. What is said 11 there is: 12 "As explained above, a number of the operations 13 related to apparent failures by the police, such as 14 allegations that information provided by 15 witnesses/victims had not been followed up, that the 16 police simply did not investigate allegations made 17 regarding child sexual abuse, including allegations of 18 kidnap and rape, and that a report of child sexual abuse 19 may not have been properly handled due to the identity 20 of the alleged perpetrator." 21 A. Yes. 22 Q. So there the allegations are of the type that the police 23 simply didn't take the appropriate action? 24 A. That's correct. 25 Q. If we look further down, paragraphs 62 and 63, we see</p> <p style="text-align: center;">Page 37</p>	<p>1 a contrast being drawn, where some of the allegations, 2 or many of the allegations, investigated are that the 3 police officers had positively acted to disrupt the 4 investigations? 5 A. Yes. 6 Q. In paragraph 63: 7 "For example, there were three instances in which it 8 was alleged that evidence had deliberately been 9 destroyed by the police, and in a further case that 10 property seized by the police may have been improperly 11 interfered with. Such deliberate action also featured 12 in allegations that a witness statement had been 13 altered." 14 So they are positive acts which, if proved, would 15 have been serious acts of misconduct? 16 A. Yes. 17 Q. So very difficult to generalise, as you say, and any 18 categories have grey areas at their edges, but they are 19 some examples of the types of allegations of misconduct, 20 police misconduct, that have featured in these 21 investigations? 22 A. That's correct. 23 Q. Another theme in these cases is that of instructions 24 being given by senior officers, and that is a subject 25 dealt with at paragraph 69, so we are looking at page 18</p> <p style="text-align: center;">Page 38</p>
<p>1 of the report, please. The point made there is that 2 many of the allegations have been made by more junior 3 officers, or who were at the time junior officers, 4 saying that these investigations have been halted or 5 some step, such as the suppression of evidence, having 6 been taken following orders received from senior 7 officers? 8 A. That's correct. 9 Q. We see that in many of the investigations? 10 A. We do. 11 Q. Can we just look over the page, please, at paragraphs 72 12 and 73. I just want to look at these paragraphs, 13 Mr Mahaffey, and then ask you about them. It refers to 14 the hierarchical structure in the police "in place 15 during the period to which these allegations relate 16 (although the relevant legislation and standards applied 17 differed). It may be speculated that a culture of 18 deference was, if anything, more prominent at that time, 19 although this has not been evidenced for the purpose of 20 this report." 21 What is being referred to there is a culture of 22 deference within the police between junior and senior 23 officers? 24 A. Yes. 25 Q. "In any event, it is possible that senior officers</p> <p style="text-align: center;">Page 39</p>	<p>1 exercised their authority in order to prevent effective 2 investigation and that such instructions were followed 3 by police officers. It is also unlikely to be 4 considered surprising if junior police officers did not 5 question the decisions of senior police officers when 6 allegedly told not to pursue a certain line of enquiry 7 or indeed a whole investigation at the time in 8 question." 9 Just pausing there, can you expand on the reasoning 10 in that paragraph, Mr Mahaffey? 11 A. Well, I think historically it is likely that officers, 12 for whatever reason, didn't see it was their position to 13 challenge any such decision, and I think that's the 14 primary focus of that particular paragraph. 15 I think there was a slight difference in the culture 16 then when compared to the culture now, and I think it 17 probably was the case where more junior officers didn't 18 think it was their place to challenge or question any 19 decision made by a more senior officer. I think that's 20 changed considerably, but I think it's nevertheless 21 a theme within many of the 37 investigations. 22 Q. Well, that's something we may come back to talking about 23 later in the week. 24 A. Yes. 25 Q. But there's an important point made in the next</p> <p style="text-align: center;">Page 40</p>

<p>1 paragraph, which is this: 2 "Whilst the above may be considered to increase the 3 plausibility of these allegations, it is clearly not 4 evidential." 5 Presumably, what's meant there is, it's 6 a suggestion? 7 A. It is, yes. 8 Q. It is not a science? 9 A. It is not. 10 Q. But then this: 11 "In addition, in some operations there is evidence 12 that decisions were made by senior officers to progress 13 an investigation through transfer to a different unit, 14 but that this may not have been appropriately 15 communicated to junior officers, leading to speculation 16 and concern, as commented further below." 17 So the hierarchical structure that you are 18 describing, which may in cases have led to misconduct 19 not being -- on the part of senior officers not being 20 reported; equally, is it right -- is this paragraph 21 making the point that there may be other occasions where 22 something perfectly sensible happened -- for example, an 23 operation being transferred from one team to another -- 24 but that the junior officers never properly understood 25 what had happened and so they might have assumed that</p> <p style="text-align: center;">Page 41</p>	<p>1 something had gone wrong where in fact it hadn't? 2 A. That's absolutely right, yes. 3 Q. Do we see that in some of these investigations? 4 A. We do, yes. 5 Q. So there are some investigations where junior officers, 6 years later, suggest or report that they were 7 investigating some allegation of a prominent person and 8 the investigation was suddenly taken away from them and 9 they assumed that the investigation was just stopped, 10 but that, when you investigated, you discovered that 11 actually it had been transferred, carried on properly, 12 and that junior officer had never been told about it? 13 A. Perhaps the apparent deference or hierarchical structure 14 didn't facilitate good communication at that time. 15 Q. Just moving on, Mr Mahaffey, can we go to paragraph 76, 16 that's over the page on page 20. This is the themes, to 17 the extent one can draw themes, relating to the alleged 18 offending. So we have looked at the themes relating to 19 the allegations of police misconduct. 20 A. Yes. 21 Q. This is that bottom layer, the context, the alleged 22 offending that the police may or may not have been 23 investigating properly at the time? 24 A. Yes. 25 Q. We have already made the point that this is in fact not</p> <p style="text-align: center;">Page 42</p>
<p>1 what the IOPC were investigating? 2 A. That's correct. 3 Q. This simply provided the context for the IOPC 4 investigation. 5 If we can look at paragraph 78, we see: 6 "The operations relate to extremely serious 7 allegations of criminal behaviour. Several concern 8 allegations of indecency or sexual assault against young 9 boys, and four operations relate to the sexual assault 10 and murder of children. One operation considered an 11 allegation relating to sexual abuse by a number of 12 prominent persons, but no further specification was 13 provided nor is obtainable. Five of the underlying 14 criminal allegations were unspecific, but concerned the 15 sexual abuse of children." 16 So very serious criminal investigations that provide 17 the context for your own investigations into police 18 misconduct? 19 A. Absolutely, yes. Yes. 20 Q. Then just paragraph 79: 21 "In addition, several of the operations relate to 22 parties that prominent persons were alleged to have 23 attended, where, in some instances, it was alleged that 24 abuse of young boys occurred. In one case, a prominent 25 person was said to have hosted parties which were</p> <p style="text-align: center;">Page 43</p>	<p>1 reported to have been attended by boys aged about 2 15 years." 3 That is, we see in the footnote, Operation Yew? 4 A. It is. 5 Q. That was an investigation into allegations relating to 6 Peter Morrison? 7 A. They were indeed, yes. 8 Q. I don't want to go through this section in detail, 9 Mr Mahaffey. It is there for others to read. 10 A. Yes. 11 Q. But, just in summary, the point is made that many of 12 these cases involved alleged criminality relating to 13 institutions or care homes, or the like? 14 A. Yes, that's correct. 15 Q. Also, there are a number of investigations that relate 16 to allegations connected with Elm Guest House? 17 A. That's correct. 18 Q. There is, at paragraph 82, a reference to many of 19 the investigations relating to allegations relating to 20 prostitutes, rent boys, and you heard Mr Altman in his 21 opening yesterday -- 22 A. Yes. 23 Q. -- making the point about the rather ambiguous term 24 "rent boy"? 25 A. Yes:</p> <p style="text-align: center;">Page 44</p>

<p>1 Q. Is that something you agree with?</p> <p>2 A. Yes, it is.</p> <p>3 Q. Finally, let's just, for completeness, look at</p> <p>4 paragraph 84, please, which I think goes over the page.</p> <p>5 You say:</p> <p>6 "In addition to the above, several of</p> <p>7 the allegations have common features or characteristics,</p> <p>8 which justify specific comment."</p> <p>9 Going over the page:</p> <p>10 "(a)16 of the cases relate to allegations of</p> <p>11 a paedophile ring.</p> <p>12 "(b) six of the allegations concerned surveillance</p> <p>13 operations being carried out by police.</p> <p>14 "(c) the Obscene Publications Squad is referenced in</p> <p>15 four of the operations, although this was largely</p> <p>16 incidental in one."</p> <p>17 Then the Paedophile Information Exchange, which we</p> <p>18 heard about yesterday, is referenced by name in three of</p> <p>19 the operations?</p> <p>20 A. That's correct.</p> <p>21 Q. So this is something of the factual context of these</p> <p>22 investigations?</p> <p>23 A. It is, yes, in summary form.</p> <p>24 Q. Yes. Further down the same page, there is a bringing</p> <p>25 together of the sources of the allegations. So this is</p> <p style="text-align: center;">Page 45</p>	<p>1 the allegations of police misconduct that we are talking</p> <p>2 about now?</p> <p>3 A. Yes.</p> <p>4 Q. If we can summarise it, we see each of the paragraphs,</p> <p>5 the first paragraph refers to 17 of the investigations</p> <p>6 based on allegations made by, or information received</p> <p>7 from, former police officers?</p> <p>8 A. That's correct.</p> <p>9 Q. So if one wanted to use the term "whistleblowers"?</p> <p>10 A. Yes.</p> <p>11 Q. But many of them, if not all of them, I think, are now</p> <p>12 retired?</p> <p>13 A. They are, yes.</p> <p>14 Q. Recalling events from a long time previously?</p> <p>15 A. 20, 30, 40 years ago.</p> <p>16 Q. Then just casting our eyes down the page, paragraph 86,</p> <p>17 a different category of allegations, made by members of</p> <p>18 the public?</p> <p>19 A. Yes.</p> <p>20 Q. Not including retired police officers, I take it, given</p> <p>21 what is said at paragraph 85?</p> <p>22 A. That's correct.</p> <p>23 Q. Although --</p> <p>24 A. I don't believe so.</p> <p>25 Q. No. Then paragraph 87, a number of the other</p> <p style="text-align: center;">Page 46</p>
<p>1 allegations, seven of the other allegations, were made</p> <p>2 through the media?</p> <p>3 A. That's correct.</p> <p>4 Q. We see on the page below there is a heading "Identity of</p> <p>5 alleged perpetrators". I don't want to go to this in</p> <p>6 any detail, but is it right simply to say that several</p> <p>7 names recur frequently?</p> <p>8 A. They do, yes.</p> <p>9 Q. And two of the names that recur more frequently than the</p> <p>10 others are Leon Brittan and Cyril Smith?</p> <p>11 A. That's correct, yes.</p> <p>12 Q. But you make the point in your report that there is very</p> <p>13 little that can be read into that simply on its own, but</p> <p>14 one needs to look at the facts of the investigations if</p> <p>15 one is to understand whether there's any significance in</p> <p>16 that or not?</p> <p>17 A. Yes, you do.</p> <p>18 Q. Then I think lastly for this section, if we can go to</p> <p>19 paragraph 92, so it is at the bottom of page 23.</p> <p>20 A. Yes, this is the timeframe.</p> <p>21 Q. The timeframe. We see here that 32 of the allegations</p> <p>22 concerned the 1970s and '80s?</p> <p>23 A. That's correct.</p> <p>24 Q. And four of them also referred to the early or mid '90s.</p> <p>25 A further two related to the '90s, and then a small</p> <p style="text-align: center;">Page 47</p>	<p>1 number to periods after that.</p> <p>2 A. Yes.</p> <p>3 Q. We have already said that the focus of these</p> <p>4 investigations is very much on --</p> <p>5 A. The bulk are within the '70s and '80s.</p> <p>6 Q. Yes, thank you. Just perhaps to come back to a point we</p> <p>7 have already made, that's the time period for what is</p> <p>8 said to have been the police misconduct, the challenged</p> <p>9 investigations, if I can put it that way?</p> <p>10 A. It is, yes.</p> <p>11 Q. But if one asked the question, "When were these</p> <p>12 complaints made?", that's much more recent?</p> <p>13 A. It is.</p> <p>14 Q. Can you give a date: all after 2012?</p> <p>15 A. Yes, between 2012/2014.</p> <p>16 Q. Thank you. Then I think, lastly for this section,</p> <p>17 Mr Mahaffey, I just want to take you to the outcomes.</p> <p>18 There is a section on common themes of evidence, but</p> <p>19 I am going to take you to individual investigations, so</p> <p>20 I don't want to take you through the common themes on</p> <p>21 evidence. Rather, let's just look at outcomes, if we</p> <p>22 can. So that is page 29.</p> <p>23 We have spoken already about the procedural stage at</p> <p>24 which these investigations have reached. Most of them</p> <p>25 have now finished. But you also referred to the fact</p> <p style="text-align: center;">Page 48</p>

<p>1 that decisions -- the decision maker within the IOPC, 2 once the investigation is finished, will then consider 3 whether disciplinary or criminal offences are indicated, 4 and that's what's addressed in this "Outcomes" section? 5 A. It is, yes. 6 Q. At paragraph 121, we see: 7 "in 36 of the 37 operations, no sufficient evidence 8 has been obtained to support allegations of police 9 misconduct." 10 A. That's correct. 11 Q. Is that still accurate, or are you not aware of that? 12 A. Yes, it is. Yes, it is. 13 Q. Then I think the position is broken down a little bit in 14 the next paragraph: 15 "23 of the operations did not identify evidence of 16 the allegation. In eight cases, this was simply because 17 relevant evidence could not be obtained ..." 18 A. That's correct. 19 Q. "... although, of those eight, five of the allegations 20 contained inconsistencies or discrepancies that were 21 potentially undermining." 22 A. That's correct. 23 Q. "In respect of the other 15 cases, the investigation 24 obtained evidence that undermined the allegations, 25 wholly or in part."</p> <p style="text-align: center;">Page 49</p>	<p>1 A. Yes. 2 Q. Then there is just a reference to one operation where, 3 because the relevant officer is now deceased, the matter 4 couldn't be progressed any further? 5 A. That's correct. 6 Q. Now, there is, in the report, for those who are flicking 7 through it, a section dealing with the local 8 investigations, so that is investigations which were 9 conducted by the Met and not related, without any 10 supervision or management from the IOPC? 11 A. That's correct, yes. 12 Q. That's paragraphs 126 and following, isn't it? 13 A. It is, yes. 14 Q. But that is something that I am going to ask 15 Commander Roper about later and I don't need to ask you 16 any questions about that? 17 A. Right. 18 Q. So, Mr Mahaffey, that deals with the general points, and 19 it brings us to the details of the individual 20 investigations. The first one I want to ask you about, 21 please, is Operation Spruce. So for those purposes, can 22 we please go to page 71 of the report, which is one of 23 the summaries at the back of the report, and it is the 24 Operation Spruce summary. It is page 71? 25 A. Do you have a tab number?</p> <p style="text-align: center;">Page 50</p>
<p>1 Q. Mr Mahaffey, I'm not asking you to go to the Spruce 2 closing report, I'm asking you to go to the Spruce 3 summary within the IOPC report? 4 A. I have joined them up. 5 Q. You could try tab 9. 6 A. Thank you. Yes, got it. Thank you. 7 Q. These summaries are all structured the same way, aren't 8 they? 9 A. They are, yes. 10 Q. They start with a description of the allegation? 11 A. Yes. 12 Q. That's not the underlying criminal allegation, that's 13 the allegation of police misconduct? 14 A. It is, yes. 15 Q. The allegation here is that a criminal investigation 16 involving a person of public prominence was prevented by 17 senior Metropolitan police officers because of 18 the possibility of exposing that person's involvement in 19 child sexual abuse? 20 A. That's correct, yes. 21 Q. The person of public prominence who was alleged to have 22 been protected in this investigation was Peter Morrison? 23 A. Peter Morrison, yes. 24 Q. Now, the background is set out there at the second 25 section of the summary. In summary, a member of</p> <p style="text-align: center;">Page 51</p>	<p>1 the public who had been a child in 1983 -- I think he 2 was 15? 3 A. 15, yes. 4 Q. He came forward in 2015, I think it is, and described 5 having been raped as a boy of 15? 6 A. Yes. 7 Q. He was living at the time in a village in Sussex? 8 A. Yes. 9 Q. And he described a well-dressed man from London, I think 10 a car broke down in this village? 11 A. That's correct, yes. 12 Q. And the boy had initially helped to fix his car? 13 A. Keep an eye on his car. 14 Q. And subsequently, this man had returned and persuaded 15 him to go back to London with him, where the boy alleged 16 that he had been raped -- 17 A. That's correct. 18 Q. -- and abused by this man and others? 19 A. That's correct. 20 Q. The point being that the account given by this now man 21 in 2015 was that at the time he and his family had 22 reported the events to the police? 23 A. They had. 24 Q. There had been an investigation? 25 A. Yes.</p> <p style="text-align: center;">Page 52</p>

<p>1 Q. The boy gave a witness statement. And some time later, 2 the police came back to him and his family and told him 3 that the individual, the man, who had attacked him had 4 been caught, convicted, sent to prison? 5 A. Yes. 6 Q. They brought some of his clothes that they had found in 7 the man's house back to him? 8 A. Yes. 9 Q. So far as the boy and his family were concerned, that 10 was the end of the matter? 11 A. Yes. 12 Q. But many years later, following the renewed interest in 13 Westminster child abuse cases, the now man saw reports 14 of Elm Guest House and Peter Morrison in particular? 15 A. Yes. 16 Q. And thought he recognised the picture of Peter Morrison 17 as the man who had raped him? 18 A. That's correct, yes. 19 Q. He then made enquiries and saw that Peter Morrison had 20 never been convicted of any sort of sex abuse, and 21 certainly not rape, and put two and two together and 22 drew the conclusion that, in fact, the police had lied 23 to him? 24 A. Yes. 25 Q. And that they had simply fobbed him off by telling him</p> <p style="text-align: center;">Page 53</p>	<p>1 that the man had been convicted and, in truth, he hadn't 2 been, and that Peter Morrison had been protected? 3 A. That's correct. 4 Q. This was a story which gained some prominence. Indeed, 5 it was reported in the Daily Telegraph, or Sunday 6 Telegraph, I think it was. 7 A. Yes. 8 Q. Can we call that up, please. It is INQ004075. This is 9 the Sunday Telegraph from 3 January 2015. 10 A. Yes. 11 Q. The account that I have just outlined is given, 12 a description of how this man was taken to London and 13 assaulted. If we can go on to the next page, we see the 14 description of the incident, and we see, about four or 15 five paragraphs down, the man's father remembering: 16 "The guy said that he had homes in Chester and 17 London, but he never told us he was an MP. He seemed 18 nice, very well spoken and nicely presented. I allowed 19 my son to go with him." 20 That's when the man invited him to go to London? 21 A. Yes. 22 Q. "I suppose you just trusted people more in those days." 23 Then there's the account, if we go over the page, of 24 the attack, and the account being that in fact this boy 25 now thought that he'd been taken to the Elm Guest House.</p> <p style="text-align: center;">Page 54</p>
<p>1 There's then the reference to the boy and his parents 2 reporting the incident to the police and Scotland Yard 3 detectives, towards the bottom of the page, arriving at 4 the house and taking a statement from the boy, and at 5 that stage, all he knew about the man was that he was 6 called "Peter, the barrister". Is that right? 7 A. That's correct. 8 Q. Then if we go on to the next page, please, we see 9 a picture of -- I think that's Elm Guest House, isn't 10 it? 11 A. Yes. 12 Q. And the description of the police returning to the boy 13 and telling him that the individual had been convicted 14 and he'd been sent to prison for two years and there was 15 nothing to worry about. 16 A. Yes, that's correct. 17 Q. Then four or five paragraphs up from the bottom, if we 18 can go back to the text, please, if we can just enlarge 19 the bottom of the page: 20 "It was only a number of years later that the 21 alleged victim says he recognised Morrison as an MP in 22 the Thatcher government, and discovered he had never in 23 fact served any prison sentence. 24 "Frightened that he would not be believed, he says 25 he endured more than three decades of torment as he</p> <p style="text-align: center;">Page 55</p>	<p>1 tried to rebuild his life. 2 "Now he says he has now decided to come forward 3 again after watching victims of Jimmy Savile telling 4 their stories. 5 "I believe that Morrison was a high-profile guy, so 6 he got away with it. Either the police were paid off or 7 they hushed it up because he was an MP." 8 That's the allegation of police misconduct? 9 A. That is. 10 Q. And that was the allegation that was investigated as a 11 managed investigation by the IOPC? 12 A. It is. 13 Q. Clearly, an extremely serious allegation? 14 A. It is. 15 Q. As we see, if we can go back now, please, to the IOPC 16 report, page 71, on this occasion, the investigators 17 were able to locate documents relating to the case? 18 A. Yes, they were. They were able to identify the victim's 19 original statement and, equally, confirm the identity of 20 a man who had been arrested and charged with the offence 21 on this particular individual. 22 Q. And convicted? 23 A. And convicted. 24 Q. And that person was not Peter Morrison? 25 A. No, that was John Harrison.</p> <p style="text-align: center;">Page 56</p>

1 Q. What steps were then taken towards the complainant?
 2 **A. All the information that Operation Winter Key had**
 3 **gleaned was, in effect, shared with the complainant to**
 4 **give him some reassurance. He nevertheless continued to**
 5 **raise a number of questions, particularly around what he**
 6 **had been told by the officers who had returned to his**
 7 **address with some of his clothing.**
 8 Q. Yes.
 9 **A. I think that the conversation suggested that they told**
 10 **him that the individual had gone to prison for two**
 11 **years, when in fact it looks like he was placed on**
 12 **probation for a year, as opposed to having gone to**
 13 **prison for two years. That was probably one of the main**
 14 **issues, I think, that concerned the victim.**
 15 Q. The remaining issue?
 16 **A. The remaining issue.**
 17 Q. Because the core issue, which had been that he'd been
 18 told a complete lie --
 19 **A. Yes.**
 20 Q. -- and that he'd been told that his attacker had been
 21 caught, when in fact it had just been covered up, that
 22 was established as not being the case?
 23 **A. Yes.**
 24 Q. I think it is right that he was shown a photograph of
 25 the man who had actually attacked him and he accepted

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1 involvement in a paedophile ring. Now, we see from the
 2 "Background" section just below that the persons of
 3 public prominence who it is said were protected in this
 4 way were Cyril Smith and Leon Brittan; is that right?
 5 **A. That's correct, yes.**
 6 Q. The account that was given -- we see that this is one of
 7 those cases where it was a retired Metropolitan Police
 8 officer who made the allegation?
 9 **A. That's correct.**
 10 Q. The account that he gave was that he was involved -- he
 11 was seconded onto an investigation in the late 1970s
 12 involving an allegation that a young boy had been
 13 sexually abused by men?
 14 **A. That's correct.**
 15 Q. And it was alleged that the boy had identified
 16 Cyril Smith and Leon Brittan as two of the men involved
 17 and that the night before the team were due to go and
 18 make arrests, or at least apply for arrest warrants --
 19 sorry, it was the execution of arrest warrants --
 20 **A. The execution, yes.**
 21 Q. -- a senior officer had entered the office and told them
 22 that the job was closed because of instructions from
 23 above?
 24 **A. That's correct.**
 25 Q. So do we see here one of those features we discussed

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1 that that was, in fact, the person who had done it?
 2 **A. That's correct.**
 3 Q. So in this particular investigation, it was established
 4 that this very public allegation that was made against
 5 Peter Morrison in the press was without any foundation
 6 at all?
 7 **A. It was unfounded.**
 8 **MR O'CONNOR: Chair, would that be a moment to have our**
 9 **morning break?**
 10 THE CHAIR: Yes, we will return at 11.30 am.
 11 (11.16 am)
 12 (A short break)
 13 (11.33 am)
 14 MR O'CONNOR: Mr Mahaffey, we had finished with
 15 Operation Spruce. Can I ask you now to look at
 16 Operation Bonsai. For the screen, it's page 40 of
 17 the IOPC report, please, internal page 40. If we can
 18 just enlarge, first of all, the "Allegation" and
 19 "Background" sections. This was an operation,
 20 Mr Mahaffey, where we see the allegation -- that is the
 21 allegation of police misconduct -- was that evidence
 22 relating to a criminal investigation involving persons
 23 of public prominence was suppressed --
 24 **A. That's correct.**
 25 Q. -- because of the possibility of exposing their

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1 this morning: the deference, the instructions from
 2 superior officers, and so on?
 3 **A. I think that's an example of it, yes.**
 4 Q. Looking further down the summary, can you describe what
 5 investigative steps were taken and what was demonstrated
 6 to have been the case in this investigation?
 7 **A. Operation Winter Key interviewed the officer who first**
 8 **made the allegation, and they then sought to interview**
 9 **all those that this particular individual named who were**
 10 **part of the investigation that he has talked about.**
 11 Q. Just pausing there, I think, by my count -- I'm not
 12 going to take you to the underlying material, but
 13 I think it is right there were eight officers --
 14 **A. Yes.**
 15 Q. -- who were interviewed, either because they had been
 16 named by the officer who made the complaint or --
 17 **A. Yes.**
 18 Q. -- possibly because, for whatever reason, it was felt
 19 they might have some evidence to offer in this
 20 investigation?
 21 **A. That's correct. I think it was a case where one named**
 22 **another who named another, and there were at least**
 23 **eight, I think.**
 24 Q. Exactly. I think there were two other officers who
 25 would have been interviewed but they were traced and

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1 found to have been deceased?
 2 **A. That's correct, yes.**
 3 Q. So here we have an allegation, the retired officer who
 4 made the allegation being interviewed, and then
 5 a further eight officers?
 6 **A. That's correct.**
 7 Q. From your review of all the cases, is that typical or --
 8 **A. It's not dissimilar and features in quite a few.**
 9 Q. That sort of number --
 10 **A. That pattern.**
 11 Q. -- of officers being interviewed?
 12 **A. It does vary, but certainly -- I think the report**
 13 **identifies the extent that Winter Key went to to try and**
 14 **identify, and I think, equally, in some of the other**
 15 **investigations, while you might have the same number of**
 16 **names to research and investigate, it is not always you**
 17 **will get that high a number who actually are able to**
 18 **respond.**
 19 Q. What was the -- what were the fruits of those enquiries?
 20 What did the officers who were interviewed say?
 21 **A. All the officers spoken to had no knowledge of any**
 22 **mention, any prior mention, of either Cyril Smith or**
 23 **Leon Brittan. There was, equally, no knowledge that**
 24 **there was any stock put on the execution of any search**
 25 **warrants.**

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1 **A. Yes, there were. The documents were examined, and**
 2 **I think they set out a number of addresses that were**
 3 **searched, further victims identified and additional**
 4 **suspects were charged and convicted as a consequence of**
 5 **the action taken.**
 6 Q. Thank you. So there, a complaint which was able to be
 7 investigated --
 8 **A. Yes.**
 9 Q. -- and, so far as one could see, it couldn't be
 10 corroborated?
 11 **A. That's correct.**
 12 Q. Just before we leave that, there is another point, isn't
 13 there, Mr Mahaffey: when I asked you about the generic
 14 work that was done about which politicians' names came
 15 up most frequently, it was these two, Cyril Smith and
 16 Leon Brittan?
 17 **A. It is, absolutely.**
 18 Q. The point perhaps being that one can't simply look at
 19 the number of times they come up, one has to look at the
 20 details of the investigations in which they come up --
 21 **A. Yes.**
 22 Q. -- because both names appear here, but here, after
 23 a thorough investigation, there was no suggestion that
 24 in fact those two individuals had featured in the
 25 investigation or that they had been protected?

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1 Q. I think it was arrest warrants?
 2 **A. Sorry, I beg your pardon, arrest warrants. I think,**
 3 **equally, what the officers have done is explain their**
 4 **part in what was seen as a successful investigation into**
 5 **an area of East London where apparently run-away**
 6 **children from the North of England were congregating and**
 7 **thereafter being groomed and sexually abused. I think**
 8 **the outcome was that there was a successful**
 9 **investigation which resulted in a number of convictions**
 10 **of individuals.**
 11 Q. So far from the suggestion being that the investigation,
 12 as it were, was being closed down, the evidence showed
 13 that the investigation had continued --
 14 **A. The investigation continued.**
 15 Q. -- arrests were made, convictions obtained --
 16 **A. They were, yes. Equally, none of the officers -- to my**
 17 **recollection, none of the officers recall ever hearing**
 18 **mention of Cyril Smith or Leon Brittan.**
 19 Q. Or any suggestion that --
 20 **A. Any other person of public prominence, no.**
 21 Q. -- anyone had been protected or that any investigative
 22 step that should have been taken hadn't been taken?
 23 **A. That's correct.**
 24 Q. I think we see from the summary that this was one of
 25 those cases where there were documents still available?

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1 **A. There is no mention anywhere else, other than by the**
 2 **officer who made the initial allegation.**
 3 Q. Thank you. I want to turn now away from
 4 Operation Bonsai and to four operations which will
 5 feature when we hear evidence tomorrow. What these
 6 cases have in common is that they are all cases where
 7 the allegation that was made was that police officers
 8 were told to cease investigating child sexual abuse
 9 allegations by more senior officers because of
 10 the involvement of persons of public prominence, so very
 11 much the same area as Operation Bonsai.
 12 The cases in question and the officers who are to be
 13 called to give evidence tomorrow, first of all, there is
 14 Operation Jordana and Operation Osier, which are
 15 connected. We will go to them in a moment. As you
 16 know, the two officers who are giving evidence in
 17 relation to those two cases are Howard Groves and
 18 Andrew Surplice.
 19 **A. Yes.**
 20 Q. Then I will ask you about Operation Beech, which was the
 21 operation into allegations made by Mr Glen?
 22 **A. Yes.**
 23 Q. Finally, there is Operation Sycamore, and those were the
 24 allegations made by Paul Foulston, if you remember?
 25 **A. Yes.**

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<p>1 Q. We will take them in that order, if we can start with 2 Operations Jordana and Osier. For these purposes, I am 3 going to ask you to look at the closing reports for the 4 investigations rather than the summary in the IOPC 5 report. Perhaps, first of all, we can just call them up 6 on the screen. So the Operation Jordana closing report 7 is IPC000842. I will take you back to this document, 8 Mr Mahaffey, shortly, but just for present purposes, 9 that is the closing report in Operation Jordana, is it 10 not? 11 A. It is, yes. 12 Q. Chair, we invite you to adduce this document in its 13 entirety into evidence before the inquiry. 14 Secondly, can we just go, for these purposes, to the 15 Operation Osier closing report, which is IPC000848. 16 Mr Mahaffey, that is the similar closing report for 17 Operation Osier? 18 A. It is, yes. 19 Q. Chair, we invite you to adduce that document into 20 evidence as well. Mr Mahaffey, these two operations are 21 closely connected, are they not? 22 A. They are, yes. 23 Q. The larger of the two investigations was 24 Operation Jordana, which covered a number of allegations 25 which all related, as we will see, to the criminal</p> <p style="text-align: center;">Page 65</p>	<p>1 investigation into Piccadilly Circus, which was known as 2 Operation Circus in the 1980s? 3 A. Yes. The four people making the allegations are all 4 former police officers. 5 Q. Yes. We will come to the details of it in a moment. 6 But just to orientate ourselves, Operation Osier was 7 a more limited investigation into one series of 8 allegations made by Mr Groves -- 9 A. That's correct. 10 Q. -- whose allegations are in fact addressed in 11 Operation Jordana? 12 A. They are. 13 Q. It seems that the reason why his allegations were 14 initially treated as separately was because he didn't 15 immediately link them -- his memory of instructions 16 being given -- to Operation Circus? 17 A. That's correct. 18 Q. As we will see, that's perhaps one example of 19 the vagueness of some of these allegations that are 20 made? 21 A. That's correct. 22 Q. Not necessarily any criticism of the officer? 23 A. No. 24 Q. He may simply have a memory of being told something at 25 some time. Understandably, many years later, he can't</p> <p style="text-align: center;">Page 66</p>
<p>1 necessarily narrow it down to the particular operation? 2 A. That's correct. 3 Q. That, of course, feeds into the problem you mentioned 4 before the break, that one can't even -- when one is 5 looking for corroboration, one doesn't necessarily know 6 exactly which operation it was that one is concerned 7 with? 8 A. That's correct. 9 Q. So those are the two operations. We will spend most of 10 our time looking at the Operation Jordana document. As 11 I have said, before we look at that, the context was 12 a criminal investigation into male prostitution and the 13 associated criminality in Piccadilly Circus -- 14 A. That's correct. 15 Q. -- in 1984? 16 A. That's correct. I think there were identified 17 individuals who had returned to the area and the 18 allegations focused on the attempts to groom and 19 sexually abuse young men who were in the area, or young 20 boys who were in the area, of Piccadilly Circus. 21 Q. Piccadilly Circus is a venue we hear about in many of 22 these investigations? 23 A. Yes. 24 Q. As you say, when one reads the report, the 25 investigation -- the Operation Circus investigation in</p> <p style="text-align: center;">Page 67</p>	<p>1 1984 was investigating people who had been the subject 2 of an earlier investigation, which was 3 Operation Playland in the 1970s? 4 A. That is correct. 5 Q. That is a world, a time, that's described in 6 Anthony Daly's book that Mr Henderson referred to 7 earlier. But we don't need to go into the fine detail 8 for these purposes, but what seems to have been the 9 position is that two of the men who were convicted back 10 in the '70s in Operation Playland had subsequently 11 served their period of imprisonment and been released? 12 A. And returned. 13 Q. And were seen again in Piccadilly Circus -- 14 A. Yes. 15 Q. -- trying to groom young boys, and that was what gave 16 rise to the investigation Operation Circus? 17 A. That was the impetus that set it rolling, yes. 18 Q. We will see references in the document, when we come to 19 it, to the fact that Operation Circus, in the 1980s, had 20 various different elements to it? 21 A. It did. 22 Q. Perhaps not unlike other investigations, it developed? 23 A. Yes, it did. 24 Q. It took unexpected courses? 25 A. Yes.</p> <p style="text-align: center;">Page 68</p>

<p>1 Q. But there was a period of time when there was 2 a surveillance operation -- 3 A. There was. 4 Q. -- in Piccadilly Circus. There came a time when arrests 5 were made? 6 A. There was arrest phase, yes. 7 Q. At that time, arrests were not only made relating to the 8 rent boys and those grooming them in Piccadilly Circus, 9 but there was also a connection with a man in Ealing, 10 who was -- 11 A. There was, who was a photographer. 12 Q. Can you tell us a bit more about that, just in general 13 terms? 14 A. Yes. I think during the course of the surveillance 15 operation, the officers clearly identified another 16 individual who lived in Ealing, who, as it transpired, 17 was a photographer, and I think when the search and 18 arrest phase came to be, within his house he was found 19 to have in his possession a considerable amount of child 20 pornography, and that led to further enquiries, the 21 investigating developing further through into the next 22 stage and the next stage. 23 Q. Exactly. I think the suspicion was that he had taken at 24 least some or many of the photographs -- 25 A. Yes.</p> <p style="text-align: center;">Page 69</p>	<p>1 Q. -- that were found in his house? 2 A. Yes. 3 Q. As you say, an operation which had started focusing on 4 Piccadilly Circus then became an operation -- 5 A. It evolved. 6 Q. It was trying to identify the children in the 7 photographs? 8 A. Yes, that's correct. 9 Q. Also, there was interest in this man's house? 10 A. There was. 11 Q. To see if anyone -- 12 A. Turned up. 13 Q. -- turned up who might be under suspicion? 14 A. That's correct. 15 Q. That was the context. Perhaps that sets enough of 16 the story. If we can turn to the Jordana closing 17 report, that's IPC000842, and look at paragraph 4. It 18 is on page 2 of the document. It says here: 19 "The impetus for Operation Jordana originated from 20 four sources: retired Detective Sergeant Mike Platt; 21 retired Inspector Andy Surplice; retired Detective Chief 22 Inspector Howard Groves ..." 23 Pausing there, it's Mr Surplice and Mr Groves who 24 will be giving evidence tomorrow, and therefore it is 25 their accounts within this document we will be focusing</p> <p style="text-align: center;">Page 70</p>
<p>1 on. But the fourth officer was retired Constable 2 Gillian Darke. The paragraph states: 3 "These officers were all involved in 4 Operation Circus at different stages of the operation 5 and have individually expressed concerns and opinions 6 about the operation, based on the scope and extent of 7 their involvement." 8 Then it says: 9 "A summary of their individual allegations is set 10 out below ..." 11 Just for context, I think it is right, and I think 12 we will see as we go on, that Mr Surplice and Mr Groves 13 were both involved in that later phase of 14 the operation -- 15 A. Yes, they were. 16 Q. -- which was all to do with the photographs in Ealing? 17 A. That's correct. 18 Q. If we can then drop down and look at the bottom two 19 bullet points on the page which summarise Mr Groves' 20 allegations. There is a brackets there, "Mr Groves 21 (Operation Osier)". We have explained that these were 22 allegations he made, which, rather late in the day, it 23 was realised actually related to Operation Circus? 24 A. That's correct. 25 Q. It says:</p> <p style="text-align: center;">Page 71</p>	<p>1 "Groves had been involved in Operation Circus at 2 a later stage and recalled that whilst at a briefing 3 given by a senior officer, the senior officer told them 4 if they identified any prominent members of society in 5 the investigation, the enquiry would cease. Groves 6 believed this was a reference to MPs, royalty or other 7 distinguished individuals." 8 Then there is the explanation we have already 9 touched on: 10 "Mr Groves' concerns had not initially been 11 identified as part of Operation Circus and were 12 separately investigated under Operation Osier." 13 But they are referred to here -- 14 A. Subsequently linked. 15 Q. -- because it had been realised that, actually, the 16 facts he was explaining were indeed Operation Circus? 17 A. That's correct. 18 Q. Before we leave that, it is important to note exactly 19 what allegation Mr Groves made. He didn't say, as in, 20 for example, Operation Bonsai, that the operation had 21 been closed down because they had come across someone 22 important. It was, rather, that he had a briefing that 23 if they came across anyone important, it would have to 24 close down? 25 A. That's correct.</p> <p style="text-align: center;">Page 72</p>

<p>1 Q. So that was his allegation, and we will come to that.</p> <p>2 If we can then go over the page and look at</p> <p>3 Mr Surplice's -- the summary of Mr Surplice's</p> <p>4 allegation?</p> <p>5 A. Yes, he was at the photographer's address after the</p> <p>6 arrest and search phase --</p> <p>7 Q. Sorry to interrupt you. It is the last two bullet</p> <p>8 points on page 3, so it is headed "Andy Surplice". Yes,</p> <p>9 Mr Mahaffey, do carry on?</p> <p>10 A. I think in this case Andy Surplice was at the address</p> <p>11 and he, in effect, was there to deal with any callers to</p> <p>12 the address following the photographer's arrest and the</p> <p>13 exhibits being recovered. I think he questions why</p> <p>14 nobody turned up at the address and suggests that</p> <p>15 perhaps somebody had been tipped off that the police</p> <p>16 were there or about the wider police investigation.</p> <p>17 Q. So it is a different allegation to Mr Groves?</p> <p>18 A. It is, yes.</p> <p>19 Q. But it is another allegation, a suspicion he had, of</p> <p>20 some sort of police misconduct to do with protecting</p> <p>21 prominent people?</p> <p>22 A. That's correct.</p> <p>23 Q. Let's look, first of all, at the way in which the</p> <p>24 investigation looked at what Mr Groves had said.</p> <p>25 Mr Mahaffey, you will recall that Mr Groves' allegations</p> <p style="text-align: center;">Page 73</p>	<p>1 were made public in the newspapers --</p> <p>2 A. So I understand it.</p> <p>3 Q. I am not going to go back to that now, but we looked at</p> <p>4 a newspaper article yesterday in which he made that</p> <p>5 allegation very publicly.</p> <p>6 As we have seen in Operation Bonsai, a large number</p> <p>7 of officers were spoken to, were they not?</p> <p>8 A. They were, yes.</p> <p>9 Q. Officers who were involved in the early stage of</p> <p>10 the investigation and also officers --</p> <p>11 A. Yes.</p> <p>12 Q. -- who were involved in the later stage relating to</p> <p>13 Ealing?</p> <p>14 A. Yes, that's correct. I think -- sorry to interrupt.</p> <p>15 I think there were a large -- I think there's up to 50</p> <p>16 officers mentioned who may have been part of the whole</p> <p>17 of Operation Circus during the time the investigation</p> <p>18 went on. I think the Winter Key officers identified</p> <p>19 specifically those who they thought may be able to</p> <p>20 assist.</p> <p>21 Q. We will be able to do the count ourselves. On this one</p> <p>22 I haven't counted, but it is certainly more officers</p> <p>23 than in Operation Bonsai. Something like 10 or 20 --</p> <p>24 A. It is a bigger operation.</p> <p>25 Q. -- officers whose evidence is recorded in this summary.</p> <p style="text-align: center;">Page 74</p>
<p>1 A. Yes.</p> <p>2 Q. And they were all asked about the allegations that had</p> <p>3 been made?</p> <p>4 A. That's correct.</p> <p>5 Q. I think it is right to say that none of them recalled</p> <p>6 Operation Circus actually coming across any prominent</p> <p>7 people?</p> <p>8 A. That's correct.</p> <p>9 Q. Of course, as we have already said, in fact, Mr Groves</p> <p>10 didn't say that they had?</p> <p>11 A. No.</p> <p>12 Q. He didn't say it was closed down because they had come</p> <p>13 across someone important, he said he'd been told it</p> <p>14 would be closed down if they came across anyone</p> <p>15 important?</p> <p>16 A. Yes.</p> <p>17 Q. But these officers who were asked about the operation</p> <p>18 were also asked about that allegation?</p> <p>19 A. They were.</p> <p>20 Q. And whether they'd had any knowledge of that?</p> <p>21 A. That's correct.</p> <p>22 Q. What was their response, in summary?</p> <p>23 A. In general terms, they -- my memory is that the majority</p> <p>24 of them don't recollect any such conversation or</p> <p>25 suggestion or indication, and I think the majority of</p> <p style="text-align: center;">Page 75</p>	<p>1 those spoken to, yes, they comment that nobody -- "No</p> <p>2 person of public prominence turned up anyway, but if</p> <p>3 they had have done, we would have dealt with him or her</p> <p>4 accordingly".</p> <p>5 Q. Yes.</p> <p>6 A. I think that's the general theme.</p> <p>7 Q. By "accordingly", you mean without fear or favour?</p> <p>8 A. Without fear or favour.</p> <p>9 Q. I just want to take you to -- as I said, one of</p> <p>10 the reasons we have adduced this document into evidence</p> <p>11 is that it's very long and all the material in it is</p> <p>12 important.</p> <p>13 A. Yes.</p> <p>14 Q. But I just want to take you to two or three references</p> <p>15 and the evidence that two perhaps quite significant</p> <p>16 officers in the investigation gave about this. Can we</p> <p>17 go to page 18 and look at paragraph 91. This is to</p> <p>18 introduce the two officers I am going to ask you about.</p> <p>19 As it happens, this is a part of the evidence given by</p> <p>20 an officer called Steve Kershaw. The reason I have</p> <p>21 taken you to this is he explains some of</p> <p>22 the personalities within Operation Circus. He referred</p> <p>23 to a man called Detective Superintendent Colin Reeve as</p> <p>24 being in overall charge?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 76</p>

19 (Pages 73 to 76)

<p>1 Q. We see him referred to elsewhere as the SIO, the senior 2 investigating officer? 3 A. Yes. 4 Q. Does that tally with your understanding? 5 A. It does, yes. 6 Q. Further up in that paragraph, Mr Kershaw refers to 7 Inspector John Hoodless as being in operational command 8 and Mike Platt, who was a sergeant, as hands-on 9 supervisor? 10 A. That's correct. 11 Q. From your police experience, does that hierarchy make 12 sense to you? 13 A. It does. 14 Q. The detective superintendent who is the senior 15 investigating officer making the decisions -- 16 A. Yes. 17 Q. -- the sort of strategic decisions, in the operation? 18 A. Yes. Strategically, yes. 19 Q. And below him, an inspector who is described as being in 20 operational command. The day-to-day command, would that 21 be? 22 A. That's correct, yes. 23 Q. And below him a sergeant who is hands-on supervisor, as 24 Mr Kershaw described? 25 A. Yes.</p> <p style="text-align: center;">Page 77</p>	<p>1 Q. I want to take you to the evidence that Mr Reeve and 2 Mr Hoodless -- so respectively the SIO and the 3 inspector -- gave on this issue about Mr Groves' 4 allegations. First of all, Mr Reeve. For those 5 purposes, if we can go to page 13, paragraphs 59 and 60. 6 There is a lengthy section which describes his evidence, 7 but it is these two paragraphs which deal with -- if we 8 can call it this -- the Groves' allegation. It says: 9 "Reeve was specifically asked whether there had been 10 a strategy in place to deal with prominent persons if, 11 or when they came to notice. He said there had not been 12 a strategy for this because the operation had been 13 focused on a group of known suspects kept under 14 surveillance over a period of time --" 15 That's the two -- 16 A. Yes -- 17 Q. -- returning men from Playland? 18 A. -- it is, yes. 19 Q. "He said the suspects were successfully arrested, 20 charged and put before the courts." 21 Which we have heard about? 22 A. That's correct. 23 Q. "Reeve also said if any persons of prominence had come 24 to notice, they would have been dealt with in the same 25 way as any other suspect."</p> <p style="text-align: center;">Page 78</p>
<p>1 A. That's correct. 2 Q. That's the point you have made? 3 A. it is. 4 Q. The next paragraph: 5 "When asked about the briefing described by 6 Howard Groves ..." 7 We can recall from the newspaper article we saw 8 yesterday that Mr Groves was referring to a briefing 9 given by a senior officer? 10 A. Yes. 11 Q. And clearly Mr Reeve was, if you like, the senior 12 officer? 13 A. He was. 14 Q. The SIO: 15 "He said he did not give such a briefing and felt it 16 unlikely that anyone else would have done so, given that 17 he was the SIO." 18 A. Yes. 19 Q. "He said that he did not recall an officer by the name 20 of Groves." 21 Perhaps unsurprisingly after all these years? 22 A. Yes. 23 Q. So that was the account that Mr Reeve gave. Now let us 24 go forward and see the account Mr Hoodless gave. For 25 those purposes, we need to turn to page 15, please. If</p> <p style="text-align: center;">Page 79</p>	<p>1 we could enlarge paragraphs 69 to 72. Mr Hoodless gives 2 a slightly different account? 3 A. He does, yes. 4 Q. We see, at the beginning of 69, he says: 5 "Prior to starting, Hoodless recalled getting 6 together with the team socially in a pub where they 7 loosely discussed tactics. When asked, he said they did 8 discuss the prospect of encountering high-profile people 9 and believed that to do so would potentially endanger 10 the operation, possibly getting it shut down. They 11 wanted to focus on what he referred to as the 'street 12 rats', the children victimised in the process by adult 13 suspects." 14 A. Yes. 15 Q. So at this operational level, there does seem to have 16 been an anticipation, first of all, that they might come 17 across prominent people and, secondly, a concern that, 18 if they did so, they might get shut down? 19 A. It may, yes. 20 Q. We see, reading on: 21 "He [Mr Hoodless] was asked to clarify his position 22 on the discussion regarding high-profile suspects and 23 what he would have done should one of the team have 24 encountered such a situation. Hoodless said that he 25 would have discussed it with the team and also</p> <p style="text-align: center;">Page 80</p>

<p>1 Colin Reeve [the SIO] so that a collective decision 2 could be made. 3 "He was asked to consider whether their first 4 meeting in the pub when high-profile suspects were 5 considered may have unwittingly created a policy 6 decision not to pursue high-profile persons. Hoodless 7 said: 8 "We agreed we would not go for high-profile people 9 because we were worried that we might have been shut 10 down, as it might not have been in the public interest 11 if we were to come up with politicians' names or people 12 at Buckingham Palace, so we didn't do it. We were aware 13 that we had a number of suspects to target and wanted to 14 focus on what we called the "street rats" ... that said, 15 we never came across any high-profile people during the 16 operation, not one!" 17 A. Yes. 18 Q. That isn't a million miles away from what Mr Groves 19 said? 20 A. No, it isn't. 21 Q. Just continuing: 22 "His statement makes it clear he had concerns about 23 taking on establishment figures and the potential risks 24 this may have added to the operation. He added that he 25 did not have any direct experience that such encounters</p> <p style="text-align: center;">Page 81</p>	<p>1 would be problematic, but considered the prospect as 2 a commonsense probability. He went on to confirm that 3 no high-profile suspects were ever identified in the 4 operation." 5 It is fair to say that, although I have taken you to 6 Mr Reeve and Mr Hoodless, it is Mr Hoodless who is, as 7 it were, on a limb here. Most of the other officers, if 8 not all of them, are very much more in line with what 9 Mr Reeve said, simply that they wouldn't have 10 countenanced treating important people any 11 differently -- 12 A. Yes, that's correct. 13 Q. -- and that there was no suggestion of it. But it 14 remains the case that Mr Hoodless, who was an important 15 person in this investigation -- 16 A. That's correct. 17 Q. -- does recall having this discussion and had the views 18 that he had. It is notable that he seems to have been 19 concerned not to have his investigation into what he 20 describes as the "street rats", as it were, blown off 21 course by getting involved with prominent people? 22 A. And, equally, he adds that it's something he would have 23 to take up, upwards, for other people to make the 24 decision, whatever decisions were to be made. 25 Q. And he names Superintendent Reeve --</p> <p style="text-align: center;">Page 82</p>
<p>1 A. He does. 2 Q. -- as the person he would have taken it up with? 3 A. Yes. 4 Q. Perhaps we know what would have happened if he had taken 5 it up with Superintendent Reeve from Mr Reeve's 6 evidence? 7 A. Yes. 8 Q. In any event, there it is: one of the references we just 9 looked at referred to the fact that in fact 10 Operation Circus was very successful. It certainly 11 wasn't shut down, or anything like it? 12 A. It wasn't, no. 13 Q. Not that Mr Groves suggested that. If we can please 14 turn to page 37 within the bundle, or in this document, 15 at paragraph 200, we just see that made good. We can 16 see: 17 "From the examination of available records and the 18 evidence provided ... there were some 31 suspects 19 arrested, charged and convicted", across the whole of 20 Operation Circus, which, as we have discussed, had 21 a number of different elements to it. 22 Then finally, if we look and see the conclusions 23 that this investigation drew about the allegations made 24 by Mr Groves and also by Mr Surplice, if we can turn to 25 or call up page 39, please. First of all, if we look at</p> <p style="text-align: center;">Page 83</p>	<p>1 paragraph 212: 2 "The concerns put forward by Groves regarding 3 a briefing given by a senior officer cannot be given any 4 provenance: no other officers interviewed support this 5 statement, leaving the matter beyond further 6 proportionate investigation ..." 7 Would you regard what Mr Hoodless said as supporting 8 in any way what Mr Groves alleged? 9 A. Yes, it does. 10 Q. So maybe this conclusion needs to be qualified to that 11 extent? 12 A. Yes, it does. 13 Q. Moving on to paragraph 213, we haven't touched so much 14 on Mr Surplice, but there is a full analysis of his 15 allegations and what could be made of them here: 16 "The concerns raised by Mr Surplice that 'punters' 17 may have been tipped off about the police raid at the 18 photographer's address have only been raised by him." 19 So we know that a similar exercise was done of 20 asking officers who were involved in that part of 21 the investigation, and none of them supported what 22 Mr Surplice said? 23 A. That's correct. 24 Q. Reading on: 25 "No evidence has been uncovered that provides any</p> <p style="text-align: center;">Page 84</p>

<p>1 insight into the expected amount of traffic at the 2 photographer's address. No details exist of operational 3 briefings given to the officers policing the address. 4 This aspect is therefore difficult to assess. The lack 5 of 'punters' could have any number of explanations." 6 A. It could. 7 Q. Then the paragraph goes on to make the point that in 8 fact it was really just Mr Surplice who drew this 9 inference, the fact that no-one had come through the 10 door meant they had all been tipped off and that wasn't 11 a sound -- 12 A. There was nothing to support that. 13 Q. That's right. So that was the conclusion about those 14 two core allegations. Just before we leave 15 Operation Jordana, you may recall that when we looked at 16 the article in the -- it was in the Daily Mail, I think, 17 yesterday which recorded what Mr Groves had said to the 18 press, having described the briefing that he said he 19 received to the effect that the investigation would have 20 to finish if they came across anyone of prominence, he 21 then went on to say that he believed that that message, 22 if you like, that instruction, had come from very high 23 up, and he said that he thought it must have come from 24 another very senior officer, Commander Lloyd Hughes? 25 A. Yes.</p> <p style="text-align: center;">Page 85</p>	<p>1 Q. I don't think he was suggesting that the briefing itself 2 came from Mr Lloyd Hughes, but, rather, the instruction 3 to give the briefing, if you like. 4 Now, I think Mr Altman mentioned in our opening 5 yesterday that there is some inconsistency between the 6 accounts, different accounts, that Mr Groves has given 7 about how sure he is about Mr Lloyd Hughes' involvement, 8 and I don't want to get into all of that. Mr Groves can 9 give us his evidence on all of that tomorrow. Before we 10 leave this report, it is right to say that 11 Operation Jordana also investigated allegations of 12 possible misconduct against Mr Lloyd Hughes? 13 A. That's correct, yes, in relation to him entering a cell 14 where property had been stored having been recovered by 15 the Operation Circus team. 16 Q. That's right. Just for context, Mr Lloyd Hughes was 17 a commander? 18 A. He was, yes. 19 Q. A very senior officer within the Metropolitan Police? 20 A. He was. 21 Q. I showed you that paragraph which showed the line of 22 command -- 23 A. Yes. 24 Q. -- within Operation Jordana. Obviously that didn't -- 25 sorry, Operation Circus. That didn't go as high as</p> <p style="text-align: center;">Page 86</p>
<p>1 a commander, but are you aware of any evidence that 2 Mr Lloyd Hughes did in fact have any sort of operational 3 control over this investigation? 4 A. I'm not aware of that, no. 5 Q. But he does seem to have been working in the same area? 6 A. Yes. Definitely. 7 Q. As you say, there was an allegation of misconduct 8 against him that he had interfered with property -- 9 A. Yes. 10 Q. -- obtained in the course of the investigation. 11 A. Yes. 12 Q. Was it in fact the photographs recovered from the Ealing 13 address or is that not -- 14 A. I don't know. I'm sorry, I don't know. 15 Q. Maybe that doesn't matter. Can we just look at page 40 16 of the report, please, just to complete this section. 17 Paragraph 215, if we can bring that up. The conclusion 18 is: 19 "Based upon the findings in this inquiry, no 20 evidence has been uncovered that supports the 21 allegations that evidence was suppressed in 22 Operation Circus, or that a list of suspects was not 23 pursued because of their status. Whilst there is 24 evidence that Commander Trevor Lloyd Hughes entered 25 a police cell at Vine Street Police Station and viewed</p> <p style="text-align: center;">Page 87</p>	<p>1 property seized in Circus [that's Operation Circus], 2 there is no evidence he actively interfered with the 3 property or that his actions had any negative impact on 4 the outcome of Circus." 5 The point is made in the report that he may have had 6 legitimate reason for wanting to look at that property? 7 A. Possibly. 8 Q. Although it seems that he didn't access it by standard 9 means? 10 A. No. I would suggest it's highly unusual. 11 Q. Highly unusual. Mr Lloyd Hughes has died some years 12 ago? 13 A. Yes. 14 Q. So he wasn't able to give his account of these events? 15 A. That's correct. 16 Q. Thank you. That's all I want to ask about 17 Operation Jordana, Mr Mahaffey. Moving on to 18 Operation Beech, this operation related to allegations 19 made by retired Superintendent Robert Glen? 20 A. Yes. 21 Q. Do you have the closing report? 22 A. I do, yes. 23 Q. Perhaps we could call it up. It is IPC000838. 24 Mr Mahaffey, this is the closing report into 25 Operation Beech?</p> <p style="text-align: center;">Page 88</p>

22 (Pages 85 to 88)

1 **A. It is, yes.**
 2 Q. I think it was Operation Beech -- the summary of
 3 Operation Beech that I took you to at the beginning of
 4 your evidence this morning?
 5 **A. It is, yes.**
 6 Q. That was the summary at the back of the IOPC report.
 7 **A. Yes.**
 8 Q. This is the closing report itself.
 9 **A. The closing report.**
 10 Q. The evidence you gave this morning was that this
 11 operation, although it hadn't finished in November, it
 12 has now been completed?
 13 **A. It has, yes.**
 14 Q. As I say, this is the closing report in the operation?
 15 **A. It is.**
 16 Q. Chair, we invite you to adduce this entire document into
 17 evidence for the purpose of the investigation.
 18 Mr Mahaffey, the allegations in this investigation
 19 were made about the conduct of another senior officer,
 20 on this occasion someone called Chief Superintendent
 21 Diver?
 22 **A. That's correct.**
 23 Q. He is also, like Mr Lloyd Hughes, now deceased?
 24 **A. He is.**
 25 Q. And was not able to play any part in this investigation?

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1 connection with child sex offences. When Glen reported
 2 the matter to Diver, he apparently told Glen to cease
 3 the investigation because of the potential political
 4 'fallout'. Glen said he sought a review of Diver's
 5 decision from a police commander ..."
 6 In other words, a superior officer to Mr Driver:
 7 "... who was said to have told Glen that he would
 8 support the decision made by Diver."
 9 So that was the allegation made by Glen and that's
 10 what Operation Beech investigated?
 11 **A. That's correct.**
 12 Q. Those events were said to have taken place in the late
 13 1970s, I think?
 14 **A. That's correct.**
 15 Q. We see from the evidence gathered in the investigation
 16 that Mr Glen, at the time in question, was an inspector
 17 in the Vice Unit --
 18 **A. He was, yes.**
 19 Q. -- at West End Central police station. The account --
 20 in summary, the account that Mr Glen gave was that the
 21 investigation against Cyril Smith, which was said
 22 subsequently to have been stopped, had been initiated by
 23 one of his sergeants?
 24 **A. That's correct.**
 25 Q. I think he named two of his sergeants and said he

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1 **A. That's correct.**
 2 Q. There were three allegations in this investigation. One
 3 of them that was of particular significance for our
 4 purposes is that a criminal investigation into
 5 Cyril Smith was stopped on the orders of Mr Diver?
 6 **A. That's correct.**
 7 Q. And there are other misconduct matters, but the focus
 8 for our concern is that issue about Cyril Smith?
 9 **A. That's correct.**
 10 Q. Can we go to -- if we zoom in on paragraph 3 on the page
 11 we are looking at -- in fact, that summarises what
 12 I have just said, that Mr Glen reported three matters
 13 relating to Diver. Two were misconduct matters -- we
 14 will come back to those at the end. But the one that is
 15 of more interest is referred to in the last sentence:
 16 "This inquiry has focused upon allegations that
 17 Diver may have suppressed evidence relating to the now
 18 deceased MP, Cyril Smith."
 19 **A. That's correct.**
 20 Q. If we can go over the page, there's a fuller description
 21 of the allegation at paragraph 4. So Glen, that's the
 22 complainant we will hear evidence from tomorrow, "first
 23 became concerned whilst his team had been running
 24 a surveillance operation on Smith, which was said to
 25 have produced evidence justifying Smith's arrest in

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1 thought it was one of them?
 2 **A. David Stockley and David Biddle, or --**
 3 Q. No, I think --
 4 **A. -- Peter Lamb and Rich Griffin?**
 5 Q. Yes, it was Griffin and Lamb.
 6 **A. I beg your pardon.**
 7 Q. Mr Glen -- the account he gave was that the
 8 investigation into Mr Smith, having been initiated by
 9 one of his sergeants --
 10 **A. Yes.**
 11 Q. -- took place, gathered evidence, and that the
 12 investigation reached the stage where they considered
 13 they had sufficient evidence to apply for a warrant to
 14 arrest Cyril Smith?
 15 **A. An arrest warrant.**
 16 Q. Although Mr Glen says he couldn't remember any of
 17 the details of what it was they were investigating or
 18 what evidence they had. But what he did remember was
 19 that they'd reached that point in the investigation,
 20 where they were ready, as it were, to apply for an
 21 arrest warrant, and it was at that point that Mr Glen
 22 discussed the investigation with Mr Diver, who was at
 23 that stage, I think, temporarily a superior officer in
 24 the unit?
 25 **A. He was, yes.**

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<p>1 Q. If we can go perhaps to page 4 of the report, we can see 2 exactly what Mr Glen said, starting -- if we can look at 3 paragraphs 19 through to 21. We see: 4 "Glen did not recall the specifics of the evidence 5 regarding Smith ..." 6 That's a point I have made: 7 "... but recalled presenting the evidence verbally 8 to Diver and telling him he wished to make an 9 application for a warrant to arrest Smith. Glen said 10 Diver expressed alarm at the proposal, indicating that 11 to go ahead would cause political disruption. Glen said 12 he was told by Diver to cease his operation immediately. 13 He said he tried to argue his case, but Diver 14 'point-black' refused the authority." 15 A. That's correct. 16 Q. This comes back to the point we mentioned this morning 17 about deference? 18 A. It does. 19 Q. Here we are dealing with an inspector, I think 20 a superintendent. On this occasion, what we see is that 21 Mr Glen did not simply take the knockback, but that he 22 actually escalated the matter to Mr Diver's superior? 23 A. He did. 24 Q. Carrying on the story, at paragraph 20: 25 "Glen said that following Diver's decision, he spoke</p> <p style="text-align: center;">Page 93</p>	<p>1 with the sergeant responsible for providing the initial 2 information, whom he believed to be Richard Griffin." 3 As we have said, he earlier identified two 4 sergeants? 5 A. He did. 6 Q. So there were two possibilities: 7 "He said Griffin's reaction to this news, and the 8 reaction of the team involved, was one of dismay and 9 disappointment." 10 But then going on: 11 "Following discussions with the sergeant, Glen 12 considered his position regarding the Smith 13 investigation and took it upon himself to consult 14 with ..." 15 Then the name has been removed, but that person was 16 Mr Diver's senior officer? 17 A. Yes. 18 Q. "It was Glen's hope that this man would review Diver's 19 earlier decision. He reported that this man did not 20 review the case and apparently informed Glen that he 21 would stand by the decision made by Diver." 22 In fact, just the first sentence of the next 23 paragraph, we see: 24 "Glen said following this no further action was 25 taken in [that particular] investigation."</p> <p style="text-align: center;">Page 94</p>
<p>1 A. That's correct. 2 Q. So that was the account that Mr Glen gave, and that was 3 what was investigated by this IOPC investigation? 4 A. Yes. 5 Q. As we have seen with other investigations, the first 6 step, or at least one of the steps, that was taken was 7 to locate and interview the officers who, as it were, 8 were around Mr Glen at the time to try to -- 9 A. The officers who were named by Mr Glen. 10 Q. So starting with the officers whom he named? 11 A. Yes. 12 Q. And then spreading out to some of the officers that they 13 named or that records suggested might have been 14 involved? 15 A. That's correct. 16 Q. What was the evidence that was provided by those 17 officers, in summary? 18 A. Yes, in summary, the officers, including the senior 19 officer, did not recall a surveillance operation 20 involving Cyril Smith, nor were they aware that any 21 operations had been stopped in circumstances that may 22 have indicated otherwise. 23 Q. Some of them did remember Mr Glen? 24 A. They did, yes. 25 Q. Including, I think, at least one of his two sergeants?</p> <p style="text-align: center;">Page 95</p>	<p>1 A. Yes. 2 Q. So there was a level of confidence that, as it were, you 3 had found the right people? 4 A. Yes. 5 Q. But, as you say, they didn't recall an investigation 6 into Smith and they didn't recall a coverup. 7 You mention the senior officer? 8 A. Yes. 9 Q. Perhaps let's just look at the account of his evidence. 10 It is at -- if we can go to page 8 of the document, 11 please. It is at the bottom and it goes over onto the 12 next page, so it is 47 and 48. This was the senior 13 officer, describes how he was contacted. Paragraph 48, 14 the officer said: 15 "He recalled Neil Diver as a chief superintendent at 16 Vine Street ... but did not recall Robert Glen and said 17 that he did not recall being involved in or consulted on 18 any allegations involving Cyril Smith." 19 If we can go over the page, please, the first two 20 paragraphs on that page. Here we see the detail of this 21 officer rejecting Mr Glen's account. He said: 22 "... that Smith was a well-known MP at the time and 23 always in the media. He said that, had such 24 circumstances ever occurred, he would not have dealt 25 with them in the 'cavalier way suggested by Glen'."</p> <p style="text-align: center;">Page 96</p>

1 Is that, do you think, a reference to Glen's account
 2 that he simply didn't want to get involved?
 3 **A. I would suggest that what the commander is indicating is**
 4 **that the approach Glen was suggesting in obtaining an**
 5 **arrest warrant for Cyril Smith was cavalier.**
 6 Q. I see.
 7 **A. That would be my --**
 8 Q. I see. And in what respect?
 9 **A. Well, perhaps he's suggesting that this is something**
 10 **which required a considerable amount of forethought and**
 11 **decision making, as opposed to an officer coming to him**
 12 **and saying, "Look, I want to get this search warrant" --**
 13 Q. Why --
 14 **A. -- "arrest warrant".**
 15 Q. What was it about that case that you think -- in your
 16 view, that would have required that sort of forethought
 17 and planning?
 18 **A. I think the mere fact that you had a person of such**
 19 **public prominence, you would have expected there to have**
 20 **been some considerable forethought gone into -- and it**
 21 **is not clear how much -- I think Mr Glen isn't able to**
 22 **give any detail around what the evidence was to support**
 23 **the allegation in the first place, or to support the**
 24 **application for the arrest warrant in the first place.**
 25 **So I think -- my interpretation of that is that the**

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1 **here, or five words here. I think perhaps the**
 2 **commander's comments, he's thinking to himself, "Well,**
 3 **hang on a minute. You know, we need to find out a bit**
 4 **more about this. We need to understand fully what we**
 5 **are doing", that's all. It's my interpretation of what**
 6 **the commander is saying in those words.**
 7 Q. So the fact that Cyril Smith is a prominent, well-known
 8 person doesn't mean that one shouldn't arrest him?
 9 **A. Absolutely not.**
 10 Q. It means one needs to make particularly careful
 11 preparations before you arrest him?
 12 **A. Yes. Yes. Be sure of the facts.**
 13 Q. In fact, perhaps that feeds into the point made in the
 14 next paragraph, which is that this commander, senior
 15 officer, says that in fact he doesn't remember this
 16 happening, but if something like that had happened, in
 17 fact he would have escalated it to levels above him?
 18 **A. Yes.**
 19 Q. Rather than just making a decision?
 20 **A. Yes.**
 21 Q. And there's an echo there of the point you're making,
 22 I think?
 23 **A. Yes.**
 24 Q. Thank you. So I think, just to finish, then, with
 25 Operation Beech, can I ask, just in terms of

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1 **former commander is saying words to the effect of, "We**
 2 **needed to think this through", perhaps.**
 3 Q. Just to be clear, Mr Mahaffey, you are helping us by
 4 trying to understand what the former commander said.
 5 **A. Mmm.**
 6 Q. And the practical effect of what you are saying is that
 7 if Cyril Smith was going to be arrested back in the
 8 1970s, at least on this man's view, it needed to be done
 9 carefully, perhaps, or --
 10 **A. Any such person, I would suggest, there would need to**
 11 **be -- I think the difficulty with the investigation --**
 12 **with this investigation is the fact that you don't -- we**
 13 **don't have access to the evidence supporting the**
 14 **application for the warrant.**
 15 Q. No.
 16 **A. That's what leaves me wondering.**
 17 Q. It's very difficult.
 18 **A. Yes, I accept that.**
 19 Q. What I want to be clear about is the approach that you
 20 are trying to explain, is that another species of
 21 the approach that says, "Because he is a famous person,
 22 we mustn't arrest him"?
 23 **A. No.**
 24 Q. Well, can you explain that?
 25 **A. No. I think it's -- again, I'm going on four words**

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1 the allegation, about Mr Glen's allegation about
 2 Mr Diver stopping the operation. Can we go to
 3 paragraph 67, so page 13, towards the end of the report.
 4 It says:
 5 "There is a clear conflict between the evidence
 6 provided by Glen and that of other officers who worked
 7 with or alongside him; not one other officer recalls an
 8 investigation involving Cyril Smith."
 9 That's a point we have already made?
 10 **A. Yes.**
 11 Q. There is then a slightly separate point made:
 12 "From the evidence of Parry, who had been in charge
 13 of the Clubs and Vice Office, and also Whittington, it
 14 seems clear that the offences referred to by Glen would
 15 not have been within the remit of the Clubs Office; at
 16 that time, offences of sexual abuse would have been
 17 investigated by the local Criminal Investigations
 18 Department."
 19 Can you expand on that?
 20 **A. I can't.**
 21 Q. It may be that it is not an easy point to pursue
 22 precisely because we know so little about --
 23 **A. Yes.**
 24 Q. -- what it was that Mr Glen says he was investigating
 25 Mr Smith for?

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<p>1 A. I agree. I agree.</p> <p>2 Q. Perhaps the most important point is just the lack of</p> <p>3 corroboration from the officers around Mr Glen?</p> <p>4 A. I think that makes it difficult.</p> <p>5 Q. Now, we said at the outset that, much as with</p> <p>6 Mr Lloyd Hughes in the other investigation, there were</p> <p>7 other allegations, misconduct allegations, made against</p> <p>8 Mr Diver --</p> <p>9 A. Yes.</p> <p>10 Q. -- who was deceased and therefore wasn't able to assist</p> <p>11 with the investigation, but if we look at paragraph 68,</p> <p>12 we see, don't we, that there is a conclusion drawn about</p> <p>13 the misconduct allegation against Mr Diver. The</p> <p>14 allegation was that he had gone to a hotel with a male</p> <p>15 prostitute and there had been some sort of fuss?</p> <p>16 A. That's correct.</p> <p>17 Q. Essentially, the outcome of the investigation was that</p> <p>18 there wasn't sufficient evidence to take the allegation</p> <p>19 anywhere?</p> <p>20 A. That's correct.</p> <p>21 Q. That's all I wanted to ask you about Operation Beech.</p> <p>22 The last of the four witnesses giving evidence</p> <p>23 tomorrow is Mr Paul Foulston. The investigation into</p> <p>24 the allegations that he made is Operation Sycamore.</p> <p>25 Perhaps if we can call up the closing report in</p> <p style="text-align: center;">Page 101</p>	<p>1 Operation Sycamore, it's IPC000862. Do you have that,</p> <p>2 Mr Mahaffey?</p> <p>3 A. I do, yes.</p> <p>4 Q. Now, we see immediately a difference with this document.</p> <p>5 It's got "Draft" written on it. Can you explain the</p> <p>6 position, please?</p> <p>7 A. This is midway through the IOPC quality assurance or</p> <p>8 decision-making process, I would suggest.</p> <p>9 Q. So, in contrast to the two or three closing reports we</p> <p>10 have seen already --</p> <p>11 A. It is not finalised.</p> <p>12 Q. -- it is not finalised. No-one should assume this is</p> <p>13 exactly the way in which the final report is going to be</p> <p>14 drafted?</p> <p>15 A. That's correct.</p> <p>16 Q. Or indeed that any decisions referred to are in fact</p> <p>17 going to be made?</p> <p>18 A. Yes.</p> <p>19 Q. These investigations take time, and obviously the</p> <p>20 quality assurance process is very important?</p> <p>21 A. It is.</p> <p>22 Q. We are coming to this document today because it does</p> <p>23 contain --</p> <p>24 A. Yes.</p> <p>25 Q. -- a very helpful analysis of the evidence that was</p> <p style="text-align: center;">Page 102</p>
<p>1 gathered, and that's why we need to look at it for our</p> <p>2 purposes.</p> <p>3 A. Yes.</p> <p>4 Q. Chair, we invite you to adduce this document into</p> <p>5 evidence in the same way as the others.</p> <p>6 Now, the allegation that this investigation focused</p> <p>7 on we see from paragraph 3 of this report, so perhaps we</p> <p>8 could just call that up, please:</p> <p>9 "Mr Foulston informed the Operation Clifton</p> <p>10 officers ..."</p> <p>11 That's another police investigation?</p> <p>12 A. It is, yes.</p> <p>13 Q. Had they approached him for another reason, or why -- do</p> <p>14 we know why Mr Foulston was speaking to</p> <p>15 Operation Clifton officers?</p> <p>16 A. Yes, Operation Clifton is the name used to identify the</p> <p>17 murder investigation, and I think the purpose --</p> <p>18 Q. I don't want to go on a red herring. I think that's not</p> <p>19 right. I think perhaps we see from paragraph 2 above</p> <p>20 that Operation Clifton is a Greater Manchester Police</p> <p>21 investigation started in July 2014?</p> <p>22 A. I beg your pardon.</p> <p>23 Q. One of the suspects named there was Mr Smith?</p> <p>24 A. Yes.</p> <p>25 Q. No doubt, for reasons we will see, Mr Foulston was being</p> <p style="text-align: center;">Page 103</p>	<p>1 interviewed by them, but he made this slightly separate</p> <p>2 allegation in the course of that, which was then</p> <p>3 investigated by Operation Winter Key?</p> <p>4 A. Yes.</p> <p>5 Q. Sorry to take you off your stride, Mr Mahaffey. But if</p> <p>6 we can go back to paragraph 3, we see that Mr Foulston</p> <p>7 informed Operation Clifton officers that he recalled an</p> <p>8 incident in May 1976 whilst he was a serving police</p> <p>9 officer. And this allegation relates to the conduct,</p> <p>10 alleged conduct, of Special Branch officers?</p> <p>11 A. Special Branch officers, yes.</p> <p>12 Q. Carrying on:</p> <p>13 "[Mr Foulston] states that Metropolitan Police</p> <p>14 Special Branch officers tried to stop his colleague,</p> <p>15 Detective Sergeant Vallis ..."</p> <p>16 Who is deceased and, we will see, wasn't able to add</p> <p>17 his evidence to this investigation:</p> <p>18 "... and himself [Mr Foulston] from interviewing an</p> <p>19 inmate at Feltham Borstal. Although Mr Foulston did not</p> <p>20 remember the inmate's name, Operation Clifton officers</p> <p>21 identified him ..."</p> <p>22 We have redacted it from this document:</p> <p>23 "He was a suspect at the time in a TVP [Thames</p> <p>24 Valley Police] murder enquiry. It was Mr Foulston's</p> <p>25 belief that the intervention by the two Special Branch</p> <p style="text-align: center;">Page 104</p>

26 (Pages 101 to 104)

<p>1 officers was an attempt to cover up child sexual abuse 2 committed by Mr Smith and to prevent them from 3 conducting the interview." 4 A. That's correct. 5 Q. So that's the allegation: Mr Foulston and Mr Vallis went 6 along to Feltham to interview this man? 7 A. And they were approached. 8 Q. In fact on a murder investigation, nothing to do with 9 Cyril Smith. But they were approached and, for reasons 10 which will become obvious, Mr Foulston believed that the 11 reason the attempt was made to stop them was to try to 12 cover up a child abuse allegation? 13 A. That's correct. 14 Q. We heard, I think, yesterday, that Mr Foulston's 15 allegations have obtained some publicity. I think they 16 were referred to in Simon Danczuk's book on Cyril Smith. 17 They have also been published in newspapers. Can we see 18 this, please. I think it is INQ0004148. If we can just 19 look at that. Zoom in on the text, please. We see here 20 an article from 2012: 21 "Fears of an establishment coverup of sex abuse 22 allegations involving the former Rochdale MP Sir 23 Cyril Smith are growing after claims a Special Branch 24 officer tried to prevent detectives interviewing a man 25 who alleged that Smith abused young boys.</p> <p style="text-align: center;">Page 105</p>	<p>1 "Paul Foulston, a former detective constable with 2 Thames Valley Police, told the Guardian he was working 3 on a routine murder inquiry in 1976 when two 4 Special Branch officers intercepted him at a remand 5 centre where he was due to interview a 20-year-old 6 suspect. They ordered him to turn back because they 7 were 'working on an inquiry relating to an MP' and the 8 suspect should not be interviewed. After a row in the 9 car park, Foulston and his senior officer ignored the 10 demand and went ahead. After the suspect was eliminated 11 from the enquiries, he told the detectives he was angry 12 because he had had a relationship with Smith and had 13 been rejected by him." 14 That was the man in the Borstal, the young man in 15 Borstal? 16 A. Yes. 17 Q. And that -- we don't need to go any further, but that is 18 the allegation that Mr Foulston has made -- 19 A. It is. 20 Q. -- as we see, very publicly? 21 A. Yes. 22 Q. And it was investigated by Operation Sycamore. 23 Now, as I have said, perhaps the most obvious person 24 to have corroborated, or not corroborated, this account 25 was Mr Vallis, but he is deceased?</p> <p style="text-align: center;">Page 106</p>
<p>1 A. Deceased. 2 Q. I go back to the point I made this morning, that we see 3 in a number of these investigations witnesses who may 4 have been critical to resolving the allegations are now 5 dead. 6 It is right that investigations were made with 7 Special Branch to see if they could shine any light on 8 this? 9 A. I think there was an active search for any 10 Special Branch record which may still be available to 11 try to identify the reasons behind this. 12 Q. If we can go to page 4 of the report, please, and zoom 13 in on paragraphs 21 to 23. Do we see, Mr Mahaffey, an 14 account of that exercise you have just described -- 15 A. Yes. 16 Q. -- as trying to track down any relevant Special Branch 17 papers? 18 A. Yes. The officers have interviewed retired 19 Special Branch Inspector Clive Blackford. 20 Q. We talked this morning about this general problem with 21 many of these investigations about documents. 22 A. Yes. 23 Q. I think we see at paragraph 22 a good example. What's 24 being said there, is it not, is, first of all, that 25 routine destruction of documents over time makes it very</p> <p style="text-align: center;">Page 107</p>	<p>1 difficult, but also -- I think it is right that we have 2 seen this in other investigations too -- that, in the 3 period we are talking about, so let's say between the 4 '70s/'80s through to the current day, an awful lot of 5 these records have been computerised and in the process 6 that has triggered a destruction of hard copy files? 7 A. Yes, I agree. 8 Q. I have been reminded -- I am grateful -- we will have 9 a statement from Mr Blackford who will assist us with 10 this as well. 11 So that was one part of the investigation from 12 Special Branch which didn't bear any fruit. If we look 13 at paragraph 25 of the report, please, we can see that 14 other documents were found, and this was the file of 15 papers relating to the murder enquiry that Mr Foulston 16 and Mr Vallis were conducting when they went to the 17 Borstal. And they did show that, exactly as Mr Foulston 18 has said, the two of them did go to that Borstal 19 in May 1986 and they interviewed the man. So to that 20 extent, that, as it were, anchors the allegation -- 21 A. It does. 22 Q. -- and shows there is a factual foundation for it. 23 Then what we see -- thank you, that's enough on 24 paragraph 25. 25 In the following paragraphs of the report, and I am</p> <p style="text-align: center;">Page 108</p>

27 (Pages 105 to 108)

<p>1 not going to go through these in detail, what one sees 2 again, and as with other investigations, is an exercise 3 in approaching named officers, retired officers, who it 4 is felt might have something to say about all of this, 5 either because they have been named by the complainant 6 or records suggest that they were there at the time. 7 A. Yes. 8 Q. Asking whether they had any evidence that they could 9 give about these matters. If we can go to the next 10 page, so that's page 6, and go to paragraph 34, we see 11 a summary of the outcome of that exercise: 12 "None of the officers made any mention of or 13 recalled any Special Branch involvement or intervention 14 in the murder investigation referred to by Mr Foulston." 15 A. Yes. I thought that they'd recovered a document 16 relating to the action. 17 Q. That was the one we just looked at, I think. 18 A. That had no mention of the -- 19 Q. Yes. If we can go back to paragraph 25, I stopped 20 reading, but you're right. The action first of all 21 established that Mr Vallis -- 22 A. They went. 23 Q. -- and Mr Foulston went? 24 A. Yes, but they didn't record on the action what had 25 happened with the Special Branch officers, at least</p> <p style="text-align: center;">Page 109</p>	<p>1 according to the -- 2 Q. Sorry, so it's IPC000862_005, paragraph 25. It is the 3 last sentence that you have in mind, Mr Mahaffey, isn't 4 it? 5 A. Yes. 6 Q. Tell us what an "action" is? It is a bit of jargon 7 which everyone may not understand. 8 A. No. In a major investigation, particularly those 9 which -- well, this one probably wasn't, actually. 10 Individual officers on a murder investigation team will 11 be given documented actions for them to go and carry 12 out, it may be trace, interview and take a statement 13 from a particular individual. When they return with 14 that statement, they'd mark up the action to say what 15 they had done, and they'd attach it to the statement for 16 reading and indexing, which would have been the process 17 in 1976. 18 Q. So in this case -- 19 A. I think in this case, they have returned the action or 20 DS Vallis has, confirming that they'd interviewed the 21 individual on 19 May, but there's no mention on that 22 particular action that they've returned of any 23 interaction with Special Branch. 24 Q. The suggestion is it is the sort of thing that they 25 would or might have been expected to include, something</p> <p style="text-align: center;">Page 110</p>
<p>1 out of the ordinary? 2 A. I would have thought so. 3 Q. So that was the evidence of the action and also the 4 evidence of the colleague, Mr Foulston's colleagues? 5 A. Yes. 6 Q. We were on page 6. If we can go forward a page to 7 page 6, we see towards the bottom half of that page 8 other enquiries being made, other documents, archives 9 being searched, other witnesses being approached. 10 I won't go into the detail of that. 11 The investigation did obtain, didn't it, evidence 12 from the man who was in Borstal who went to be 13 interviewed? 14 A. Yes. 15 Q. Just before we come to that, perhaps we can bring up the 16 action itself, just so we can see what it looked like. 17 Can we try, please, OHY005569. Does this look familiar, 18 Mr Mahaffey? 19 A. Yes, it does. 20 Q. It is an action sheet? 21 A. It is. 22 Q. That's the cover sheet to it? 23 A. Yes, it is. 24 Q. You might need to go forward a page? 25 A. Yes, that's an exhibit label.</p> <p style="text-align: center;">Page 111</p>	<p>1 Q. So that's not what we are looking for? 2 A. No. It does say on there "Thames Valley murder inquiry 3 re action sheet". 4 Q. I'm being reliably informed that it is actually the next 5 page we really want to see. So can we go forward, 6 please? Do we see at the top of that page: 7 "Thames Valley Police action sheet"? 8 A. Yes, and there is the nature of the enquiry. 9 Q. As you say -- as you have explained, Mr Mahaffey, the 10 first thing we see is the instruction: 11 "Please interview and obtain statement from below 12 named who was an abscondee from Feltham ..." 13 Then the details are given. Then perhaps we need to 14 zoom out, and we can see at the bottom half of the page, 15 "Result", and someone -- 16 A. "See statement of ..." 17 Q. So what is being said there is that the statement of 18 the prisoner has been obtained and also perhaps some 19 sort of continuity statement or production statement 20 from DS Vallis? 21 A. Yes. 22 Q. The point that was made in that paragraph of the closing 23 report was, what one doesn't see there is -- 24 A. Any reference. 25 Q. -- "By the way" --</p> <p style="text-align: center;">Page 112</p>

<p>1 A. There's no reference.</p> <p>2 Q. -- "we had a very strange experience with Special Branch</p> <p>3 in the car park".</p> <p>4 A. Yes, I agree.</p> <p>5 Q. From your experience --</p> <p>6 A. You would expect to see something in there referring,</p> <p>7 cross-referring, to it. Even if it was a confidential</p> <p>8 report, perhaps.</p> <p>9 Q. Yes, thank you. I think that's as far as we can take</p> <p>10 that document. I mentioned that there were more steps</p> <p>11 taken in this enquiry. First of all, the prisoner, or</p> <p>12 former prisoner, was approached?</p> <p>13 A. Yes. He denied --</p> <p>14 Q. I think if we can go back, please, to IPC000862, and go</p> <p>15 to page 7 within that document, that's the summary -- in</p> <p>16 fact, quite a lengthy quotation -- from the account</p> <p>17 given by this man?</p> <p>18 A. Yes.</p> <p>19 Q. In summary, he remembered being interviewed by --</p> <p>20 A. He did.</p> <p>21 Q. -- Mr Foulston about a murder. He also remembered that</p> <p>22 someone called Mr John Bishop, an assistant governor of</p> <p>23 Feltham, was there at the same time, and he seems to</p> <p>24 have had a particular memory of that because it was</p> <p>25 Mr Bishop who was able to give him his alibi?</p> <p style="text-align: center;">Page 113</p>	<p>1 A. Yes.</p> <p>2 Q. Because the suggestion was that this individual may have</p> <p>3 been involved in the murder, and Mr Bishop was able to</p> <p>4 confirm that actually this individual had been in prison</p> <p>5 at the time, so whatever else he'd done, he hadn't</p> <p>6 committed that murder?</p> <p>7 A. That's correct.</p> <p>8 Q. That seems to have been why that all stuck in this man's</p> <p>9 mind?</p> <p>10 A. Yes.</p> <p>11 Q. He was equally clear -- if we can go to paragraph 42 and</p> <p>12 the last few lines of that, sort of five lines up from</p> <p>13 the bottom --</p> <p>14 A. Definitely --</p> <p>15 Q. He says:</p> <p>16 "As soon as the interview concluded, the two police</p> <p>17 detectives promptly left. I definitely did not have</p> <p>18 a conversation in relation to Mr Cyril Smith at all with</p> <p>19 the police officers. I can categorically say I have</p> <p>20 never met Cyril Smith whilst I was living in London or</p> <p>21 had any kind of relationship with him at all. I do know</p> <p>22 of Mr Cyril Smith as an MP, but that is as far as it</p> <p>23 goes."</p> <p>24 A. Yes.</p> <p>25 Q. So that was his account?</p> <p style="text-align: center;">Page 114</p>
<p>1 A. Yes.</p> <p>2 Q. Then I think, lastly, there was then a statement taken</p> <p>3 from Mr Bishop?</p> <p>4 A. There was.</p> <p>5 Q. I think actually his name was Simon, not John, but</p> <p>6 perhaps not much turns on that. I'm told it is not</p> <p>7 quite as simple as that. He is called both Simon and</p> <p>8 John. But as I say, perhaps let's not worry too much</p> <p>9 about that.</p> <p>10 Again, in summary, Mr Bishop remembers the incident.</p> <p>11 He does have a memory of an inmate at Feltham making</p> <p>12 allegations about Cyril Smith?</p> <p>13 A. Yes.</p> <p>14 Q. But, equally, he doesn't think that it was this</p> <p>15 individual. He gives another name of the person who he</p> <p>16 remembers making those allegations?</p> <p>17 A. Mr Foley, I think.</p> <p>18 Q. Yes. Really, that's as far as it goes, isn't it?</p> <p>19 A. Yes.</p> <p>20 Q. So, finally, I think, if we can just go to the</p> <p>21 conclusion, so it is page 10 of the report, and if we</p> <p>22 can just zoom in on paragraphs 58 through to 61, in his</p> <p>23 original statement made to Clifton officers, the man</p> <p>24 stated he didn't have a conversation with two Thames</p> <p>25 Valley police officers about Cyril Smith, never met</p> <p style="text-align: center;">Page 115</p>	<p>1 Cyril Smith while he was living in London and never had</p> <p>2 any kind of relationship with him. That was the passage</p> <p>3 we just went to.</p> <p>4 Mr Bishop, who, according to the individual, was</p> <p>5 present when he was interviewed, does not recall that</p> <p>6 individual making any allegations against Cyril Smith,</p> <p>7 but he does remember an inmate making allegations</p> <p>8 against Cyril Smith but believes his name was Foley?</p> <p>9 A. Foley, yes.</p> <p>10 Q. And Mr Bishop explained that those allegations he</p> <p>11 remembered being passed to the Ministry of Justice.</p> <p>12 A. That's correct.</p> <p>13 Q. Then paragraph 60 deals with Mr Foulston's colleagues:</p> <p>14 "Mr Foulston provided five names of Thames Valley</p> <p>15 police officers, all of whom are now retired, who were</p> <p>16 on the same murder investigation and were likely to</p> <p>17 recall Mr Foulston or DS Vallis mentioning the</p> <p>18 Metropolitan Police Special Branch intervention."</p> <p>19 More than one of them said, "Well, if that had</p> <p>20 happened, it's the sort of thing we would have expected</p> <p>21 them to say when they got back"?</p> <p>22 A. Yes, there would have been some mention of it.</p> <p>23 Q. Rivalry between Special Branch and uniformed branch</p> <p>24 being perhaps what it was?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 116</p>

<p>1 Q. The report goes on: 2 "All were spoken to. They were unable to recall any 3 such conversation. One of the five, retired Detective 4 Inspector Bryan Warren, states he was close to the SIO 5 and, had any such incident taken place, he is sure he 6 would have been made aware of it." 7 A. Yes. 8 Q. That's where that investigation so far has got to? 9 A. Yes. 10 Q. Thank you. So that is Mr Foulston and, as we have said, 11 he will be giving evidence tomorrow. 12 I have a few more, but not very many more, 13 investigations to take you to, Mr Mahaffey, and only one 14 more which I am going to look at in any length, and that 15 is Operation Redrail 2. Now, that is an investigation 16 into allegations made by Mr McKelvie, is it not? 17 A. It is, yes. 18 Q. We heard yesterday, in the course of Mr Altman's 19 opening, that Mr McKelvie has raised concerns -- 20 A. Yes, he has. 21 Q. -- about links between paedophiles and what one might 22 described as "the establishment"? 23 A. Yes. 24 Q. And that, to a greater or lesser extent, those concerns 25 may have informed the parliamentary question asked by</p> <p style="text-align: center;">Page 117</p>	<p>1 Tom Watson -- 2 A. Yes. 3 Q. -- that we saw the clip of yesterday. Can we please 4 call up the Redrail closing report, which is IPC000859. 5 Again, Mr Mahaffey, this is another draft report. Does 6 the same reasoning apply? 7 A. It does, yes. 8 Q. So this is one of the small number of IOPC 9 investigations which isn't quite finished? 10 A. Yes. 11 Q. But the investigative actions have finished, as far as 12 anyone knows? 13 A. Yes. 14 Q. But it is with quality assurance? 15 A. Yes. 16 Q. For the same reason, because it summarises in such 17 detail what is an important investigation into important 18 allegations, we need to use it in order to show what has 19 been done in response to those allegations? 20 A. Yes, I understand. 21 Q. Chair, this is, I think, for this morning, anyway, the 22 last of the reports I ask you to adduce in its entirety 23 for the investigation. 24 In terms of identifying what this investigation was 25 about, can I ask that we look on the first page and</p> <p style="text-align: center;">Page 118</p>
<p>1 highlight or zoom in on paragraphs 3 and 4. The first 2 point to make, some of the issues in this case relate to 3 a man called Lord Henniker, do they not? 4 A. They do, yes. 5 Q. This makes the important point that where those 6 references are, it is to the Lord Henniker who died some 7 years ago, and not, I think, his son, who now holds that 8 title? 9 A. That's correct. 10 Q. Paragraph 4, then, describes what the allegations were. 11 Information was passed to the Metropolitan Police 12 in May 2015 by a third party that a retired social 13 worker named Peter McKelvie had concerns about 14 a Metropolitan Police investigation called Operation 15 Clarence? 16 A. That's correct. 17 Q. "Mr McKelvie felt that the investigation had not been 18 conducted properly due to the interference of prominent 19 individuals." 20 So that is the allegation that was investigated. 21 Just before we go on, just going back to Lord Henniker, 22 we will come to see the allegations but perhaps it is 23 important to make clear at this stage that, unlike the 24 other individuals who are referred to in this report, 25 Lord Henniker was never charged or convicted of any</p> <p style="text-align: center;">Page 119</p>	<p>1 counts of child sexual abuse? 2 A. That's correct. 3 Q. In fact, as we will see, the investigation that has been 4 conducted demonstrates that the suspicions that have 5 been raised against him have nothing to support them? 6 A. That's correct. 7 Q. The background -- a little more background perhaps we 8 get if we can go to the second page of the report, and 9 can we zoom in on paragraphs 8 and 9, please. We saw 10 a moment ago that, in summary, Mr McKelvie's concerns 11 related to this investigation, Operation Clarence? 12 A. Yes. 13 Q. And a suggestion that it hadn't been properly conducted 14 or that it had finished too soon as a result of 15 interference by prominent individuals? 16 A. Correct. 17 Q. Just looking at this, then: 18 "Operation Clarence [reading from paragraph 8] was 19 conducted by the Paedophile Unit based at New 20 Scotland Yard which at that time was part of the Obscene 21 Publications Squad." 22 A. Yes. 23 Q. "This operation [that is, Operation Clarence] was 24 concerned with the activities of men consisting mainly 25 of public schoolteachers, doctors, clergyman and</p> <p style="text-align: center;">Page 120</p>

1 a leading social worker named Peter Righton. The
 2 closing report on Operation Clarence dated 1998 ..."
 3 **A. Ten years.**
 4 Q. That's of some significance:
 5 "... states 'all are, or appear to be, homosexual
 6 and have a sexual preference for males under the age of
 7 16'. Operation Clarence commenced in 1988 and ended
 8 in April 1998."
 9 So, as you say, an operation which lasted 10 years.
 10 Then the report states:
 11 "This was a natural conclusion to Operation Clarence
 12 and throughout the ten years it was active, it resulted
 13 in 12 convictions ..., four cautions, seizure of
 14 indecent material and valuable intelligence regarding
 15 the activities of paedophiles."
 16 What is meant by a "natural conclusion",
 17 Mr Mahaffey?
 18 **A. I'm not exactly sure.**
 19 Q. I mean, it may be that the allegation is that
 20 Operation Clarence was, as it were, brought to a sudden
 21 end or --
 22 **A. There could be any number of reasons why an**
 23 **investigation that's lasted for 10 years was actually**
 24 **brought to a conclusion. But I'm not sure I have read**
 25 **within here the exact rationale as to why it was brought**

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1 "... Peter Righton, Richard Alston,
 2 Charles Napier ..."
 3 All convicted paedophiles:
 4 "... and Lord Henniker ..."
 5 As we have said, deceased, and also as we said,
 6 someone who was never charged/convicted of any offences:
 7 "... who at the time [that is Lord Henniker] lived
 8 at Thornham Hall, in Suffolk."
 9 As I said, Lord Henniker has no record of any
 10 convictions.
 11 It is quite striking the way in which Mr McKelvie
 12 puts his complaints, Mr Mahaffey. He is quite careful
 13 to say -- unlike some of the other cases we have seen,
 14 where there is a clear allegation -- "This case was
 15 stopped. That person suppressed that evidence".
 16 Mr McKelvie doesn't quite say that, does he? He says,
 17 "I have a concern that the investigation wasn't pursued
 18 properly enough. I don't have any" --
 19 **A. He raises concerns as opposed to making a specific**
 20 **complaint.**
 21 Q. That's right. Perhaps if we can go to page 4 of
 22 the report, we see this theme picked up again. It is
 23 quite important to understand the way in which it was
 24 put. It is paragraph 17, if we could zoom in on that:
 25 "Mr McKelvie suspects that Peter Righton,

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1 **to a conclusion.**
 2 Q. No. But perhaps what one does see is the allegation
 3 that the operation was unnaturally brought to an end,
 4 that it was stopped because of interference and perhaps
 5 that is what --
 6 **A. I think Mr McKelvie's suggestion is that it was stopped**
 7 **before it was actually stopped.**
 8 Q. Yes. Earlier in time?
 9 **A. Several years earlier.**
 10 Q. Yes, that's right. We will come to that.
 11 **A. Sorry.**
 12 Q. Just to get a better sense of the allegations, or the
 13 concerns, that Mr McKelvie raised, we see that at
 14 paragraph 9:
 15 "In particular, Mr McKelvie felt there was a lack of
 16 police investigation by Operation Clarence or, as he
 17 states [this is a quote from Mr McKelvie], I have been
 18 asked if I have any complaints regarding
 19 Operation Clarence. I do not have any complaints.
 20 However, as previously mentioned in my statement, I do
 21 have a number of questions regarding the initial
 22 investigation and links that I believe were not pursued
 23 rigorously enough'. The links Mr McKelvie were
 24 concerned about were between ..."
 25 And then three names are listed:

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1 Charles Napier, Richard Alston and Lord Henniker were
 2 connected for reasons of child abuse. He does not
 3 provide direct evidence but believes there to be enough
 4 circumstantial evidence that would require police to
 5 conduct an investigation."
 6 Essentially, his point is Operation Clarence didn't
 7 do what it ought to have done in that respect?
 8 **A. That's correct.**
 9 Q. Mr Mahaffey, the factual allegations or the
 10 concerns/suspicious that Mr McKelvie raised are quite
 11 detailed --
 12 **A. They are.**
 13 Q. -- quite numerous?
 14 **A. I think there's nine.**
 15 Q. This report divides them into nine and goes through
 16 them, it identifies them, talks about the facts of each
 17 of them?
 18 **A. Yes.**
 19 Q. The investigation that was conducted into each of them.
 20 I'm not going to go through it in detail. That's one of
 21 the reasons that we have adduced the whole document, so
 22 it is available for the inquiry to use. But what I will
 23 do is just go through the findings, and so, if we can go
 24 right towards the end of the document, please, to
 25 page 23, and starting off, we see the subtitle "Analysis

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<p>1 of evidence" at the bottom of the page. We see at 2 paragraph 106 the same point about the nature of 3 Mr McKelvie's concerns is picked up: 4 "He stated he doesn't have any evidence to support 5 his concerns, but that when all the facts are examined, 6 he felt there was sufficient cause for those concerns. 7 He feels the police should have investigated, but there 8 was no police investigation." 9 Then, starting at the next paragraph and going over 10 the page, each of the complaints -- and they have been 11 given numbers, C1, C2, C3 and so on -- are addressed, 12 are they not? 13 A. They are. 14 Q. We see -- again, I am not going to read these out, but 15 just in summary, C1 was a complaint which related to the 16 use of Lord Henniker's estate -- 17 A. That's correct. 18 Q. -- in East Anglia? 19 A. By the Islington/Suffolk project. 20 Q. That's right. There was quite a considerable degree of 21 investigation into what happened there? 22 A. There was. 23 Q. And the conclusion reached was that there wasn't any 24 evidence to suggest that Lord Henniker had any 25 supervision over the project --</p> <p style="text-align: center;">Page 125</p>	<p>1 A. That's correct. 2 Q. -- or that there had been any illicit links or anything 3 of that nature. We see, if we can just -- there is 4 a sentence which starts at the very bottom of that page: 5 "Lord Henniker and Richard Alston were not named." 6 That's in relation to one particular allegation? 7 A. Yes. 8 Q. That did relate to something that happened on the 9 estate: 10 "The allegation was investigated ... and no further 11 action was taken due to a lack of evidence." 12 A. That's correct. 13 Q. I think it is right to say that that was an allegation 14 of child sexual abuse that was made against, I think, 15 Peter Righton during his time on that estate? 16 A. Peter Righton and Charles Napier, yes. 17 Q. We see from the body of the report that in fact when 18 that investigation -- when that allegation was 19 investigated, neither Peter Righton nor Charles Napier 20 were on the estate at the time? 21 A. So I understand, yes. 22 Q. That is why that allegation wasn't pursued any further? 23 A. That's correct. 24 Q. Paragraph 108, going down, we see: 25 "There is no information available which may be</p> <p style="text-align: center;">Page 126</p>
<p>1 considered to corroborate Mr McKelvie's concern that 2 Lord Henniker, Peter Righton, Charles Napier and 3 Richard Alston were abusing vulnerable children ..." on 4 the estate, or on that particular project for children? 5 A. That's correct. 6 Q. Following on, C2 was the point you raised, Mr Mahaffey, 7 about the suggestion that the police investigation, 8 Operation Clarence, had been sort of shut down. That 9 was something that Mr McKelvie suggested? 10 A. That's correct. 11 Q. But it seems that that was a misunderstanding, because 12 we see from paragraph 110 -- 13 A. It continued for five years, until 1993. 14 Q. Mr McKelvie's suggestion was the investigation was 15 stopped in 1993. In fact it carried on for five years 16 after that. 17 Looking further down the page at paragraph 112, 18 Lord Henniker was I think -- well, it says here the 19 director-general of the British Council for four years 20 between 1968 until 1972. There was a concern raised by 21 Mr McKelvie that in that capacity he had helped 22 Charles Napier get employment overseas? 23 A. That's correct. 24 Q. In two places? 25 A. Sweden and Cairo?</p> <p style="text-align: center;">Page 127</p>	<p>1 Q. Sweden and Egypt. 2 A. Egypt, yes. 3 Q. It is notable that Charles Napier did go and work in 4 both those places, but both of them after Lord Henniker 5 had ceased to be the director-general of the British 6 Council, and in fact, in the case of Cairo, 20 years or 7 so afterwards? 8 A. Yes. 9 Q. There was no evidence found to suggest that, 10 notwithstanding that he no longer worked for the 11 British Council, he had been influential in any way in 12 obtaining -- Charles Napier obtaining that job. 13 Another quite high-profile allegation or suggestion 14 that was made, that while Charles Napier was working 15 overseas, he'd been able to use the diplomatic bag to 16 smuggle, if you like, child porn in or out of the UK? 17 A. There's no records. 18 Q. And although we see that at paragraph 113, inquiries 19 showed that, yes, Charles Napier did have use of 20 the diplomatic bag, and, as it were, it couldn't -- the 21 negative could not be proved -- 22 A. That's true. 23 Q. -- there was no evidence to suggest it had happened and, 24 also, in the final sentence of paragraph 113, it is 25 noted that once it was identified that Charles Napier</p> <p style="text-align: center;">Page 128</p>

32 (Pages 125 to 128)

<p>1 was a risk, his authority to use the diplomatic bag was 2 removed -- 3 A. Yes. 4 Q. -- and at the same time he was suspended. That runs 5 contrary to the suggestion that -- 6 A. That's correct. 7 Q. -- Charles Napier was somehow being protected by the 8 establishment -- 9 A. Yes. 10 Q. -- or given special treatment? 11 A. Yes. 12 Q. Just below that, at paragraph 114, there was 13 a suggestion, wasn't there, that an MP knew about 14 Charles Napier's offences and had failed to report them, 15 and we see the enquiry concluded there was no evidence 16 to support that suggestion? 17 A. That's correct. 18 Q. Then, finally, if we can just go over onto the last page 19 of the report, page 25, a series of other complaints -- 20 C6, C7, C8 and C9 -- all of which related in one way or 21 another to Mr McKelvie's concerns that three 22 individuals, or some of them, were being provided with 23 assistance by Lord Henniker or other members of 24 the establishment, none of which were found to have any 25 evidence to support them?</p> <p style="text-align: center;">Page 129</p>	<p>1 A. That's correct. 2 Q. Now, as you say, Mr Mahaffey, that report is still 3 a draft report? 4 A. It is. 5 Q. But is it likely that those conclusions are going to 6 change in substance? 7 A. I think it's highly unlikely. 8 MR O'CONNOR: Thank you. 9 Chair, I do have a few more questions for 10 Mr Mahaffey, but I suggest that we break now and I will 11 finish with his evidence after lunch. 12 THE CHAIR: Thank you. We will return at 2.00 pm. 13 (1.04 pm) 14 (The short adjournment) 15 (2.00 pm) 16 MR O'CONNOR: Mr Mahaffey, I have a few more questions for 17 you. The first of those questions relates to 18 investigations carried out relating, in one way or 19 other, to Peter Hayman. 20 A. Yes. 21 Q. One of those investigations was Operation Magnolia, 22 wasn't it? 23 A. Yes. 24 Q. Could I ask you to turn back to the IOPC main report, 25 and if this could be brought up on screen as well, so it</p> <p style="text-align: center;">Page 130</p>
<p>1 is IPC000830, and within that it is page 58, 2 Mr Mahaffey. Now, if we look at the first paragraph, 3 Mr Mahaffey, where the allegation, that is the 4 allegation of police misconduct, is summarised, we see 5 that this operation related to a criminal investigation 6 involving a person of public prominence being halted 7 because of the possibility of exposing their involvement 8 in sexual offences and, further, that individual seeking 9 to bribe officers? 10 A. Yes. 11 Q. So the individual involved is Peter Hayman, or was 12 Peter Hayman; yes? 13 A. Yes. 14 Q. We see, if we look immediately below, at the 15 "Background" paragraph, that the source of this 16 complaint is described here as a retired detective 17 sergeant. Do you see that? 18 A. Yes. 19 Q. That is a man called Collins, Bryan Collins, isn't it? 20 A. Yes. 21 Q. Mr Collins is coming to the inquiry to give evidence 22 towards the end of our hearings about this case -- 23 A. Okay. 24 Q. -- as well as one other matter -- 25 A. Yes.</p> <p style="text-align: center;">Page 131</p>	<p>1 Q. -- which I will mention in a moment. That is what this 2 investigation was about. 3 If we cast our eye down this document, we can see in 4 a nutshell there was a suggestion that Peter Hayman was 5 a member of PIE, the Paedophile Information Exchange? 6 A. Yes. 7 Q. Documents were found, and there was a question as to 8 whether Mr Hayman, or Sir Peter Hayman, was going to be 9 prosecuted under the Obscene Publications Act in 10 relation to those documents? 11 A. That's correct. 12 Q. We see in the fourth paragraph of the page that the 13 officer, Mr Collins, who was one of the investigating 14 officers, made an allegation that Sir Peter Hayman in 15 fact tried to bribe him and his colleague, offering them 16 each £25,000 at the time? 17 A. Yes. 18 Q. So that is the outline of the investigation. If we just 19 look at the paragraph towards the end, headed 20 "Investigative steps", we see that here it is recorded: 21 "A search was conducted for the relevant files. Due 22 to the passage of time, all the documentation relating 23 to Sir Peter Hayman has been destroyed ..." 24 Do you see that? 25 A. I do, yes.</p> <p style="text-align: center;">Page 132</p>

1 Q. It is in fact the case that more recently than the
 2 investigative steps in this investigation, this inquiry
 3 has made its own searches for documents, and, whereas,
 4 at the time that Operation Magnolia looked for the case
 5 files, they weren't available, they have subsequently
 6 become available, haven't they?
 7 **A. Yes. Yes, they have, yes.**
 8 Q. So that has been slightly overtaken by events?
 9 **A. Yes, it has.**
 10 Q. I think it is also right, and we will hear from
 11 Mr Collins in due course when he comes to give evidence,
 12 that the description that he gave to Operation Magnolia,
 13 and which is therefore recorded in this summary, of how
 14 it was that he came to be investigating Sir Peter Hayman
 15 isn't exactly accurate, and that when we see the
 16 contemporaneous police documents, we will see that in
 17 fact the story started with Sir Peter Hayman leaving
 18 some documents on a bus, which were then traced to an
 19 address he was using under an alias, the alias of
 20 "Henderson"?
 21 **A. "Peter Henderson".**
 22 Q. And the investigation proceeded from there. So to that
 23 extent, the researches conducted by Operation Magnolia
 24 have been overtaken by events to some extent and we will
 25 hear evidence from Mr Collins about that in due course?

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1 Q. And perhaps clarify what appears to be a confusion
 2 between the evidence in Operation Hesper and
 3 Operation Magnolia?
 4 **A. I understand. Thank you.**
 5 Q. Just before we leave Mr Collins, I said that he would be
 6 asked about at least two different things. One is the
 7 investigation that he conducted into Sir Peter Hayman
 8 which I have just been referring to; the other is an
 9 investigation called Operation Sycamore, which you are
 10 familiar with, I think?
 11 **A. Yes.**
 12 Q. The facts of that investigation were similar to the
 13 facts of -- sorry, I was wrong to say
 14 Operation Sycamore. The operation that I am referring
 15 to was an operation called Operation Conifer. That was
 16 an operation that Mr Collins gave evidence in; is that
 17 right?
 18 **A. That's correct.**
 19 Q. Just so that everyone understands, this is not the
 20 Operation Conifer conducted by Wiltshire Police which
 21 one will have read about in the papers investigating
 22 allegations relating to Edward Heath?
 23 **A. That's correct.**
 24 Q. It's got absolutely nothing to do with that
 25 investigation except it simply happens to share a name;

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1 **A. I understand.**
 2 Q. That's all I want to say about Operation Magnolia. If
 3 I can just ask you to look at page 51 in the IOPC
 4 report, and if we can call it up, please, that is an
 5 investigation called Operation Hesper. If you look at
 6 that, you will see that also was an investigation
 7 relating to Mr Hayman; is that right?
 8 **A. Yes. Sorry, apologies.**
 9 Q. It's all right. You are there now?
 10 **A. I am, yes.**
 11 Q. You can see that that is also another investigation
 12 relating to Sir Peter Hayman?
 13 **A. Yes.**
 14 Q. This investigation talks about a briefcase being found
 15 in a London park --
 16 **A. That's correct, yes.**
 17 Q. -- but raises similar issues as to what --
 18 Sir Peter Hayman being prosecuted or not?
 19 **A. That's correct.**
 20 Q. I don't want to say any more about that, because there
 21 is perhaps a factual confusion, again, as to exactly
 22 what happened, which led to Sir Peter Hayman being
 23 investigated, but Mr Collins is coming to give evidence,
 24 and we can ask him about that.
 25 **A. I understand.**

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1 is that right?
 2 **A. That's correct.**
 3 Q. This is an Operation Conifer, another one of these
 4 37 investigations conducted by the IOPC?
 5 **A. That's correct, yes.**
 6 Q. And that investigation, as I was saying, slightly
 7 misplacing the names of the investigations, has
 8 something in common with Operation Sycamore to this
 9 extent: it concerns a separate allegation about
 10 something that a different inmate at Feltham said about
 11 Cyril Smith?
 12 **A. That's correct.**
 13 Q. I don't want to get into the detail of that now,
 14 Mr Mahaffey, because, again, this is something we can
 15 talk to Mr Collins about when he comes to give evidence.
 16 **A. I understand.**
 17 Q. But I will ask, just for form, for the closing report to
 18 be brought up. It's IPC000861. Again, we see
 19 immediately, Mr Mahaffey, that this is another one of
 20 the draft reports?
 21 **A. It is, yes.**
 22 Q. You explained the position before lunch relating to the
 23 other draft reports. Is the position the same on this
 24 one?
 25 **A. It is, yes.**

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<p>1 Q. Chair, we invite you to adduce this into evidence for 2 the inquiry. I am not going to take Mr Mahaffey to it 3 now, but it will be there for us when we hear 4 Mr Collins' evidence. 5 Thank you. That is all I wanted to ask you about 6 Peter Hayman. The last topic to come to, Mr Mahaffey, 7 is Operation Yew. That was an investigation that 8 concerned Peter Morrison; is that right? 9 A. That's correct, yes, it did. 10 Q. First, could we go to the summary of this report, which 11 is on the IOPC report, IPC000830_076. Mr Mahaffey, this 12 was an operation, as the "Allegation" paragraph 13 explains, into a criminal investigation involving 14 a person of public prominence, that is, 15 Sir Peter Morrison? 16 A. Yes. 17 Q. The suggestion that the investigation had been prevented 18 by senior police officers because of the possibility of 19 exposing the involvement of those persons in child 20 sexual abuse? 21 A. Yes. 22 Q. It is right to say, isn't it, that there were various 23 different strands of investigation or allegation against 24 Sir Peter Morrison? 25 A. There were.</p> <p style="text-align: center;">Page 137</p>	<p>1 Q. Some related to allegations in London? 2 A. Yes. 3 Q. Others related to allegations in Chester? 4 A. Yes. 5 Q. He was, of course, MP for Chester? 6 A. He was, yes. 7 Q. As Mr Altman has already explained in the opening, we 8 will be hearing two days of evidence relating to 9 allegations about Sir Peter Morrison early next week. 10 But just relating to this operation, the description in 11 the "Background" section of this document refers to 12 a journalist receiving information from a then serving 13 police officer about an MP, who was Peter Morrison -- is 14 that right? 15 A. That's correct, yes. 16 Q. The information being that he had been arrested on two 17 occasions for importuning boys under 16 in Central 18 London? 19 A. Yes. 20 Q. And the summary then describes the journalist attempting 21 to confront Peter Morrison with this information? 22 A. That's correct. 23 Q. But Peter Morrison denying it and threatening libel? 24 A. That's correct. 25 Q. The journalist involved was a man called Chris House?</p> <p style="text-align: center;">Page 138</p>
<p>1 A. Yes. 2 Q. Are you aware of that? 3 A. I am, yes. 4 Q. Mr House's initial allegation has more recently been 5 repeated by another journalist called Paul Connew? 6 A. Connew, yes, Mr Connew. 7 Q. I am going to ask you to go to the closing report, just 8 to add a little bit more detail to this. Could we also 9 call it up, please. I don't think it is on the list 10 I gave to the document manager, but it is IPC000847. 11 By way of summary, Mr Mahaffey, in pursuing this 12 investigation, the source for it, the springboard for 13 it, was this allegation that -- 14 A. It was, yes. 15 Q. -- a serving officer had told Mr House -- 16 A. That's correct. 17 Q. -- that Mr Morrison had been arrested but that nothing 18 had happened. Did you attempt to identify the officer 19 in question who had provided that information? 20 A. Yes, inasmuch as the Operation Winter Key team asked 21 both Mr Connew and Mr House whether they were prepared 22 to disclose the identities of the officers. 23 Q. Thank you. I'm sorry, for those who are looking at 24 bundles, it is tab 24 in the bundle. Sorry, 25 Mr Mahaffey. You asked --</p> <p style="text-align: center;">Page 139</p>	<p>1 A. Yes. 2 Q. -- the journalist involved to reveal the names of the 3 officers -- 4 A. Yes. 5 Q. -- but they declined to do so? 6 A. They did decline, yes. 7 Q. And there was really nothing more you could do to 8 identify, at least from the journalists, if they weren't 9 prepared to provide those names? 10 A. That's correct. 11 Q. Is it right, though, that enquiries were made on 12 Metropolitan Police records to see if you could identify 13 any record of any such arrest? 14 A. Yes, and enquiries were made with other potential 15 witnesses as well, including another freelance 16 journalist, Nick Davies; the then Prime Minister 17 Margaret Thatcher's retired protection officer; 18 Lord Hamilton of Epsom was also; and Edwina Currie, 19 along with others. 20 Q. We will come to them. Their allegations were slightly 21 to one side. 22 A. Yes. 23 Q. In any event, the journalist refused to divulge their 24 source? 25 A. Yes, that's correct.</p> <p style="text-align: center;">Page 140</p>

<p>1 Q. If we look, for example – if we could turn to page 12 2 of the report, internal page 12, and look at 3 paragraph 65, does that show, Mr Mahaffey, the searches 4 to try and see any record of this supposed arrest -- 5 A. Were carried out, and there was no result. 6 Q. You mentioned a moment ago Barry Strevens and 7 Edwina Currie and Lord Hamilton? 8 A. Yes. 9 Q. I don't want to go into the detail of this because we 10 will be adducing evidence, but is it right that 11 Mr Strevens made an allegation which was well publicised 12 that he had been told by a senior Cheshire police 13 officer about rumours that Mr Morrison held parties in 14 his house in Chester -- 15 A. That's correct. 16 Q. -- for boys? 17 A. That's correct. 18 Q. And Mr Strevens said he told Margaret Thatcher about 19 that? 20 A. He passed that on, yes. 21 Q. And Lord Hamilton was said to have been there at the 22 time? 23 A. He was present. 24 Q. And you pursued that matter with him as well? 25 A. Yes, that's correct.</p> <p style="text-align: center;">Page 141</p>	<p>1 Q. We will be adducing evidence later on in this inquiry 2 from Barry Strevens and also Lord Hamilton addressing 3 those matters. 4 A. Yes. 5 Q. Then finally for these purposes, Mr Mahaffey, there was 6 a third strand of evidence relating to the suggestion 7 that Mr Morrison had been taken off a train at Crewe, 8 having assaulted a boy? 9 A. That's correct. 10 Q. And that no steps were taken by the police, despite the 11 fact that there was evidence that he had done that? 12 A. That's correct. 13 Q. Again, that is something we will be hearing evidence 14 about. But perhaps we could touch on that briefly, at 15 page 9 of the report. If we could look at paragraphs 48 16 and 49, the allegation is described at paragraph 48. It 17 says: 18 "In November 2012, there was growing media interest 19 in Morrison, suggesting he had been cautioned by 20 Cheshire or British Transport Police for offending 21 against boys in a Cheshire railway station; he has been 22 resident in Puddington, Chester. Many informed sources 23 suggest the media interest prompted his decision to 24 stand down in the 1992 General Election." 25 Then this: the investigative step that was taken</p> <p style="text-align: center;">Page 142</p>
<p>1 was: 2 "A comprehensive trawl of records and archives, 3 conducted by Cheshire Constabulary, which failed to find 4 any record of any involvement, intervention or 5 investigation into Morrison." 6 A. That's correct. 7 Q. Was that the natural end point of that line of 8 investigation? 9 A. Yes, it was. 10 Q. Chair, can I ask that this closing report be adduced 11 into evidence in the same way the others have been? 12 Thank you. 13 Mr Mahaffey, thank you, those were all the questions 14 that I wanted to ask you. I'm grateful. 15 A. Thank you. 16 MR O'CONNOR: Chair, unless you have any questions? 17 THE CHAIR: Ms Sharpling? 18 Questions by THE PANEL 19 MS SHARPLING: Thank you, Mr Mahaffey. In compiling this 20 report, have you or your colleagues ever considered the 21 reasons for the effluxion of time between the incidents 22 and the dates that the complaints were made to the IOPC 23 or elsewhere? 24 A. I think it's all -- it's a factor, inasmuch as, clearly, 25 the events were a long time ago, and the recent -- or</p> <p style="text-align: center;">Page 143</p>	<p>1 the allegations that have been investigated under the 2 managed investigation are obviously much more recent, 3 I accept that, and, equally, and I think it's -- 4 I haven't got the report in front of me directly, but, 5 clearly, it's right that over the years, over the 6 passage of time, there has been quite a lot of publicity 7 around different elements of it, and I think we accept 8 that this may have impacted on people's memories when we 9 have spoken with witnesses. 10 MS SHARPLING: I see. Thank you. 11 MR O'CONNOR: I'm sorry, there was one further question 12 I was going to ask Mr Mahaffey. I made a note of it, 13 but then overlooked it. 14 Mr Mahaffey, just going back to the questions I was 15 asking you about Sir Peter Hayman -- I don't think we 16 need to turn up any documents -- you will recall I was 17 asking about Operation Magnolia, which was the IOPC 18 investigation into Mr Collins' evidence? 19 A. Yes. 20 Q. Just one factual question, really: are you aware whether 21 the Operation Winter Key investigators conducting that 22 investigation made enquiries of MI5 or MI6? 23 A. I can't recall without looking back into it. 24 Q. Shall we go to the closing report? We haven't adduced 25 the closing report, but shall we go to it to see if it</p> <p style="text-align: center;">Page 144</p>

<p>1 helps? I think it is probably tab 3 in your bundle.</p> <p>2 A. Yes. I can't see any reference.</p> <p>3 Q. You're not in a position to take the matter any further</p> <p>4 than the closing report which --</p> <p>5 A. No, not at this time.</p> <p>6 Q. -- does not appear to make any reference to making those</p> <p>7 enquiries?</p> <p>8 A. No.</p> <p>9 MR O'CONNOR: Thank you, Mr Mahaffey.</p> <p>10 THE CHAIR: There are no further questions from the panel.</p> <p>11 Thank you, Mr Mahaffey.</p> <p>12 (The witness withdrew)</p> <p>13 MR O'CONNOR: Chair, may we now call Commander Roper?</p> <p>14 MS CATHERINE ROPER (sworn)</p> <p>15 Examination by MR O'CONNOR</p> <p>16 MR O'CONNOR: Commander, do sit down, if you would like to.</p> <p>17 A. Thank you.</p> <p>18 Q. You are Commander Catherine Roper?</p> <p>19 A. I am.</p> <p>20 Q. You joined the Metropolitan Police Service in 2000?</p> <p>21 A. I did, yes.</p> <p>22 Q. Your current rank is commander, and your role is</p> <p>23 commander of professional standards?</p> <p>24 A. Yes, that's right.</p> <p>25 Q. That's a role you commenced last year, in June 2018?</p> <p style="text-align: center;">Page 145</p>	<p>1 A. Yes, that's right.</p> <p>2 Q. You have prepared a statement, Commander, before us,</p> <p>3 which is dated 6 February 2019.</p> <p>4 A. Yes.</p> <p>5 Q. Could we call it up, please. It is MPS003548. This</p> <p>6 statement, Commander Roper, has a few pages of analysis</p> <p>7 of the local investigations that we will come to talk</p> <p>8 about; some description of the Professional Standards</p> <p>9 Department of the Metropolitan Police; and then, in much</p> <p>10 the same way as the IOPC report, at the end of your</p> <p>11 statement there are summaries of the facts of</p> <p>12 the various different local investigations?</p> <p>13 A. That's right.</p> <p>14 Q. Is this statement true, to the best of your knowledge</p> <p>15 and belief?</p> <p>16 A. Yes, it is.</p> <p>17 Q. Chair, we would invite you to adduce this statement into</p> <p>18 evidence in the same way as the IOPC report.</p> <p>19 Commander Roper, a few questions from me about the</p> <p>20 Met; then about some of the generic themes from the</p> <p>21 local investigations; and then, finally, I will take you</p> <p>22 to probably just a few of those investigations in</p> <p>23 a little more detail.</p> <p>24 A. Of course.</p> <p>25 Q. You say in your statement that your job title, as we</p> <p style="text-align: center;">Page 146</p>
<p>1 have heard, is the Commander of Professional Standards?</p> <p>2 A. Yes.</p> <p>3 Q. Amongst your responsibilities is the MPS Directorate of</p> <p>4 Professional Standards?</p> <p>5 A. That's right.</p> <p>6 Q. Also known as DPS. You describe in your statement that</p> <p>7 the DPS is responsible for investigating complaints or</p> <p>8 allegations of misconduct against Met officers?</p> <p>9 A. That's right, yes.</p> <p>10 Q. You heard Mr Mahaffey give his evidence this morning</p> <p>11 about the relationship between police forces, of which</p> <p>12 the Met is one, and the IOPC and the way in which</p> <p>13 complaints are dealt with, and I take it that you agree</p> <p>14 with what he said --</p> <p>15 A. Yes.</p> <p>16 Q. -- about the structure and the legislation --</p> <p>17 A. Yes.</p> <p>18 Q. -- and so on? In particular, with respect to his</p> <p>19 report, we heard about managed investigations and how</p> <p>20 following referral or complaint to the IOPC, they might</p> <p>21 require the force to conduct investigations under their</p> <p>22 management, and that was the structure that we looked at</p> <p>23 with him?</p> <p>24 A. Absolutely.</p> <p>25 Q. But it's right to say, isn't it, that not all of</p> <p style="text-align: center;">Page 147</p>	<p>1 the investigations in this field were managed</p> <p>2 investigations, and, in particular, the</p> <p>3 17 investigations that you refer to in your statement</p> <p>4 were not managed investigations, but were what are</p> <p>5 described as local investigations?</p> <p>6 A. That's right.</p> <p>7 Q. Just to drill down into the detail of that a little bit,</p> <p>8 first of all, going back to the way in which allegations</p> <p>9 of misconduct can come to the attention of</p> <p>10 the Metropolitan Police, and in particular the DPS, can</p> <p>11 we have a look at paragraph 8 of your statement, please.</p> <p>12 A. Yes.</p> <p>13 Q. That's page 3 of MPS003548. Commander Roper, we may all</p> <p>14 have an assumption, perhaps, when we hear about</p> <p>15 a complaint, about what that involves -- there is either</p> <p>16 an officer or a member of the public making a complaint,</p> <p>17 and that that perhaps is the only way in which the DPS</p> <p>18 comes across possible allegations of misconduct. But</p> <p>19 I think it is clear from your statement that there are</p> <p>20 rather more routes into the DPS than that?</p> <p>21 A. Yes, absolutely.</p> <p>22 Q. I will ask you, but several of them perhaps are relevant</p> <p>23 to these investigations. Just looking at paragraph 8,</p> <p>24 you describe there the means of reporting to the DPS,</p> <p>25 and the first bullet point is indeed a public complaint</p> <p style="text-align: center;">Page 148</p>

1 or conduct matter being sent to what you describe as
 2 a DPS inbox?
 3 **A. Yes.**
 4 Q. Is that the sort of classic situation, where an
 5 individual reports a matter to you?
 6 **A. Absolutely. So it can come to us direct from a public**
 7 **complaint or a conduct matter, which can be sent to us**
 8 **directly, or it could be that somebody has approached**
 9 **the IOPC directly and then the IOPC come to us and still**
 10 **make that referral in to us, yes.**
 11 Q. But then moving on, in the next bullet point you
 12 describe the possibility of a report being made
 13 proactively through the use of covert human intelligence
 14 sources actively seeking out corruption. Can you
 15 explain that in a bit more detail, please?
 16 **A. Absolutely. So within the capacity of the director of**
 17 **professional standards, we are able to identify**
 18 **intelligence that may indicate inappropriate behaviour,**
 19 **misconduct or corruption of officers, and we will**
 20 **proactively look to investigate that, and one of those**
 21 **is the use of a covert human intelligence source or**
 22 **a CHIS, yes.**
 23 Q. Without getting too much into the detail, using a CHIS
 24 is a complicated and resource-intensive exercise?
 25 **A. Absolutely, and requires a huge amount of oversight and**

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1 **forward and tell us if they are -- if there are things**
 2 **they are concerned about.**
 3 Q. Is this a route which is applicable only for officers,
 4 or is it officers and the public?
 5 **A. The report of wrongdoing actually is for officers and**
 6 **staff, yes.**
 7 Q. If we could go over the page to page 4, you refer,
 8 Commander Roper, to something called the "Right Line",
 9 being an online and confidential and anonymous means of
 10 reporting allegations. Can you explain that?
 11 **A. Absolutely. There is a telephone number -- this**
 12 **originally started as just a telephone-based possibility**
 13 **for people that if they wanted to raise concerns to the**
 14 **DPS, they could telephone this number that's advertised**
 15 **and anonymously provide us with information of concerns**
 16 **or allegations of misconduct or inappropriate behaviour.**
 17 **That was brought into existence around 2011/2012. That**
 18 **was then extended in around 2014/15 to be also an online**
 19 **process. So it could be somebody who submits online or**
 20 **make the phone call.**
 21 **The point around this is that people can do it**
 22 **anonymously, and it is a way that we can then register**
 23 **the information that comes in and decide how we will**
 24 **then progress the information that has been brought to**
 25 **our attention.**

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1 **regulatory and policy processes, yes.**
 2 Q. It may be a tactic which most people would associate
 3 with fighting crime, but it's also one that you deploy
 4 investigating the possibility of misconduct?
 5 **A. Absolutely, yes.**
 6 Q. I used the acronym "CHIS", but that is, we have already
 7 said, covert human intelligence source?
 8 **A. Yes, absolutely.**
 9 Q. Just carrying on looking at these bullet points, you
 10 then describe something called a "report of wrongdoing"
 11 status having been developed within the legislative
 12 whistleblowing framework, and that being another route
 13 into an allegation of possible misconduct. Can you
 14 explain that in a little more detail?
 15 **A. Of course. So sometimes people are nervous about coming**
 16 **forward to report concerns, and the report of**
 17 **a wrongdoing process actually provides certain**
 18 **protections for people if they satisfy certain -- if**
 19 **they satisfy the policy of the report of wrongdoing.**
 20 **That was first introduced into the Metropolitan Police**
 21 **I believe in 2016. It has had several layers of review**
 22 **and has been most recently reviewed in 2019 to make sure**
 23 **that it is a policy and a process that is clear to**
 24 **follow. It is advertised on the website of the DPS, and**
 25 **it is another way that we are encouraging people to come**

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1 Q. I see. You mention sensitive tasked enquiries, which
 2 perhaps covers the use of informants, or CHISs, but goes
 3 a little broader than that?
 4 **A. Exactly. So more complex enquiries, particularly in the**
 5 **more concerning areas of misconduct or corruption or**
 6 **criminal behaviour, may become sensitive enquiries,**
 7 **absolutely.**
 8 Q. Finally, you make the point in the last bullet point
 9 that every report, whether overt or covert -- I take it
 10 that you mean regardless of which of these routes it has
 11 arrived by -- will be subject to an assessment to decide
 12 whether or not you need to refer it to the IOPC?
 13 **A. So they will all be recorded by us, absolutely. They**
 14 **will all be assessed as to whether they're appropriate**
 15 **for the referral to the IOPC, and then, if they are not**
 16 **appropriate, then they will be assessed in terms of how**
 17 **we will develop them internally.**
 18 **May I add something to my statement?**
 19 Q. Of course.
 20 **A. I was obviously re-reading this and, on reflection,**
 21 **there are other routes allegations can reach us. There**
 22 **is another anonymous or established process such as**
 23 **Crimestoppers, which again encourages people, be it**
 24 **a member of police staff or a member of the public, to**
 25 **make an allegation there, which encourages that kind of**

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<p>1 anonymous behaviour where people may not feel so 2 confident to put their name to something. So there are 3 a lot of routes into the DPS. We have tried to make it 4 as wide and as broad as possible. 5 Q. I see. Thank you. So those are the routes in. You 6 have referred to the fact that any report is then 7 assessed. We heard from Mr Mahaffey about the referral 8 process and the statutory criteria, recordable conduct, 9 and so on. As I say, we have already heard from him 10 about managed investigations and so on. 11 Let me ask you about local investigations, and, in 12 particular, we will come to see with these 13 17 investigations that some of them are described as 14 operations with an operation name? 15 A. Absolutely. 16 Q. But some of them are described as scoping exercises. 17 Can you explain the difference between operations with 18 a name and scoping exercises and, also, do they both -- 19 are they both local investigations or is there 20 a distinction there too? 21 A. So the -- in terms of the Operation Winter Key 22 investigations that you are referring to, nearly all of 23 these actually were either referred to the IOPC or were 24 at least discussed with the IOPC in some part of this 25 investigative process. Some of them have operation</p> <p style="text-align: center;">Page 153</p>	<p>1 names, and that's where the investigation has been able 2 to be progressed quite a long way, even though it's been 3 locally managed. I will come back to that point in just 4 a second. 5 Where they are described as scoping exercises, 6 I think that's quite specific for Operation Winter Key. 7 What we are saying is, we have something, we have done 8 our best to develop it and, actually, we are not able to 9 find further investigative options. 10 Coming back to your point around them being local 11 investigations, it means that we, the 12 Metropolitan Police, took responsibility for them. 13 Generally -- outside of Winter key for a second, 14 generally we have the option of referring. There are 15 some mandatory referrals that we need to do to the IOPC. 16 There are some which are voluntary referrals, if they 17 fit a certain criteria, or some enquiries stay local, 18 ie, the Metropolitan Police, and we decide within the 19 DPS where they will be investigated. 20 All of these with regards to Winter Key were all 21 local investigations either through discussion with the 22 IOPC or we simply thought there's just -- we have 23 developed them as much as we can, but there is nothing 24 to take them any further. 25 Q. I see. Just one other question about these local</p> <p style="text-align: center;">Page 154</p>
<p>1 investigations. We heard from Mr Mahaffey this morning 2 that at the end of a managed investigation there is 3 a closing report and then an IOPC decision maker will 4 look at the closing report and make decisions about 5 disciplinary matters or about the possibility of 6 referring the case to the CPS. What happens at the end 7 of a local investigation? 8 A. Something very similar. The reports possibly won't look 9 like the ones that have been provided as part of 10 the Winter Key process, but the investigator will reach 11 the end of the local investigation, they will do an 12 assessment and they will be provided to a senior officer 13 to make an assessment as to what happens next: is there 14 evidence of misconduct, is there not, is there evidence 15 of perhaps grievance or something outside the misconduct 16 process, and we will make an assessment about how to 17 progress from there. 18 Q. I see. Thank you. Now, turning to these particular 19 investigations, as your statement says, there are 17 of 20 them, very much like the IOPC investigations, they are 21 grouped because they have a Westminster connection? 22 A. Mmm-hmm. 23 Q. They are allegations of police misconduct which have 24 a relation to Westminster child sexual abuse? 25 A. Mmm-hmm.</p> <p style="text-align: center;">Page 155</p>	<p>1 Q. You've mentioned several times Operation Winter Key, and 2 we heard that organisation referred to by Mr Mahaffey 3 this morning, and he gave a brief description of it. 4 There's a rather fuller description given in your 5 statement, and perhaps we could call it up. It is on 6 page 5 of your statement, starting at paragraph 10. We 7 see, Commander Roper, that Operation Winter Key, which 8 Mr Mahaffey I think described this morning as a unique 9 organisation or innovation, was set up by the Met Police 10 in response to the formation of this inquiry with the 11 purpose of investigating allegations of non-recent 12 sexual abuse? 13 A. Yes, that's right. 14 Q. Then you set out Operation Winter Key's terms of 15 reference. I don't want to go through them. But can 16 I just ask you this: first of all, although we are here 17 talking about allegations of child sexual abuse with 18 a link to Westminster, because that is the theme of this 19 particular investigation, is Winter Key's interest 20 related solely to Westminster cases or is it, for 21 example, also investigating cases relating to other 22 institutions? 23 A. It is related to other institutions, and its remit, 24 without going through the list on the page, is 25 allegations of non-recent sexual abuse from a range of</p> <p style="text-align: center;">Page 156</p>

<p>1 institutions or other areas. It is not solely 2 Westminster. 3 Q. I see. The second point to make is that, again, we 4 are -- the investigations we are focusing on tend to be 5 those related to allegations of misconduct -- 6 A. Mmm-hmm. 7 Q. -- where the issue, as I have said, is one of possible 8 police misconduct. But is it right that Winter Key is 9 not restricted to professional conduct matters of that 10 nature, but also investigates underlying criminal 11 activity? 12 A. That's absolutely right. So Operation Winter Key 13 I think there's approximately 80 officers who are 14 dedicated to Operation Winter Key, and the 15 investigations with regards to police misconduct and the 16 allegations that we are discussing here are a part of 17 that, are a strand of that, but not the whole 18 Operation Winter Key. 19 Q. So if we could just look back at that main page, so 20 taking paragraph 10 down, and look at the terms of 21 reference. As I say, I don't want to go through them, 22 but do we see, at point (c) of the terms of reference, 23 the requirement to investigate criminal allegations of 24 non-recent child sexual abuse, and we contrast that with 25 (d) at the bottom, which talks about investigations</p> <p style="text-align: center;">Page 157</p>	<p>1 related to professional standards? 2 A. Absolutely, there is -- 3 Q. So those are the two halves? 4 A. Yes, in effect. 5 Q. Thank you. You heard me ask Mr Mahaffey about this this 6 morning, but it is an important point and I want to ask 7 you the same question: is it right that what the 8 professional standards limb of Winter Key is involved 9 with is investigating allegations of police misconduct, 10 as opposed to the underlying allegations of criminal 11 conduct, which may form the context for the alleged 12 police misconduct, but isn't actually the subject of 13 the investigation. Is that right? 14 A. That is absolutely right, yes. 15 Q. Can we go on in your statement, Commander Roper, to 16 page 7. If we look at paragraph 16, we see there 17 a general description -- we have already touched on it, 18 really -- of the fact that the local investigations 19 have, at a general level, concerned allegations of 20 police corruption or malpractice in the investigation of 21 non-recent child abuse, child sexual abuse, and that in 22 all of these local investigations, there was a concern 23 expressed that persons of public prominence connected 24 with Westminster had in some way been featured in the 25 investigations, and this may have had a negative impact</p> <p style="text-align: center;">Page 158</p>
<p>1 upon the police actions. So that is the unifying factor 2 in all of these particular 17 local investigations? 3 A. That's correct. 4 Q. At paragraph 18 of your report, you summarise each of 5 these 17, and I am going to go through them quite 6 briefly. I don't want to go back to it, but while we do 7 so, can we bear in mind the fact, you will recall that 8 at the end of the IOPC report -- I asked Mr Mahaffey 9 briefly about this -- there is a sort of summary of 10 these local managed investigations, or some of 11 the themes relating to them. Are you familiar with 12 that? 13 A. Yes. Yes. 14 Q. I showed Mr Mahaffey that section, but didn't ask him 15 about it. One of the points about those paragraphs is 16 that they refer to the managed investigations -- sorry, 17 the local investigations by number rather than by name. 18 A. Yes. 19 Q. So that when we come to look at your statement, you have 20 referred to them by name, and there is a sort of 21 a disconnect there. So, as I go through these, I am 22 going to ask you if I am right that one particular 23 investigation is referred to by a particular number in 24 the IOPC report? 25 A. Yes, of course.</p> <p style="text-align: center;">Page 159</p>	<p>1 Q. Just briefly, Commander Roper, let's look at the detail 2 of these 17 investigations. The first one, and I am 3 looking at 18(i), you say refers to an allegation that 4 the prosecution of a young MP, who was arrested for 5 procuring, was suppressed because the young MP was 6 romantically involved with Leon Brittan, and that was 7 scoping exercise Scallywag, I think? 8 A. Yes, that's right. 9 Q. For reference, that is case number 16 in the IOPC 10 report. 11 A. Yes. 12 Q. Secondly, there is an investigation into an allegation 13 that there was a police file recording a complaint 14 against police action that may have been suppressed 15 again because of a connection with Leon Brittan. That 16 was Operation Greenheart? 17 A. Mmm-hmm. 18 Q. And it was number 2 in the IOPC's investigation, 19 I think. 20 A. Yes, that's right, yes. 21 Q. The third investigation that's mentioned was an 22 investigation into an allegation that an operation 23 targeting male prostitutes at Piccadilly Circus was 24 stopped because of the involvement of high-profile 25 people and a suggestion that Leon Brittan had been</p> <p style="text-align: center;">Page 160</p>

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<p>1 trying to stop the operation?</p> <p>2 A. Mmm-hmm.</p> <p>3 Q. That was Operation Larch. We will come back to look at</p> <p>4 that in more detail after we have been through this</p> <p>5 list. It was number 13, I think, in the IOPC list?</p> <p>6 A. That's right.</p> <p>7 Q. I think it is right that the operation that was in</p> <p>8 question there was Operation Circus that we heard</p> <p>9 evidence about this morning from Mr Mahaffey?</p> <p>10 A. That's right, yes.</p> <p>11 Q. Operation Jordana, and so on. This was another</p> <p>12 allegation relating to the same underlying operation?</p> <p>13 A. Yes.</p> <p>14 Q. As I say, we will come back to that briefly in a few</p> <p>15 moments.</p> <p>16 The fourth of the operations which you refer to was</p> <p>17 an operation investigating an allegation that police had</p> <p>18 failed to investigate information they received in 2014</p> <p>19 which suggested that pornographic videos of children had</p> <p>20 been seized from Leon Brittan in 1982. That was scoping</p> <p>21 exercise MB, and it was number 8 in the IOPC report?</p> <p>22 A. That's right.</p> <p>23 Q. The fifth allegation was an allegation that</p> <p>24 incriminating photographs of Leon Brittan had been</p> <p>25 suppressed by police and that a police investigation</p> <p style="text-align: center;">Page 161</p>	<p>1 into Leon Brittan had been shut down. That fifth one</p> <p>2 was scoping exercise CN, and was operation number 1 of</p> <p>3 the IOPC?</p> <p>4 A. Yes.</p> <p>5 Q. The sixth operation involved an allegation that an</p> <p>6 internal specialist operations department within</p> <p>7 the Met Police had shut down and taken investigation</p> <p>8 papers away from an investigation into paedophilia by</p> <p>9 Jimmy Savile and Cyril Smith. That was scoping exercise</p> <p>10 LW and it was IOPC case number 5.</p> <p>11 The seventh operation was an allegation that an</p> <p>12 investigation had been closed down on the orders of</p> <p>13 senior police officers when the MP Cyril Smith was</p> <p>14 implicated. Is that right?</p> <p>15 A. Yes, that's right.</p> <p>16 Q. That is another of the cases that we will come back to.</p> <p>17 That was Operation Balsa?</p> <p>18 A. Yes.</p> <p>19 Q. I think it is number 15 in the IOPC report.</p> <p>20 The eighth investigation was an investigation into</p> <p>21 child sex abuse at the Liberal Club in London by</p> <p>22 prominent people and the allegation being that it had</p> <p>23 been shut down due to pressure from the then</p> <p>24 Prime Minister. That was Operation Poplar. That was</p> <p>25 number 14 in the IOPC list?</p> <p style="text-align: center;">Page 162</p>
<p>1 A. That's right.</p> <p>2 Q. The ninth investigation was into an allegation that</p> <p>3 police obstructed an investigation into the sexual abuse</p> <p>4 of a young boy at an exclusive address in London because</p> <p>5 the suspect was the son of a prominent establishment</p> <p>6 figure. That was scoping exercise IC, IOPC number 4?</p> <p>7 A. Yes.</p> <p>8 Q. The tenth investigation was into an allegation that the</p> <p>9 evidence of potentially improper relations between</p> <p>10 a politician and children was suppressed by police, and</p> <p>11 this included one police officer making threats against</p> <p>12 two others not to give evidence at a trial. That was</p> <p>13 scoping exercise GB, IOPC number 3?</p> <p>14 A. Yes.</p> <p>15 Q. The eleventh case was an investigation into an</p> <p>16 allegation that an investigation into a paedophile ring</p> <p>17 had been closed because of involvement by two members of</p> <p>18 the Royal Family. That was scoping exercise MT and IOPC</p> <p>19 number 6.</p> <p>20 A. That's right.</p> <p>21 Q. That's another of the cases I am going to ask you more</p> <p>22 questions about in a moment.</p> <p>23 The twelfth of the cases investigated reports that</p> <p>24 child sex abuse at sex parties attended by prominent</p> <p>25 politicians had not been investigated properly by police</p> <p style="text-align: center;">Page 163</p>	<p>1 when complaints were made, and that on one occasion this</p> <p>2 had resulted in a young boy going missing. That was</p> <p>3 Operation Candlenut, number 10.</p> <p>4 A. Yes.</p> <p>5 Q. The 13th allegation was a case involving Dolphin Square,</p> <p>6 and that was Operation Carron, number 11 in the IOPC</p> <p>7 document.</p> <p>8 A. Yes.</p> <p>9 Q. The fourteenth case was an allegation that a person had</p> <p>10 made three complaints to police stating that between</p> <p>11 1976 and 1980 he had been sexually abused by prominent</p> <p>12 persons but, because of police inaction, his abusers had</p> <p>13 escaped justice. That was scoping exercise MM and case</p> <p>14 number 7?</p> <p>15 A. Yes.</p> <p>16 Q. The 15th case investigated an allegation that an officer</p> <p>17 had uncovered a paedophile ring operating from</p> <p>18 Kensington Town Hall, but hadn't been believed by her</p> <p>19 superiors. That was scoping exercise TM, case number</p> <p>20 17?</p> <p>21 A. Yes.</p> <p>22 Q. The 16th case was an investigation into allegations that</p> <p>23 there were files in a walk-in safe in New Scotland Yard</p> <p>24 that would suggest that Special Branch officers had</p> <p>25 suppressed investigations into child sexual abuse by</p> <p style="text-align: center;">Page 164</p>

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<p>1 politicians and that was a scoping exercise called</p> <p>2 Walk-in Safe, that was number 18?</p> <p>3 A. Yes.</p> <p>4 Q. The last investigation was an investigation into an</p> <p>5 allegation that MPS officers had avoided investigating</p> <p>6 prostitution in certain public lavatories in order to</p> <p>7 avoid finding politicians there. That's Operation</p> <p>8 Banway and was case number 9 in the IOPC list?</p> <p>9 A. Yes, that's right.</p> <p>10 Q. That's a very brief overview of the subject matter of</p> <p>11 those investigations. As I say, they are all summarised</p> <p>12 in more detail than that in the annexes to your report.</p> <p>13 Just carrying on, giving a little more detail of</p> <p>14 the sort of bringing together of the themes and the</p> <p>15 factual content of these investigations, if I could ask</p> <p>16 to go to page 12 of your statement, at the top of that</p> <p>17 page we can see a summary description of the sources of</p> <p>18 the investigations, in other words, where the</p> <p>19 allegations came from that were then investigated.</p> <p>20 At paragraphs 28, 29, 30 and 31, we can read down</p> <p>21 that, but we see that six of the investigations were</p> <p>22 based on information from former police officers. Three</p> <p>23 investigations were based on information received from</p> <p>24 complainants who claimed to have been subjected to</p> <p>25 child abuse. Two were anonymous. You have mentioned</p> <p style="text-align: center;">Page 165</p>	<p>1 the ability to make anonymous complaints. And five were</p> <p>2 based on third party information or overheard</p> <p>3 conversations. We will come and see this, but do the</p> <p>4 Met actually action information that they receive --</p> <p>5 I mean, the suggestion there are "overheard</p> <p>6 conversations". How would an allegation and an</p> <p>7 overheard conversation come to form the subject of an</p> <p>8 investigation?</p> <p>9 A. So if the information was brought to us, be it</p> <p>10 anonymously or otherwise, we would do an assessment of</p> <p>11 the information, we would look to see if there is</p> <p>12 anything on any of our intelligence databases, seek some</p> <p>13 kind of corroboration of the allegation, and then we</p> <p>14 would do an assessment. If it is possible, we would</p> <p>15 speak to the person who has brought the information to</p> <p>16 us to see if there are any other lines of enquiry that</p> <p>17 we can continue. We do that for every single thing that</p> <p>18 is brought to us. Everything is assessed to see if we</p> <p>19 can develop it.</p> <p>20 Q. Even if it is something as minor as an overheard</p> <p>21 conversation, it can be built into an investigation in</p> <p>22 that way?</p> <p>23 A. Absolutely, yes.</p> <p>24 Q. Just if we can look now over the page at page 13,</p> <p>25 please, another bringing together of data relating to</p> <p style="text-align: center;">Page 166</p>
<p>1 these investigations, it is headed "Time period". We</p> <p>2 see here, do we, that, just casting our eyes down those</p> <p>3 paragraphs, as with the IOPC report, the focus of these</p> <p>4 investigations was on events in the 1970s and 1980s --</p> <p>5 some of it later, but most in that period?</p> <p>6 A. Yes, absolutely.</p> <p>7 Q. Again, that was the time when the underlying events took</p> <p>8 place, but what was the time when the complaints were</p> <p>9 made which triggered these investigations?</p> <p>10 A. So between 2012 and 2016, the information was brought to</p> <p>11 us.</p> <p>12 Q. So much, much later?</p> <p>13 A. Much, much later, yes.</p> <p>14 Q. Then I think, just lastly, in terms of the overview</p> <p>15 information, if we could turn to page 14 of</p> <p>16 the statement, the status and the outcome of these</p> <p>17 investigations -- perhaps, actually, we can go on to</p> <p>18 page 15, paragraph 45. We have seen that there are</p> <p>19 17 investigations in question, and you say that, of</p> <p>20 these 17, 16 are closed, with one remaining case close</p> <p>21 to concluding.</p> <p>22 A. Yes, that's right.</p> <p>23 Q. Is that still the position?</p> <p>24 A. Yes.</p> <p>25 Q. I think your statement was dated a week or two ago, but</p> <p style="text-align: center;">Page 167</p>	<p>1 that's still the position?</p> <p>2 A. That's still the position, yes.</p> <p>3 Q. And then this. You say:</p> <p>4 "No behaviour has been identified that might attract</p> <p>5 disciplinary action in relation to any of the officers</p> <p>6 involved."</p> <p>7 A. That's correct.</p> <p>8 Q. That's the test you have applied, even though the</p> <p>9 officers are long retired?</p> <p>10 A. Absolutely, yes, and we have explored every allegation</p> <p>11 that's brought to us within these 17, even if it was</p> <p>12 quite -- it didn't give us an awful lot of information</p> <p>13 to go on, we have absolutely explored every option we</p> <p>14 have for the investigations. And, as the paragraph</p> <p>15 says, no behaviours were identified that might attract</p> <p>16 disciplinary action.</p> <p>17 Q. We have heard talk that the other possible outcome is</p> <p>18 criminal proceedings?</p> <p>19 A. Absolutely.</p> <p>20 Q. But do we take it from the fact that it hasn't passed</p> <p>21 that lower threshold, that there is no question of any</p> <p>22 criminal offences?</p> <p>23 A. Yes, that's right.</p> <p>24 Q. Thank you. The last thing, I want to spend ten minutes</p> <p>25 or so asking you some more detailed questions about just</p> <p style="text-align: center;">Page 168</p>

<p>1 a few of those particular investigations.</p> <p>2 A. Of course.</p> <p>3 Q. First of all, can I ask you about scoping exercise MT.</p> <p>4 Can we do this by going to the appendices to your</p> <p>5 statement. I think it is internal page 28 that we need,</p> <p>6 to start with. These summaries are constructed very</p> <p>7 similarly to the IOPC summaries, and they start with</p> <p>8 a description of the allegation, and that's the</p> <p>9 allegation of police misconduct. So in this case, it</p> <p>10 was the allegation that an investigation into</p> <p>11 a paedophile ring was closed because of involvement by</p> <p>12 a politician and a member of the Royal Family.</p> <p>13 A. Yes.</p> <p>14 Q. Just looking at the "Background" section below that, we</p> <p>15 can see that there is reference to a social worker, who</p> <p>16 has been given the cipher "C", making contact with the</p> <p>17 police. It seems that he claimed two things: first of</p> <p>18 all, that he knew someone, or knew of a person, who had</p> <p>19 been sexually abused by two members of the Royal Family;</p> <p>20 and also that he had been in contact with a journalist</p> <p>21 who had made certain claims about Buckingham Palace and</p> <p>22 sexual activity there?</p> <p>23 A. Yes, that's right. Those claims by the journalist were</p> <p>24 in the year before we were approached.</p> <p>25 Q. So this wasn't -- just to be clear, I want to look at</p> <p style="text-align: center;">Page 169</p>	<p>1 the newspaper article in a minute, but it wasn't an</p> <p>2 investigation that was triggered by the newspaper</p> <p>3 article?</p> <p>4 A. No.</p> <p>5 Q. It was triggered by this person "C" approaching you and</p> <p>6 telling you those two things?</p> <p>7 A. Absolutely.</p> <p>8 Q. One about him knowing of an individual and the other</p> <p>9 that he'd spoken to this journalist?</p> <p>10 A. Yes.</p> <p>11 Q. Shall we just look at that newspaper article? I think</p> <p>12 we can bring it up. It is INQ004170. That's it. You</p> <p>13 refer in the summary to the headline, "Ex-cop claims</p> <p>14 a royal was in paedophile ring but inquiry was closed to</p> <p>15 shield Buckingham Palace from scandal".</p> <p>16 I think we can go to the next page, please. We can</p> <p>17 see the description of the allegation. Just picking it</p> <p>18 up about four paragraphs down:</p> <p>19 "The ex-officer told the Sunday Mirror how a named</p> <p>20 detective sergeant based at London's Marylebone Police</p> <p>21 Station in the late 1980s spoke to him about the</p> <p>22 investigation and the fact it had been axed."</p> <p>23 So this is an officer, not like some of the IOPC</p> <p>24 cases reporting something that he said had happened in</p> <p>25 one of his cases, but he is reporting something that</p> <p style="text-align: center;">Page 170</p>
<p>1 someone else told him about one of that person's cases?</p> <p>2 A. Yes.</p> <p>3 Q. So it is that one remove in that respect?</p> <p>4 A. Absolutely, yes.</p> <p>5 Q. And the detail is:</p> <p>6 "The former officer said: 'I was in a car with two</p> <p>7 other vice squad officers. They were discussing a madam</p> <p>8 who had provided a girl of about 15 to Oliver Reed.'"</p> <p>9 If we immediately go down to the bottom of the page,</p> <p>10 the Sunday Mirror told us that Oliver Reed was never</p> <p>11 prosecuted for underage sex. Going back to the other</p> <p>12 passage, he goes on that this detective sergeant had</p> <p>13 said, "He had just had a major child abuse investigation</p> <p>14 shut down by the CPS regarding a royal and an MP. He</p> <p>15 did not mention names, but he said the CPS had said it</p> <p>16 was not in the public's interest because it 'could</p> <p>17 destabilise national security'.</p> <p>18 "The former officer added: 'What I was told has</p> <p>19 stayed with me to this day'.</p> <p>20 "The Sunday Mirror has been given the names of his</p> <p>21 two colleagues and the officer we spoke to said he was</p> <p>22 passing his information to the police."</p> <p>23 As you say, this article was published some time</p> <p>24 before you were contacted by this man "C".</p> <p>25 A. Mmm-hmm.</p> <p style="text-align: center;">Page 171</p>	<p>1 Q. Are you aware that before you were contacted by "C",</p> <p>2 that the former officer had made a complaint to you or</p> <p>3 passed this information to you?</p> <p>4 A. No, I'm not aware, no.</p> <p>5 Q. In any event, you became aware of it at this stage?</p> <p>6 A. Mmm-hmm.</p> <p>7 Q. If we can look back, please, at the summary, so that's</p> <p>8 page 28 of MPS003548, you were presented, as it were,</p> <p>9 with two lines of enquiry?</p> <p>10 A. Yes.</p> <p>11 Q. The individual who "C" said he was in touch with, and</p> <p>12 also this newspaper article and the officers and so on.</p> <p>13 A. Mmm-hmm.</p> <p>14 Q. Dealing with the newspaper article first, did you</p> <p>15 attempt to find out who the officer was who had made the</p> <p>16 report to the Sunday Mirror?</p> <p>17 A. Absolutely. The enquiry team approached the journalist</p> <p>18 on a number of occasions -- I think four occasions.</p> <p>19 There was probably about six exchanges between the</p> <p>20 investigatory team and the journalist. We asked for</p> <p>21 them to assist us with speaking to the person that</p> <p>22 provided them with the initial information, and he</p> <p>23 repeatedly told us the person didn't want to come</p> <p>24 forward and assist with any further enquiries.</p> <p>25 Q. Which is contrary to what we saw in the newspaper</p> <p style="text-align: center;">Page 172</p>

1 article, because there it is suggested the officer was
 2 going to contact you. He hadn't, and, when you pressed
 3 the matter, he wasn't willing to come forward?
 4 **A. No, no, not at all.**
 5 Q. There is a reference here to Sir Allan Green, who was
 6 a Director of Public Prosecutions. He was mentioned in
 7 the article as someone who had also said something about
 8 historic child abuse allegations?
 9 **A. Yes.**
 10 Q. Did you contact him as well?
 11 **A. We did, and we spoke to him about this. He didn't**
 12 **recall any of this. He certainly didn't recall the**
 13 **comments made in the newspaper article, and he didn't**
 14 **wish to provide a statement, even though he was very**
 15 **happy to talk to us about his circumstances.**
 16 Q. So would it be fair to say that, as far as the
 17 information relating to that newspaper article was
 18 concerned, you hit something of a dead end?
 19 **A. Yes. Very much, yes.**
 20 Q. Unless you could actually speak to the person who made
 21 the allegation, there was really little more you could
 22 do with it?
 23 **A. Absolutely. I am just cross-referencing with the**
 24 **closing report. We did -- it was over several months we**
 25 **repeatedly went back to try to contact the person who**

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1 previously contacted police and made allegations of
 2 child sexual abuse?
 3 **A. Yes.**
 4 Q. But on those two occasions, he hadn't mentioned the
 5 Royal Family?
 6 **A. That's right. And that's one of the inconsistencies.**
 7 **There are some other details as well that were**
 8 **inconsistent. But that said, we did speak to him and we**
 9 **also spoke to the other investigating teams to see if**
 10 **there was anything further that we could do to progress**
 11 **this line of enquiry.**
 12 Q. But, in the end, he didn't want to give you further
 13 information about these particular allegations?
 14 **A. No, absolutely, he was -- he was told, however, that,**
 15 **should that change, or should further information come**
 16 **to light, then he would be able to bring that forward**
 17 **and then we would continue the enquiry.**
 18 Q. So, in summary, Commander Roper, we see, if you like,
 19 the high point in the news article, you have made your
 20 enquiries, attempted to get to the bottom of this, but
 21 because people haven't engaged with you, it hasn't been
 22 possible to take it any further?
 23 **A. Yes, that's right, yes.**
 24 Q. I want to ask you about one other perhaps similar case.
 25 It is Operation Balsa. If we can, to do this, turn to

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1 **brought the information to the journalist, and we were**
 2 **trying to -- if they were nervous about coming forward,**
 3 **provide them with reassurances about coming forward and**
 4 **talking to us, but they were absolutely categorical that**
 5 **they wouldn't come forward to talk to us about that.**
 6 Q. So that was that line. The other line was the
 7 individual who "C" said that he knew of.
 8 **A. Yes.**
 9 Q. Who made allegations about Buckingham Palace himself.
 10 Did you try and contact him?
 11 **A. We did, yes, absolutely, and we did speak to him, yes.**
 12 Q. What did you find out about him and what did he tell
 13 you?
 14 **A. So this individual -- we did speak to him. He was party**
 15 **to a number of investigations based on allegations that**
 16 **he'd made, and we -- it wasn't just the**
 17 **Metropolitan Police that were talking to him, it was**
 18 **other constabularies as well, or police forces as well.**
 19 **When we did speak to him and when we talked to the other**
 20 **investigatory forces, there were some inconsistencies in**
 21 **what he was saying, and ultimately didn't want to**
 22 **substantiate the allegations that he initially made but**
 23 **then didn't want to take them further.**
 24 Q. Looking at the summary in the appendices to your
 25 statement, it appears that this individual had twice

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1 page 17 within your statement. In some ways, this is
 2 similar to the investigation we were just looking at,
 3 Commander Roper.
 4 **A. Yes.**
 5 Q. The facts of this investigation were that two phone
 6 calls were made to a phone-in on LBC Radio, apparently
 7 by the same person, alleging that the caller, the person
 8 who called in, was a former police officer who had been
 9 involved in an investigation relating to Cyril Smith and
 10 the investigation had been shut down?
 11 **A. Yes.**
 12 Q. Similar to other allegations we have heard earlier
 13 today?
 14 **A. Yes, that's right. The first phone call was made in**
 15 **November 2014 and the second in April 2015. The same**
 16 **name was used, but in the first call, the caller was**
 17 **happy to identify themselves with that name; in the**
 18 **second call, the broadcaster says that the name has been**
 19 **changed and then, actually, I think his voice had been**
 20 **clouded a little as well.**
 21 Q. Was the caller said to be the same person?
 22 **A. We have surmised him to be the same person, even though**
 23 **we don't have any evidence to support that, simply**
 24 **because the information they gave was so similar.**
 25 Q. In any event, there is an allegation, there is

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1 a suggestion, that something had gone badly wrong in the
 2 past. How far did this -- what triggered your own
 3 investigation? Was it simply that you heard it on LBC
 4 or was it information passed to you by someone?
 5 **A. Yes, our media team heard the second call on LBC and**
 6 **brought that to the attention of the DPS, and we**
 7 **contacted them -- forgive me, it may be that DMC**
 8 **initially contacted LBC and then it was brought to our**
 9 **attention, but either way it was the Metropolitan Police**
 10 **approaching LBC for further information.**
 11 Q. We don't need to get too far in, but you said "DMC"?
 12 **A. I'm so sorry, they're our media team. I do apologise.**
 13 Q. The point you're making is, whichever particular part of
 14 the Met it was, it was the Met that contacted LBC to
 15 understand more about this allegation?
 16 **A. Absolutely, on hearing the broadcast, yes.**
 17 Q. Can you summarise how the investigation went from there?
 18 **A. So we contacted the broadcaster. The broadcaster said**
 19 **that they would be happy to try and put us in contact**
 20 **with the caller. I think we made six attempts to -- or**
 21 **six contacts with the broadcaster -- they contacted us**
 22 **in between as well -- again asking for them to put us in**
 23 **contact with the individual, providing reassurances that**
 24 **the individual wasn't breaching anything, wasn't**
 25 **breaching some sort of security issue or Official**

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1 these investigations that refer to Special Branch, and
 2 perhaps uniformed officers suggesting that
 3 Special Branch, in one way or another, interfered with
 4 an investigation or held documents relating to an
 5 investigation, and we have seen others of these
 6 investigations where it's been necessary to look for
 7 Special Branch documents, and so on. So this small
 8 investigation brings some of those themes together,
 9 doesn't it?
 10 **A. Yes, it does, yes.**
 11 Q. The allegation was simply that there were files held by
 12 Special Branch in a walk-in safe --
 13 **A. Yes.**
 14 Q. -- that may have had something to do with suppressing
 15 allegations of child abuse against senior figures?
 16 **A. That's right, yes.**
 17 Q. Who was the allegation made by?
 18 **A. The allegation was made by an anonymous email to the**
 19 **IOPC in 2015.**
 20 Q. So that's the way in which the investigation was
 21 triggered?
 22 **A. Absolutely. It was referred to us by one of**
 23 **the intelligence analysts from the IOPC.**
 24 Q. Can you describe to us what investigation took place as
 25 a result of that?

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1 **Secrets Act or something like that, we really tried to**
 2 **provide the reassurances. In the end, we also emailed**
 3 **the broadcaster a list of questions and we thought,**
 4 **well, if the caller won't talk to us directly, then**
 5 **perhaps if we provide them the questions, then maybe we**
 6 **would be able to use the broadcaster as a mediator so we**
 7 **could still get the information, so we would be able to**
 8 **progress the further investigation.**
 9 Q. Did any of that bear fruit?
 10 **A. No, sadly not, no.**
 11 Q. Because?
 12 **A. The caller was -- he categorically said he wouldn't**
 13 **engage and support us with further investigations.**
 14 Q. Was there anything more that you did, or did you feel
 15 that that was essentially an end to the investigation?
 16 **A. That was -- no, that was deemed as suitable for closure,**
 17 **because after six attempts of trying to get further**
 18 **information, over a period of time, it wasn't repeated,**
 19 **it was to try and encourage trust in what we were trying**
 20 **to do and it wasn't successful.**
 21 Q. Thank you. Let me just ask you about one more of these
 22 scoping exercises, and that is scoping exercise walk-in
 23 safe. To do that, can we go to page 36 of your
 24 appendices, please. Commander Roper, you will have
 25 heard this morning Mr Mahaffey. There are a number of

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1 **A. So Special Branch was contacted -- although it wasn't**
 2 **known as Special Branch then, it was known as SO15.**
 3 **They were contacted and a number of meetings were held.**
 4 **In essence, the fact that there was a storage facility**
 5 **of files was never -- I don't think people said it was**
 6 **a safe, it was a room, it was a secure room, where files**
 7 **were stored. That was immediately admitted to by the**
 8 **people that we spoke to.**
 9 **They gave us a description of what the files were.**
 10 **There were some details in the initial allegation, the**
 11 **anonymous information, that there was a real restricted**
 12 **access policy around these files, and that was suggested**
 13 **to simply not be the case. The files were available to**
 14 **those people within SO15, as was -- or as is. Those**
 15 **people that were on that particular enquiry would have**
 16 **access to those files, but no-one outside of that**
 17 **enquiry would need access to those files.**
 18 **What I think is quite interesting about this scoping**
 19 **exercise is that it was progressed and one member of**
 20 **Special Branch -- a retired member of Special Branch,**
 21 **a member of SO15, was spoken to and then this scoping**
 22 **exercise had to pause because of some other operational**
 23 **need. When it was restarted, that individual had**
 24 **retired, so the enquiry team actually spoke to another**
 25 **person who worked within SO15 who absolutely confirmed**

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<p>1 everything, gave us some details with regards to the</p> <p>2 contents of the files and why they weren't open access</p> <p>3 to lots of people. So from different people at</p> <p>4 different times, it has been -- the existence of the</p> <p>5 "safe" or the existence of the room and the files have</p> <p>6 always been confirmed.</p> <p>7 Q. It's perhaps fairly obvious that an organisation like</p> <p>8 Special Branch is going to have sensitive files --</p> <p>9 A. Yes.</p> <p>10 Q. -- which are not accessible to everyone?</p> <p>11 A. No.</p> <p>12 Q. But the suggestion that there may have been somehow some</p> <p>13 very restricted files relating to paedophiles or</p> <p>14 paedophile activity or Westminster politicians or people</p> <p>15 generally of prominence, as you say, was not confirmed</p> <p>16 by any of the people you spoke to?</p> <p>17 A. No, I say it was disputed by those people that we spoke</p> <p>18 to. And we quite properly, if I may say, didn't read</p> <p>19 the files ourselves -- we had no reason to, in terms of</p> <p>20 the Operation Winter Key -- because of the level of</p> <p>21 national security that was being explained as contained</p> <p>22 within the files. However, those officers did review</p> <p>23 the files on our behalf. They did key word searches</p> <p>24 within the files, but also how the files are stored and</p> <p>25 referred to, to anything that may bring it into the</p> <p style="text-align: center;">Page 181</p>	<p>1 realm of Operation Winter Key and absolutely nothing was</p> <p>2 found.</p> <p>3 Q. Thank you. Just finally, I think, there are two more</p> <p>4 operations I will ask you about fairly shortly. The</p> <p>5 first is Operation Larch. I would like to do this</p> <p>6 through the closing report. So we call it up, please.</p> <p>7 It is OHY006923.</p> <p>8 Commander Roper, you will recall as we went through</p> <p>9 this -- we went through the list of the operations,</p> <p>10 I mentioned this was the operation which seemed to</p> <p>11 relate to the investigation that was Operation Circus?</p> <p>12 A. Yes.</p> <p>13 Q. And therefore sits with some of the cases we were</p> <p>14 looking at this morning, in particular</p> <p>15 Operation Jordana?</p> <p>16 A. Yes.</p> <p>17 Q. If we can look at this closing report, please, and if we</p> <p>18 can pull up paragraphs 2 and 3 on this page. We don't</p> <p>19 need to go back to it, but paragraph 1 names the</p> <p>20 complainant as a detective constable called Sue Simpson.</p> <p>21 Her allegation is then relayed in these two paragraphs.</p> <p>22 She remembers hearing about an investigation, an</p> <p>23 operation, targeting rent boys in Piccadilly Circus.</p> <p>24 They were told to stay away from the area while the</p> <p>25 operation was running. Just pausing there, does that</p> <p style="text-align: center;">Page 182</p>
<p>1 sound likely?</p> <p>2 A. Yes, absolutely. Yes. If she was a uniformed constable</p> <p>3 and there was a proactive operation happening anywhere,</p> <p>4 of course the sight of uniformed police officers tends</p> <p>5 to disrupt criminal activity taking place so it would be</p> <p>6 entirely usual for them to be asked to stay away from</p> <p>7 a particular area.</p> <p>8 Q. That's one point in time when she just heard about this</p> <p>9 investigation. Then if we look at paragraph 3, she goes</p> <p>10 on, about a week later she claims to have heard someone</p> <p>11 say that a police operation had been closed down because</p> <p>12 of high-profile persons becoming involved. Names such</p> <p>13 as Jimmy Savile, Jimmy King -- although I think we see</p> <p>14 in the evidence that the assumption is she meant</p> <p>15 Jonathan King, I think perhaps she used that name as</p> <p>16 well on another occasion -- along with an unnamed senior</p> <p>17 police officer were mentioned:</p> <p>18 "They [Sue Simpson and her colleagues] were never</p> <p>19 officially told that the operation had been stopped."</p> <p>20 So that's the allegation, that this allegation had</p> <p>21 been shut down because it had come across prominent</p> <p>22 people?</p> <p>23 A. Yes.</p> <p>24 Q. Again, it is a familiar allegation that one has come</p> <p>25 across before.</p> <p style="text-align: center;">Page 183</p>	<p>1 Then, just turning over the page, I don't want to go</p> <p>2 through the detail of this, but we see that, as with</p> <p>3 other investigations, other officers or colleagues from</p> <p>4 the time were interviewed to see if they would</p> <p>5 corroborate what she said, and did any of them</p> <p>6 corroborate what she said?</p> <p>7 A. A few of them corroborated that they thought there was</p> <p>8 a proactive operation happening, which we now understand</p> <p>9 to be Operation Circus, but, no, none of them</p> <p>10 corroborated that the operation had been closed down in</p> <p>11 the circumstances that Sue suggested.</p> <p>12 Q. Indeed, we have heard evidence this morning that</p> <p>13 Operation Circus certainly didn't close down?</p> <p>14 A. Absolutely.</p> <p>15 Q. It went on for some time. We saw the evidence that</p> <p>16 there were quite a number of convictions?</p> <p>17 A. It was considered extremely successful, yes.</p> <p>18 Q. Can we just go to page 3, please? I just want to ask</p> <p>19 you about paragraphs 15 and 16 in this report.</p> <p>20 27 January 2017:</p> <p>21 "... retired police officer Michael Berry,</p> <p>22 ex-collator, was interviewed."</p> <p>23 What's a collator?</p> <p>24 A. That will be someone who organises the information on</p> <p>25 the intelligence that's come into a particular operation</p> <p style="text-align: center;">Page 184</p>

<p>1 or a particular unit or a department. Because 2 everything was so paper based then, it would have 3 somebody who would be organising that information. 4 Q. It is not necessarily specific to a particular post in 5 a police station or on a unit. It simply means someone 6 as general as that? 7 A. It is as general as that, although there were many 8 collators throughout the organisation, but it wasn't 9 specific to that particular police station, for example. 10 Q. Just going on, we see that he provides a statement, and 11 he recalls the operation called Circus, which we have 12 heard about, in Piccadilly Circus in the early 1980s. 13 He said it wasn't closed down, which is consistent with 14 the evidence we have heard. Then he said this: 15 "He said there may have been a rumour circulating at 16 the time that Circus was closed down and speculates that 17 this may have been circulated by persons on 18 Operation Circus itself. This was because the operation 19 was getting too well known and they wanted to remain low 20 key. The attention may have been due to the names of 21 high-profile people being involved, although he cannot 22 recall any specific names." 23 We have heard, as I have said, there have been 24 a number of these investigations founded on allegations 25 made by individual officers that they understood that an</p> <p style="text-align: center;">Page 185</p>	<p>1 operation had been closed down, when in fact other 2 evidence suggests that it hadn't been. The suggestion 3 here seems to be that their colleagues may have 4 deliberately misinformed each other, if you like, to 5 stop an operation becoming too well known. 6 A. Yes. 7 Q. Is that something you have come across before? How 8 should we understand that evidence? 9 A. I haven't personally come across that before. And 10 I think that it's -- we only have one person within this 11 investigation that's suggesting that. There are issues 12 with operational security with any proactive operation, 13 and the teams do send to keep, quite rightly, 14 information tight around any kind of proactive 15 operation. I have never heard of a counter-rumour being 16 spread by an investigatory team, so I wouldn't be able 17 to comment or anything further than that. 18 Q. Other than to say it is not, in your experience, normal 19 practice? 20 A. No. No, it is not. 21 Q. Just looking through the rest of this statement, if we 22 can go to page 5, just looking at mechanics, as you have 23 said, Commander Roper, if we can focus on paragraphs 31 24 to 33, this is a local investigation? 25 A. It is.</p> <p style="text-align: center;">Page 186</p>
<p>1 Q. What this makes clear is that this was in fact referred 2 to the IPCC? 3 A. Yes. 4 Q. But they sent it back and said, "No, you can conduct 5 this as a local investigation"? 6 A. Yes. 7 Q. So that was the mechanics there. Just finally on this 8 one, if we can go to the conclusion, which starts at the 9 bottom of the page we are on and then goes over the 10 page, the conclusion was the allegations based on the 11 canteen conversation that she overheard, there is no 12 evidence to support the allegation and no-one has been 13 able to name the operation that she refers to, although 14 it was believed to be Operation Circus, due to the date 15 and the location. 16 Then, if we can finally go over the page, please, 17 I won't read all of that out, but do we see the 18 conclusion essentially is that there was no evidence 19 found to support the complaint? 20 A. That's correct, yes. 21 Q. Chair, I don't think I said at the beginning, but could 22 we perhaps adduce this closing report into evidence? 23 Thank you. 24 I think, finally, Commander Roper, I just want to 25 take you to one other investigation or closing report,</p> <p style="text-align: center;">Page 187</p>	<p>1 please, and that is Operation Banway, which is 2 OHY006922. Do you have that, Commander Roper? 3 A. I do. 4 Q. This is a closing report into an investigation which 5 looked into suggestions that, back in the 1960s, in 6 a conversation with very senior Metropolitan police 7 officers and the Home Secretary, it had been suggested, 8 essentially, that there were certain public lavatories 9 that the police avoided because they thought that 10 prominent people, Members of Parliament, may use those 11 for cottaging; is that right? 12 A. Yes, there was -- yes, there was a conversation about 13 it, yes. 14 Q. The crux of this investigation was the memory -- the 15 account of this conversation which had been given by 16 Lord Taverne? 17 A. Yes. 18 MR O'CONNOR: Lord Taverne is going to be giving evidence to 19 the inquiry later on this afternoon, so I don't want to 20 go into the detail of that investigation any further 21 with you, other than, chair, to ask you to adduce this 22 document into evidence for the purposes of the inquiry. 23 I'm grateful, Commander Roper. Chair, those are all 24 the questions I have for Commander Roper. 25 THE CHAIR: No, we have no questions. Thank you.</p> <p style="text-align: center;">Page 188</p>

<p>1 MR O'CONNOR: Chair, may I suggest we take a break at this 2 stage? 3 THE CHAIR: Yes, we will return at 3.40 pm. 4 (3.23 pm) 5 (A short break) 6 (3.43 pm) 7 MR ALTMAN: Chair, the next witness that we call, sitting in 8 the witness box, is Lord Taverne. 9 LORD DICK TAVERNE (affirmed) 10 Examination by MR ALTMAN 11 MR ALTMAN: Please sit down, Lord Taverne, yes. Give us, if 12 you would, please, your full name. 13 A. Dick Taverne. 14 Q. Lord Taverne, you are a Member of the House of Lords and 15 a former Member of Parliament? 16 A. Correct. 17 Q. You have before you a file of documents in which there 18 are two witness statements -- one that you made back in 19 2016, and one made more recently by you to the inquiry. 20 Please feel free, at any time, to refresh your memory 21 from either of those statements, but we will see how we 22 go with your memory as I ask you questions. 23 Tell us a little, please, about your career history, 24 if you would: when were you first elected as an MP? 25 A. 1962.</p> <p style="text-align: center;">Page 189</p>	<p>1 Q. Was that at a by-election and you became the MP for 2 Lincoln? 3 A. Correct. 4 Q. It was under Harold Wilson's leadership, in the 1960s, 5 that you served as Home Office Minister from 1966 to 6 1968; is that right? 7 A. Correct. 8 Q. Then you were Minister of State at the Treasury from 9 1968 to 1969? 10 A. No, 1968 -- yes, 1968 to 1969, correct. 11 Q. I'm simply taking it from your statement. 12 A. Yes. 13 Q. Then Financial Secretary to the Treasury from 1969 to 14 1970? 15 A. Correct. 16 Q. Did you resign from the Labour Party and did you fight 17 and win a by-election as an independent candidate and 18 did you then become the Lincoln Democratic Party MP, 19 Liberal Democratic Party MP? 20 A. No, I became -- I resigned from the Labour Party and 21 became -- I was a Social Democrat and I became an 22 independent, calling myself Democratic Labour. 23 Q. That was what you were at that time, until the second 24 election in 1974? 25 A. Correct.</p> <p style="text-align: center;">Page 190</p>
<p>1 Q. I think it was then that you joined the Social 2 Democratic Party, the SDP, which later merged with the 3 Liberal Party? 4 A. Yes. 5 Q. And then you joined the Liberal Democrats? 6 A. Not quite. I anticipated the SDP by calling for it in 7 1973, but it wasn't formed until after 1980, and when it 8 was formed, I joined it. 9 Q. Thank you. Tell us a little, please, about your time as 10 Home Office Minister between 1966 and 1968, because 11 that's the period I wish to focus on: what particular 12 responsibility did you have as the minister in the 13 Home Department at that time? 14 A. The police and crime. 15 Q. How many other ministers were there under the 16 Home Secretary at that point? 17 A. I think another couple. 18 Q. Were their responsibilities entirely separate and 19 distinct from yours? 20 A. Yes. We each had our separate responsibilities. I also 21 was concerned with gaming and one or two other items, 22 but the main ones were police and crime. 23 Q. Did your area of responsibility cover the sort of areas 24 that we are looking at in the enquiry? 25 A. Yes, indeed.</p> <p style="text-align: center;">Page 191</p>	<p>1 Q. So sexual offending? 2 A. Yes. 3 Q. And sexual offending towards children? 4 A. Well, that didn't arise as an issue at the time. 5 Q. Right. Was that because it was a feature of the times 6 it didn't arise or -- you're not presumably saying there 7 wasn't such offending? 8 A. No, it was something which developed later. At that 9 stage, I don't remember any particular issue arising 10 that was controversial in that field. 11 Q. Help us with this, please, because the Home Secretary, 12 during that period, am I right, was Roy Jenkins? 13 A. Yes. 14 Q. He was Home Secretary from December 1965 15 to November 1967? 16 A. Correct. 17 Q. There was a second period when he was Home Secretary, 18 but we don't need to worry about that, in the mid '70s. 19 So the period we are concerned with was the period 20 1966 to 1968 under Roy Jenkins as Home Secretary. 21 Now, I want to ask you about a conversation or 22 a meeting which you attended which Roy Jenkins called. 23 Present was yourself, and also Sir Joe Simpson. He was 24 the Commissioner of the Metropolitan Police at the time? 25 A. Correct.</p> <p style="text-align: center;">Page 192</p>

<p>1 Q. Am I right to understand that there were only three 2 attendees: yourself, Roy Jenkins and Sir Joe Simpson? 3 A. Right. 4 Q. Joe Simpson's deputy at the time, the Deputy 5 Commissioner, was that a chap called John Waldron? 6 A. It was. 7 Q. Was he present or not present at this meeting? 8 A. I never met him. 9 Q. You've never met him. So that means that he wasn't 10 present at that meeting? 11 A. (Witness nods). 12 Q. All three of those men have since passed away: 13 Roy Jenkins, Joe Simpson and John Waldron. But let's 14 come to the conversation, please, that you remember 15 having, and you have given your recollections of those 16 meetings in both your statements, the one that was given 17 to the police in 2016 and the statement that you made to 18 the inquiry, which I think you gave as recently 19 as January of this year. 20 First of all, who called the meeting? 21 A. Roy Jenkins called the meeting, as part of his concern 22 about the reform of the laws about homosexuality, 23 because he was determined to reform the law, and he was 24 concerned about the fact that the police spent quite 25 a lot of time wasting their time, as he saw it, in</p> <p style="text-align: center;">Page 193</p>	<p>1 tracking homosexuals by investigating various so-called 2 cottages. 3 Q. Right. "Cottages" was a term really that was used to 4 describe public lavatories? 5 A. Yes, public lavatories frequented particularly by 6 homosexuals. 7 Q. Roy Jenkins. Was he particularly liberally minded about 8 homosexuality at that point in time? 9 A. He thought it was very important to reform the law at 10 a time when in fact previous Home Secretaries had been 11 very reluctant to do so, although there had been a Royal 12 Commission recommending that the law should be reformed. 13 He was the driving force behind the reform of the -- by 14 making homosexual conduct between consenting adults in 15 private decriminalised. 16 Q. The date of the meeting -- obviously nobody is going to 17 expect you to remember that, but in terms of the period 18 of time at which this meeting was being held, was it 19 before the Sexual Offences Act 1967 received -- 20 A. I'm pretty sure it was. 21 Q. Because we know the Act received Royal assent 22 in July 1967. So it rather suggests that the meeting 23 had to be sometime before then? 24 A. 1966, I would have thought. 25 Q. You think. The meeting took place where?</p> <p style="text-align: center;">Page 194</p>
<p>1 A. In the Home Office. 2 Q. Let me ask you, please, about your recollection of what 3 was said. Do you think it would help you to have one or 4 both of your statements in front of you? 5 A. Well, I think I can remember them. 6 Q. Let's see how we go, then. 7 A. Well, he said, "I'm concerned about the waste of police 8 time, which is valuable, in visiting these cottages, and 9 I think you ought to discontinue this practice". 10 Q. That was -- 11 A. And Joe Simpson -- 12 Q. That was directed to Joe Simpson? 13 A. Well, not directed to me -- 14 Q. No, of course -- 15 A. And Joe Simpson was the only one -- 16 Q. -- but he was directing his remarks to the Commissioner? 17 A. Joe Simpson was the only one there. And Simpson said -- 18 first of all, he said, "Home Secretary, it is quite 19 unconstitutional for you to tell me, as a policeman, how 20 I should operate. However, I will certainly look at 21 this", and then he made a surprise remark, which is, "As 22 a matter of fact, there are several cottages in 23 Westminster which we don't investigate", and we asked -- 24 or Roy asked why, and he says, "Because it would be 25 embarrassing", and "Why? Is it because of the fact that</p> <p style="text-align: center;">Page 195</p>	<p>1 they're frequented by MPs?", and, in fact, Joe Simpson 2 said, "Yes, that's the reason". 3 Q. So it was Roy Jenkins who asked the question: "Is it 4 because they're frequented by MPs?" 5 A. No, he asked the question "Why?", I think, and it was 6 Joe Simpson who said, "Because they are frequented by 7 celebrities and MPs". 8 Q. The meeting, therefore, when it was called, so far as 9 Roy Jenkins is concerned, and your understanding of the 10 reasons for the meeting, had nothing to do with this 11 remark which Joe Simpson made, it was to do with the 12 generality of police wasting time and resources 13 attending public lavatories? 14 A. That's right. His reply was a surprise to him and me. 15 We didn't know that was police practice. 16 Q. When he came out with the surprising remark, what was 17 Roy Jenkins' reaction to it? 18 A. Well, I think surprise, like mine, because he didn't -- 19 well, he didn't know about it. 20 Q. When you say "didn't know about it", didn't know that 21 the police had, as it were, a special way of dealing or 22 avoiding arresting MPs and the like? 23 A. Well, it seemed another -- well, it seemed that it was 24 part of a practice which they made rather selective, 25 which, again, seemed rather unjustified.</p> <p style="text-align: center;">Page 196</p>

1 Q. In your 2016 statement, you spoke about Joe Simpson
 2 talking about celebrities as well as MPs. Was it MPs
 3 and peers associated with Westminster, or did he include
 4 celebrities as well?
 5 **A. Didn't discuss celebrities, and we didn't really go into**
 6 **it very much further.**
 7 Q. But your understanding -- granted, it was a long time
 8 ago -- of what Joe Simpson was talking about, was he
 9 saying that the police in London did not, as it were, go
 10 to lavatories, public lavatories, where they understood
 11 that homosexual MPs and peers frequented, in order not
 12 to arrest them? Is that what your understanding was?
 13 **A. Yes, it was, although at the time there were still some**
 14 **arrests made, but not in the public lavatories around**
 15 **Westminster.**
 16 Q. Is that what you're limiting yourself to? Was it
 17 Westminster or in London generally? What was your
 18 understanding?
 19 **A. His remark referred to cottages near -- in the**
 20 **Westminster area.**
 21 Q. I see. As this conversation continued, was any other
 22 remark made by either the Home Secretary or yourself
 23 about the propriety or impropriety of this policy that
 24 Joe Simpson had declared to you?
 25 **A. Joe Simpson said he'd look at the question again and he**

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1 Q. So that would have been after July 1967? The law
 2 received the Royal assent in July 1967?
 3 **A. I can't remember when Roy moved to the Treasury, but**
 4 **I think it was the end of 1967.**
 5 Q. Was it still a topic of interest under Jim Callaghan --
 6 **A. No.**
 7 Q. -- when he was in the Home Office?
 8 **A. No, I don't think he was very enthusiastic about the**
 9 **change to the law, but nor were most of the Cabinet. It**
 10 **was something which Roy very much forced through because**
 11 **he was a dominant force in the Cabinet at the time.**
 12 Q. Were there any specific incidents that Joe Simpson spoke
 13 about?
 14 **A. None.**
 15 Q. So this was a general policy --
 16 **A. General statement.**
 17 Q. -- that the police avoided public lavatories in
 18 Westminster because they wished to avoid arresting
 19 persons of public prominence, in particular, those
 20 associated with Westminster?
 21 **A. Yes.**
 22 Q. You say -- it might help, Lord Taverne, to go to your
 23 inquiry statement. So if you open up kindly, please,
 24 the file, behind divider 1, you will see the statement
 25 you made in late January this year, and if you go,

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1 **would investigate.**
 2 Q. Which meant what?
 3 **A. Well, he would visit some of the cottages and see what**
 4 **was happening.**
 5 Q. The Westminster ones?
 6 **A. Westminster ones. He decided to go with his deputy.**
 7 Q. And that's where John Waldron comes in?
 8 **A. Yes, and here were these two 6' 7" policemen, obviously**
 9 **policemen, visiting cottages, which must have caused**
 10 **a bit of a stir.**
 11 Q. I suppose history doesn't tell us whether they were in
 12 uniform or not?
 13 **A. No. I doubt if they went in uniform.**
 14 Q. As a result of that, do you know what happened? Did
 15 they change the policy at all that they seemed to have
 16 had?
 17 **A. Yes. He announced -- I wasn't there, but then it was**
 18 **his decision that they should cease the practice. So he**
 19 **did in fact do what Roy asked him.**
 20 Q. Did you serve under Jim Callaghan --
 21 **A. Very briefly.**
 22 Q. -- in the Home Office?
 23 **A. And then I was asked to go to the Treasury by**
 24 **Roy Jenkins. And that was after the law had been**
 25 **enacted.**

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1 please, to the second page, paragraph 5, after you
 2 recount what took place in the meeting with Roy Jenkins,
 3 you say this:
 4 "Taking this conversation and my wider experience in
 5 general into account, I would say that in or around 1966
 6 and 1967, there was a general reluctance on the part of
 7 police to arrest MPs, peers or other prominent people
 8 associated with Westminster for homosexual offences (as
 9 they were at that time) to avoid causing embarrassment.
 10 For example, some well-known homosexual MPs were not
 11 prosecuted, including Tom Driberg."
 12 **A. I think that was a rather general statement. I mean,**
 13 **I don't know what evidence was brought against**
 14 **Tom Driberg. But he was a well-known gay, and he didn't**
 15 **seem to suffer any political persecution. But,**
 16 **generally speaking, I don't think I really had a lot of**
 17 **evidence for what I said there. But there was a change**
 18 **of atmosphere after the law changed, and the law**
 19 **obviously did influence behaviour.**
 20 Q. Yes.
 21 **A. Not only on the part of police, but it influenced**
 22 **attitudes as well.**
 23 Q. What was the wider experience which you spoke of?
 24 Because the paragraph begins with, "Taking this
 25 conversation and my wider experience in general into

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1 account, I would say that in or around 1966 and 1967
 2 there was a general reluctance on the part of
 3 the police". So what was the wider experience --
 4 outside the conversation which you said took you by
 5 surprise, what was the wider experience you had about
 6 the general reluctance of the police?
 7 **A. Well, I didn't -- I don't think there were any incidents**
 8 **then of the arrest of gays.**
 9 Q. Was it specifically targeted towards homosexual
 10 offences, or was it across the board?
 11 **A. Well, I think that was particularly in connection with**
 12 **homosexual offences.**
 13 Q. What about -- one of the things I asked you about, or
 14 you mentioned a little earlier was paedophilia, offences
 15 against children, and you said that it wasn't really an
 16 issue at the time, or something that came up. Did you
 17 have any appreciation at all whether any of the offences
 18 that the police were avoiding apprehending people of
 19 public prominence in relation to included children?
 20 **A. I don't remember any particular incidents or cases, and,**
 21 **in fact, I must say that, personally, I was surprised at**
 22 **what was later uncovered.**
 23 Q. By which you mean ...?
 24 **A. Well, for instance, the whole -- oh, what's his name,**
 25 **the television star, Jim --**

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1 Q. Let me ask you anyway: were there any cases that you
 2 have any memory about which involved people of public
 3 prominence, in particular associated with Westminster,
 4 which you had any dealings with or any discussions with
 5 the DPP's office or any correspondence?
 6 **A. Well, there were some MPs who were prosecuted. I can't**
 7 **actually remember who they were. And it was part of**
 8 **the general argument that took place about the reform of**
 9 **the law that this would be a subject. I mean, the**
 10 **cases -- it was quite strongly debated at the time. It**
 11 **was a very hot political issue when Roy finally produced**
 12 **his bill and then managed to persuade Leo Abse, as**
 13 **a private member, to put it forward because the Cabinet**
 14 **wasn't going to support it as a Cabinet measure.**
 15 MR ALTMAN: Lord Taverne, that's all I have to ask you.
 16 I will see if the chair and the panel have any questions
 17 for you.
 18 THE CHAIR: No, we have no questions, thank you.
 19 MR ALTMAN: Thank you very much for coming, Lord Taverne.
 20 (The witness withdrew)
 21 MR ALTMAN: Chair, that's all the evidence for today. We
 22 will resume at 10.00 am tomorrow, when we are calling
 23 former police officers. Thank you.
 24 THE CHAIR: Thank you, Mr Altman.
 25 (4.04 pm)

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1 Q. Jimmy Savile?
 2 **A. Jimmy Savile. I mean, that was a complete surprise.**
 3 **I didn't realise that there was so much investigation**
 4 **and so much complaint and so much to complain about, and**
 5 **also these subsequent enquiries about the various**
 6 **children's homes that came out, but they hadn't come out**
 7 **at that stage, and I would say, at that particular time**
 8 **when I was in the Home Office, paedophilia was not**
 9 **a subject which we discussed.**
 10 Q. No. So, looking back now, and we all appreciate it is
 11 a very long time ago, can you think of any case of
 12 alleged child sexual abuse that ever came across your
 13 desk?
 14 **A. Well, it seems surprising, if I was in charge of**
 15 **the police at the time and of crime, but I can't**
 16 **recollect any.**
 17 Q. During your time as Home Office Minister, Lord Taverne,
 18 do you recall any discussions taking place, for example,
 19 with the DPP's office, as regards the prosecution of
 20 homosexual offences?
 21 **A. Well, there must have been, because in the course of**
 22 **changing the law, obviously we consulted the Director of**
 23 **Public Prosecutions.**
 24 Q. And do you remember --
 25 **A. But I personally can't recollect any.**

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1 (The hearing was adjourned to
 2 Wednesday, 6 March 2019 at 10.00 am)
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