

The Independent Review of the Metropolitan Police Service's handling of non-recent sexual offence investigations alleged against persons of public prominence

Introduction to publication Friday 4 October 2019

WARNING – The report which follows this introduction contains graphic descriptions of sexual abuse that people may find upsetting and disturbing

If anyone has been affected by the content of the report, support and advice is available by contacting London Survivors Gateway on 0808 8010860 or Rape Crisis national helpline on 0808 802 9999.

Introduction

In February 2016, the former Metropolitan Police Commissioner, Lord Hogan-Howe, asked retired High Court Judge, Sir Richard Henriques, to carry out a review into the Metropolitan Police Service's (MPS) handling of a series of allegations made by Carl Beech, known as Operation Midland. Lord Hogan-Howe also asked that Sir Richard review other separate investigations into allegations of non-recent sexual offences so that the MPS could learn any lessons from that review.

Sir Richard's subsequent report examined eight MPS investigations. He outlined serious failings in Operation Midland (Chapter 2 – allegations made by Carl Beech aka 'Nick') and Operation Vincente (Chapter 3 - an investigation into an allegation from a different complainant alleging rape by Lord Brittan.)

The MPS has apologised for significant mistakes identified by Sir Richard. In commissioning the review, the MPS sought to open its investigations to significant scrutiny with the intention of learning any lessons from these types of cases involving historical allegations against persons of public prominence.

The MPS is today publishing three chapters of Sir Richard Henriques' Independent Review:

- Chapter 1 entitled 'Independent Review' has previously been published in a redacted form, and the publication today removes the vast majority of those redactions.
- Chapter 2 is specifically focused on Operation Midland (allegations from Carl Beech) and the MPS is taking the highly unusual step of publishing significant detail, including graphic, personal and sensitive information.
- Chapter 3 is the investigation into Operation Vincente (an allegation of rape against Lord Brittan) and as much as possible of that chapter is being published today.

This exceptional level of information is being published to dispel rumour, to demonstrate transparency and our commitment to learning from past mistakes and help maintain public confidence.

What redactions have been made have been kept to the absolute minimum and each will be explained by a 'gist' in the published report.

Criticisms made of current and former officers in all three chapters have not been redacted in any way and remain in the report.

We have carefully considered the remaining chapters and have sought legal advice. Chapters 3 to 9 do not relate to the false allegations by Carl Beech. They are reviews of investigations relating to separate complainants. The significant difference between these cases and Operation Midland is that Carl Beech has been proven in court to have fabricated the allegations he made. This means our duties to legally protect information which apply to the other chapters do not apply to chapter 1 and chapter 2 – Operation Midland.

We do not intend to publish chapters 4 to 9 as minimal information has previously been put into the public domain by the MPS on these investigations and these chapters contain significant amounts of protected personal data about each complainant, and those they make allegations against.

The complainants in chapters 3 to 9 provided information to the MPS for the purpose of a criminal investigation and this should remain confidential. To breach this confidence would not just have an effect on these specific complainants and those who were investigated, but more widely could deter victims from reporting matters to police or others from being as open and honest with police as they otherwise would be.

Further, lifelong anonymity is afforded to the complainants under the Sexual Offences (Amendment) Act 1992. This Act precludes the publication of information that might lead to their identification.

We are publishing exceptional levels of detail today in response to the need to dispel rumour, the strong public interest in showing transparency, to demonstrate the decision-making and complexities involved in the investigations, and our commitment to learn from past mistakes and help maintain public confidence. That, however, cannot outweigh our duty of confidentiality to individual complainants, now or in the future.

We have concluded that Chapter 3 (Operation Vincente) is also different to chapters 4 to 9 due to the level of information the MPS has published about Operation Vincente previously. Whilst we are legally restricted from publishing personal information about the complainant, for the reasons described above, we are publishing fully the content of the chapter that relates to police action and criticism.

Sir Richard's recommendations, which emanate from *all* of the nine chapters in his report, are published in full.

The other chapters of the report relate to:

Chapter 3 - Operation Vincente - an allegation of rape made by a woman against Lord Brittan relating to an alleged incident in 1967.

Chapter 4 - Operation Bixley - an investigation that sat under the wider Operation Fairbank inquiry into allegations of non-recent sexual abuse by politicians.

Chapter 5 - An investigation that sat under Operation Yewtree - the inquiry into allegations of non-recent sexual abuse by celebrities.

Chapter 6 - An investigation that sat under Operation Yewtree - the inquiry into allegations of non-recent sexual abuse by celebrities.

Chapter 7 - An investigation that sat under Operation Yewtree - the inquiry into allegations of non-recent sexual abuse by celebrities.

Chapter 8 - An investigation that sat under Operation Yewtree - the inquiry into allegations of non-recent sexual abuse by celebrities.

Chapter 9 – An investigation into allegations of non-recent sexual abuse by a celebrity – not part of Operation Yewtree.

IOPC investigations

As a result of Sir Richard's report the MPS made a voluntary referral to the then Independent Police Complaints' Commission (now IOPC – Independent Office for Police Conduct) on 8th November 2016 relating to the conduct of five officers investigating Operation Midland and Operation Vincente: Deputy Assistant Commissioner (DAC) Rodhouse (in relation to Operations Midland & Vincente), Detective Superintendent (DSu) McDonald, Detective Chief Inspector (DCI) Tudway, Detective Inspector (DI) Hepworth and Detective Sergeant (DS) Sword (in relation to Operation Midland alone).

The IOPC assessed that there was an *indication* that DCI Tudway, DI Hepworth and DS Sword may have behaved in a manner that would justify disciplinary proceedings in that they may have failed to accurately present all relevant information to a district judge when applying for search warrants. At the same time, the IOPC determined that there was no such indication in respect of allegations against DAC Rodhouse and DSu McDonald. As a result, the investigation into them was discontinued.

At this stage the IOPC also discontinued its investigation into DAC Rodhouse, DSu McDonald and DCI Tudway where it was alleged that they had failed to properly investigate allegations made against a complainant, 'Nick,' (now referred to as Carl Beech) which led to an extended investigation causing prolonged and undue stress to those under suspicion. The IOPC found that there was no evidence of bad faith, malice or dishonesty and no indication any of the officers may have behaved in a manner which would justify disciplinary proceedings. The information available indicated the investigation was extensive and carried out diligently with the majority of the decisions made appropriately recorded.

The MPS also referred the conduct of DAC Rodhouse, which related to allegations that an investigation into Lord Brittan was extended without good reasons thereby causing distress to Lord Brittan and his family (Chapter 3 - Operation Vincente). The IOPC concluded that the evidence indicated a significant delay in making the decision to take no further action in the case, but that this did not indicate that DAC Rodhouse may have behaved in a manner which would justify disciplinary proceedings. As a result the IOPC discontinued this part of the investigation.

The IOPC also discontinued investigating allegations that there were irregularities in the seizure of exhibits during the subsequent searches. They found no evidence to indicate that any of the officers involved had breached the standards of professional behaviour.

The IOPC conducted an assessment of whether there were any criminal offences to consider. No suspicion of criminality was identified. The investigation did not identify any information to suggest that officers deliberately withheld evidence from the applications with the intention of misleading the district judge.

On 22 July 2019 the Independent Office for Police Conduct announced that there was 'no case to answer' for any of the officers investigated.

We are awaiting the publication of the IOPC report and their recommendations and will carefully consider their findings.

Her Majesty's Inspectorate of Constabulary Fire & Rescue Services (HMICFRS)

HMICFRS has been asked to undertake an inspection into how the MPS has learnt the lessons from these investigations and embedded the recommendations – this is not an investigation into individual officers. We look forward to the independent assurance that this will bring and welcome their scrutiny. We have already implemented all the recommendations from the Henriques Report that we have accepted and we absolutely want to ensure all the lessons from these investigations have been learnt.

Note:

The report has been published on the MPS website: www.met.police.uk/henriques

**An Independent Review of the Metropolitan Police
Service's handling of non-recent sexual offence
investigations alleged against persons of public
prominence.**

Sir Richard Henriques

31st October 2016

Key

At the conclusion of my review, The DAC, DSU and DCI were provided with three chapters of my report ('The Investigation', 'Interview with Operation Midland Officers' and 'The Conclusions') to enable them to respond to the criticisms I have made of them. The DAC also received a copy of the 'Vincente' chapter. I have considered their responses and have included them in my final report as follows:

- Summary of comments provided by the DAC, DSU and DCI in response to 'findings' made by Sir Richard Henriques.
- Sir Richard Henriques response to the comments provided by the DAC, DSU and DCI.
- Redaction or gist applied by MPS.

Chapters

1. Independent Review

2. Operation Midland

2.1 Wiltshire Interviews

2.2 'Nick's' Blogs

2.3 'Nick's' Interviews with the Metropolitan Police

2.4 The Investigation

2.5 The Reviews

2.6 Interviews

2.7 DAC's Presentation

2.8 Conclusions

3. Operation Vincente

4. Operation Bixley

5. [Name]

6. [Name]

7. [Name]

8. [Name]

9. [Name]

Chapter 1

Independent Review

Terms of Reference

1.1 The Independent Review will examine and report upon the actions of the Metropolitan Police Service (MPS) in investigating allegations of non-recent sexual offences said to have been committed by prominent public individuals. The objective of the review will be to identify any lessons for the Service and to make recommendations as to how the MPS conducts such investigations in the future.

1.2 The Independent Review will examine, in particular, the following matters:

- a. The way in which information about such investigations has been released into the public domain;
- b. The problems associated with investigations initially based on the evidence of a single complainant and how far an investigation should go in order to corroborate a complainant's account;
- c. The approach that has been adopted towards establishing the veracity of complainants;
- d. The length of time such investigations have taken;
- e. What steps can be taken to protect the interests of complainants so as to ensure that victims of crime can come forward with confidence;
- f. Any other matters that the Independent Review considers relevant.

1.3 The Independent Review will also make such recommendations it feels appropriate in the light of the examination set out above, including, if appropriate, recommendations about MPS policy and procedures for the handling of such investigations.

1.4 The Independent Review will produce a report for the Commissioner of Police for the Metropolis.

Background

1.5 In February of this year I was asked by the Metropolitan Commissioner of Police, Sir Bernard Hogan-Howe QPM, to conduct this review. We had never previously met. I was selected from a panel of retired High Court Judges with a background in the criminal law. I practiced in crime at the Junior Bar between 1967 and 1986. I was Queen's Counsel from 1986 to 2000. I sat as a Deputy Circuit Judge from 1978 to 1980, as an Assistant Recorder from 1980 to 1983, and as a Recorder from 1983 to 2000. In 2000 I was appointed to the High Court of Justice and spent the great majority of time in the Criminal Courts. I remain authorised by the Lord Chief Justice to sit in the Court of Appeal (Criminal Division).

1.6 I visited Sir Bernard at New Scotland Yard and was told that, in the immediate aftermath of the exposure of Jimmy Savile by ITV, Operation Yewtree had been commenced. A very large number of sexual allegations had been received within the Operation, some against Savile, some linked to Savile, and others independent of Savile. At the same time a complaint had been received by a person, with the pseudonym of 'Nick', in which grave

allegations had been made against a number of very high profile individuals. This allegation was hived off and became Operation Midland. Sir Bernard wanted me to review Operation Yewtree and Operation Midland. My review was to be wholly independent of the Metropolitan Police. He wished to know what lessons could be learned. I would have unrestricted access to all information some of which could not be placed in the public domain. He had knowledge of a report which I had recently written for the Director of Public Prosecutions in which I had criticised the police (another force) and, if there was criticism to be made, he wanted to be made aware of it. He had already confronted two regrettable errors, namely, a failure to inform the late Lord Brittan, during his lifetime, that no further action would be taken against him in relation to an allegation of rape made many years earlier and an error by a senior officer in stating that allegations made by 'Nick' were credible and true. He regretted both matters, had made his regrets known to the public, was about to meet Lady Brittan and had already apologised to her. Sir Bernard provided me with his mobile phone number and invited me to contact him directly if I encountered any difficulties. Accompanying us was Assistant Commissioner Martin Hewitt who would, together with his Staff Officer, Chief Inspector Dionne Mitchell, provide the necessary point of contact. In due course A/C Hewitt transferred to other duties and was replaced by Assistant Commissioner Helen King. I have received every assistance throughout. I must stress, however, that the actual conduct of this review has been entirely independent of any member of the MPS.

1.7 I have been assisted throughout, administratively, by Louise Oakley of the independent Bar. She has collated volumes of written material, arranged and attended interviews, and liaised with the police and interviewees. I must

stress that any conclusions or recommendations in this report are mine and mine alone.

Scope of Review

1.8 I informed Sir Bernard that I could not re-investigate any matter and I did not see that as my prospective function. I intended to examine the decision making of the MPS at every stage of the investigations that I reviewed. I would also consider the whole investigation process, including its speed and fairness, both to the complainant and any suspect. I intended to examine all guidance given to members of the MPS in the investigation of non-recent sexual allegations. I would give particular attention to decisions to investigate, interview, search, arrest, charge and to take no further action. My review is very different from the IICSA Inquiry. I did meet very briefly with Justice Goddard and, for a short time, with Ben Emmerson QC and his team of lawyers to understand our respective functions. The task of that Inquiry is considerably more extensive and ambitious than my own and I see no conflict. Any onward transmission of my report is entirely a matter for the Commissioner.

Guidance

1.9 I have considered with care two recent publications, namely Operation Hydrant SIO Guidance, written by Chief Constable Simon Bailey, Norfolk Constabulary, National Police Lead for Child Protection and Abuse Investigation, dated November 2015, and the Report of the Independent Review into the Investigation and Prosecution of Rape in London, chaired by

the Rt. Hon Dame Elish Angiolini DBE QC, which was commissioned by Sir Bernard in June 2014. I have also considered the response to the recommendations in Dame Elish's report by the MPS and CPS London. I have received material from the College of Policing, the Code of Practice for Victims, a joint MPS and NSPCC report into allegations of sexual abuse made against Jimmy Savile entitled 'Giving Victims a Voice', CPS Guidelines on Prosecuting Cases of Child Sexual Abuse, the Code for Crown Prosecutors, and CPS Material on Child Sexual Abuse Review Panel. There is no shortage of guidance.

1.10 I had considered developing a draft code for the investigation of non-recent sexual allegations. The Operation Hydrant document is, however, specifically directed towards abuse alleged to have been perpetrated by persons of public prominence. It was drafted with the aim of *'improving the police service response', 'providing operational co-ordination for all police forces'* and *'to identify or develop effective practice and produce national guidance'*. A further modified guide is unlikely to prove an asset. I had considered a form of code specifically designed for cases involving prominent suspects but the cardinal rule that all are equal before the law must prevail unmodified. I do, however, have a number of recommendations to make.

‘Complainants’ or ‘Victims’

1.11 Throughout Dame Elish's Report she describes a person making a complaint as a ‘complainant’. Operation Hydrant guidance describes the same person as a ‘victim’. In the MPS and CPS joint response to Dame Elish's 46 recommendations, every recommendation is set out with the word

‘complainant’ used, whilst the response invariably uses the word ‘victim’. This issue requires resolution. I have canvassed it at length with the authors of the Hydrant guidance and with every party I have interviewed during this review.

1.12 I have a clear and concluded view. All ‘complainants’ are not ‘victims’. Some complaints are false and thus those ‘complainants’ are not ‘victims’. Throughout the judicial process the word ‘complainant’ is deployed up to the moment of conviction where after a ‘complainant’ is properly referred to as a ‘victim’. Since the entire judicial process, up to that point, is engaged in determining whether or not a ‘complainant’ is indeed a ‘victim’, such an approach cannot be questioned. No Crown Court judge will permit a ‘complainant’ to be referred to as a ‘victim’ prior to conviction. Since the investigative process is similarly engaged in ascertaining facts which will, if proven, establish guilt, the use of the word ‘victim’ at the commencement of an investigation is simply inaccurate and should cease.

1.13 The authors of the Hydrant guidance strongly oppose this view. Chief Constable Simon Bailey writes:

'If we don't acknowledge a victim as such, it reinforces a system based on distrust and disbelief. The police service is the conduit that links the victim to the rest of the criminal justice system; there is a need to develop a relationship and rapport with a victim (particularly in challenging and complex cases) in order to achieve the best evidence possible. Police officers and police staff investigators through their roles are required to deal with the emotional turmoil often presented by a victim and to determine what is

relevant to the complaint that has been made. The term “victim” features in important legislation, statutory guidance, the policies of the police and Crown Prosecution Service. To remove this and replace it with the word ‘complainant’ will have a significant detrimental effect on the trust victims now have in the authorities and fundamentally damage the efforts of many organisations re-built over the years’.

1.14 With respect, this is an attempt to justify inaccurate terminology. A criminal justice system that deliberately describes those it serves inaccurately is a flawed system and Chief Constable Bailey's argument ignores the consequences of false terminology. Firstly, it gives the impression of pre-judging a complaint. When a suspect is informed that the victim alleges that he assaulted him/her, the suspect loses confidence in the neutrality of the investigator. It may be said that an interviewer should not use the word 'victim' during an interview. That is impossible in practice, so ingrained in the system is the word 'victim'. Every accused person that I interviewed expressed the view that by describing his accuser as a victim, his guilt had been assumed and thus pre-judged. Secondly, the use of the word is grossly inapt in the case of false complaints. Mr. Bailey, in interview, countered this argument by asserting that only 0.1% of all complaints were false and thus any inaccuracy in the use of the word 'victim' is so minimal that it can be disregarded. I take considerable issue with that estimate of false complaints and will confront that assertion in due course. It should be sufficient to say, at this stage, that since the whole of the investigative process is engaged in the task of collating evidence to determine whether a complaint is true or false, any device which seeks to ignore or minimise that possibility should be put aside.

1.15 The fact that the word 'victim' is used in legislation does not answer the charge that its use is inaccurate and, thus, inappropriate. The Home Affairs Committee of the House of Commons do not use the word 'victim' when the word 'complainant' is available, e.g./ 19/03/2015:

'Suspects should have the same right to anonymity as 'complainants'.

'For years all complainants in sexual cases were referred to in the Crown Court as victims until Senior Judiciary realised the injustice of the practice. In every Crown Court there were signs directing complainants to Victim Support rooms within the Court building. Those signs are now replaced with signs to Witness Support rooms. Legislation is not always perfect'.

1.16 Mr. Bailey's argument, that removing the word 'victim' and replacing it with 'complainant' will have a significant detrimental effect on the trust victims now have in the authorities, is necessarily speculative and, I believe, wrong. I have interviewed as many complainants in my review as I have suspects, and have canvassed with every one of them the use of the words 'victim' and 'complainant'. I have found no support amongst them for the use of the word 'victim'; indeed, quite the contrary. One victim found the description 'victim' to be disempowering and inappropriate. Another said that she was focused on not being perceived as a victim nor perceiving herself as a victim. A third, who was trained as a journalist, said that her training taught her that the word should not be used as it was 'unfair to a defendant'. Not one complainant spoke in favour of the word 'victim'.

1.17 Mr. Bailey's suggestion, that changing a single inaccurate word will

'fundamentally damage the efforts of many organisations re-built over the years', underestimates the powers and high reputations of those organisations with whom I have spent some time during this Review. I have visited NSPCC Offices in Stratford and Camden and interviewed senior staff members. They perfectly well understood the necessity for 'victims' to be called 'complainants' in Court. I have no doubt that they would understand the necessity for the word to be removed from the investigative process. I have interviewed Peter Saunders, of NAPAC, who was, himself, abused in childhood and describes himself as a survivor. My note of his evidence is this:

'To use the word 'victim' implies the crime has been committed. It is a tough one and language is very important...I don't consider the use of the word 'complainant' before conviction is something that would cause an outcry. Personally, I agree that the use of the word 'complainant' before conviction is the fairest way of referring to an individual before a finding of guilty'.

This is important evidence from a man of the highest standing. I was most impressed by the fairness of his approach and his manner singularly countered Simon Bailey's rhetoric. The NSPCC habitually explain to their clients that in Court they will be referred to as 'complainants' and they accept it as they must. I have no doubt that they would accept a similar explanation at the outset of the investigative process without *'any detrimental effect on trust'* spoken of by Simon Bailey.

1.18 It is my judgement, and that of the complainants that I interviewed, that police officers gain the confidence of those who complain of sexual abuse not by the use of false language but by the manner in which complainants

are dealt with; namely, by the response to the initial phone call, by an early appointment, by being given a choice of venue for the meeting, a choice of male or female officer, by the manner in which a statement is taken, by receiving regular information and being part of a highly organised professional process that is fair to both complainant and suspect. The complainants I interviewed did not expect to be instantly believed. They wanted their complaints fully and professionally investigated and, only then, to be believed. They expected the difficult questions and were ready to answer them. Complainants expect to be asked why they did not complain at the time, who saw their injuries, did they keep a diary, what has caused them to complain now, and do not anticipate instant belief nor to be treated as if the crime is proven before it is even investigated.

1.19 My recommendation that the word 'victim' should be excluded from the investigative process is limited to that process. I was told in interview, by Mr. Bailey's two colleagues, that any recommendation to substitute the word 'victim' with the word 'complainant' would be highly unpopular with the several organisations, mostly charities, that represent victims. I have no ambition to trespass on their territory. I understand that it is far easier to raise money for 'victims' of crime than it would be for 'complainants'. Those charities are outside the criminal justice process. If they believe a complainant is a victim, then they must so describe them. On receipt of a complaint a police officer is in a very different position. A police officer has a duty to investigate, as part of the criminal justice process, determining whether or not a complainant is proved to be a victim. Mr. Bailey describes the police service as the conduit that links the victim to the rest of the criminal justice system. I prefer to consider the police service as a critical part

of the criminal justice system under an absolute duty to use accurate language.

1.20 It is not necessary to set out the dictionary definition of 'victim' to demonstrate how very inappropriate the word is to describe many of those who complain to the police of sexual abuse. Those who continue to contend for the use of the word are seeking to gain an advantage for complainants at the expense of those accused. The accurate use of language should be fundamental in any criminal justice process.

RECOMMENDATION 1:

Throughout both the investigative and the judicial process those who make complaints should be referred to as 'complainants' and not as 'victims' by the MPS.

Belief

1.21 The stated policy of the College of Policing is:

'At the point when someone makes an allegation of crime, the police should believe the account given and a crime report should be completed'.

The letter containing this policy is dated the 18th March 2016. The obligation to believe a complainant has its origins in a police Special Notice, from 2002, dealing with rape investigation which stated that:

'It is the policy of the MPS to accept allegations made by the victim in the first instance as being truthful. An allegation will only be considered as falling short of a substantiated allegation after a full and thorough investigation.'

In 2014, a report on police crime reporting, by Her Majesty's Inspectorate of Constabulary, recommended, that:

'The presumption that the victim should always be believed should be institutionalised.'

Dame Elish questioned the approach of *'always believing'* a complainant, stating that *'it may prejudice the impartiality of the officer's role and lead to their failing to recognise or give weight to other evidence inconsistent with the complainant's account'*.

1.22 The College of Policing stresses a two stage approach. The first involves believing the account given by the victim, whilst the second stage, entitled *'crime investigation'*, involves a thorough investigation of the facts and allegation made.

1.23 The approach to 'belief' during Operation Yewtree and during Operation Midland was that of believing the complainant during the course of the complaint. One difficulty of this approach is that the complaint process may last for a considerable period not least when a series of ABE interviews are involved. 'Nick's' complaints were received by the MPS on 22/10/2014, 23/10/2014, 3/11/2014, 5/1/2015, and 27/4/2015. Was the obligation to believe the complainant to continue over a six-month period?

1.24 I spent some considerable time with Operation Hydrant officers discussing this topic. I understand the strategic aim of improving the Police Service response to complaints of sexual abuse and the aim to make it easier for victims of sexual abuse to make a complaint to the police. The officers steadfastly insist that the '*victim must be believed during the taking of the statement*'. I disagree. It is the duty of a police officer to investigate. Many decisions in the criminal justice process have to be taken on paper. The police officer taking a statement from a complainant has a unique opportunity to assess the complainant's veracity. The effect of requiring a police officer, in such a position, to believe a complainant reverses the burden of proof. It also restricts the officer's ability to test the complainant's evidence.

1.25 The Irish Supreme Court Judge, Adrian Hardiman, wrote:

'in sexual cases particularly, even very old ones, some people seem inclined to think that there should be a different presumption to the presumption of innocence; that the accuser is to be believed'.

It is, of course, fundamental in any respectable criminal justice system that no erosion of the presumption of innocence is tolerated. In many allegations of non-recent sexual abuse, the only pieces of evidence are the complaint and the suspect's response. Is the investigating officer required to believe the complainant and then suddenly become objective and impartial as he interviews the suspect? Surely objectivity and impartiality should prevail throughout the whole process. This was the view of several officers that I interviewed, one making the point that '*unquestioning belief of a complainant can result in problems further down the line*'. A gentle inquiry

at initial interview may result in a critical lead or obviate a possible defence. It may also result in no further action being taken sooner rather than later. There is plain evidence, in the cases that I have reviewed, that an instruction to believe complainants has over ridden a duty to investigate cases objectively and effectively. An instruction to remain objective and impartial whilst interviewing a complainant will not detract from the obligation to support complainants through the criminal justice process nor deprive any complainant of rights under the Victims Charter. It is important that an interviewing officer demonstrates no show of disbelief at any stage of the interview and that the format of the questioning is non-confrontational. The purpose of the interview is to permit a complainant to give as full and detailed account as possible as part of an impartial fact finding exercise. At present the public are told 'If you make a complaint you will be believed'. I consider that they should be told 'If you make a complaint we will treat it very seriously and investigate it thoroughly without fear or favour.'

1.26 Chief Constable Bailey and his team have argued, both face to face and on paper, that the March 2016 guidance should remain the stated policy of police forces nationally. Again, I take issue with him. Any policy involving belief of one party necessarily involves disbelief of the other party. That cannot be a fair system. Mr. Bailey seeks to bolster his argument by speaking and writing of the bad old days when:

'For many years, victims of abuse had little trust in the police. They were not confident in reporting some of the most horrendous crimes to the very organisations established to protect them. This state of affairs was caused by some officers operating within a culture of cynicism and disbelief that was

systemic within the police service'.

Replacing an unsatisfactory state of affairs with a flawed system is no solution.

1.27 Mr. Bailey stresses:

'It is important to highlight that whilst the starting point for the police service is one of belief, this is not a 'blind' belief that has no regard for credible evidence that suggests something contrary to that reported by a victim'.

In cases of sexual allegations, and in particular non-recent cases, there are mostly only two versions of the facts; the complainant's and the suspect's. When a complainant gives a straightforward account of sexual misconduct, with no variation or inconsistency, the present policy requires an officer to believe it unless there is 'credible evidence to the contrary'. That is a simple reversal of the burden of proof. Rupert Butler, Counsel of 3 Hare Court, writes:

'The assumption is one of guilt until the police have evidence to the contrary. This involves an artificial and imposed suspension of forensic analysis which creates three incremental and unacceptable consequences. Firstly, there is no investigation that challenges the complainant; secondly, therefore, the suspect is disbelieved; and, thirdly, and consequently, the burden of proof is shifted onto the suspect'.

Any process that imposes an artificial state of mind upon an investigator is,

necessarily, a flawed process. An investigator, in any reputable system of justice, must be impartial. The imposed 'obligation to believe' removes that impartiality.

1.28 Since a complainant may or may not be telling the truth, the present policy causes those not telling the truth to be artificially believed and, thus, liars and fantasists, and those genuinely mistaken, are given a free run both unquestioned and unchallenged. The obligation to believe at the outset can and does obstruct the asking of relevant and probing questions designed to elicit the truth. The asking of such questions can be achieved in a sympathetic, kindly and professional manner. Criminal investigation should include the process of investigating from the outset and not waiting for some evidence to the contrary to turn up. It was most encouraging to observe that in the SCRG review in Operation Midland Recommendation 27 was:

'It is recommended that the MPS reviews the terminology 'believing victims' to avoid any suggestion of prejudice to a suspect'.

1.29 In spite of my having spent some considerable time with officers representing the National Police Chiefs' Council endeavouring to explain the fallacy of the policy by letter dated 4th August 2016, they reaffirmed the policy of March 2016 namely that *'when an allegation is received police should believe this account'*. That same circular, distributed to all chief constables, police and crime commissioners and heads of public protection units, contained these words:

'To start an investigation from a position of doubt is unlikely to encourage

victims to come forward'.

The plain intended consequence of this policy is that, by believing allegations when they are made, the investigation is started with no existing doubt. Doubt or indecision at the start of an investigation is the hallmark of impartiality. A starting point that eliminates doubt has the hallmark of bias.

1.30 The policy of 'believing victims' strikes at the very core of the criminal justice process. It has and will generate miscarriages of justice on a considerable scale. The recent successful appeal of David Bryant (CACD 20/07/2016) is but one example. The police force was not the MPS and the Appellant was not a prominent person. The Complainant was, however, a compulsive liar who invented a single allegation of buggery between 1976 and 1978. The Police believed his account. He solicited a friend to say that the assault deprived him of a promising boxing career; an invention also believed by the police. Mr. Bryant denied the allegation throughout. He was asked in interview by the police why he thought the Complainant would make up the incident. He had no idea and it was impossible to provide an alibi over a 3-year period some 35 years ago. Mr. Bryant had nothing but his word to gainsay the Complainant's version. He was convicted by a majority. Following the trial, the Complainant issued civil proceedings, claiming damages against Mr. Bryant. He was obliged by the CPR to reveal his medical history for lying for the purpose of psychiatric assessment of his damages, so elevating the importance of the untruthful evidence relating to his boxing career. His wife instructed a private investigator and, after exhaustive work, the truth emerged. It is clear that the police believed Danny (he chose to waive anonymity). So did the majority of the jury. Skilled liars are credible.

Because the police believed him they did not investigate the boxing invention and they did not seek his medical records. They may have assumed, by the same processes as the Midland Officers, that the Complainant had no reason to make this allegation up. The question put in interview would suggest that. If so, they failed to investigate this case without fear or favour, having, I suspect, been misdirected by the policy of 'believing victims'.

1.31 Lord Finkelstein, writing in *The Times* (May 18 2016), expressed his concern thus:

'Our current, entirely justified concern about child abuse, carries with it particular dangers. It is an extremely difficult area in which to establish guilt and innocence and we are using very alarming techniques. First there is a dangerous principle: the accuser must always be believed. This goes far beyond the idea the accuser must be treated with respect and their allegations taken seriously, which is correct. The new principle is dangerous not just because it defies common sense. The real problem is that the police don't seek the truth, they construct cases. Starting with a rock-solid assumption that the victim is indeed a victim and the victim's story is correct, the temptation is strong to fit the facts to the story rather than test the story with the facts.'

1.32 I would go further than Lord Finkelstein. The instruction foisted upon investigators to believe a 'victim' perverts our system of justice and attempts to impose upon a thinking investigator an artificial and false state of mind. If a judge were to direct a Jury to believe a complainant during evidence in chief, and only to question credibility thereafter, it would constitute a most

serious misdirection. It would be an instruction to the jury to assume the guilt of the defendant whilst the complainant gave evidence; a ludicrous approach to the task of decision making but no worse than the instruction presently given to investigators nationwide.

1.33 Observing a complainant recalling details of an event for the first time to a person in authority presents the best possible opportunity to assess veracity and accuracy. An imposed, compulsory 'belief' negates that process and inhibits the asking of relevant and necessary questions. Further, an imposed 'belief' over a prolonged duration may prove difficult to put aside in order to transfer into investigative mode. In Operation Midland the ABE interviews lasted for 17 hours. A plausible explanation for the prolonged, and in my view unjustifiable, 'belief' in 'Nick's' 'complaint' is the imposition of a false state of mind required by police directive nationwide. Requiring an investigator to believe a complaint which may or may not be true is a recipe for injustice.

1.34 The Commissioner has clearly appreciated the flaw. He wrote to Sir Tom Winsor, HM Chief Inspector of Constabulary, on 22 February 2016 saying:

'I do though have a real concern in this context that the term 'belief' itself is not helpful. It does not connect to the investigative requirements which – as I said in my Guardian article and on the Today programme – means that those making serious allegations should be taken seriously and be shown professional empathy. The idea of 'belief', however, in my view does not sit easily with the essence of an investigation which needs above all to proceed with an open mind. An effective investigation is not contingent on 'belief'.

Nor does 'belief' appear to be compatible with the most basic principle of the criminal justice system, that a person is innocent until proved guilty of an offence beyond reasonable doubt.'

1.35 My experience during this review has been that 'belief' campaigners are zealously opposed to any change asserting that an abandonment of 'belief' would result in a return to the bad old days when victims of crime were frightened to complain and, if they did so, their complaints were too readily rejected. Unhappily, they fail to acknowledge the fundamental flaws in the 'belief' policy, not least the dreadful consequences of false complaints upon the innocent. A genuine and truthful complainant has nothing to fear from a directive that prioritises investigation ahead of 'belief'.

RECOMMENDATION 2:

The instruction to 'believe a 'victim's' account' should cease. It should be the duty of an officer interviewing a complainant to investigate the facts objectively and impartially and with an open mind from the outset of the investigation. At no stage must the officer show any form of disbelief and every effort must be made to facilitate the giving of a detailed account in a non-confrontational manner.

RECOMMENDATION 3:

In future, the public should be told that 'if you make a complaint we will treat it very seriously and investigate it thoroughly without fear or favour'.

False Complaints

1.36 I was concerned at the suggestion made by Chief Constable Bailey that 0.1% of all complaints may be false. That assessment, admittedly 'off the cuff', bore no relation to my own experience over a lifetime in the Courts nor to my assessment of several complaints during this review. In fact, nobody knows, nor can ever know, the extent of false complaints. It is critical, however, that those charged with the responsibility of investigating crime, or instructing others in that process, have in mind the real, as opposed to the remote, possibility that a complaint may be false.

1.37 Dame Elish, at pages 38 to 42 of her review, seeks to analyse the extent of *'false reporting of sexual violence'*. An analysis of 299 cases identified 36 cases of false complaint (12%) using a broad definition or just 9 cases (3%) using a narrow definition. From the perspective of an innocent suspect, the definition is irrelevant. A false complaint equates to innocence. In a 17-month period, in 2013-2014, 159 cases of false allegations of rape and/or domestic violence were referred to the Director of Public Prosecutions for charging decisions relating to false allegations nationwide. This was from a total of some 117,000 prosecutions. The number of cases referred for a charging decision will necessarily be very much smaller than the actual number of false complaints. The only relevant conclusion is that false complaints of sexual abuse are made and that investigators, and the practices prescribed for them, must recognise that fact.

1.38 Dame Elish consulted focus groups and reported that a focus group of first response officers believed there to be a high level of false allegations

seemingly made by individuals for their own ends. Amongst the examples given was reporting rape to cover up a one-night stand or an affair. Detective Constables referred to 'regret sex', describing a situation where, following consensual sex, one has regrets and makes a false report to create some form of justification for the event. A focus group of Haven (a sexual assault referral centre) staff accepted that people sometimes *'make up something to explain things'*. They identified an important category of complainant, distinct from the deliberately untruthful, namely *'troubled people often have something that happened in life, even if it's not what they've reported. It could be a flash back or something that happened years ago'*.

1.39 In the case of prominent people, it appears that they are more vulnerable to false complaints than others. The cases I have reviewed involve individuals, most of whom are household names. Their identities are known to millions. They are vulnerable to compensation seekers, attention seekers, and those with mental health problems. The internet provides the information and detail to support a false allegation. Entertainers are particularly vulnerable to false allegations meeting, as they do, literally thousands of attention seeking fans who provoke a degree of familiarity which may be exaggerated or misconstrued in their recollection many years later. Deceased persons are particularly vulnerable as allegations cannot be answered.

1.40 A further and significant category of false complainant is referred to, by Paul Gambaccini, as a 'bandwagoner'; namely a person who learns that a complaint has been made and decides to support the original complaint (true or false) with a false complaint. It can be seen that, when an arrest or

bail renewal is publicised involving a prominent person, further complaints are frequently made. These may be, and often are, true complaints. There is, however, within the cases I have reviewed, significant evidence of false complaints immediately following upon publicity. In many cases those complaints were withdrawn or the complainant simply disengaged, declining to make a statement in support of the complaint.

1.41 I remain most concerned that the Hydrant team fail to appreciate the danger of false complaints and that a cardinal principal of the criminal justice process is that a complaint may be false. Arguments advanced in support of retaining the word 'victim' and the culture of 'belief' appear to have been based on the supposition that the level of false complaints is so small that it can be disregarded. There is, of course, a significant difference between the number of false complaints and the number of persons who make false complaints. In Operation Yewtree one complainant, whilst residing in prison, made complaints of the most serious nature against a total of in excess of 40 suspects involving several sexual allegations against many of the suspects. He was interviewed over six days and the subsequent investigation was thorough and proportionate. Officers concluded that *'his evidence is fatally undermined and is not something that can be relied upon in Court'*. I have reviewed the investigation and it is above criticism. In Operation Fairbank the SIO observed that the vast majority of 400 complaints were without merit. I am satisfied, beyond any reasonable doubt, that the numerous complaints by 'Nick', against five living persons and seven deceased, were false. The allegation against Ken Clarke was unquestionably false, as were several other complaints from the same source. I have encountered two very clear cases of mistaken identity, both accepted as such, after very diligent

investigation. There are cases where complainants, after many years, may have, in the words of a highly respected District Judge, '*misremembered the detail*'. Whilst victims of sexual abuse are entitled to, and deserve, compensation, it is simply wrong to turn a blind eye to the possibility that a complaint may have been motivated by financial consideration. In short, investigation should start at the outset and not part way through.

RECOMMENDATION 4:

Investigators should be informed that false complaints are made from time to time and should not be regarded as a remote possibility. They may be malicious, mistaken, designed to support others, financially motivated, or inexplicable. When considering non-recent allegations against prominent people they should give full consideration to all background information.

Non-Recent Complaints

1.42 In cases of non-recent complaints, that is complaints of criminal conduct taking place several years ago, it is of critical importance that the complainant is asked by the investigator to explain the reason for the delay in making a complaint. The reason may add substance to the allegation, e.g./ my daughter is now the same age as me when I was assaulted. If this aspect of the case is not confronted by the complainant when making a statement, it surely will be during the trial process. It is essential to ascertain by questioning what opportunity the complainant had to complain. Did they have a close friend at the time? How did they get on with their parents or family members? A complainant should also be asked whether a claim for

compensation has been made and whether there has been any contact with the press and, if so, the nature of the relationship. Page 25 of the Hydrant guide sets out a number of critical matters for an investigator's consideration. A check list of topics specifically crafted for non-recent complaints against prominent individuals would assist in the statement taking process. Failure to deal with critical topics can result in either a barrage of questions from the defence shortly before the trial or the complainant being taken by surprise in Court.

RECOMMENDATION 5:

A check list of critical topics to be covered in the complainant's statement should be made available to all investigators designed specifically for non-recent allegations against prominent people.

Confidentiality Agreements and Witness Contracts

1.43 It is inevitable that cases involving allegations against prominent people will attract the media. The link that sometimes exists between a complainant and the media can prove a hindrance to an investigation and frequently causes a suspect to lose anonymity. The payment of money by the media to complainants can prove fatal to a successful outcome. I applaud any attempt to avoid any such interference. I cannot envisage that any confidentiality agreement can be enforceable or attract any sanction for a breach. However, if a complainant signs such a document, I agree that confidentiality is more likely to be preserved. This is an initiative of Operation Hydrant and I wish it well.

RECOMMENDATION 6:

In cases involving prominent people, consideration should be given to inviting complainants to sign confidentiality agreements and witnesses to sign witness contracts.

First Response to Complainants

1.44 The considerable majority of complaints to the police are by telephone to a uniformed officer known as the 'first responder'. They will wish to know what happened, when, who was responsible and whether the complainant is in any immediate danger. In almost all non-recent cases there will be no immediate risk and the responder will face two tasks, namely recording the crime, unless there is credible evidence to the contrary, and arranging for an officer to contact the complainant. In the immediate aftermath of the launch of Yewtree following up complaints in timely manner presented problems but this was achieved via a triage system being used. For example, on the 31st October 2012, 313 complainants had made contact. As at that date the aim was for all the victims to be spoken to within the next ten days. The rate of reporting offences has, of course, abated but the critical factor, from a complainant's perspective, is when and how they will be contacted. The availability of officers to make contact will necessarily vary dependent on workload but the first responder should be in a position to inform the complainant when contact will be made 'at the latest'.

RECOMMENDATION 7:

First Responders should be able to inform complainants of the latest time that contact will be made with them. Such time scale should be variable and dependent on other commitments.

Contacting Complainants

1.45 The Hydrant Report states, at p15, that:

'the letter drop method of contact is a highly effective approach to tracing potential witnesses of abuse.....However, it is important to remember that, a letter drop is something that may not be suitable for many victims or witnesses. Letters can be a shock for people if unexpected, or could be intercepted by another person.'

In non-recent cases, complainants have almost always embarked on a new way of life, having kept their allegation away from a partner or a family unit which did not exist at the time of the alleged offence. Letters to witnesses may fall into the wrong hands, particularly when allegations have been made against prominent persons. It may be that discovery of the alleged event by a partner is the complainant's greatest fear. A letter drop runs the very real risk, certainly in a non-recent case, of interception. My conclusion is that letters should not be used. Particular care needs to be taken in complying with the Code of Practice for Victims which entitles a victim to a written acknowledgement that a crime has been reported, including the basic details of the offence. This may be by email or text or, where there is a risk of harm, it may be dispensed with. Again, care must be taken to ensure that no

unfortunate interception occurs.

RECOMMENDATION 8:

Contacting a complainant, or potential complainant or witness, by letter, in non-recent cases involving prominent persons, should only take place if a constable is satisfied that there is no risk of interception by another member of the same household.

MPS Media Policy / Anonymity for Suspects

1.46 Lord Justice Leveson's advice and MPS Policy are identical. The current MPS policy is that people who have been arrested are not named by police unless there are exceptional circumstances. In the eight cases I have considered, the names of suspects were reported by the media at a very early stage of the investigation. I have considered MPS policy and I have interviewed the Director of DMC (Directorate of Media and Communications) and the Head and Deputy Head of Media. I have also been supplied with a 16-page document setting out the objectives of the MPS Media Policy and responding to concerns I raised relating to Operations Yewtree and Midland.

1.47 Prominent suspects necessarily pose far greater problems for those seeking to preserve anonymity. The Press, the internet, bloggers, complainants, witnesses, and leaks, are all candidates for causing or contributing to identity being disclosed. I consider it vital, however, that the MPS does not contribute to that process or facilitate it.

1.48 Sir Bernard has expressed himself thus:

'We want a healthy and trusted relationship with journalists. Media can help us detect crimes and to make sure the public are engaged when it comes to fighting crime and holding the police to account. My message to my officers is that I want them to have an open and professional relationship with reporters'.

Fostering and preserving a good working relationship with the Press is plainly important to the MPS and in the best interests of the public. Information passes in both directions. Investigative journalists have contributed much to the Criminal Justice system over the years. Policing can depend heavily, at times, on the media to conduct appeals in major investigations. When high profile, prominent people are under investigation the Media are thirsty for knowledge. They can be persistent and demanding in their enquiries.

1.49 The genesis of Operation Yewtree was the investigation into the many allegations made against Sir Jimmy Savile. Problems of preserving anonymity did not arise as Savile had died. It soon became obvious that allegations were also being made against living, prominent persons. A media strategy was set by the SIO and approved by the Gold Group. The strategy included a commitment to protect the confidentiality of complainants and suspects. The overall strategy was to be pro-active in informing the media of developments and, in particular, a decision was made that the MPS would not wait for the media to find out about an arrest but would release the information first. This, it is said, would not include sufficient information to identify the suspect but would follow the normal practice of providing the

gender, age (or age-range), broad location in which the suspect lived or was arrested, and broad location of the police station in which they were questioned.

1.50 The reasons advanced for this strategy included the public interest in transparency around this high-profile investigation, the need to maintain public confidence in the police investigation and, it is said, the likelihood that information about arrests would quickly reach the media given the public profile of the suspects. Further, the police have a formal responsibility, under the Victim's Charter, to keep complainants informed of arrests, searches, interviews etc., within five working days, or one working day in the most serious of cases, and there is no legal obligation on the part of the complainant to maintain confidentiality. Several complainants were confiding in journalists or politicians with every possibility that the complainant would divulge the identity of the suspect.

1.51 I am told that journalists frequently seek information from the MPS, either as a result of their own researches or having received information from complainants. There are two options, either to make no comment or to confirm that an arrest/search/interview has taken place but without naming the suspect. The problem of making no comment is that it gives rise to an allegation of secret policing and has, quite understandably, been rejected. In Operation Yewtree some 20 people would have been arrested with no official comment having been made. A journalist will not obtain any information without correctly identifying the nature of the offence, the location and date of arrest. They must already know the key facts before the MPS will confirm that operational activity has taken place. When they are so

informed the suspect is not named, but when a journalist puts forward a name it is not policy to confirm the name but it is policy to state the age of the person arrested.

1.52 It follows that there are two routes by which the media receive information, namely, proactive and reactive. In cases of non-prominent suspects, the proactive publication that a fifty-year-old man in Brighton has been arrested for an indecent assault, will deprive nobody of their anonymity. In the case, however, of a celebrity, and an arrest as part of Yewtree or Midland, the provision of the suspect's age and location of home address is all but certain to result in a loss of anonymity. Further, in a reactive situation where the press put forward the identity of a suspect and the DMC respond with the age of the person arrested, it is all but inevitable that anonymity will be lost. Once anonymity has been lost the repeated proactive release of bail return dates, re-arrests (if they occur), further interviews (if they occur), can have a corrosive effect upon a suspect's standing, particularly if the information is linked to other suspects by being disseminated simultaneously.

1.53 With the resources and ability to 'doorstep' of the national press, the likelihood of their deducing the identity of the man in his 60's from Warwickshire arrested on the 1st November 2012, or the man in his 60's from Bedfordshire arrested on the 15th November 2012, or the man in his 70's from Cambridgeshire arrested on the 11th November 2012, or the man in his 80's from Berkshire arrested on the 29th of November 2012, was extremely high as each was arrested as part of Operation Yewtree and each given a Yewtree number.

1.54 It is contended that this was a 'solid and defensible position' for the MPS during Operation Yewtree. I readily accept that an arrest of a 50-year-old man in London would have defeated the most resourceful of journalists and my attention is drawn to the case of Rolf Harris where caution appears to have delayed publication. I readily accept that journalists will frequently have independent information of an arrest, but it is likely to be the confirmation derived from the MPS of the date, the age, and geographical location that gives the confidence to publish. I cannot say, in any particular case, that the MPS caused publication because I do not have access to all the information in the possession of the media. I can only comment on the likelihood of MPS information contributing to the decision to publish.

1.55 As to Operation Midland, the decision to pro-actively release information was made on the basis that the same principles that had been applied to popular entertainers and media figures should also be applied to political and establishment figures. The decision made was that arrests and interviews under caution would be pro-actively released without identifying the suspects. Since 'Nick' had already provided a number of names to the media, of whom only four now remained alive, and they were of very different ages living in different localities, any proactive information would effectively identify the suspect. Concurrent searches took place at the homes of Lord Bramall and Harvey Proctor and at the two homes of the late Lord Brittan on 4th March 2015. Many officers were involved in those searches in Farnham, Grantham, Pimlico, and Leyburn and an assumption can be made that the media must have received at least some information. Exaro News, indeed, informed the Press bureau that they were aware that the MPS went to Belvoir Estate and carried out a number of searches. They wanted to know

if any arrests had been made. The MPS disclosed:

'We can confirm that officers from Operation Midland are carrying out a search of an address in Grantham in connection with their enquiries'.

On the 6th March enquiries were received from both the BBC and Exaro, the latter making it clear that they knew of the other searches, giving full details of the addresses. DMC responded by confirming details of the other three searches, without identifying the properties or the individuals to whom they belonged. There can be no doubt that the media had an independent source or sources of the information derived, no doubt, from the scale of each search.

1.56 When it came to interviews under caution, a statement was proactively issued to media saying *'A man in his 90's from Farnham was today interviewed under caution'* together with other details, including the fact that he was not arrested and that the interview was conducted by Operation Midland officers. Unsurprisingly, the BBC, Exaro, and the Press Association, ran stories identifying Lord Bramall without making any further enquiries.

1.57 In Harvey Proctor's case, a similar situation prevailed on the 18th June. A statement was issued that a man in his 60's from Grantham was interviewed under caution together with other details, including the fact that he was not arrested, and that the interview was conducted by Operation Midland officers. A follow up call was made by Exaro asking if the man interviewed was the same man whose house was searched earlier in the year. The MPS said they would not comment on the identity. Unsurprisingly, on the 19th of

June, Mr. Proctor was named as having been interviewed in a number of newspapers.

1.58 On the 31st July Lord Bramall was again interviewed by Operation Midland officers. His wife had recently died and the SIO, out of respect and kindness, decided not to make a pro-active statement. There was no media enquiry and no media coverage.

1.59 On the 24th August Mr. Proctor was again interviewed. In advance of the interview, two newspapers reported that the interviews were about to take place. After the interview a pro-active statement, in similar terms to the earlier one, was released beginning '*A man in his 60's from Grantham...etc.*'. Again, the matter was fully reported.

1.60 On the following day, 25th August, Mr. Proctor made a substantial statement to the invited media at the St Ermin's Hotel in Victoria asserting his innocence and making a number of complaints about the manner in which the MPS had conducted itself. On the topic presently under consideration he said:

'Anonymity is given to anyone prepared to make untruthful accusations of child sexual abuse whilst the alleged accused are routinely fingered publicly without any credible evidence first being found'.

1.61 I have no doubt that the DMC Policy of pro-active information to include an age range and a geographical clue is incompatible with MPS policy that suspects should retain anonymity until they are charged. Whilst the

information will rarely be sufficient, on its own, to identify a suspect, the detail will frequently, in conjunction with other information, give the media the confidence to publish. In Operation Midland, the statements released may just as well have named the accused. There was only one candidate in his 90's in the small village of Farnham and only one candidate in his 60's from Grantham.

1.62 In their written submission the DMC seek to answer the question:

'Why not just say 'a man has been interviewed under caution by detectives from Operation Midland?'

They submit, firstly, that the MPS decided that their approach should be consistent with the approach on Yewtree. They did not wish to appear to afford greater protection to former politicians or senior establishment figures than to celebrities and entertainers. Secondly, they submit that the information put out by the MPS was insufficient to identify the individuals without the journalists obtaining additional information from other sources.

1.63 That explanation is unconvincing. The fact that Lord Bramall and Mr. Proctor were immediately identifiable as having been interviewed under caution was attributable to the information published by the DMC. In releasing the information, the DMC breached the stated policy of the MPS. The same point can be made in relation to the searches at their homes and at Lady Brittan's home. It is, with respect, no answer to say that the same approach was taken as in Yewtree if the policy deployed therein was flawed. Whilst journalists doubtless had other information in advance of the DMC

information, or collated it afterwards, the fact is that the pro-active information must have contributed to a material degree in the loss of anonymity in numerous Yewtree cases.

1.64 I acknowledge the necessity for the MPS, in general, and the DMC, in particular, to foster and maintain good relations with the media. I appreciate also, from reading the MPS Press Bureau Log containing thousands of requests from the media for information, just how assiduous and competitive they are in their pursuit of information in this field. Compliance with the media must not, however, be in breach of the MPS stated policy on anonymity, nor must it be to the disadvantage of accused persons. Public confidence in the MPS must remain a more substantial aim than assisting the media in their hunt for information. There are indications that the wrong aim has been taken. In March 2015 the Home Affairs Committee, in its report on police bail, wrote:

'It is in the interests of the police, post Leveson, to demonstrate that they understand the level of public distrust that has built up over the informal relationship between the police and the media'.

That distrust reached its peak when a helicopter filmed the search of Cliff Richard's home; an event unconnected with the MPS. The fact remains that the reputation of the police service, as a whole, has been damaged and real attention must be focused on the anonymity afforded to accused persons.

1.65 The Home Affairs Committee, in publishing its report on police bail, concluded that suspects should have the same right to anonymity as the

complainants in sexual offences, until the time they are charged. One difficulty, at present, is that the police are obliged by statute to inform complainants of arrests, interviews under caution, release without charge, and release on bail within 5 working days, or one working day in the most serious cases, pursuant to the Code of Practice for the Victims of Crime. Complainants are frequently in contact, either directly or indirectly via the internet, with media. Until anonymity is enforced by statute it is inevitable that many accused will lose their anonymity at an early stage of an investigation and well before charge.

1.66 One consequential factor in the loss of anonymity is the exposure of those named as suspects to false complaints by those referred to as 'bandwagoners'; that is those who make false allegations to support those who have already complained. A careful examination of the cases I have reviewed demonstrates, most graphically, the co-relation between publicity and complaint. I readily acknowledge that publicity may also flush out genuine and truthful complaints. A number of successful prosecutions demonstrate this fact. In certain cases, it is necessary to appeal for witnesses, but I am satisfied that such occasions should be controlled by application either to a Court or to a Senior Officer. The real weakness in the present system is that all subsequent complainants are exposed to the assertion that they have been influenced to make their allegation by what they have read in the press or in social media, or heard on the grapevine. A complaint in a case where anonymity has prevailed is necessarily protected from that form of attack and thus more likely to be believed.

1.67 I consider it most unlikely that a Government will protect the anonymity

of suspects pre-charge. To do so would enrage the popular press whose circulation would suffer. Present arrangements, however, have caused the most dreadful unhappiness and distress to numerous suspects, their families, friends and supporters. Those consequences were avoidable by protecting anonymity. Nobody is safe from false accusation and damaging exposure under present arrangements. A reputation built on a lifetime of public service or popular entertainment can be extinguished in an instant. I sincerely believe that statutory protection of anonymity pre-charge is essential in a fair system. In every case I have reviewed in which there was no charge, anonymity was lost. It is frequently impossible to trace the leak. The more famous the suspect, the more difficult it is to preserve anonymity, and the more damaging the consequential loss. I am aware that a number of celebrities are engaged in advancing this argument in Westminster. I wish them well. Their cause is a just one.

RECOMMENDATION 9:

DMC policy should be amended to avoid any details of age or geography being released to the public in relation to an arrest, search, interview, or bail of any suspect.

RECOMMENDATION 10:

A suspect should have the right to anonymity prior to arrest enforced by statute and criminal sanctions.

Loss of Anonymity in Exceptional Circumstances

1.68 Current MPS policy is that people who have been arrested but not charged are not named by police unless there are exceptional circumstances. This is in line with Lord Justice Leveson's advice. There are those who contend that the identity of suspects should be confirmed or disclosed by the police to encourage or allow other victims to come forward with allegations. There are case studies which demonstrate that publicity in one case will result in further allegations resulting in a successful prosecution. A counter argument requires a charge to be brought in relation to the initial allegation which will then trigger the loss of anonymity and further allegations if multiple offences have been committed. This latter course is in accord with MPS policy but the conditions in which exceptional circumstances will be judged to exist are unclear.

1.69 The relevant policy document states:

'Exceptions to the policy of not naming those arrested would include circumstances such as police having made a public warning about a wanted individual who is then arrested. It could also be in the public interest to name someone who could be responsible for many other crimes, in order to encourage other victims to come forward. The naming of an arrested person before they are charged should be authorised by an ACPO rank officer and the reason for doing so logged with the Media Desk. The authorising officer should also give consideration to consulting with the CPS about the release of the name. The MPS continues to keep the circumstances under which it may be appropriate to name someone arrested under review and further

guidance may be issued in the future'.

1.70 I question whether, in cases of non-recent sexual allegations against prominent individuals, there could ever be exceptional circumstances justifying such an authorisation. If there is information amounting to a sufficiency of evidence, then the suspect should be arrested and charged. The mischief that must be avoided is the use of publicity as 'flypaper', namely releasing details of a suspect in the hope that others will come forward to support an insubstantial initial allegation.

RECOMMENDATION 11:

The exceptional circumstances in which suspects will be named or identified before charge should be clearly defined and included in MPS policy documents. In most cases qualifying for removal of anonymity there will be sufficient evidence to justify a charge.

Leaks

1.71 On the 20th March 2015 the Rt. Hon. Keith Vaz, then Chairman of the Home Affairs committee, observed:

'Police use of the 'flypaper' practice of arresting someone, leaking the details, then endlessly re-bailing them in the vague hope that other people come forward is unacceptable and must come to an immediate end.....The police must advocate zero tolerance on leaking names of suspects to the press before charge'.

1.72 In the witness statement of Ed Stearns, MPS Head of Media, he stated:

'It is important to emphasise that in practical terms when looked at in context, leaks of information actually held by the MPS are comparatively small. If the public had any sense of the vast amount of highly confidential information that is held by the MPS that is not leaked prior to prosecution or is never publicly revealed because it would never be appropriate (for example the identity of victims) it really would put the issue of information leaks in a proper context. Of course unauthorised leaks do happen but the vast majority of information remains properly and appropriately confidential until such time as it should, if at all, be made public. And if a leak does occur it is taken very seriously and considered very seriously by the MPS Professional Standards teams. It is easy for unsubstantiated claims to be made that the MPS and/or press officers leak information'.

1.73 Several suspects I have interviewed complain bitterly of deliberate leaks of information from the MPS to the media. It is not possible to establish or reject those complaints for a number of reasons. The Press, of course, never reveal their sources of information. The complainants, or their associates or the internet, may have provided the information. There is one exception, namely in the case of [Subject of Chapter 5], which I will amplify when I consider his case. Information found its way to a journalist concerning the number of offences that [Subject of Chapter 5] was to be re-arrested for. The journalist telephoned and then emailed [Subject of Chapter 5] with specific information asking him to confirm it. The detail could only have been known to very few persons and certainly not a complainant. A complaint was made by [Subject of Chapter 5] of Misconduct in a Public Office to the MPS

Professional Standards team. The complaint was upheld but, as the leak remained unknown, no misconduct or gross misconduct was found in respect of any officer. That is highly likely to be the outcome of any similar complaint. As a result, there will be a continuing lack of public confidence in the relationship between the police and the media. A statutory right to anonymity until charge on similar terms to that of complainants, and enforced by criminal sanctions, would go some considerable way towards dissolving a suspicion which may exceed reality. In the meantime, there must be a concern that leaks do occur and are apparently accepted as inevitable in an organisation as large as MPS. A finding of the Select Committee was that:

'if the police wish to release information on a suspect, for policing reasons, then they should do so in a formal way'.

This does not obviate the risk of a deliberate leak whilst statutory anonymity prior to charge would. In the meantime, every effort should be made to counter leaks, not only by severe sanctions but also by examining present systems and any weakness therein. I accept as inevitable the conclusion that some leaks of information are inevitable albeit by officers of the law.

RECOMMENDATION 12:

Every effort should be made to minimise leaks of information by examining current systems and increasing sanctions.

Bail / Arrest

1.74 A reform of police bail is imminent and may well have taken place before this report is complete. The granting of bail and its serial renewal, reported at every stage, was the most repeated and convincing criticism of the handling of the cases I have reviewed. Paul Gambaccini articulated the criticism in powerful terms to the Home Affairs Committee. He was bailed on the 29/10/2013, re-bailed on 12/12/2013, re-bailed on 08/01/2014, re-bailed on 25/03/2014, re-bailed on 01/05/2014, re-bailed on 04/07/2014 and on 12/09/2014 his bail return date was varied to 13/10/2014. The papers in the case had been passed to the CPS on the 10/02/2014 so that the majority of the period was whilst the CPS were considering the papers. The Rt. Hon. Keith Vaz commented:

'Paul Gambaccini was left in limbo for what he described as 'twelve months of trauma', his life was put on hold, his employer stopped his contract and his costs from lost earnings and legal fees totalled £200,000'.

This was, by no means, the only case of repeated re-bails causing considerable trauma.

1.75 There are a number of adverse effects of persistent re-bailing. Firstly, the suspect assumes that the return date represents the date on which a decision will be made as to whether he is charged or not and, accordingly, informs employers, friends and family to that effect. When he is simply re-bailed his name is proactively supplied to the media time and again and his name reappears repeatedly in connection with sexual allegations and linked

to Operation Yewtree. In Mr Gambaccini's case reports of re-bail were on several occasions linked to other Yewtree cases thereby attracting greater publicity even though he had no link with such other cases or, indeed, with Savile. Further, throughout the whole process, a suspect receives little or no information as to the progress of the investigation. In the cases of several suspects, they sustained severe mental anguish through not knowing what was happening and when a decision would be made.

1.76 These matters were not lost on the Home Affairs Committee and it is now anticipated that there will be a limit on the length of pre-charge bail at 28 days, with further extension only permitted in certain circumstances. I feel bound to observe that 28 days is unrealistic to anticipate a completion of an investigation in cases of sexual allegations against prominent persons. A critical analysis of the pending legislation is, however, outside the parameters of this review but with a view to learning lessons and improving performance, it is important to consider the necessity of arrest.

1.77 The Revised Code G of the Police and Criminal Evidence Act 1984, which was implemented on 12th November 2012, provided that prior to arrest alternatives must be considered:

'1.3 - The use of the power must be fully justified and officers exercising the power should consider if the necessary objectives can be met by other, less intrusive means. Arrest must never be used simply because it can be used. Absence of justification....may lead to challenges should the case proceed to court...'

If an SIO considers that a search, interview, taking of samples etc., can be achieved without the necessity for an arrest, then an arrest will not be appropriate. Those who cooperate will not be taken into custody. An interview should be carried out on a voluntary basis unless voluntary attendance is not considered a practicable alternative. In certain cases, an arrest will, of course, be necessary. If the suspect appears to represent a potential danger to the public, or is likely to abscond, or to destroy potential evidence, or is a danger to himself, then an arrest will be appropriate. Paragraph 2.9 of Code G provides a number of examples for guidance.

1.78 In a number of cases I have reviewed an arrest may have been avoided. The majority of suspects were of good character, the offences were non-recent, there was no suggestion that they were a danger to the public; indeed, they were released from custody as soon as the interview process was completed. Had they been asked, the indications are that they would have agreed to be interviewed. Searches could have taken place pursuant to warrant. Several of the traumatic effects of arrest would have been avoided assuming that anonymity had been preserved. Those in the entertainment world may have been able to continue working. Early morning arrests would be avoided. Lengthy waits in police cells whilst solicitors attended would be avoided. Re-bails would be avoided. There would be no re-arrests provided cooperation continued. The obligation to carry out the investigation expeditiously would remain but a suspect would have been spared much of the anguish of which they complained.

1.79 I mention a conflicting view expressed by certain Yewtree officers. When I suggested that many, if not all, prominent persons accused of non-recent

sexual offences need not be arrested, I was told that the police may still need to consider arrest as it provides many powers that go with it, such as search, forensic examination, ID parades etc. In addition, bail has many benefits including bail conditions for the protection of the complainant or to restrain a suspect seeking to influence the investigation. It is their view that, more often than not, an arrest will be necessary and that 28 days will rarely be sufficient time to complete an investigation. In cases of downloading pornography, it can take months to examine vast amounts of digital equipment. In such cases several applications to Court may be necessary. Problems will also arise where further allegations are received during an investigation. The officers pointed out that a suspect not on bail would face the same ordeal of waiting to hear if and when he would be charged or NFA'd. It may well be that the forthcoming Bail provisions create as many problems as they solve. I detected a degree of apprehension concerning the number of applications that may have to be made for extensions.

RECOMMENDATION 13:

In non-recent cases particular consideration should be given to the necessity to arrest or re-arrest in accord with Code G and the guidance therein.

Informing the Suspect

1.80 A common complaint amongst suspects has been that after arrest and release on bail they expect the investigation to be completed by the bail return date but find themselves re-bailed with no explanation, either then

or later, as to the progress of the investigation or how long they must wait before a decision is made. This is in contrast to the complainant who is kept fully informed pursuant to the Victim's Charter and will have ready access to the investigating officer. In the case of suspects, no such code of practice exists. This shortcoming has been recognised by the MPS and I have seen a letter from A/C Gallan to the Rt. Hon. Keith Vaz, dated 26th January 2016, in which her concluding sentence reads:

'We agree with the Committee that suspects should be regularly informed of the progress of their case albeit it will rarely be possible to give them details of what enquiries are being undertaken'.

1.81 This is a difficult area. There are problems in investigating officers communicating on a regular basis with suspects. Prominent people, however, invariably have solicitors and thus information as to progress can be received by them. AC Gallan informed Mr. Vaz that:

'a regular review of the status of investigations is now undertaken when a suspect remains under investigation but not on police bail. The rationale for how frequently suspects are updated is clearly set out. Whilst this is especially relevant for cases involving high profile suspects the principle is also applicable in all other cases'.

1.82 This is a reassuring development. I invite consideration, however, of actual time limits imposed by a supervising officer at an early stage of the investigation, commensurate with its the size and complexity. Such time limits would be disclosed to the suspect. The time limit could be extended in the event of unforeseen circumstances and an explanation given to the

suspect. Updates are of little assistance to a suspect without an end date. In custody cases there is a custody time limit which has proved effective. The CPS have recently imposed a time limit on charging decisions, which is also proving effective.

1.83 The problem with fixing a time limit for completion of an investigation, in cases of sexual allegations, is that further allegations are frequently received thereafter. Such further allegations are most frequently made by those who have learned of the earlier allegation. I see no problem in such cases. Either an extension can be granted or the initial allegation can be the subject of a charge or no further action. A new time limit can then be put in place.

RECOMMENDATION 14:

A protocol for keeping suspects, who are not in custody, informed of the progress of the investigation should be published.

RECOMMENDATION 15:

At the commencement of an investigation a time limit should be fixed by a supervising officer and communicated to a suspect. Such time limit can be extended in appropriate circumstances.

Allegations not communicated to the suspect

1.84 In several cases allegations were made by complainants and never communicated to suspects for a variety of reasons. Putting aside those which

were not criminal offences, e.g./ he seduced me when I was nineteen or he called me onto the stage and then made a fool of me, there may be a number of reasons for not proceeding with the allegations. After investigation they may not be judged to be credible, the allegation may be made and then withdrawn, the allegation may be so vague and lacking in detail that it could never pass the full code test, the allegation may be at odds with evidence of a complaint, it may add little to existing complaints, or the allegation, although criminal, is of little significance in the context of the case. Such non-communicated allegations were never canvassed in interview and the suspects remain entirely unaware that any allegation has been made other than those they were interviewed about or charged with. I have concluded that, when reviewing their cases in this report, it would be manifestly unfair to disclose details of those allegations which have already been discarded by the police and which the suspects have no method of answering. It is not impossible that the IICSA take a different view having regard to their much fuller terms of reference. Suffice it to say that the decision making in each case not pursued appears to be fully justified. In some cases, the decision was straightforward and, in others, a matter of judgement, but I saw no clear error of judgement. I am assured by SIOs that MPS policy is not to inform suspects of non-pursued allegations. I fully understand the reasoning. It can, however, be argued that this is wrong in principle. If a charge is brought, a suspect may wish to argue that he has been set up, or that false complaints are so prevalent that none can be relied upon, and may have wished, had he known of the several other complaints, to have adduced them in evidence. Such cases may be rare but not unheard of. In all cases it may be said that a citizen, in a transparent system of justice, is entitled to know if an allegation has been made against him. He may wish to record events in case the

allegation is revived at a later date. He may wish to avoid the complainant. It may be considered unacceptable that a very serious allegation may be made against another, and then withdrawn before interview, resulting in the accused person never knowing that a grave allegation had been made, and that a record of that allegation remained extant.

RECOMMENDATION 16:

Consideration should be given, at the highest level, to the question of whether suspects should be informed of every allegation against them when one or more of those allegations has not been pursued. On balance, I agree with present arrangements having regard to the duty to disclose in the event of a trial resulting.

No further action

1.85 In the cases I have reviewed there are a number of occasions where a suspect was interviewed in connection with an allegation which the police subsequently investigated having heard the suspects version. Having investigated that allegation, they concluded that the allegation was either incredible or would not pass the Full Code Test but decided to proceed with other allegations. In the meantime, the suspect having been interviewed, instructed an enquiry agent/investigator who proceeded to investigate every allegation canvassed in interview. The agent spent considerable time and effort, at the suspect's expense, investigating the allegation that the police had decided not to pursue. The first that the suspect knew of the police decision not to pursue that allegation was when he was charged. This is far

from satisfactory. It is essential that, when a decision is made by the police not to proceed with an allegation, the suspect's solicitors are informed that no further action will be taken on that particular allegation. This is particularly important as a privately funded criminal litigant is now unable to recover costs even when successful.

1.86 In rape cases, Dame Elish recommended that the basis for discontinuing should always be articulated in exact terms and should specify whether the reason related exclusively to the sufficiency of the evidence or to additional issues of credibility and reliability. The joint MPS/CPS response indicated that work was being undertaken to implement a system whereby a personal letter is hand delivered to every victim of rape or serious sexual assault, whose case has been subject to no further action by police, explaining the rationale behind the decision. There is no mention, in either document, of the suspect receiving formal notification of the 'no further action' decision. If such a document is provided to the complainant, I can see no reason for not supplying a similar formal document to the suspect additionally stating the circumstances in which further action may be taken.

1.87 In one instance amongst the cases I have reviewed, the police notified the solicitor of the suspect by email of the decision to take no further action. Unfortunately, the media were notified before the solicitor logged on to her emails resulting in the suspect reading in the press that no further action had been taken against him. The email to the solicitor should require a response confirming that the client has been notified before the information is released to the press.

RECOMMENDATION 17:

When a decision is made to take no further action on any complaint, but the investigation continues on others, the suspect, or his solicitor, must be informed at the earliest opportunity of any decision to discontinue in relation to any allegation communicated to them.

RECOMMENDATION 18:

At the conclusion of an investigation, when no further action is to be taken against a suspect, he should be supplied with a similar written document to that provided to the complainant coupled with an explanation of the circumstances in which an investigation may be re-opened.

RECOMMENDATION 19:

Before information is released to the media that no further action is to be taken against a suspect, police must ensure that the suspect has received the information.

Public statements after 'no further action'

1.88 Statements are invariably made when a decision has been taken that there will be no further action. It is, of course, in the interests of a former suspect that the public should know that he is no longer under investigation and will face no criminal charge. However, such statements are invariably made either by the CPS or the MPS without consultation with the former suspect

or his solicitor. On occasions these statements have caused controversy and have been arguably unfair to the former suspects. One such statement, made by the CPS, was in the case of Paul Gambaccini when details of allegations which were not being pursued were made public.

1.89 Particular criticism has been made of the decision taken on numerous occasions to state publicly that no further action is being taken 'due to an insufficiency of evidence', when the complainant has been shown to be lacking in credibility or totally discredited, or has withdrawn the allegation. The problem with 'insufficiency of evidence' is that it implies that there is some evidence. If I say there was insufficient water in my hotel room, it suggests that there was some water but not enough. Aggrieved suspects contend for 'no credible evidence' or 'no evidence'. Both the CPS and the MPS are of a mind that they cannot grade every decision to take no further action. Some cases come close to passing the evidential test, some nowhere near. If grades were used, then numerous cases would result in controversy as to an appropriate grade. I understand that argument. A possible improvement on 'insufficiency of evidence' which I canvas is 'the allegation failed to pass the evidential test'. Such wording does not imply that there was some evidence.

1.90 Finally, I would add that in a case which has received very significant publicity, as is the case with a number of allegation of sexual offences against prominent people, it may be necessary, in the interests of justice, to depart quite exceptionally from standard procedure and to give a reasoned decision fully exculpating suspects where complainants have been shown to be unreliable or untruthful. Suspects in such cases are the victims of crime and

every step should be taken to rehabilitate their reputations. Early publication of this report would greatly assist.

RECOMMENDATION 20:

When announcing publicly that no further action will be taken, rather than stating that there was an insufficiency of evidence, an alternative, and arguably preferable reason, is that 'the case failed to meet the evidential test'.

RECOMMENDATION 21:

When announcing publicly that no further action will be taken, no details of the allegations not already published should be disclosed.

RECOMMENDATION 22:

In exceptional cases, and very rarely, consideration should be given to issuing a reasoned statement explaining why no further action has been taken.

The Press

1.91 In two quite different respects the Press, in the form of investigative journalists, have demonstrated an unwelcome intrusion. Firstly, during the investigation, photographs were shown to 'Nick' of both suspects and missing boys (hopelessly in breach of PACE), names were supplied to him and

he was shown buildings that could have been significant. Had a prosecution resulted from the investigation, very considerable difficulty would have resulted in identification procedures sufficient to render convictions impossible. It would no doubt be said, on behalf of the individuals responsible, that they believed 'Nick' and were attempting to see that justice was done. What is needed is some form of statutory control once a matter is under police investigation.

1.92 Secondly, several of the complainants that I interviewed, and others, complained that they were contacted at home by members of the Press. Some of these approaches were pre-trial (one example is at M1236 in the [\[Subject of Chapter 9\]](#) case) and some were after a complainant had given evidence. The approaches caused the complainants a degree of anxiety and also caused them to question the source of the information since they thought that only the police would know their addresses.

RECOMMENDATION 23:

Consideration should be given at NPCC level to both of these concerns. It may be that some form of statutory control is needed to prevent investigative journalists intruding on investigations in circumstances such as these. At certain times there appeared to be two teams of investigators competing for 'Nick's' attention. Matters communicated to 'Nick', in furtherance of perceived obligations under the Victim's Charter, were divulged by 'Nick' to Exaro and thence to the public to the considerable disadvantage of suspects. In an endeavour to encourage witnesses to come forward and to give evidence in high profile cases some statutory control

may be necessary to prevent 'door stepping' of witnesses.

Reviews

1.93 During this review I have had the pleasure of meeting Det. Supt. Robson, the senior officer in the Specialist Crime Review Group (SCRG), which was formed after the Lawrence enquiry and formed part of the MPS response to McPherson. The SCRG performs a critical and essential role for the MPS and, whilst they conducted a review in Operation Midland, this was not commissioned until 12 months after the commencement of the investigation. The nature of the review was a progress review asking what further steps can be taken. Critically, and unusually, no review of any kind had taken place at 24 hours, 7 days or 28 days and no review of any kind had taken place before search warrants were applied for. A review did take place conducted by a single experienced senior detective in March 2015 but that was also a progress review. A thematic review by the SCRG, at an early stage of Operation Midland, with terms of reference framed to examine the credibility of 'Nick', and specifying methods of determining his credibility, would have proved invaluable. I learned that reviews can be 'progress', 'thematic', 'forensic', or 'concluding'. I also learned that bespoke reviews can be arranged by negotiation with Det. Supt. Robson. From reading the Gold Group minutes, it is clear that a number of perceived difficulties had arisen in the investigation. I have no doubt that an earlier involvement with the SCRG would have resolved those problems.

RECOMMENDATION 24:

Senior Detectives should be reminded, or be made aware, of the full range of reviews that are available from the SCRG and should be encouraged to make use of them.

Innocent Suspects

1.94 As part of this process I have interviewed or corresponded with several innocent persons accused of grave criminal offences. Harvey Proctor must stand first in line; having been accused of the murder of three children, in addition to a catalogue of the gravest sexual offences. He is, in my judgement, an innocent man; as indeed are all the twelve men named by 'Nick'. Several other men whose cases I have reviewed are also innocent of allegations made against them. It is difficult, if not impossible, to articulate the emotional turmoil and distress that those persons and their families have had to endure. The allegations have had a profoundly damaging effect upon the characters and reputations of those living and those deceased. In differing ways those reputations have been hard won, over several decades, and yet in Operation Midland they were shattered by the word of a single, uncorroborated complainant whose allegations were riddled with inconsistencies. Those accused remained isolated and uninformed of the progress of these several investigations until finally being informed that there was an insufficiency of evidence against them. In short, these men are all victims of false allegations and yet they remain treated as men against whom there was insufficient evidence to prosecute them. The presumption of innocence appears to have been set aside.

1.95 I have received a written submission on behalf of the Janner family, and have read a similar submission by Mr. Proctor in the national press, inviting me to recommend the prosecution of 'Nick' for 'attempting to pervert the course of justice'. Such a course is well outside my terms of reference and might well be cited as a ground for staying any criminal proceedings against 'Nick'. I have no doubt, however, that those whose duty and responsibility it is to make such a decision will consider whether there is a sufficiency of evidence to support not only an allegation of perverting the course of justice but also an allegation of fraud.

1.96 It is impossible to depart this chapter without observing that 'Nick' has received continuous support and liaison, whilst those falsely accused have received no such consideration. The explanation for this may well be that the decision making officers in this investigation decline to recognise the innocence of those accused by 'Nick'. I earnestly hope that once the reality of the situation is appreciated that those accused and their families will receive offers of similar support and a fulsome recognition of their, or their relatives, innocence.

RECOMMENDATION 25:

In exceptional cases where suspects have been falsely accused of crime, they, and their families, should be treated the same as 'victims of crime' invariably are and should be offered support and liaison compatible with the gravity of the allegations made.

Chapter 2

Operation Midland

Wiltshire Interviews

2.1 On 3rd October 2012 ITV broadcast a documentary detailing numerous allegations of sexual abuse perpetrated by Jimmy Savile. As a result of this coverage a man, given the pseudonym 'Nick' by the police, contacted the MPS Operation Yewtree and made allegations about being abused by Savile, by his deceased stepfather 'Ray', and other unnamed men. 'Nick' is now 48 years of age, of good character, and employed by the NHS in a managerial capacity. The case was referred to the Wiltshire Police as the alleged offences originated in that County.

2.1.1 I have summarised the interviews conducted by DC Lewis on 6th December 2012.

Wiltshire - 06/12/12

TAPE ONE

'I only have a couple of memories of moving into Oxfordshire. I don't remember my mother she must have been there. I don't remember where she was. I don't remember school either. My stepfather started hitting me, then he started kissing me, and then he started kissing me on the mouth, and then started to put his tongue in my mouth. I showed I didn't like it then I got a beating for that. He took all my clothes off usually at bath time. It was just touching me and it carried on from there. My mother and I moved to Bicester

in early 1976. The misconduct started straight away. He touched my penis. He pinned me to the sofa or bed and put his hands around my throat. I was at the [NAME] Church of England Primary School and he used to take me out of school and back to the house where there was just more kissing and touching. It was quite a few times a month. I was then taken to meet this one man and it was on a base, I don't know which one. He was wearing uniform. I don't know how to describe him. He had brown hair. I don't know how tall he was.'

TAPE TWO

'I think he was a Lieutenant Colonel. He had a crown on his epaulets and like a diamond underneath. My stepfather left me with him and he touched my face and touched my hair and undid my trousers and then told me to get dressed. We then left.'

'When we got home my stepfather told me how well I had done and that he was really pleased. Not long after I was taken to this house, the Wilton house but it was bare. There were three or four men. None of them spoke. My stepfather told me to take my clothes off.'

TAPE THREE

'The Lieutenant Colonel was there. A guy was taking pictures. I remember the flashes. The photos seemed to go on forever. I was then told to get dressed and everyone except the man from the office left. He started touching my hair again, then stood behind me, kissed my neck and [GIST: describes

indecent assault]. He made me get onto the floor and I was lying face down and he put **[GIST: describes rape]** his hand was over my mouth and the pain was unbelievable. My stepfather came back in and was telling me to get dressed and I couldn't move. I felt like I'd wet myself and I put my hand down the back of my pants and it was covered in blood when I pulled it out. I didn't tell anyone.'

'That was my first introduction to the group. It was a different place every time, just houses. I was coming up to nine, I'd have been nine. I was picked up from school by a man in a black car.'

TAPE FOUR

'I was taken through Bicester or sometimes the other way to Oxford. There were about 20 in the group in total. Names were never used. They referred to the guy from Wilton as an older chap who was at Wilton was referred to as Pete. Another I didn't know for sure was Jimmy Savile It was just his voice. He wasn't there that often three or four times. I remember his voice when he was hurting me. 'I don't remember him doing anything, just general touching or anything, but he would just penetrate. **[GIST: describes rape]** and he had a long gold necklace. I was probably nine going on ten. It was in a house with five or six present. I must have been ten. All the males were white except a Middle Eastern person, but that was only in Kingston.'

'We moved to Kingston in 1979. I went to Coombe Hill Junior School. I was collected from there in the black car. The incidents with the group continued until I was 15. From start to finish the only person I told was my dog.'

'Q:- I mean this Lieutenant Colonel, possibly Lieutenant Colonel, have you found out since who it might have been?

A:- No, No, No, the only, well as I say if my father was still alive and I tried to ask my mum a few questions and she answered some of them.

Q:- So have you told your mum what's happened to you?

A:- Not in any detail no.'

'Back in 1989 or 1990 I told her about him (stepfather) but not exactly what he did and she made some flippant remark. Apart from earlier this year we've never spoken about it since. I remember at Wilton she said she didn't know anything was going on.'

'I was taken by the man in the car to the group about once a week whilst we were in Bicester. It was just during school time.'

TAPE FIVE

'Sometimes they told me to play with myself, sometimes I'd have to masturbate them. The rest would just watch or laugh. There would always be somebody there recording everything on a video camera. I had to do as I was told. If I didn't there were punishments, they didn't like it when I passed out. They liked me to [GIST: describes oral rape and being sick]. The punishments varied. They held me down and stabbed things in my feet, all under my feet. They were just laughing.'

'I was shown a couple of pictures by the guy from the first office. He said it wasn't up to me to decide when I stopped. He showed the pictures to me in Kingston one evening walking by the river in the pictures I didn't have any

clothes on. I was aged about 10 in the pictures. He said he would show the pictures to my friends and to my mum. I was about 12 when he showed me the pictures. He knew where I went to school and where my mum worked. He even knew where I'd just come from.'

'When I started Senior School I just bunked off. I knew about the meetings because they told me in advance. I was told to go and wait. They told me on the way to school. They came to the house once. Most of the 20 men in the group have put [GIST: describes rape]. Only a couple stand out, a Middle Eastern guy and an American. He was American or Canadian with an American accent.'

'At Kingston it was in school holidays as well when my mother was working. They took me to different hotels. I think the Hilton on Park Lane and one not far from Oxford St. I was about 13. I was taken home in the Middle Eastern guy's Rolls Royce, black I think. I was never paid any money.'

'Q:- How come you've come forward now?

A:- I'm stupid I know Going back into counselling has helped me get rid of a few ghosts, get rid of a few bad memories...I told my mum I was thinking of reporting it. She just sent me a card saying I was to pull myself together and look to the future. She wanted me to drop the whole thing. She's going to be mortified. Over the years we've gradually got closer and closer and then since earlier this year when I've asked her questions it's just fallen apart.'

'When these incidents happened with the group, a lot of times I was the only child present, but not always. About a quarter of the time another child

would be present, just one other. His name was Aubrey. We became friends from Bicester. He was the same age as me. I last saw him 30 years ago. I don't know how he got involved. We never spoke about that. They made us touch and kiss together. At one stage they wanted me to hit him but I wouldn't.'

SIXTH TAPE

'After the first incident there was a lot of blood. My hand was covered in blood. My underwear was bright red. I had a bath when I got home. I didn't have any medical treatment. Sometimes one of the group would see to my injuries. I always assumed he was a doctor. I'm not sure I could describe him just an ordinary guy. I don't know whether he saved my life once. I was held under the water and it all went black. When they hurt my feet he sorted those out.'

'Q:- So other than you and Aubrey, were there any other children?

A:- There were some more but I don't know who they were. One of them I saw just a couple of times, one I only saw once.

Q:- Were there any other people involved in this from start to the end really, including the possible Lieutenant Colonel, have you names for any of them that you've been able to identify years after the event?

A:- No. No. I've talked about it, my counsellor has asked me but, and it's weird because there is a big part of me that wants to know if they're still around and who they were but actually there's a big part of me that doesn't. And a few of them' if they were still around, that would worry me....for my own son's safety I suppose.'

'The Lieutenant Colonel had sexual contact with me lots of times. Virtually every time he placed [GIST: describes rape].'

'Q:- Did your stepfather put his penis in your bottom?

A:- Mm.

Q:- Was that regular?

A:- Yeah. It was after that first sort of meeting I suppose, couple of times a week.'

'The Lieutenant Colonel [GIST: describes oral rape and indecent assaults]. The Middle Eastern man penetrated my bottom five or six times. Aubrey was not in London when I was there. The stuff with Aubrey was at Bicester.'

'Q:- What would you like from a police point of view investigation wise, what would you like us to do with the information you've told? If we can identify one or more of these individuals?

A:- I think I was hoping that the information might be useful with all the other information that Police get, that it might just add up somewhere or somebody else might have spoken out. If people could be identified, then I think that's something I'd want to know. My nervousness would be of the couple of people in London then I would be very nervous and if I was the only one to come forward'.

'Q:- Do you know who these people are?

A:- I don't know exactly who they are because the cars I was picked up in were diplomatic cars. I don't know who these people were but they had their own

guards.'

'The chap from the first meeting was the ringleader. He would tell me to meet at some point for these individuals. He would be in his 80's if he's still alive.'

'Q:- The diplomatic cars, any particular Nation?

A:- Again I'm not 100% sure but the Middle Eastern chap was Saudi. And the other was American.'

2.1.2 The following significant points arise from the Wiltshire interviews:

- 1) The first allegation of buggery by 'Nick' was against the Lieutenant Colonel.
- 2) The occasion when he was allegedly caused to bleed was at the hands of the Lieutenant Colonel.
- 3) Names were never used. The only name attributed to any alleged abuser was that of Jimmy Savile.
- 4) He had not found out since who the Lieutenant Colonel might have been.
- 5) The group was about twenty in number and included one Middle Eastern person, one American/Canadian and one man called Pete.
- 6) He was always picked up from school in a car.
- 7) Most of the time he was the only child present. The only other child ever present was Aubrey (Tape 5) There were some more children but I don't know who they were. (Tape 6).
- 8) Although there are allegations of violence and buggery against Ray there is no allegation that he inflicted any visible injury.

2.1.3 'Nick's' mother was interviewed and gave a statement on 16th April 2013.

She has held a senior management role in the NHS for many years. Around 1986 'Nick' had told her in a letter that her ex-husband had sexually abused him. She had no idea at the time that he was being sexually abused and had never suspected it. She never saw 'Ray' physically assault or chastise any of the [No.] children during the marriage and never witnessed anything remotely like that. She stated:

'I was never made aware by the school of 'Nick' taking any regular unauthorised absences or of him being removed from any classes by anyone. This would be true of any of the schools he attended during his primary and secondary education and I believe his attendance has always been good. I certainly would have remembered if I had been made aware of any repeated absences or removals from class and would have asked the school for more details if I had known'.....'Nick' never made any disclosure to me at the time that Raymond was hurting him or abusing him in any way and I do not remember ever seeing any bloodstained underwear from 'Nick' or similar signs of sexual abuse'.

When 'Nick' informed her that he had been sexually abused by 'Ray' he never mentioned any other abuser.

2.1.4 The case was investigated by DC Lewis of the Wiltshire Police and, as there was no living or identifiable suspect, he decided to 'return' the file to the MPS with an accompanying letter in which he expressed certain doubts about 'Nick's' credibility. 'Nick' had difficulty in remembering fine details throughout most of his video interview, especially of the type that might identify suspects (the offences were some 30 years old though). Oddest of

all is that 'Nick' was unable to explain why he never told any of the staff at his schools that he did not want to go with the man/men who came to collect him and take him out of the school quite regularly. He describes being fearful of the men and they knew exactly where to find him even though he and his mother moved around a few times during his childhood. I do find it hard to reasonably explain how 'Nick' was tracked down at various towns over a seven-year period and simply 'removed from school' to be sexually abused time and again by other members of the gang without someone in authority getting suspicious enough to at least tell his mother. The logistics behind members of the gang tracking him down across the country are difficult enough to balance without the other odd elements added in. All relevant documents were delivered by DC Lewis to Operation Yewtree on 9th May 2013. The matter was closed and clearly no other course could have been taken. In an email to MPS, DC Lewis described 'Nick's' allegations as '*a little bit odd*' and '*it all sounds a bit 'Spooks*'.

2.1.5 On the 26th September 2013 'Nick' lodged a claim with the Criminal Injuries Compensation Authority (CICA) for compensation. He wrote:

'My step father started to physically and sexually abuse me at the age of 7 and then gave me to a group of men who continued to hurt me until the age of 15. My stepfather only lived with my mother and I for approx. 6 months. I did not report it through fear for my personal safety. It was initially reported to the Met police, then transferred to Wiltshire as the leading force because it covered numerous locations. I had blocked the abuse since childhood. I initially disclosed that I had been abused to my mother in 1989, and my current job at the time got me help in the form of counselling.

However, I was only able to acknowledge that I had been abused and was not able to say what happened because of fear for my own safety if I said anything. Because of the effects it left me with, I put myself back into counselling in January 2012 and reported it to the police later the same year'.

2.1.6 Operation Midland first learned of this claim on 23/02/2015 when 'Nick' was visited at his home by the SIO and DC Chatfield. He told them he had made a claim but there had been a delay in payment and the SIO and DC Chatfield agreed that DC Chatfield should assist 'Nick' in obtaining payment, which he did. Significantly, Operation Midland failed to obtain details of the claim until November 2015. 'Nick' received a payment of £22,000 on the 1st April 2015 in full and final settlement of his claim. He had obtained his crime reference number from the Wiltshire Police.

2.1.7 Between September 2013 and October 2014 there was no contact between 'Nick' and the Police.

2.1.8 He was receiving counselling from [GIST: COUNSELLOR], who has a diploma in Person-Centred Counselling and Psychotherapy. According to 'Nick's' blog of 04/05/2014, he met with a few counsellors before engaging with [GIST: COUNSELLOR] as a private patient. She has counselled him on more or less a weekly basis since 2012. Unfortunately, she is not a specialist in childhood abuse issues or trauma. 'Nick' was well aware of her shortcomings having told officers on 23/02/2015 that he did not believe she had experience of dealing with sexual abuse victims. 'Nick' was encouraged to start blogging on a site entitled 'This Tangled Web'.

2.1.9 On May 4, 2014 'Nick' blogged under the title 'Why did I not speak out sooner?'

'How could I speak out when it was my fault? Could I tell my teacher? My injuries were evident and my teacher did nothing.... Could the medical profession help me? They saw the state of my injuries and no one tried to intervene and stop it. So there I was, 7 years old, no one to turn to and no one to help me'.

This was wholly inconsistent with 'Nick's' mother's statement. The blog went on to state how he was taken out of school when they wanted him. Punishments were severe and boys were tortured on a regular basis. There was an inner ring to a paedophile ring who knew they were untouchable. 'Nick' said he was kept in check throughout his childhood and teenage years. He stated:

'I can't put into words the sheer terror that filled my life as a child 24 hours a day. I know if I had spoken out, I would not be here today'.

A summary of 'Nick's' relevant blogs appears in the next chapter.

2.1.10 These blogs were read by an investigative freelance journalist working for the Exaro News Agency who contacted 'Nick'. They met for the first time in London on 21st May 2014. Over the next few weeks 'Nick' spoke about his abuse and provided a list of names, namely, Major Ray Beach, his stepfather, General Gibbs, General Bramall, Jimmy Savile, Peter Hayman, Harvey Proctor,

Leon Britton, Edward Heath, and a man named Michael, who was something to do with the Intelligence Service, and a man by the name of Maurice, who was also something to do with the Intelligence Service.

2.1.11 In July 2014 Mark Conrad showed 'Nick' 42 unnamed pictures of men. Some of these men had been named by 'Nick', some were as a result of research by Conrad and others were unknown images from the internet. Conrad included pictures of Michael Hanley and Maurice Oldfield. Both Harvey Proctor and Lord Bramall were identified using this technique. 'Nick' also handed to Conrad a pen-knife and a small jewellery box containing two crown shaped lapel badges. He told Conrad that Harvey Proctor had given him the knife and that he would soon explain, in more detail, how this came about. The showing of the photographs in that manner did not conform with conventional methods of identifying suspects

2.1.12 On 22nd July 2014 Conrad took 'Nick' on a walk around London in order to identify scenes. This event is not described in any statement of Conrad, and the route taken and premises observed are not available for consideration. The source of this information is the 'Timeline of Accounts given by 'Nick'.

2.1.13 On 19th August 2014 Conrad showed 'Nick' an image of [No.] Ecclestone Sq.; premises associated with a notorious paedophile ring active in the 1970's and 1980's. 'Nick' claimed that the premises were familiar and that he had drawn a picture of them some time ago. After a short time, (not specified by Conrad in his statement) 'Nick' sent a photograph to Conrad, I assume by email, of his drawing of the premises in his journal, with the numbers [No.] written on the pillars of the house. The drawing showed clear

similarities with the picture obtained by Conrad from Google. 'Nick' asserted that this was the address where he had arrived in a car and a young boy came from the basement flat accompanied by a middle aged man. The boy got into the vehicle with 'Nick'. 'Nick' told Conrad that this boy was later murdered.

2.1.14 At this time it is clear that 'Nick's' blogs on 'This Tangled Web' were attracting the attention of journalists and those liaising with them, with an interest in exposing paedophiles. One such individual was Peter McKelvie, a former worker in child protection who has assisted Tom Symonds, the BBC Reporter, in coverage of child abuse stories. At this time Peter McKelvie was providing a degree of support to 'Nick'. I do not have any chronology of their meetings nor details of information passing between them. There is a sound inference, drawn in part from the forthcoming MPS interviews, that 'Nick' was extremely active on the internet.

2.1.15 On 9th October 2014 Conrad introduced 'Nick' to the Operation Fairbank team, meeting with DS Townly and DC Lamkin. DS Townly had earlier contacted Exaro due to a news article on their website regarding 'Nick'. It was obvious to DS Townly that the police wanted to speak to the person making those allegations as part of their operation. It appears that the initiative for this meeting came from the Police rather than Conrad. This meeting took place out of London and was no more than an introductory meeting in which 'Nick' gave a broad outline of his allegations and was assured that they would be taken seriously. He was reminded continuously that it was entirely up to him what he wanted to do. 'Nick' indicated he had suffered no physical injury.

2.1.16 On 22nd and 23rd October 2014 ABE interviews were conducted.

'Nick's' Blogs

04/05/2014

'My experience with the Police.

My experience with the Metropolitan Police has been nothing but positive. The Senior Officer that contacted me was lovely and explained the process if I decided to continue. She gave me time to think about what I wanted to do and once I confirmed I wanted to proceed she sorted it all out. My case linked with several big national and ongoing cases and spanned a number of different police force areas. The NSPCC encouraged me to report what happened and put me in touch with the special operations centre at the Metropolitan Police.

I think it was this totally caring approach that helped in my decision to go for it. I contacted my liaison officer who seemed pleased and was and has been very encouraging.

Overall it has been an extremely hard thing to do, but I can't thank the police enough. Since I contacted them, they have been supportive, encouraging and communicative.'

This was a curious Blog because 'Nick' had not, as yet, engaged with the Metropolitan Police Service and did not do so until 09/10/2014.

04/05/2014

'It's hard to accept that you need help.

It's hard to accept that you need help for anything especially when you're a man, and it's even harder when coming to terms with childhood trauma. About six years after the abuse stopped, I was almost forced into counselling. I was on the verge of a breakdown, but I still don't think I was really ready for dealing with my past.

I kept things buried deep inside and tried to get on with my life. Trouble was that the abuse had left its mark and I had lots of issues in adult life and eventually helped to destroy my marriage. Trying to save the marriage, we went to marriage guidance. 15 years after the abuse had stopped I was telling the guidance counsellor and then my wife the reason behind my intimacy issues. The only question she asked me was I raped. When I told her I was, she lost all interest in me and a few years later walked out on me. Another failed relationship and I put myself back into counselling.

I met a few counsellors before I settled on one that I felt comfortable with, and this was so important. I was reliving my hell all over again, the nightmares and flashbacks returned with vengeance and I hardly slept. The more comfortable I felt the more I told her. I find it so hard, I wanted to cry, but I can't cry with anyone in the room (another relic from my past, for fear of punishment) and I would get through each session and collapse in tears when in my car and out of sight. At times she cried at some of the things I told her, but at every session she was listening, encouraging and supporting.'

04/05/2015

'Why did I not speak out sooner?

Well picture a young boy whose father would beat him black and blue for not doing as he was told, when the abuse turned sexual, any resistance or questioning was met with extreme violence. So he exercised his control on me from the age of 7, but could I not have told anyone else? Well at 7 I did not really know what was happening, part of me thought it's what fathers did. My mother did not stop it (I assumed she knew) so again this reiterated to that small boy that it was all normal. The blame was constantly being levelled at me, so how could I speak out when it was my fault. Could I tell my teacher? My injuries were evident and my teachers did nothing, so this again reinforced to me that it was my fault and I deserved it. Could the medical profession help me? They saw the state of my injuries and no one tried to intervene and stop it. If they did, they totally believed any explanation that my father gave. So there I was, 7 years old, no one to turn to and no one to help me. I knew it was my fault and I deserved what happened to me.

I was given to this group (a paedophile ring) who totally controlled my life for the next 9 years. They said who could be my friend, they told me where to be at certain times, they took me out of school when they wanted me. If you broke their rules the punishments were severe, and depending on the mood of the group at the time would lead to torture.

Then for me there was the inner group of the paedophile ring. They were made up of very powerful people who were not afraid for you to know who they were; they were not afraid of repercussions because they knew they

were untouchable. Hiding anything from them was impossible, they could do anything they liked, when they liked. This installed a new level of fear that penetrated right through my soul.

My mother was the first person I disclosed to and she brushed it under the carpet, so I kept quiet. It affected my marriage so I said a bit more, and that too had negative consequences so I kept quiet again. Even recently I would not speak about the inner circle.'

06/05/2014

'A Paedophile Ring.

At certain times of the year the men would come together for big parties. Two examples were Christmas (the biggest of the year) and Valentine's day. Other parties were held by some men, for example those men who were part of the military would hold a special party for remembrance. One occasion we were subjected to drink, drugs, sex, violence, humiliation, pain and much worse.

There was an inner group to the main group. For the most part they kept themselves separate and rarely mixed with the main group. They liked things a little more exclusive and when they ordered you, their request took priority. In my experience, the men that were part of the inner group were a lot kinder and never used violence.'

11/05/2014

'Fear: Where did it come from?

Fear was ingrained in me from the age of 7. If I did not do as I was told the consequences would be severe.....Being left alone in a totally pitch black room not knowing what was going to happen next, having sharp objects stabbed into your feet, not really knowing what or why but experiencing the excruciating pain that went with it. The group were always finding new ways to increase the pain, increase the fear. Putting an animal into that black room took the fear to a new level, and holding your head under water brought a new pain and a new terror.

The sharp pain when something is stabbed into my foot, the short lived pain of a wasp sting, the continuous pain of broken bones that turned into continuous aches as they healed on their own, the burning of your insides as you drown, deep penetrating pain that fills every part of your body from electrocution so much you think you are just going to explode and of course the indescribable pain of being raped over and over again. I was given lots of pain killers to mask my injuries and I was sometimes doped up with drugs or alcohol and that eased the pain for a little while, but it always returned.'

15/05/2014

'Pain.

Myself and other boys saw what some of these men were capable of. They took pleasure in seeing us in pain. They liked to think of new ways to hurt us

and they would do anything to keep control. We knew that any of us could be killed without any hesitation. For me this threat would have been a release. However, the threat that you could simply disappear and no one could question it reached right into my soul.'

21/05/2014

'Forgiveness.

I have been trying to write some more blogs recently, but they are all so jumbled in my mind. There is one I really want to post, but I don't feel I can just yet.....One question is whether I forgive my mother. Throughout my childhood, I always assumed she knew what was happening, how could she not know. How could my mother not see my injuries, how could she let me go with these men? It's only since I reported some of what happened to the police and they interviewed her that I was told she didn't know what was going on. I now know the reason for this, but I still have trouble accepting it. I no longer blame her, but I can't quite say that I forgive her just yet.

The people I have forgiven or rather show no animosity towards are the professionals that in my eyes did nothing. The doctors, nurses and teachers should have noticed, they should have done something, but to my knowledge they didn't. I think though that I can feel this towards them because of the lack of information on my part.'

26/05/2014

'Letter to my abusers.

Why did you choose me? Was I just in the wrong place at the wrong time? What did I do to deserve such treatment and pain? Did it make you feel like real men to hurt me so much? Did it make you feel proud to break my small body? Did it make you feel proud to make me bleed and cry? Did you feel powerful to have such control over me? How did you justify what you were doing to me? Did you think I enjoyed being Kissed, touched, raped and tortured? Did you think I wanted to be drugged and injured so badly? I didn't think it was possible for anyone to feel pain, like the pain you put me through. How could you as human beings treat another human in such a terrible way, especially me, just a child.'

09/06/2014

'Such mixed emotions - 70th Anniversary of D-Day.

Last year I was actually asked about 5 times from a soldier in uniform to buy a poppy. In the end I had to leave the store before I broke down in tears. I know they are a symbol of respect for those that have lost their lives during wars, however for me they lost their meaning once the soldiers that hurt me physically pinned them to my bare skin. I see poppies as a symbol of their hatred towards me. As a sign of respect (they said) I had to wear a poppy, so they would pin one directly to my chest and then hurt me badly. Once one was done, the next would unpin the poppy and move it to another part of my

chest and do the same. They would all take turns until they all had enough. The pain from the pin was nothing compared to the other pain, but it added to the humiliation.'

19/06/2014

'Injuries.

I sometimes forget about the pain I have today and the constant reminder it is of those terrible years as a child. I did do an exercise last year where I documented all the injuries I had sustained as a child on a body map. Brown was for bruises, black for fractures, blue for puncture wounds, green for penetration injuries, purple for bites, and red for burns.

My father started it, using violence to exert his control on me. In a very short space of time I suddenly had lots of bruises, cuts, grazes and was about to come close to losing my life. The first time that he raped me he did it with such force that he caused a lot of trauma down there. I lost a lot of blood and because I tried to scream and struggle during the assault, when we got home he beat me unconscious. I sustained a lot of injuries that day and the ironic thing was I remember a member of staff, I think a nurse telling me that I was lucky because if I had not lost so much blood I would have likely died from my head injury. When I got home, despite having a plaster cast on my arm and still recovering from my injuries, it did not stop my father from raping me again as soon as I was home.

Things didn't get any better when I was brought into the group. They inflicted

some nasty and lasting injuries on me.

Some of the old injuries give me constant pain even all these years later. It has got to the stage now where I have been thinking about getting advice for some of them. I feel the pain today; I look at the scars today. The pain has to be bad before I will even take paracetamol. But even this stems from being forced to take drugs during the abuse.'

24/06/2014

'Ghosts from the past come to life.

For me these men are the ghosts. They are in my nightmares, my flashbacks, my memories but I have no idea who they were. Then out of the blue, like today, I read a story about an individual in the national press, included in the story was a picture, and this picture leapt out of the page and hit me straight between the eyes. I knew him, he was one of the ghosts. He was there in the group. It took a while for the picture to sink in, and on the one hand I had a name to go with the face, it was one less ghost that could still come back to haunt me.

Momentum gathers for the national enquiry into organised child sexual abuse. A lot of you may have seen the gathering momentum that was originally started by 7 MPs and promoted by Exaro News in calling for a national enquiry into organised child sexual abuse. My biggest fear about an enquiry is that it would concentrate on children who had been in the local authority care system. Organised abuse is so much wider than children in

care. I can only speak about myself and the group that controlled me. There were lots of boys that were being hurt alongside me and they were from all walks of life.'

29/06/2014

'A National Enquiry into Organised Child Abuse.

So why do I support a national enquiry as opposed to a police investigation? Well I support both and feel there is a place for both. When perpetrators are found they need to be brought before the courts and dealt with by our judicial system. I am still fearful to report most of what happened to me directly to the police, and this fear is present in a lot of survivors. I am in no way criticising the police; in fact, I have nothing but praise for the ones I have dealt with. However, I don't have confidence that they are able to get to the truth. I and other survivors need an enquiry that has the power and indeed the courage to go wherever the information leads. I therefore call on the Home Secretary and other MPs who have not already shown support to hear my voice.'

21/07/2014

'My Voice is Growing.

I have been writing some blogs and tweeting now for a few months and I have been constantly amazed at the almost daily increase in people following me on twitter. I have also been truly humbled by the kind comments people

have posted.

I know there is so much rumour and speculation out there as to who was involved in abusing children, especially the so called VIPs and where these acts took place. But to those of us that lived through this it's all too real and whilst it's great to see it finally coming out, it's also very scary. I know people want confirmation on who the abusers were and the locations, but I hope you can appreciate why myself and others cannot speak freely as yet.

So my call goes out to all those boys that were hurt alongside me. You may have seen all the press coverage recently and I know it will have caused a whole host of emotions that will be made worse depending on where you are in your journey of recovery. We supported each other as boys, we can do so again as men.'

24/07/2014

'The Abuse: How it all started.

The first time I remember being hit was just after I turned 7. I wanted to tell him something but in my excitement I knocked over his drink. The first punch came so fast and out of nowhere. It caught me on the side of my head and knocked me to the floor instantly. The punches came thick and fast to whichever part of my body he could get to. The following morning, I was shocked by what I saw in the mirror, the boy staring back at me was hurt, dried blood on his face bruises and cuts – surely this was not me.

The beatings grew and I was constantly told how I deserved it because I was bad and not doing as I was told. I had to learn my lesson he used to say to me. But this small boy, me, was punished for not getting home from school quickly enough, or sometimes just walking into a room. Things quickly progressed into sexual activity with him kissing and touching me and forcing me to do things to him. Any resistance or hesitation was met with severe violence.

I remember the first time I was raped like it was yesterday. The first time he did it he used so much force that it caused a lot of trauma to my body in addition to the indescribable pain that came with it. [GIST: describes injury] even now I struggle to put words to how I felt. His hand was over my mouth, so my screams could not be heard. He was so strong that my feeble attempts to struggle free had absolutely no effect. On the way home I was numb, the pain was intense and my bleeding had soaked my underwear and trousers. My day was not over and I was beaten unconscious because I had dared to scream and struggle.

It was my first experience of near death. He nearly killed me that night, but despite my injuries the hospital released me back into his care and my fate was sealed. He had broken me to give me to the group. He and they could do anything they wanted. He had my compliance and he guaranteed my silence. The fear I felt for him was so intense, and I had no comprehension of what was to come, how worse things could get, how long it went on for and how no one would step forward and protect me.

I was just 7 years old, my childhood had ended in an instant and my life

changed for ever.'

28/07/2014

'Going back and exercising (sic) some ghosts.

Last year my counsellor and I arranged a trip back so she would be there to support me. We visited my old school and I saw the place they used to park when picking me up. I could still retrace my walk home and could still find our old houses. Because this went reasonably well I decided to go back to another location. I was left to roam myself and went into a few buildings that as a child had been the site of torture, terror, and pain. In one building there were still the hooks on the wall where I had been tied and all I could do is stand and stare at them and let the tears flow.

I had to move outside to get some air and gather my thoughts. It was a lovely warm day, and there were people couples and families all enjoying a day out. Some people had brought picnics and the children were playing. All I remember was the darkness and the silence. The only screams that were heard were mine as they pierced the night and they were not screams of pleasure.

Sometime later I went to a meeting when I was asked if I would be prepared to look at several possible addresses where I might have been taken as a child to be hurt. I agreed and I was not told the actual address, we just went for a walk. As we turned into one street I saw the name of the road and found it quite ironic because it bore the same name as the town where the abuse first

started. Apart from that the name meant nothing to me, but as we walked into the street, my anxiety hit so unexpectedly. I had been here before and such vivid pictures started coming into my head, the flashbacks were starting again. My breathing increased dramatically and I found myself gripping my hands so hard it was starting to take the skin off. I was fighting the flashbacks, but not to stop them from happening, but to work with them and try to remember my feelings and reactions. The tears were starting, but I had someone with me so was trying desperately to hold them back. We stopped the walk and headed to a coffee shop and gradually my anxiety reduced. After a break we headed for the second address, but it meant nothing. It was just a walk down a street, buildings, cars but no bad feelings. Finally, I was asked to go to a third location that I already knew about and therefore agreed.

As we approached the building, I recognised it instantly, but it looked wrong. It was not what I remembered. Parts of the building were exactly the same, but the entrance was not what I remembered. We walked around the building and when we approached the opposite end, my anxieties again rose dramatically. I could see myself getting out of the car, and being escorted inside. My tears started again, but as soon as we rounded the next corner my anxiety had reduced because there was a car right in front of me with a registration of SAD and that just about summed it up.'

04/08/2014

'Introduced to the group.

I was taken into this office and there was another man there waiting. He seemed to know my father. I remember they talked for a bit, but this other man never stopped looking at me and I think it made me nervous. The man came over and said hello and even shook my hand and he told my father to leave. It was just me and him and I had to stand before him. He started touching my hair and face and then all over my body. He kept saying how beautiful I was and that I was a good boy. He started to undress me and then do some of the things my father did. This man only kissed and touched me and didn't hurt me like my father. When my father came back, they talked again which is when I saw how happy he was. On the way back, he even told me I had done really well.

It wasn't long after this first meeting that I was taken to this house. I was ushered into the back room and that man was there again with two others. He was pleased to see me again. My father left me there. I was told to undress and do various things in front of them. One of them was taking pictures. I didn't feel right to be standing there naked in front of these three men, but they seemed pleased. The man the office (sic) told everyone to leave. He started kissing and touching me again, but this time made me do things to him as well. At the end he held me down on the carpet and raped me. He was the same as my father but unlike him he was saying all these nice things to me as he was hurting me. I still didn't understand what was happening to me, except it was hurting and I didn't like it. My face was wet with tears as I was pushed into the carpet.

He was not as rough as rough as my father, but it still took me a while to get dressed. Just before my father came back, this man told me that I was going

to make a lot of people happy.'

10/08/2014

'Intimacy.

As a child the men constantly told me how gorgeous, beautiful and cute I was and this was something I had to change as an adult. I piled on the weight so that I was no longer attractive, and people would leave me alone. Eventually I did meet this one woman, and over time I allowed her close enough to be my friend and after a few years I ended up marrying her. Intimacy was a real struggle for me for the whole of our relationship.'

10/08/2014

'National Enquiry into organised child sexual abuse'.

In this blog 'Nick' discusses the IICSA announcement and a People's Tribunal.

18/08/2014

'Meeting the Group.

When the group wanted me I had to be there. Whether it was a pre-planned meeting in which case I would have to be ready to be picked up or it could be unexpected and they would suddenly arrive to pick me up. It was usually in the day or early evening and I could be gone from anywhere from a few hours

to days. On this particular day it was unexpected and I just sat down in my class, the register had been taken and suddenly my teacher called my name as someone had called to pick me up. I don't remember the teacher asking me where I was going, or whether I would be back, or even who was picking me up. For me it was a regular thing and not something to either look forward to or enjoy. I didn't want to go and I didn't leap from my chair with excitement. I couldn't keep them waiting, that would just invite more punishment, so I grab my bag, avoid eye contact with everyone and leave the class.

The drivers (our minders) hardly ever talked to me. Sometimes they would say hello, and I remember one asked me if I was alright when he was taking me home. When it was over, I could be driven home or school like nothing had ever happened. Sometimes they hurt me badly, the doctor would have to attend to my injuries before being returned. Then it was time to transform into my other life and try to get on with it as best as I could. During those nine years, some weeks it was every day, sometimes it was just a few times a week, but one thing was for certain it would happen.'

03/09/2014

'59 Days since a National Enquiry was announced.

'Nick' expresses a lack of confidence in the enquiry.

'We don't yet know who the chair is or the panel for that matter and shouldn't it be for survivors to judge the suitability of those appointed? I felt I had to

believe in the national enquiry, I had to hope that it was going to be what we wanted, what we deserved but as time goes by my hope and belief start to disappear.'

08/09/2014

'Day 60 We finally have another announcement.

Well 60 days after the Home Secretary announced the national enquiry, we have an announcement of a new Chair and several panel members. I thought I would be happy to hear this announcement but I am not.

The rumours are that the enquiry (if it ever gets going) will not actually hear from survivors.....Do I go straight to the police, do I start to name people in public or do I just revert to my normal and stay quiet?

The group was so powerful that I could not even hope to take them on alone. I need just a few of the other boys that were also hurt to come forward and stand with me, and so I can stand with them. These men have to answer for what they did to us, and we all deserve justice.

29/09/2014

'Child abuse – a male survivor's perspective.

'Nick' speaks of the difficulty in males receiving appropriate counselling and

therapy.

'Within a 35-mile radius from me, I have found 10 organisations that provide help, support and sometimes therapy for survivors of childhood abuse. However not one of them will help men. The only help available for men in my area is a telephone help line. I am lucky I can afford (most of the time) to pay privately for my counselling but most people can't.'

01/10/2014

'Who is the real me?'

'Nick' speaks of attending the Southmead Project in Bristol and listening to the key note speech from a male survivor, which he found strong and passionate. After the speech he felt unable to speak to people, could not and wondered why his face only fitted at work. He was glad he went but felt frustrated with himself thereafter.

17/11/2014

'I am the duck.'

I am the duck, I give the impression of being calm on the outside but underneath I am paddling like hell to deal with all the issues the abuse has left me with. I have had two previous failed attempts at counselling, but my latest counselling has been the most effective and has enabled me to talk about what happened whilst maintaining my public face and carrying on with

my job. It has given me coping strategies for dealing with flashbacks, it has encouraged me with writing to get the bad stuff out of my head and it has increased my confidence to deal with what happened to me and now to speak out about it.'

24/11/2014

'Sharing the Pain.

For me I didn't have anyone to talk to, so I had to find myself a counsellor. Just being able to talk about what happened has been beneficial for me, it didn't happen overnight, but took time for me to trust her enough to tell her everything. But over time I told her a bit at a time and now she is one of only a few people that knows what happened to me.

I write down my flashbacks, my triggers and how I react to them. I write poems and more recently my blogs. It has been a release for me. When I wake at 3am in a cold sweat, I can write down my thoughts, this helps get things out of my head and allows me to get on with the day.'

26/11/2014

'My idea and Your Feedback Wanted.

I want to create a visual exhibition to instantly show the scale of child abuse in the UK over the last 50/60 years. To do this I thought of creating a photographic exhibition in time for national child abuse awareness week.'

'Nick' asked for feedback.

23/12/2014

'Christmas 2014.

I was contacted by the police to ask if I was prepared to talk to them. This was a huge request and threw my anxieties into overload, but over the following weeks I thought long and hard about it and considering the national enquiry going nowhere, I decided to take the chance.

I met the officers and agreed to tell them what happened to me. I eventually spent days giving my statements on video, and although it was extremely hard, I was pleased I had done it. For the first time, I had named names, something which I thought I would never do. But the officers seemed dedicated and wanted to investigate despite who the abusers were.

I was prepared to tell the police everything, but there was one bit of my past that I had kept to myself. I had not even really talked about it to my counsellor. The police didn't push me, but on the third day I decided I would tell them about the deaths of my friends. This was the hardest thing I have done; I had never spoken in detail about the incidents before.

I had kept the deaths of my friends to myself for so long. I had buried my feelings and although they were with me every single day, it was manageable. I think I understand why the murder of three young boys is a

media sensation. I know there are a lot of people that care deeply about these issues, but I think the press in particular need to realise there might be families out there of those boys reading those things. To me especially they were not just three boys, they meant everything, they were my friends. We shared a common bond (horrific as it was), we shared each other's pain and we know what each other was thinking when no words were.'

'Nick's' Interviews with the Metropolitan Police Service

22/10/2014 – Y1A

'I was born on 23/01/1968. I was introduced to you by Mark Conrad. In April last year (2013) I felt I was ready to say what happened but I didn't feel ready to go straight to the police. I didn't feel safe enough to go straight to the police with especially the names of who was involved. I thought if there was several of us it would be a bit safer. I found my voice via a website the tangled web, a website for survivors. I had my flash backs and my thoughts and memories as a way of getting it out of my head. I seemed to get positive comments from it, I never named names. Mark emailed Kate who runs the site and I got in touch with him. Before that I had been in touch with Simon Danczuk and his researcher Matt Baker but when he asked if I was a willing participant I didn't speak anymore. Peter McKelvie and Tom Watson then formed a little group that supported me. They did a piece on Dolphin Sq. I talked to Tom at some length. I asked Mark if others had come forward but he would not tell me them. At my first meeting with Mark I told him about one of my friends. I can't say which names I told him because we met so many times. I identified some of the offenders from pictures he showed me. He showed me a selection of pictures and I was asked to mark them if I recognised them. We put a list together over the last 4, 5 months. I only recognised Greville Janner 2 months ago when I saw his picture in the paper. I only knew Michael and Maurice by their first names. Mark filled in their last names. As for Hayman I only knew his last name. I didn't underline that one. Some of the locations I know, some I still don't. I've got pictures of them.'

'I was born in North Wales and after 2 months we moved to Dorset. I was 7

when my mother and I moved in with Ray Beach. He had [No.] children of his own. We moved into his house in Wilton I remember Ray coming out of the kitchen with blood on him and my mother with a knife in her hand. His children [SIBLING'S NAMES AND AGES] didn't like me at all. [SIBLING'S NAMES] put drawing pins around my bed.'

'Ray started slapping me around as soon as I met him and he didn't hold back with his punches. His violence was very severe. Things escalated very quickly, to first of all kissing, touching, wanting me to do things to him and finally within a few months, to him raping me. He was very forceful and he used a lot of violence. The other names I mentioned are Lieutenant Beach, General Gibbs, and General Bramall. We lived in a 3 or 4 bed roomed house. It started when I was sitting on a sofa, and he asked me about my day at school and he started kissing me on my head and my cheek, then my mouth and tried to put his tongue in my mouth. I resisted but it was met with violence. I quickly learned to do exactly what I was told to do. The violence doubled and trebled and went up hugely when he had been drinking. I had bruises but nobody ever raised it. I don't remember my mother ever questioning it. He started touching me on my knee and legs and then it progressed from there to him removing clothes. At bath times he would push my head under the water. [GIST: describes indecent assaults and oral rape]. If he had been drinking, he had problems getting aroused and used to blame me and again started hitting me. I don't remember my mother at this time at all. I have only the one memory. She was receiving a lot of domestic violence herself [MEDICAL DETAIL].

'The first incident of rape occurred on a day out when he and I went to a

wildlife park at Burford. He took me into the public toilets and into one of the cubicles and took my underwear down and pinned me up against the wall of the cubicle. The pain was indescribable, so much pain. There was a lot of blood and the pain lasted for quite a while. By the time we got home the blood had soaked through my underwear to my trousers and I can just remember putting my hand behind because it was all wet and sticky and my hand covered in blood.'

See Wiltshire Tape 3 where this event was attributed to the Lieutenant Colonel.

'I got a beating when I got home, because I shouldn't have struggled or screamed.'

'Q:- How many times subsequently did it happen at the home before you moved on?

A:- Not that often I don't think but I can't remember exactly but I don't think that often, we weren't there that long.'

See Wiltshire Tape 6.

'Q:- Did your stepfather put his penis in your bottom?

A:- Mm.

Q:- Was that regular?

A:- Yeah. It was after that first sort of meeting, I suppose, couple of times a week.'

Interview Continues

'We moved out from Wilton and probably my mother had enough. He destroyed all of our possessions. We went to Bicester with nothing. I can't remember if [SIBLING] came with us. I only have limited memory of that, after a time he found out where we were and banged on the door to get in. My mum took me into the bathroom at the back of the house. When I came out he was being put in the back of a police car and that was that with him. I'm pretty sure that was that with him. I'm pretty sure that he was present a few times after that but I couldn't say with any certainty. That was the last time I know that he was around for sure.'

'When I was 11 we moved to Kingston. When we were in Bicester I don't remember seeing Ray. I just remember the odd, when you can pick out a voice and you think that's him.'

'In Wilton I was taken to I think it was the Erskine Barracks and we went into an office and I was introduced to General Bramall (SEE WILTSHIRE TAPE FOUR - 'Names were never used') That was the first introduction to what were known as the group. We went into an office there was a guy outside. He saluted Ray and then we went into another office and I was introduced to General Bramall. Ray didn't do much he had to leave the room. General Bramall kept touching my head and saying how good I looked and he undid my shirt and touched my chest and undid my trousers and touched my penis and that was about it. There was nobody else there just him. Ray came back in and was happy and smiling and on the way home said I'd done well. I had no idea what General Bramall's first name was until Mark mentioned him. I don't know whether it was Ray's office or General Bramall's office. It was like a secretary's office.'

'A day or a few days after the first meeting I was taken to a house similar to the one we lived in. It was empty with no furniture. Several people were in the room. General Bramall, Beach and Gibbs were there. I can't remember being introduced. Ray was asked to leave again. Another person came in with a video camera and I was asked to undress.'

See Wiltshire Tape 2: *'My stepfather told me to take my clothes off'*.

See Wiltshire Tape 3: *'A guy was taking pictures. I remember the flashes. The pictures seemed to go on forever'*.

'Everyone was asked to leave by Bramall and he kissed me and touched me again. He didn't make me do anything to him, and then he raped me and then it was just like nothing had happened then Ray was invited back in and I was told to get dressed and that was it'.

See Wiltshire Tape 3: *'Hand over mouth, unbelievable pain. I couldn't move, hand covered in blood' (In Wiltshire interview the first rape is perpetrated by the Lieutenant Colonel and in the MPS interview by Ray his stepfather.) Ray had been asked to go right at the start. I was told to undress, nobody undressed me I was told to remove my clothes it was only after everyone had left.'*

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'Bramall did the same as Ray really, kissed me, hands all over me. I was completely naked, then I just have to get on the floor, and he penetrates me

again just as Ray did.'

See Wiltshire Tape 3: *'The first rape was by the Lieutenant Colonel not Ray. I was just laid on my front.'*

'Q:- And how did it finish for him?

A:- Nothing really just finished and that was it. No mention of pain or blood'.

'Ray came back into the room. Ray was pleased, he was happy. After that I remember being taken to Imber, taken to these buildings. I don't remember Ray being there at all. Bramall was there, Gibbs was there. I know there was some other boys there, I don't know who they were. I hadn't seen them before.'

See Wiltshire Tape 5: *'These incidents happened with the group, a lot of times I was the only child present, but not always. About a quarter of the time another child would be present, just one other. His name was Aubrey'.*

'There were quite a few men there.'

'I have been back to Bicester with [GIST: COUNSELLOR] my counsellor and I decided to go back to Imber with my son to exorcise a few ghosts. I went into a couple of the buildings. They're just empty shells, with no window frames or doors. In one of the buildings they still had the rings where I was tied. They were still there. I was 7 when I was taken there. I went there about 18 months ago. It was only then that I found out that there was a website and that's when they told you when it was open. At Imber there were boys there but no

girls. I don't know who they were. I'd never seen them before. We were taken to separate links. 4 or 5. There were a small number of men with each of us. Bramall came and went. He wasn't in my group but he did come in. I didn't recognize any of the 5 men in my group. They were all military, in uniform. I remember being tied up, being stabbed in my feet and in my fingers and having my feet burnt with a lighter. The pain was so bad even now I can still feel it in my hands. I was tied to the wall at 7 years of age. Initially both hands were tied together above my head. My feet were off the ground. I just remember the pain in my feet. I don't remember anything at all after that. I don't know whether or not I lost consciousness. I have no memories at all. I have no idea if there was any sexual touching or abuse from the 4 or 5 men that were in my group. Bramall didn't physically do anything. I think the other boys were older. The only two men I recognized were Bramall and Gibbs. I don't know what I was stabbed with but it was excruciating pain just like a needle being put in between my toes and then burning with a lighter. All I remember is the pain and everything went blank. I didn't go to the doctors. I hate anyone touching my feet.'

'I have no idea how these events fit in chronologically, but my friend has been able to piece some of these together for me and that's useful but I'll tell you that, because that's somebody else's recollection and not mine. This is the person I touched on last week who was present through some of this, and I'm still in touch with him.'

See Wiltshire Tape 5: 'His name was Aubrey'

'And I have drawings. I can give you copies. I don't know how you want those.'

I wouldn't want them to go. You can have copies as long as I'm there. I don't want them out of my sight. I have two crowns from one of the officers I don't know who it was. You can have these if you want them.'

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'My last recollection of Ray my stepfather is of him being carted off in a police vehicle and us going to Bicester for roughly 2 years. Contact with the group continued during school term time. I was picked up from school by drivers and taken to wherever it happened. I was called from class and returned home or near to home. I was at [NAME] C of E School next to the Church. My mum wasn't aware. The school never informed her. I have only two recollections of my mother at that time. One when I missed a bus to Oxford when I was meeting her and she was mega pissed off and the other when I refused to have piano lessons. Apparently we went on holidays but I don't remember those.'

'I remember my friend who was there part of it.'

'Q:- You don't have to refer to his real name can we refer to him as a name just so we know who we're talking about. I am not going to be able to identify him if ever, it's just that if we're going to speak about him it maybe.'

A:- Fred, I will probably mention his name I probably can't help it.'

Interview Continues

'I don't remember where I first met him. I don't know it seems I've just known

him forever.'

'We were picked up outside the school and driven to wherever we were required to be a lot of the places around Bicester. A couple of times was on the barracks of Bicester and some of them were private houses. There was no communication. They were just there to lure me and others to wherever we were wanted. That was their job and to drive us back again. There would be seven or eight of us roughly all the same age, perhaps a couple were older.'

See Wiltshire Tape 5: *'About a quarter of the time another child would be present, just one other.'*

'There would be 10 plus, 15 men perhaps more. We would sit there in silence until we were called through. You could be singled out and then you would be selected for private time with one of them and if you were popular then that might have to be more than one.'

'Q:- Who do you remember being at the parties?

A:- Well I thought Ray was there a few times, but I couldn't swear to that.'

Interview Continues

'Bramall wasn't at all of them, occasionally he was. There was a doctor, he might have been called Henry....he patched us up if they went too far.'

'And again he's dead, but so but in one of the, well three times but one time the guest he wasn't part of the group was Savile, Jimmy Savile, and that's

when I first met him but I only met him in Oxfordshire, he didn't feature anywhere else it was just a few times. Savile, Jimmy Savile was particularly nasty but again I only met him a couple of times.'

See Wiltshire Tape 4: *'It was just his voice. He wasn't there that often three or four times. I remember his voice when he was hurting me. I don't remember him doing anything, just general touching or anything, but he would penetrate.'*

'Some things were really stupid dancing, singing and just stupid things. Others were undressing, touching yourself, playing with yourself, having to do things with another boy, sometimes a man would join in. You didn't have a choice. The punishments were severe if you broke the rules. It could be just violence, it could be anything from sticking things in you. I had to kill two spiders, and was held down with no clothes on and spiders were tipped onto you and I have got a fear of spiders. I couldn't scream or one would go in your mouth.'

'They were always trying to find new ways to inflict pain or terror e.g. holding your head under water and electric shocks. They used electric at Imber when I was brought back and that just added a new level of pain. Michael and Maurice were party to the electric shocks. Whilst I lived at Bicester mutual masturbation and oral was the main thing and sometimes an adult would join in whilst others in the room were either giving instructions or clapping or shouting out encouragement or pointing out what we were doing wrong, but it always ended up with one or all wanting to penetrate depending how popular you were. I was popular. At the Bicester incidents were Savile, but

only a few times, Michael and Maurice, and Bramall. I don't recall Gibbs or Beach.'

'I always remember Michael and Maurice as separate from the others. They encouraged others to do things but anything they did they liked to do it in private. Once, at Imber, after the men had each done what they wanted to do sexually, they had wires and they put the wires right in front of my face and it sparked and then they put one of the wires on my knee and then put the other wire on and the pain went instantly through my whole body and they did that a few times. It felt like I was just going to explode. It filled every part of my body. At these parties the boys were usually 7 or 8 some were older but I don't remember any younger. I didn't know we were being filmed but later on I had to watch them. Michael didn't do the electric shocks, he just instigated them. Michael and Maurice were not violent but they did what they wanted to do, touching and penetration. Michael said if I didn't follow the rules I would just disappear and nobody would give a shit and he could make that happen. That's the first time I found he was in intelligence. He didn't say kill me just disappear and nobody would think anything of it.'

'At Kingston they were all older in their late 40's, 50's perhaps even older than that.'

'At Bicester Bramall featured at the military place just outside Bicester, quite a big site. There was a building in the woods. I can't remember any other boys being there and Bramall was there and some other officers. I had to give every one of them [GIST: describes oral rape and being sick] and Bramall ordered me to eat my own vomit and they thought it funny. It was in a brick

hut with no windows in the wood.'

'Savile was one of those that liked to do it when your head was in the water. Several people like to do that, to penetrate whilst they were holding your head under the water. He liked pain, he liked to see you in pain, sadistic.'

'Q:- Who do you remember from the Bicester period you said you had to sit down and line up?

A:- My friend mainly.

Q:- Is this Fred?

A:- Hmm, yes.....we've been through a lot together I suppose he's the main one from then, the others Aubrey from Bicester. The others they're more London than Bicester.'

Interview Continues

'I don't remember a lot about Aubrey apart from his name. Same age. My height. Similar build. I don't remember his school and he didn't have an accent.'

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'I didn't have any friends at school and I can't remember classmates or even the teacher. I didn't want to leave Bicester. I was terrified of leaving because of the threat of Michael or Maurice. I can't remember which. I was promised my own dog if I agreed to leave and in reality I didn't have a choice, but I got a dog out of it. I was aged 11 when we moved to Kingston to a Health

Authority house. I had to get the train to Norbeton and walk up the hill to school. We were there until I was 18 when we moved to Hertfordshire. When I had counselling I was having a lot of flashbacks and a lot of very bad nights where I wasn't sleeping because of the memories. My counsellor suggested I started writing down my memories so we could discuss it. I have to write it down and give it her before I can talk about it. There are things I don't want to talk about at the moment. I have some drawings but they are not works of art.'

23/10/2014

'We moved to Kingston and I got my dog called Heron. Our house was in Neville Road and I went to Coombe Hill Junior School and from there to Rivermead School which became Tudor School when it was renamed. After a short time, we moved from Neville Road to East Road, almost in the centre of Kingston. Whilst at Kingston my mother had two relationships with people from work but I wouldn't let it happen. I did everything I could to break up the relationship. It wasn't something I was going to put up with.'

'School was quite a challenge; I didn't react well to authority. I rarely did any homework and rarely turned up for detention. How I wasn't expelled I don't know. I left with minimal qualifications. I didn't socialise at school. It wasn't tolerated by the group. They knew everything. They knew who my teachers were, they knew my dog, where my mum worked. I forgot a meeting and they took my dog as a punishment. My mum and aunt were in Bushy Park and the dog went missing and was picked up from a police station five days later. She was taken as a warning. I let somebody be a friend and they warned me to

get rid of him and I didn't listen and yes because of that he lost his life. The Group were responsible.'

'In Kingston rather than being picked up at school I would meet them at places that were prearranged. This started to encroach on the school holidays which were my safe zone at Bicester. My stepfather was no longer around. I don't have any recall of him from Kingston. Bramall and Beach were still around, Savile only featured in Bicester. I was introduced to other people in London. Some were kind, some were the worst very nasty people, and I was protected by some of the inner circle because I was a favourite. It's something [GIST: COUNSELLOR] and I haven't touched on yet. If I wasn't a favourite I don't believe I would be here now. I have a lot of guilt that I'm here now and others aren't.'

'One particular person didn't like me. I got on the wrong side of him at a meeting at Dolphin Sq. My friend Fred was there. This person threw a baton and told me to pick it up and hit Fred with it. Fred was whispering just do it, but I couldn't pick it up and I paid dearly for that. I was punished. I was held down and I remember pain. I don't remember anything else after that. This is from Fred. I was screaming and they were doing things with my feet and then there was silence and Fred thought they had killed me. I was taken to a bedroom and Fred tried to wake me up but couldn't. I was then taken back into the room where they all raped me. I don't remember this Fred has told me. This was the first time with this particular guy. He was sadistic and enjoyed inflicting pain. He did it without hesitation. He had a little penknife and wanted to cut my genitals and he was stopped by one of the others. The person with the knife was Harvey Proctor and the person who stopped him

was Edward Heath, who wouldn't let him do it. I knew I was on Harvey Proctors hit list and whether I was going to be next. He didn't like me at all.'

'I have kept the knife and you can take it. I did give it to Mark Conrad to photograph it. I kept it in a box with two crowns from an earlier incident. After the incident with the knife Harvey Procter said put it in your pocket and something along the lines you won't be so lucky next time. I was about 11 or 12 at the time.'

'This is a picture of a property I drew about two years ago. It has the numbers [No.] and [No.] on it. Mark showed me a picture of it. I didn't go in there but somebody was picked up and it didn't end well. I am not prepared to talk about it yet. I haven't talked about it with [GIST: COUNSELLOR].'

'Harvey Proctor penetrated me and there were no niceties with him. He just liked to hurt and give pain. [GIST: describes oral rape and strangulation] Oral sex was a regular thing with him. Bramall was in the main group, but Harvey did what he wanted to do. The only person he listened to was Edward Heath'.

'I always found Edward Heath to be quite kind. He would never do anything in front of anyone else. I would always see him alone, but on one occasion it was with Harvey. I had to give Harvey oral with Edward there and the next thing Harvey started laying into me and Edward stopped him and he didn't like it. Edward told me he used to run the country. I don't think he was Prime Minister at this point. The inner group at this stage was Edward, Maurice and Michael and three or four others. I can't give you their names. I know who they are and I knew at the time who they were. They were very open about

who they were and where I was taken. They weren't British Nationals but I am not prepared to divulge at the moment who they are because there's nothing that can be done.'

DISK 2 - Page 24

'Harvey Proctor was the worst of them all. He abused me at Dolphin Sq., the Carlton Club, Edward's house in Wilton Street. Edward liked touching and kissing, and liked me giving him oral and didn't always penetrate. He reminded me of my grandfather. He commanded authority. He liked sailing and talking about it. I met him 5 or 6 times. I went to his house. It was an address I didn't know. I found it out walking around London with Mark. We also went to Dolphin Square. I remember the gardens but not the dolphin statue. Bramall was not part of that circle'

'I don't remember much about Maurice. I didn't see him often. He disappeared totally at one point but that wasn't abnormal. I was aged about 11 or 12 at the time. Michael was a fairly constant attender'

'I met Leon Brittan at the Carlton Club. He was a mini Harvey. He didn't go as far as Harvey but he was nasty but was controlled in a fairly sadistic way. He liked to see pain but didn't inflict too much of it himself. He liked to hold your head under water. He was present at a third incident I can't talk about yet(P29). At the first meeting he didn't do anything. He was just one of the group. Greville he was there and Edward he was there in a separate room. I didn't know what the Carlton Club was then'

'The first time I met Leon Brittan I was just dropped off. The drivers would never come in. I was taken through to a room at the back. Edward was in a smaller room on his own, I was shown through to that room. This was the first time I met Edward and Leon. On this occasion there was just touching with Edward nothing more.'

'Leon Brittan was sadistic. He liked to hold you over the bath and hold your head whilst penetrating. He did that on his own, never with other people. He encouraged others and liked to see you being hit, but wouldn't hit himself. He encouraged violence towards me and others and there was no tenderness. He just did what he wanted to do. Several times both at Dolphin Sq. and at the town house he penetrated me then held my head under the water several times. He was a strong man. He liked to watch boys being beaten up, and encouraged it but I can't tell you about that yet. He came to pool parties and one Christmas party. I was penetrated by him several times, but not into double figures.'

'Leon Brittan used to come to pool parties. Mark seemed to think it might be at Dolphin Sq., but to me it was just another party. I couldn't swim which made it even more fun for them to throw me off a diving board. It was a big pool but I was quite little. It wasn't a big public pool. It had three diving boards. The benches were fixed because they didn't move when you were penetrated. They weren't allowed to penetrate in the pool and if we bled we weren't allowed back in the pool. Bramall, Leon, and Harvey were all there and others. Each man selected a boy who stayed with them until they swapped. We then undressed and they wrestled with us in the water, put your head under the water or take you to the diving boards and throw you off.'

Since I couldn't swim they weren't allowed to penetrate in the pool and some did it on the side. I had to sit on them whilst they penetrated. I bled quite a lot. There were a few pool parties. Leon Brittan didn't do anything sexually as he wouldn't do it in front of other people. He probably would have touched but not in front of other people'.

'There are two incidents involving Procter that I am not going to touch upon. The first concerns the numbers [Nos.] when someone was picked up. The second I literally only just started writing about it now. I haven't been able to do that yet. It involved both Procter and Brittan.'

'At Remembrance Day parties Bramall and Gibbs were there. They were a regular thing every year. They used to pin poppies to my naked chest. On that particular one I was the only child there. One would get a bit of skin and put a pin through and then another would take it out and pin it somewhere else. It was nothing compared to everything else. It didn't hurt that much. It was just humiliating more than anything. There were about ten men present and I was the only child. It was normal to be penetrated and to give oral to all who were present. I don't know where it was in London. I think it was military because all the other remembrance parties were always on Military bases. I don't know where it was. It was a celebration for Gibbs. Another remembrance party was at Imber. When I was on my own I was 11 or 12. I got the crown like pips at a remembrance party. I just saw them on the floor and picked them up'.

'Christmas parties were the worst as there were a lot of men there. We were referred to as presents. They had to undress us, unwrap their presents and

we'd be given drinks, whiskey and we had to drink it sharing it with whoever had chosen us. All we were allowed to wear were those stupid little hats you get in crackers. The present was [GIST: multiple oral rape]. Boys were swapped about. I was chosen by lots of people. I was one of those that everybody wanted. Edward was never there and I'm not sure about my stepfather. It was usually the biggest party. Up to ten boys would attend these parties. They were at the town house on a couple of occasions, at the Carlton Club once, and once at Dolphin Sq.'

'I remember going to the Carlton Club when I was living in Kingston. 3 or 4 of us were there. Fred was there. I call him Fred now 'that is your fault' (referring to DS Townly) Duncan was there and a third one. 4 of us had to undress each other and then we had to kiss and then kneel on the floor on the sofa and we were penetrated one by one'.

'Edward Heath had a nice yacht. He wanted to take me out sailing. I didn't want to go and I cried and couldn't stop crying. Any of the others would have punished me severely. I just stayed on the yacht moored. Edward didn't penetrate me he just cuddled me. I don't know where it was. I couldn't tell whether it was a marina. I only went once'.

'We were given instructions at short notice before being picked up. For example, I was told to be at Kingston station next Tuesday or Wednesday at one o'clock or five o'clock and you had to be there. Being brought back from one I would be told where to be. I just walked out of Secondary School. Sometimes they were glad I wasn't there. When it wasn't school time I used to say I went to Heathrow a lot for plane spotting or to a gun club in Cobham.

That was a regular excuse. Stables in Hampton Court was another excuse. The older I got I didn't need to give excuses, I just said I'd been out. On one occasion she nearly caught me because I was in the bathroom cleaning myself up and she was always saying that I was wasting water. I had only just got rid of the dirty blood stained water when she came in. She stood there demanding to know what I had been doing. One appointment led to the next. All the vehicles that collected us were dark and the drivers just drove to wherever we were required to be. I never went to the Elm Guest House. It was just a drop off point or pick up. I only went there two or three times picking up or dropping off. Some of the boys were taken abroad. Fred and Duncan were taken to Amsterdam. Fred won't talk about it'.

'I was taken to Stowe School, Richmond Park, Heathrow, London Zoo, and Queen's Ice Rink. There was always someone there with either a camera or a video. It was just part of what happened'.

03/11/2014

'I was taken to Stowe School when I was living at Bicester. I was driven there. I knew where it was because my mother and I had been there to walk the dog. She never knew that I had been there before. I was about nine when I went there. Nobody I have named was there. The men were just part of the group'.

'I was about 13 when Fred and Duncan were taken to Amsterdam. It's not something we really talked about and it only came about because I had gone elsewhere as well which is something I can't go into detail with. ...there's

some things that we just aren't able to talk about and that's one of them. Fred and Duncan were away for longer than I was, maybe three or four days perhaps a week. We wouldn't have talked about it because if we had been caught it would have been bad for us'.

'When I bled from my anus I have no idea what happened to my underwear and clothing in the early days. Later on I would do various things to prevent it staining. Some of it I chucked away myself or put it in the bin. I have got no recollection of what happened to it before that. I used later on to roll up toilet paper and push it there so it would soak into that instead of my underwear. It worked well. I don't ever remember going to the doctor about anything with my mother.'

'Turning to the occasion at the house (not the office) when Bramall, Beach and Gibbs were there, and my stepfather was not, they had both video and cameras. Some people would not permit photos. Edward didn't he wouldn't be anywhere near a camera'.

'As for picking up, at Bicester it was always from school. At Coombe Hill it was always from school. They came to my home once at Kingston but when I was at secondary school they'd pick you up but you'd be asked to wait or go to other places. You'd be given your next appointment at the end of the last'.

'The meetings just stopped. I turned up and waited and didn't dare go home in case I'd got the wrong time. The meeting was at Kingston near the railway station. This was about my sixteenth birthday. At 7/8 I was blond and happy. Afterwards I became a loner and by sixteen I had put on weight intentionally

to make myself as unattractive as possible'.

'Dealing with the Wiltshire interviews, I didn't really want to do it, I didn't want to name certain people. I wasn't forced into it. I'm better now at looking after myself I didn't name anybody apart from my stepfather and it was naivety I assumed that if I gave him up the police would be able to put two and two together and find out the rest without me having to say anything. It wasn't the right time. It was too soon. I didn't have the confidence to give names I shouldn't have done it really probably wasted their time. The Middle Eastern, and possibly Saudi and an American are the three I won't talk about'.

'I haven't said who they were or what levels they held. He (The Wiltshire officer) said he had spoken to the Diplomatic Protection Service and said it depends on their level of seniority as to what would be done about it. It is easier for me to live with that than it is knowing they will get away with it'.

'The inner circle was Edward Heath, Maurice and Michael. Not Bramall. I was introduced to General Gibbs and General Bramall. I just knew who Jimmy Savile was and recognised his voice from TV. He was never formally introduced. I just knew Peter Hayman as Hayman. Harvey Procter told me his name. I didn't know Leon Brittan's name. I just saw him later on TV when I was about 21. I saw Greville Janner's picture in the paper two months prior to interview. I didn't know who he was at the time. I can't tie him to a particular location other than London but he was part of the group. He wasn't the worst or one of the nice ones. Edward Heath told me who he was and told me that he used to run the country. I knew Michael Hanley as Michael and Maurice Oldfield as Maurice. Other people present I cannot name but they include police officers and a bishop'.

'Being taken through the pictures shown to me by Mark Conrad, I did put a couple of question marks by Cyril Smith and on another I wrote something. He is similar to somebody I won't talk about.'

'I did walk around London with Mark. We met at Victoria Station and went to Dolphin Sq. and Wilton St, and the Carlton Club. I knew the Hilton Hotel. I went there with Michael. I knew the Erskine Barracks as it is near Wilton and Larkhill. I found the location of Barracks by looking at Google maps.'

'I started to blog, write notes and draw pictures because it helped get things out of my head. This was my counsellor's suggestion. I have four notebooks, three completed and one I'm writing now. Sometimes it's easier to write things before I say things.'

03/11/2014 - Y1H

'Everything discussed over the last ten or eleven hours has been written down before I spoke about it. It's helped talking it through with [GIST: COUNSELLOR]. I searched Google for the location of Imber. I looked a lot online when the Jimmy Savile thing hit because it was all focused on women and girls. A couple of people I won't talk about, I looked to see where they are now. I'm aware two of them are still alive. If I find out a bit more about them they would know exactly where I was and that might cause trouble for me. I wake up in the middle of the night and grab a pad and write stuff down. It makes it easier to get things out of my head. I threw myself into work. I also listened to music and got a dog. [GIST: COUNSELLOR] has drilled me over the

years to focus on the present rather than the past’.

‘The first person I told about my being a victim was my mum when I was 21 or 22, when I was halfway through counselling arranged through work. I didn't tell her everything, only about Ray. She commented he was only around for seven months so get over it. I'm sure she didn't mean it like that but that's the way it came over. I also told my ex-wife and that ended badly as well. I just told her the basics saying I was abused. I told a lady Claire I met subsequently but just the basics, and also my current managers as I had to take time out of the day for counselling. I went back to Bicester with [GIST: COUNSELLOR] to enable me to work in the area. Kate (Tangled Web) knows what is on the website in my blogs and Mark knows a lot more detail than anybody else. I have also told my son but he doesn't know any details. Only Mark and [GIST: COUNSELLOR] know the names’.

03/11/2014 – 1605 to 1825

‘I have decided to talk about three incidents I previously referred to without going into detail:

INCIDENT ONE

The boy was called Scott. It was 1979 and we were both at Coombe Hill School. I am not sure if we were in the same class but we were at the same school. Scott wanted to be my friend. He was a normal boy and not connected to the group. The group knew that Scott was my friend and warned me not to be friends with him, but I didn't listen. I wanted a friend and I didn't understand the consequences. It was May, June, or July in the summer term and we were walking, when I heard a car engine. I turned round and saw that

the car had hit him and he was thrown up in the air and everything stopped and he just lay there. It was silent. I went over to him but he wouldn't wake up and didn't move. There was a lot of blood. I had blood on my hands. I was dragged away and put in the back of a car. I tried to get out. I tried to smash the window and the next thing I felt was a pain in my arm. I don't remember anything after that. It was if he didn't exist. Nobody talked about him. Nobody mentioned him. It was if he didn't exist, but he died because I didn't do as I was told, and I just wanted a friend. Nobody mentioned him at school. He was nothing to do with it. He hadn't done anything apart from being my friend'.

'It was not long after I started at the school and he hadn't been there that long. He was the same age and this was probably our last year at primary school. I knew him for four or five months. He had light brown hair, quite fair but not blond and about the same build and height as me. We were walking away from school towards Kingston. Scott was thrown up in the air and landed in the road. His leg was bent right back. He was not moving and not breathing. There was blood on his head. They just picked me up and put me in the car. After that nobody mentioned it. I didn't tell anyone what I'd seen. I was 11 coming up 12. It was Michael that warned me several times not to have friends. I have asked Mark to look into it'.

INCIDENT TWO

'In 1980 when I was about 12, I was picked up and taken to London to the house I've drawn a picture of with the numbers [Nos.]. We had not been there before and I was told to stay in the car. This boy came out and the man

had his hand on the boy's neck. I was told to move over and the boy got in beside me. He was very scared and moved closer to me. He reached for my hand and squeezed. After a short drive we reached another house and Harvey opened the door. We were taken into a back room and another man was there. I hadn't seen this man before. Harvey hit the boy a couple of times and then tied him to the table. Both men took the boy's clothes off. The boy wasn't struggling and was silent. Harvey had a knife to his throat. It was like a kitchen knife but not huge. **[GIST: describes stabbing of boy and reaction]**. He was screaming but the other man had his hand over his mouth so the screams were muffled. I pleaded with them to stop. Harvey came over to me and holding the knife up told me I would be next. Harvey kept cutting him and cutting him. The two men then left the room and I tried to untie him but I couldn't. He just kept saying I'm sorry. The men came back but only to hurt him some more. Harvey untied him lifted his legs up and raped him. There was lots of blood everywhere. I pleaded with them to stop, but they wouldn't listen, saying it would be me next. The other man then bent me over a table, pulled down my trousers and underwear and raped me. Harvey then put his hands round the boy's neck and strangled him, and the boy reached for my hand. He gave up. He didn't struggle, and his grip lessened. I couldn't do anything. He died. I can still feel his hand in my hand. I begged him to wake up. He had cuts to his chest, legs, thighs and arms. Harvey and the man just laughed. The boy was about my age possibly younger. Harvey was wearing a suit. He was always smart. I felt I wasn't harmed that night because I was protected by some members of the group because I was a favourite'.

INCIDENT THREE

'The third incident also involves a death and Fred and Duncan and another boy. Harvey, Leon, Michael and a few others were there. It was in London. It was different from any of the other parties. All four of us were called in together. We were told that one of us was going to die and we had to decide which one'.

03/11/2014 - Y1J

'Michael told us that we had to choose. Harvey was there and a few others I don't know. Just one of us was going to die. It was petrifying. We all knew it was serious. We didn't say anything. I just stood there and this made them angry and each one of us was punched in the stomach. Some of the men left and the boys were then paired up and told to do things to each other. I was paired up with the unknown boy. He had to undress me and perform oral sex on me and I had to do the same to him followed by the boy penetrating me. The boys were allocated private time with each man and I was relieved that I didn't get Harvey. I was paired with Michael who wanted to penetrate me but it didn't get that far as there was a shout from one of the men and they all left the room together. After a while they returned and announced that the unknown boy was the one that was going to die. We were told to decide how he was going to die. None of us spoke up and the punishment was [GIST: describes boys each being raped by two men at once]. None of the four boys could. Harvey and the unknown man tried it on me and it was very painful'.

'Michael then said to the unknown boy that he could live if he chose one of the other boys to die. The boy said nothing. Three of the men started to punch the boy whilst Leon watched. Michael threw the first punch. The boy was like

a rag doll. They just kept on hitting him Then they left and the three of us went over to him. He was breathing and then he stopped. He didn't wake up. The three of us sat on the floor and didn't know what to say. We were then taken to another room, given our clothes and taken home as normal'.

05/01/2015 - Y1N

'I had not done any research on the internet on missing children before compiling the E-fits. No suggestion was given to me about any description. It was from what's been in my head for the last many years. I have had meetings with Tom Bateman and Tom Symonds of the BBC and Peter McKelvie was also there. I've also had meetings with Mark Conrad who contacted me through my blogs. Peter McKelvie was working with Mark at that stage but is now doing a lot more with Tom Symonds and Tom Bateman. I agreed to meet all three of them to help more people come forward. We met at a hotel in the country and we chatted about how much I had told Exaro and they wanted to meet Mark Conrad rather than Mark Watts his boss. They seemed to be doing their own investigation into things. Tom Symonds said can I show you two photographs and probably I should have said no but I didn't. He had a mini iPad and there were two pictures and the first he showed me was the lad that had been in the Press, the Asian child. He was nothing to do with anything I was involved with. He then flipped the screen onto the next picture and that caught me unaware. I wasn't expecting to see something that familiar and I had to leave the room. When I got back I didn't say anything I didn't confirm one way or another and they didn't press it. They didn't show it me again. Where in the Press I'd seen the first picture I don't know. I get the Sunday Times occasionally but I don't buy a weekday

paper. My initial reaction to the second picture was that somebody reached inside and pulled my heart out pretty much. It was the boy from incident two, being murdered on the table by Harvey Proctor. I didn't say no I didn't say yes, just didn't say anything'.

'Subsequently I have asked if the picture they showed me was the person mentioned in the Press, Martin Allen. He said I can't tell you that's up to the police to do their IDs and things. I asked by email after Peter McKelvie sent me an email saying Diane Tudway had been to see Martin Allen's family. I have read the Sunday Times article because [GIST: COUNSELLOR] showed it to me. She covered up the picture with a sticky note and let me read the article. It said that Diane Tudway had visited Martin Allen's family. I nearly did some research. I put his name into Google but then clicked the x instead of the search because I knew I shouldn't be doing it. Before Peter McKelvie sent me the name Martin Allen I hadn't heard of the name. I am fairly certain the picture I saw was the victim of incident two. Peter McKelvie knows quite a bit but he doesn't know as much as Mark Conrad'.

27/04/2015 - Y10

'On Tuesday 13th January I went with DS Townly and DC Low to a number of military premises and we were driven by [MILITARY OFFICER 1]. He talked to the officers but not to me. I didn't want any reaction with him. We travelled to Imber Village. I indicated a building and at the first house I recall being tied on the north west wall and that was where I was abused. I pointed to two other buildings where others were taken. I was taken into the small one. I was held downstairs against the back wall. When I visited Imber on an open

day I did not get that close to the house. There was a barrier preventing access. I was tied to the right of the window. I then took a few minutes to be alone’.

We then went to Lark Hill barracks and I asked the officers to stop at [LOCATION] near the officers’ mess which I recognised as a place where Ray my stepfather abused me. I recognised the [LOCATION] entrance. The abuse is in my notebook’.

‘We then drove past Erskine Barracks and nothing looks familiar. I then asked to visit our family home at Wilton and I wasn't sure whether it was 6 or 9. We drove past them both twice’.

‘On Wednesday 28th January in the same company we visited Bicester Village and to St David's Barracks but nothing looked familiar, but as we drove around the Circular Rd we accessed a small track and I felt anxious. I then went for a walk in the woods and I felt very uneasy. I observed that there weren't any brick buildings in the woods. I was abused in a brick building and these were wooden. We couldn't find any brick building in the woods. We then returned to Bicester Village and [MILITARY OFFICER 1] left us. I was then shown a picture of [TEACHER 1] class from 1978 at Coombe Hill Junior School and was asked if I was on the photo and if Scott was on the photo, and if I recognised anyone else. Scott and I were not in the photo but I vaguely recognised one boy on the back row, third in from the right. I was then shown a photo of [TEACHER 2] class from 1978 and again Scott and I were not in the photo but one boy appeared familiar, second row down second from the left’.

‘On Tuesday 10th February again in the same company we drove to Lark Hill and as we drove to the front of the Officer's Mess I became upset and started crying. We entered and went up to the first floor. I stopped outside room 1.31, became very quiet and I was crying. We went to the doors of the Congreave room and I said I'd definitely been there before. I identified a medal on a ribbon called the Knight Grand Cross of the Order of the Bath. I believed I'd seen it before but I wasn't sure it was exactly the same. We entered the Congreave room and I remembered being in the room twice along with other boys. I recalled meeting Army people there and having drinks with them. I was not sexually abused in this room but boys would be selected and taken upstairs to be abused. I then asked to go back upstairs and we went again to the first floor and to the corridor marked central wing 1.25-1.52. As I walked down the hallway I realised I was abused in one of the four rooms on the right before the fire door at the end of the corridor. [MILITARY OFFICER 1] got the keys to those four rooms and I saw they had been changed significantly since I had been there. Two rooms had been knocked into one’.

‘On Tuesday 21st April I was driven round central London in company with DS Townly and DC Low. I was told to ask them to stop if I saw any familiar address. We passed [No.] Kensington Park Gardens and nothing was said, [No.] Kensington Park Gardens and nothing was said, Linden Gardens, Notting Hill Gate and nothing was said, [No.] Kensington Court Gardens and nothing was said, [No.] Roberts Court, [No.] Barkston Gardens and nothing was said, [No.] Albert Hall Mansions and nothing was said, [No.] Rutland Gate Knightsbridge and nothing was said. We stopped in St James St outside the Carlton Club which I see most times I come to London. Next we went to [No.] Museum Mansions, [No.] Great Russell Street and nothing was said,

[No.] Park Crescent and nothing was said, **[VENUE]** **[No.]** Pall Mall and nothing was said, Pratts Park Place SW1A and nothing was said. I asked to stop in Marshall St SW1 and got out of the vehicle and walked under the arches. I remember being driven through there but nothing more. I asked to stop in Ponsonby Terrace between **[Nos.]** and the usual happened there, but it is quite vague. Something though stuck out’.

[No.] Chandos Court, Caxton St., nothing was said. At Wilton St. I asked to stop and paced outside **[Nos.]** and thought there was something familiar and I associated the houses with Edward Heath and Harvey Proctor. I had been there with Mark Conrad last year. I couldn't give a definite number. At Eccleston Sq. I asked to stop opposite **[Nos.]** and started sobbing and asked to leave. It was where the boy in the second incident was picked up from. We stopped because my anxiety levels went high very quickly. I have depicted that house in my pictures. At **[No.]** Alderney St. and nothing was said. I asked to stop in Cambridge St. and pointed to **[No.]** and it was just the look of the building. I can't pinpoint who was there, but the usual happened. At Hugh St. nothing was said. I asked to return to Eccleston Sq. where I started crying. I went outside **[Nos.]** and that's the venue where boy No. 2 was taken from. We went to Dolphin Sq. and one of the flats was on a high floor where I could see the river. I was always taken through the archway entrance to either Drake or Rally House, turning left or right. We went to **[No.]** Park View Court, Fulham High St. and nothing was said’.

‘I was asked which addresses I had sketched. I had drawn Eccleston Sq., Lark Hill **[LOCATION]** and Imber sketches were in my notebook. They were all started after I started counselling with **[GIST: COUNSELLOR]**, mainly within

the first six months'.

11/01/2016 - Y1P

'I can't tell you any more about the pick-up of boy no. 2 than I've told you already. I can't exactly remember where I was picked up from in Kingston. I can't remember the car I was in or the driver. I had never been to [Nos.] Eccleston Sq. before or since. I was alone with the driver. I can't describe the man who brought the boy out except he was white. The driver told me to move over. Boy 2 was about my height with dark hair and he always had worry lines on his forehead, and the same build as me. I was 11 or 12. I was at Tudor School at the time. I would have just turned 12. It was in winter around January time. I was asked to describe his worry lines and became upset. Boy 2 and I did speak a little. He had a soft voice. It was quite a short journey. It was a town house. I can't describe the layout except the room we were in. I can't describe the other male with Harvey Proctor'.

'I can't describe boy 3 any further than I have done'.

'I cannot describe Scott any further. I always assumed he went to the school because he was in the playground'.

'I have not conducted any research on the internet, media, or any other archived material in relation to missing boys.

'The abuse by Ray began virtually as soon as we moved in with him. Ray was the first person to anally rape me. It was before the first meeting with Bramall. I was bleeding a lot and he wasn't very happy when we got home

so he went for the hammer and tongs. He hit me and kicked me and I woke up in hospital. I don't know what treatment I received. I was in hospital for quite a while. I couldn't tell you exactly how many days. I have no idea which hospital. I had an injury to my head, to my arm, and to my chest. I don't know what treatment I received. When I got home he hurt me again. He raped me again. I had a plaster cast on my right arm'.

'The last time I'm definitely sure that I saw Ray was in Bicester when he was taken away by police and he was angry trying to get into the house. My mum put me in the back and the police took him away. It was not long after we moved to Bicester. We were in a flat or maisonette, before we moved into our house. I did tell the police that he found me about a year later in Kingston. I did say' I was just walking home one day and I knew someone was watching me and I can't explain it, but I knew it was him. I tried to get away and he was too strong. He continued where he left off. I had to meet him at various times each month. Did what he wanted then just dump me to get home. It went on for just over a year'. That wasn't Ray it was another member of the group. I hadn't said everything to the counsellor at that stage. I was trying to get it all out to her. It was easier to say Ray than another member of the group. It took a while to share everything with her. I agree that in my early interviews I am saying that Ray never really featured in Kingston but in my correspondence to my counsellor I am saying that he found me in Kingston and carried on abusing me for a year. It's embarrassing. It was easier just to say it was him rather than others. I'm pretty sure that he was present at some of the other sessions at Bicester, but I couldn't say for certain that the last time I saw him was when he was being taken from the house'.

'I did engage a private investigator to find out if Ray was alive or dead'.

'Q:- What was your reason for that?

A:- 'Honestly don't know. I think I just wanted to see if he was still alive. I don't know whether, whether, you know, if he was still alive what I would've done I don't know. I think it was just to know one way or the other if he was alive or dead.' I have researched Ray on the internet on Forces Reunited, but I found nothing. It was years ago'.

Interview continues...

'I was introduced to Lieutenant General Beach, General Gibbs and General Bramall by Ray at Wilton. I'd seen Jimmy Savile on TV, both before and after. Peter Hayman told me his name. Harvey Proctor and Leon Brittan weren't afraid to say who they were. They told me their names. Greville Janner never said who he was. He never said his name. I saw his picture in the paper 18 months ago. Edward Heath never said his name. It was only in my early twenties that I realised who that was. I only knew Michael Hanley as Michael and Maurice Oldfield by their first names. Mark Conrad provided their surnames.

'I did provide a person referred to as A to the Wiltshire Police. I wasn't prepared to give names to Wiltshire. I thought they would find out all so I didn't want to be the one to give the names. I wasn't prepared to give proper names no way. I was scared of what might happen, the consequences. I had just started my counselling. It wasn't the right time. I thought it would be easier if they found that all out and I didn't have to say it. I didn't know Greville Janner's name but the others I knew., either part of the name or all

of the name. I changed my mind with the MPS because I could be selective in what I said'.

'On 15th July 2014 I was shown a folder of images by Mark Conrad and I was asked to go through and mark any which I recognised as being part of the abuse. Against Beach, Bramall and Gibbs I wrote Army and I meant by that mainly the fact that they were in the Army. Bramall is the only one who definitely abused me. The others were present. For Savile I gave an A and Px3. I may have told Mark that 'A' meant 'Abuse' and 'P' meant 'Parties', but I don't know. P could mean physical'.

'I wasn't prepared to give full details to Wiltshire and I knew that one of the people that was there was a Lieutenant Colonel. He was just one of the people that were there, but I don't know who that was. I don't know if the person I referred to as A was the same reason that I later named as General Bramall. I can't recall what I said in my Wiltshire interview. I just know that I wouldn't have given specific details that would have identified somebody. I have researched the ranks in the British Army because I wanted to know where Ray sat with things as a Major. I don't know when I did that research'.

'I vaguely recall the fact that Peter McKelvie sent an email to me and to Mark Conrad which included the name (xxxxxxxxxx) [sic] Jnr and he forwarded this information to James Townly. I queried whether James Townly had received this information and James Townly then asked me to confirm the name, but I am not going to talk about him. I'm not prepared to talk about him at all. I am not prepared to talk about the Middle Eastern or Saudi male at all that I mentioned to Wiltshire. I have given these names to Mark but it's not

something I am prepared to talk about. I have provided the names of all three to Mark, but I'm not talking about those people. I can't comment on the fact I told my counsellor in correspondence that I saw these people last weekend whilst watching the TV. I can't answer that. I'm not talking about that'.

The Investigation

2.4.1 In order to create a chronology of this investigation, I have selected the more significant log entries, minutes and other sources of information in order to summarise events. It should not be thought that this resume represents the totality of information available.

2.4.2 Before considering this investigation in detail it is important to have regard to external events at that time. On the 3rd October 2012 the revelation of what became the Jimmy Savile scandal took place. On the 24th October 2012 Tom Watson MP raised in Parliament suggestions that a paedophile ring was operating in the heart of Westminster. In February 2013 the Permanent Secretary at the Home Office commissioned an independent review into the handling of the so called 'Dicken's Dossier'. On the 7th July 2014 the then Home Secretary announced the IICSA and the Wanless / Whittam Review into the 'Dicken's Dossier'. In July 2014 Operation Hydrant was launched by the Police Service in order to coordinate the Services response to the growing number of child abuse allegations. In November 2014, Tom Watson passed hundreds of pieces of information to the MPS. Throughout this period of time there was insistent and intense media reporting of child abuse and alleged cover ups.

2.4.3 At this time a news agency, Exaro, purported to specialise in carrying out in depth investigations into alleged sexual abuse by persons of public prominence, with the journalistic creed 'Holding Power to Account'. Before Operation Midland commenced Exaro had already established a relationship with 'Nick' and was actively carrying out its own investigation into 'Nick's'

allegations. There can be no doubt that 'Nick' received information and assistance from Exaro and other journalists that misled Midland Officers and contributed to their concluding at an early stage that 'Nick' was credible. For some time, parallel investigations were taking place. Exaro journalists first, and subsequently Midland Officers, took 'Nick' on a tour of London with a view to identifying premises where 'Nick' alleged abuse had occurred. Photographs were shown to 'Nick' by investigative journalists and names were supplied to 'Nick'. This intrusive conduct caused difficulties for the Midland Officers which I have not overlooked.

2.4.4 At the same time Tom Watson MP had called on the MPS to reopen a closed criminal enquiry into previous allegations of a paedophile ring in Westminster and had also been highly critical of the MPS investigation into an historic allegation of rape made against Lord Brittan. (Operation Vincente - see Chapter 3). Tom Watson had spent some time with 'Nick' and, according to 'Nick', they had spoken about Dolphin Square where 'Nick' alleged he had been abused.

2.4.5 In January 2015, The Independent reported:

'Labour MP Tom Watson said he had spoken to two people who claimed they were abused by Lord Brittan including a witness known as 'Nick' who alleged he had been attacked more than a dozen times as a boy and seen the politician assault others'.

There can be no doubt that Tom Watson believed 'Nick' and it should be stated that he had previously provided the MPS with information leading to

convictions in other cases. His interest, however, in both Operation Midland and Operation Vincente created further pressure upon MPS officers.

2.4.6 In March 2013, the DPP, Keir Starmer QC, as he then was, published a paper headed 'The Criminal Justice Response to Child Sexual Abuse: Time for a National Consensus'. Sir Kier made the point that *'if the yardstick traditionally used by prosecutors for evaluating the credibility of a victim in other cases were used without adaptation in cases of sexual exploitation, the outcome would potentially be a category of vulnerable victims left unprotected by the criminal law'*. The message in that paper was that too few cases were being prosecuted. In Savile's case the Surrey Police were not telling each complainant that other complaints had been made. Sussex Police told the complainant that corroboration would be needed. A CPS prosecutor, when told by the police that the complainant did not support a prosecution, did not probe this or seek to build a prosecution. Savile should have been prosecuted. The decision not to prosecute Cyril Smith did not withstand scrutiny. An over-cautious approach has, on occasions, been adopted.

2.4.7 In November 2014, the HMIC recommended that: *'The presumption that the victim should always be believed should be institutionalised'*. Considerable pressure had built up to bring prosecutions against prominent persons accused of sexual abuse. There was a frenzy of newspaper headlines. Daily Mail: *'Police launch probe into sensational new cover-up claims'*. Daily Mirror: *'Cover-up is probed'*. The Times: *'Paedophile Cover-Up Paedophiles Protected'*. Sunday Mirror: *'VIP Paedophile Networks Shut Down'*. Evening Standard: *'Set Up Force to Probe Sex Abuse Ring'*. It was in

this policy environment that Operation Midland was conducted. At least some of the shortcomings are attributable to this context. Had 'Nick' been telling the truth a successful prosecution would have deflected at least some of the media criticism.

11/11/2014

2.4.8 The decision was made to formally investigate Operation Midland. This decision was made by the DAC and I have read D1458, the Operation Midland Gold Decision Log. His rationale for believing that the matter must be formally investigated was as follows: -

'Nick' has been interviewed by experienced officers with a background of dealing with victims of historic abuse. In their view, 'Nick' is a credible witness.

'Nick' does not present with any obvious causes to doubt his account. He is a mature, professional man.

'Nick' has been subject to counselling as a result of his trauma. His counsellor has advised that he has been consistent in his account.

'Nick' names a number of individuals as being involved in violent and sexual abuse. Several of those named are subject to other police investigations of a similar nature. These include Leon Brittan, Greville Janner and Jimmy Savile.

'Nick' has stated that he is still in contact with a friend who was also subject to abuse at that time. This person, if identified, may be able to offer corroboration of 'Nick's' account.

'Nick' details how he witnessed three boys apparently die following abuse. Initial enquiries indicate a number of outstanding missing reports for boys at that time. This requires further investigation.

In particular, 'Nick' has provided an e-fit of one of the boys that he witnessed being abused and dying. Officers have noted a similarity between this image and photographs of Martin Allen, a boy who went missing in London in 1979 and has not been found.

The DAC recognised:

'the importance of testing 'Nick's' account and ensuring that the investigation takes a balanced view of what allegations are made and that if suspects are placed in the public domain it would cause significant damage to their reputation and distress to them and their families.'

FINDING: SINCE THE DAC RECOGNISED THE IMPORTANCE OF TESTING 'NICK'S' ACCOUNT IT IS UNFORTUNATE THAT NO ATTEMPT WAS MADE TO QUESTION 'NICK' ON THE NUMEROUS INCONSISTENCIES BETWEEN HIS WILTSHIRE INTERVIEWS, HIS BLOGS, AND HIS MPS INTERVIEWS, UNTIL OCTOBER 2015, ALLOWING 'NICK' TO DELAY ANY SUCH QUESTIONING UNTIL 11/01/2016.

It is particularly unfortunate that 'subjects were placed in the public domain' before 'Nick's' account was tested causing damage to occur.

2.4.9 The DAC subsequently wrote, on 18/12/2014:

'Decision Number 6:

- 1. I will introduce a national media briefing and provide an update on Op Fairbank and Op Midland. Det. Supt. McDonald will issue an appeal for further witnesses in connection with Op Midland.*
- 2. I anticipate that Kenny or I will be asked if we 'believe' 'Nick'. This is a significant issue and one with the potential to provide either reassurance or concern to other witnesses. Any indication that we will doubt the word of victims will undermine our efforts for them to come forward and will damage our relationship with 'Nick'.*
- 3. Decision: 'If asked we will confirm that we do believe 'Nick' but that, as in any case, his evidence will need to be tested before it can be out in a court.'*

Comments on behalf of the DAC, DSU and SIO (The DI and the DS have been invited to comment and answer certain questions but have declined to do so).

Neither the DAC nor the DSU had met 'Nick' but had been briefed by other experienced officers who had spent some time with 'Nick' and those officers

did believe him. The DAC, DSU and SIO believed it was important to re-assure other potential witnesses that they would be taken seriously by the police if they came forward.

I find it an error for two very senior officers who have never met a witness and, in the DAC's case, not himself read either 'Nick's' interviews or blogs, to announce to the Press and public that they believe the witness. The two officers that had spent the most time with 'Nick', namely his interviewing officers, had also not read 'Nick's' Wiltshire interviews or his blogs.

I learned for the first time during the Maxwellisation process that the DAC had not, at this stage, read any of 'Nick's' interviews or his blogs but relied on other officers to inform him of their contents.

In the context of this case, I consider this to be a serious failure. The case, at this stage, depended exclusively on 'Nick's' evidence as did the obtaining of the search warrants. The District Judge relied on the fact that a DAC had considered the case when issuing the warrants.

A careful analysis of all the interviews and the blogs would have demonstrated that 'Nick' was neither consistent nor credible.

2.4.10 I have no doubt that the decision to state that 'we believe 'Nick'' was in error. On page 1 of the document the DAC wrote that a full investigation was required to establish:

'The credibility of 'Nick' as a witness, any corroboration of these offences, what offences may have been committed and by whom, and whether there is sufficient evidence to bring a criminal prosecution against any surviving offenders'.

2.4.11 Since the credibility of 'Nick' was not established, a decision to inform the public via the media that 'we believe 'Nick'' was a serious mistake. I appreciate that a police officer may believe a witness whose credibility has not been sufficiently established to rely upon it in a Court. On the present facts, I cannot conceive that any fully informed officer could reasonably have believed 'Nick'.

2.4.12 I say this for the following reasons:

- A. 'Nick's' interviews with the MPS differed substantially from his interviews with Wiltshire Police.
- B. DC Lewis of the Wiltshire Police who interviewed 'Nick' on the 06/12/12 described his account as *'it all sounds a bit "Spooks"'* and *'it's all a bit odd'*.
- C. 'Nick's' allegation that he was regularly removed from school by unknown drivers without his mother's knowledge and with the school's concurrence is highly implausible.
- D. 'Nick's' allegations that he was regularly injured, bled into both his underpants and school pants, feet were stabbed and burned,

poppies were pinned to his bare chest, and numerous bones were broken (see Blog of 19/06/2014), is wholly inconsistent with his mother's evidence to the Wiltshire Police and available at the time of this decision.

- E. 'Nick's' assertion that he *'could be gone from anywhere from a few hours to a few days'* (see Blog of 18/08/2014) is highly implausible and inconsistent with his mother's evidence.
- F. 'Nick's' assertion that he voluntarily continued to make himself available for torture, violence and sexual abuse over an eight-year period is highly implausible.
- G. The ability of his alleged abusers to trace 'Nick' from Wilton, to Bicester, and thence to Kingston, is most implausible as Wiltshire Police concluded.
- H. The first alleged act of anal rape as described by 'Nick' to Wiltshire Police was said to be the act of an unnamed Lieutenant Colonel whereas the first act of anal rape described to MPS was allegedly the act of his stepfather.
- I. The likelihood of a former Prime Minister, a future Home Secretary, former Heads of MI5 and MI6, a serving Field Marshal, a future Field Marshal, a retired General, a Labour MP, a Conservative MP and a disc jockey conspiring together to commit rape and, in some cases, child murder is again highly implausible.

- J. The account of the first alleged child murder asserting that 'Nick' was abducted and stabbed immediately after the running down with the matter never being mentioned again by anyone is highly implausible.

2.4.13 These factors, and other inconsistencies in 'Nick's' evidence, render a decision to inform the public that 'We believe 'Nick'' untenable. If, in fact, the DAC did believe 'Nick' his judgement was at fault. If he did not believe 'Nick', he had decided to mislead the public. I have noted the DAC's comment in his log:

'I am conscious that 'Nick' has named a number of notable individuals, most of which have already been subject to some public speculation over their involvement in abuse. I have considered that Nick may have fabricated some or all of this allegation with this speculation in mind'.

2.4.14 Since the DAC had formed the view that 'Nick' may have fabricated some or all of this allegation, I am unable to see how he could properly formulate a decision to inform the public that 'we believe 'Nick''.

FINDING: THE DECISION TO INFORM THE PUBLIC IN A NATIONAL MEDIA BRIEFING THAT 'WE BELIEVE 'NICK'' SHOULD NOT HAVE BEEN MADE. THE CONCLUSION THAT THERE WAS NO REASON TO DOUBT 'NICK'S' EVIDENCE WAS WRONG.

All three officers accept that the word 'belief' was inappropriate and

should not have been used. They contend that the differences in 'Nick's' accounts *'are consistent with what the officers knew about victims of traumatic sexual crime committed many years previously'* and 'Nick' had described how he had not previously been sufficiently confident to disclose these matters in great detail and believed that by making a complaint he would have encouraged others to come forward.

These observations overlook the gross inconsistency in 'Nick's' several accounts, i.e./ no injury (when interviewed by Wiltshire Officers (6/12/12)), numerous broken bones (when writing his blogs (19/06/14)), many wounds but no fractures (in his MPS interviews (22/23/10/14)), quite apart from different crimes being alleged against different perpetrators. See conclusions 2.8.2 onwards.

It is said that *'it all sounds a bit "Spooks"'* were not the concluded view of the Wiltshire Police but the view of a DC handing over case papers to the MPS. The Officer in question interviewed 'Nick'; he also added *'"Nick" has given nothing that gives me an evidential reason to disprove his account'*. The closing report makes no specific adverse comment on 'Nick's' credibility.

Since 'Nick's' stepfather was deceased and the Lieutenant Colonel could not be identified, and was not named, it is not surprising that there was no evidential basis to disprove 'Nick's' account. It should be noted that the closing report (28/05/13) states that *'he cannot though name or describe another person to a degree that any suspect can be identified.'*

During the 18/12/14 press conference, the DAC did not tell the police that he 'believed' 'Nick'. He spoke from a script and at no stage did he say he believed 'Nick'. The DSU was asked 'do you believe' 'Nick' and replied 'He's been spoken to by officers from the murder command. They and I believe that what 'Nick' is saying is to be (sic) credible and to be true and as such with those with allegations we will investigate them....'

It may well be for others to determine whether the DAC shares the responsibility for the DSU's words. Since the DAC wrote:

'I anticipate Kenny or I will be asked if we believe 'Nick' this is a significant issue and one with potential to provide either re-assurance or concern to other witnesses' 'Any indication that we will doubt the word of victims will undermine our efforts for them to come forward and will damage our relationship with 'Nick'. If asked we will confirm that we do believe Nick,' it appears that the DSU spoke with the full approbation of the DAC'.

For my part I have no doubt that 'Nick's' credibility was, at this time, very much in issue as subsequent events demonstrate. The DAC knew in advance what the DSU would say as to believing 'Nick'. The DAC was the senior officer and any member of the press or public attending the conference would, in my view, conclude that the DSU was advancing the views of the investigation team and not his own personal views. The words 'credible and true' remained in the public domain uncorrected until the 21/09/15 to the considerable prejudice of those named by 'Nick' as his abusers. Within weeks enquires were being made to investigate 'Nick's' credibility. The error should have been corrected far sooner.

The DSU regrets using the words 'credible and true' and accepts that they were inappropriate. He believes the MPS special notice 11/2002 was operating on his mind. It states:

'it is policy of the MPS to accept allegations made by any victim in the first instance as being truthful. An allegation will only be considered as falling short of a substantiated allegation after a full and thorough investigation'.

My views on the special notice are set out in Chapter 1. I deprecate the imposition of an artificial state of mind on an officer whose duty it is to investigate. On the evidence available, no fully informed officer could reasonably assert that he believed 'Nick' to be credible and true; if indeed the DSU was merely stating MPS policy, he should have said so. I do accept that the Policy is capable of leading officers into serious error to the potential disadvantage of innocent suspects. I also accept that victims of sexual abuse do not engage with the authorities because they worry that they will be disbelieved or not taken seriously and that the DSU may well have been motivated to encourage witnesses to come forth rather than to prejudice suspects. It is clearly unacceptable practice to falsely state a belief for the purpose of encouraging witnesses to come forward.

2.4.15I have considered whether a decision to formally investigate 'Nick's' allegations should have been made. On one view it would, in my judgement, have been reasonable and proportionate to conclude at this early stage that 'Nick' was either a fantasist, or a liar, or both, and to take no further action. Such a course would, however, fail to investigate three alleged child murders and an alleged paedophile ring comprised of those entrusted with positions

of the highest responsibility at some stage of their lives. It might also have provoked considerable, albeit unjustified, criticism by those asserting cover-ups in cases of allegations against public figures. It would also have left Exaro and other investigative journalists investigating three alleged child murders. There was a clear duty to investigate and I endorse the decision to do so without reservation.

2.4.16I have concluded that an investigation should have taken place on the basis that 'Nick's' allegations may have been true in part, albeit greatly exaggerated. The focus and speed of such an investigation should have been very different to that deployed. The immediate focus of the investigation should have been upon 'Nick's' credibility. I would suggest the following swift and immediate steps should have been taken:

1. 'Nick's' mother should have been visited immediately. She had already co-operated fully with the Wiltshire Police. Within days she should have been asked if she had ever seen any injury upon 'Nick' or bloodstained clothing; how 'Nick' was taken to and collected from school; whether he could ever have been taken from school without her knowledge; whether he had ever returned home unaccompanied and in a dishevelled state; had 'Nick' ever stayed out overnight; whether he had appeared the worse for wear through drink or drugs; and, could she remember Aubrey and Scott and assist in tracing them. These matters were substantially dealt with in a statement obtained on 20th May 2015 over six months after this investigation commenced. Aubrey was not traced and interviewed until October 2015.

2. The qualifications and competence of 'Nick's' counsellor should have been immediately ascertained.
3. Enquiries should have been made to establish whether a road traffic accident had taken place outside, or close to, Coombe Hill Primary School in 1978 or 1979.
4. Enquiries should have been made at Coombe Hill Primary School to establish whether or not a boy with the first name Scott had been killed or injured in a Road Traffic accident close to the school in 1978 or 1979.
5. An enquiry should have been made to the CICA to ascertain whether 'Nick' had made a claim for compensation. Such enquiries are advised by Operation Hydrant, particularly in high profile cases.
6. Attempts should have been made to trace Aubrey, Scott, Fred, and Duncan.
7. 'Nick's' medical records should have been obtained.
8. 'Nick' should have been asked to consent to a medical examination.
9. 'Nick' should have been asked for his mobile phone and computer.

In relation to the nine investigative actions set out above the officers wish to comment:

1. They already had a statement from 'Nick's' mother obtained by Wiltshire Police;
2. They had details of 'Nick's' Counsellor's qualifications prior to applying for search warrants.
3. These enquires were concluded by May 2015.
4. These enquiries were concluded by May 2015.
5. They learned of the CICA claim in Feb 2015.
6. Actions were raised to trace Aubrey, Scott, Fred and Duncan between the 02 – 05/12/2014.
7. Medical records were obtained in May 2014.
8. A decision was made not to immediately ask 'Nick' to consent to a medical examination.....*'the focus at the early stage was not predominantly on 'Nick's' credibility but on securing evidence of the offending.'*
9. The decision not to ask to examine 'Nick's' computer and mobile phone was a judgement call reached after anxious consideration.

'Nick's' mother should have been visited within days of the commencement of this investigation and a most careful assessment made of her. 'Nick's' statements were wholly incompatible with his mother's Wiltshire statement and she could, in all likelihood, assist in tracing Aubrey, Scott, Fred or Duncan, if they existed. It has been conceded by the Officers that the delay in visiting her was an error. The 6-month delay was inexcusable.

I regard the failure to ask 'Nick' to undergo a medical examination and the failure to ask to inspect his computer and mobile telephone as further errors of judgement. I am informed by Yewtree Officers that those requests are now standard practice.

2.4.17 These are all enquiries that could be made immediately and with an expectation of a speedy result. Had this course been adopted this investigation could and, in my judgement, would have been closed after a comparatively short period. Once it was established that Aubrey was never involved in any abuse and Scott had never been run down, and that 'Nick' had never been injured, a decision to take no further action would be fully justified and accepted by the public.

FINDING: THE DECISION TO INVESTIGATE 'NICK'S' ALLEGATIONS WAS CORRECT BUT IT SHOULD HAVE FOCUSED INITIALLY AND EXCLUSIVELY ON 'NICK'S' CREDIBILITY WITH ACTIONS 1 - 9 ABOVE BEING IDENTIFIED.

2.4.18 I have considered the DAC's concern that:

'if the MPS makes no public statement concerning this story then it will be

wrongly perceived that the MPS has only reluctantly agreed to investigate the matter thereby causing potential witnesses to have reservations over how they would be treated should they come forward to provide information'.

2.4.19 The starting point in all such considerations must be that the public must not be misled. In the present case this was of cardinal importance since the names of suspects were in the public domain and the family of Martin Allen either knew of the allegations or were likely to find out in the very near future. The decision to hold a national media briefing was, as the DAC accurately predicted, almost certain to result in officers being asked 'Do you believe 'Nick''. A press release indicating that the allegations were being investigated thoroughly and that a number of enquiries were already under way would, in my judgement, have been a more prudent way to proceed. This would not preclude an appeal for witnesses to come forward.

FINDING: A NATIONAL MEDIA BRIEFING SHOULD NOT HAVE BEEN HELD. A PRESS RELEASE INDICATING THAT ALLEGATIONS WERE BEING THOROUGHLY INVESTIGATED AND A NUMBER OF ENQUIRIES WERE UNDERWAY WOULD HAVE BEEN APPROPRIATE COUPLED WITH AN APPEAL FOR WITNESSES.

The judgement was that a media briefing, including film footage of the investigating officers, gave the best opportunity to reassure witnesses coming forward to do so and was taken with the full consultation of the DMC.

Since Officers were certain to be asked if they believed 'Nick', the names of suspects were in the public domain and the DAC had considered *'that 'Nick' may have fabricated some or all of this allegation'*, I am satisfied that this press conference should not have taken place in this format. When it did take place the word 'believe' should not have been used. The officers now accept that proposition.

2.4.20 I have been assured by the SIO that before this investigation commenced, or very shortly thereafter, she had read 'Nick's' Wiltshire interviews, 'Nick's' blogs, 'Nick's' MPS interviews and 'Nick's' mother's statement to the Wiltshire Police. With very great respect, I am unable to understand how it is possible to positively believe 'Nick', having read that material. I note that the DAC observed, as part of his rationale, that experienced officers interviewed and believed 'Nick' and that 'Nick's' Counsellor believed him. Neither of the interviewing officers nor 'Nick's' counsellor had read the Wiltshire interviews and the officers had not read the blogs. They had not been instructed to do so. At no stage of the MPS interviews prior to 11/01/2016 was 'Nick' questioned about any conflict between his account to Wiltshire and his account to MPS, nor at any time was he questioned about any conflict between his blogs and his police interviews. This was no fault of the interviewing officers. They had not been supplied with the Wiltshire interviews or with 'Nick's' blogs. They started with a blank canvas and thus could not know whether there were any inconsistencies or not. The interviews of 'Nick' prior to 11/01/2016 were unusually indulgent of 'Nick', partly by reason of his interviewer being unaware of earlier inconsistent statements and no doubt in an endeavour to avoid 'Nick' disengaging from the process. The final interview, which was less indulgent, exposed much of

'Nick's' implausibility. So far as his Counsellor is concerned, she did not have access to the Wiltshire interviews and thus could provide only limited assistance on the topic of credibility.

2.4.21 Since the purpose of a decision log is to inform readers of the basis and rationale for a decision, the author should include in the log all sources of information and, if relying on the opinions of others, their sources of information.

FINDING: IN COMPLETING A DECISION LOG THE AUTHOR SHOULD SPECIFY THE SOURCES OF INFORMATION RELIED UPON AND, IF RELYING UPON THE OPINIONS OF OTHERS, THEIR SOURCES OF INFORMATION, IF AT ALL POSSIBLE. THE INTERVIEWING OFFICERS SHOULD HAVE BEEN FULLY INFORMED OF 'NICK'S' WILTSHIRE INTERVIEWS AND HIS BLOGS.

19/11/2014

2.4.22 At Decision Number 3 the DAC appointed the SIO on this inquiry. He observed that her other inquiries were at such a position as to allow her to focus the majority of her time on this investigation. I have no reason to doubt her experience in criminal investigation. As at November 2014 her investigative caseload comprised eleven other Operations. Six of these were 'now a conviction'. Of the remaining five, one was 'trial pending', four others were ongoing investigations, including two medical negligence manslaughters. Having interviewed both her and the DAC, I am satisfied that the SIO was neither overburdened nor under-resourced, nor lacking appropriate support. Neither has raised any such problem.

2.4.23 These were busy times but the SIO had sufficient capacity to focus the majority of her time on Operation Midland.

18/11/2014 - GOLD GROUP MEETING

2.4.24 The SIO indicated that her team currently had 14 other investigations and were running at 33% vacancy rate. A request was made to bolster the team. The Action Log reads:

'Forward details of officers due to be posted to MIT 9 to SR in order that they can be bid for at the next postings panel'.

This appears to indicate that this team was over-committed and that alternative arrangements should have been made having regard to the importance of Operation Midland. However, I have seen no further complaint about over-commitment in any future log and I assume that initial problems were resolved.

2.4.25 The SIO listed her investigative priorities:

1. Confirm the existence and identity of the three boys.
2. Proof of life enquiries.
3. Reviewing intelligence case and mapping the association between victims/venues/witnesses.

4. Creating time lines.
5. Forensic read of 'Nick's' ABE interview.
6. Consider partnership involvement to address safeguarding for those still alive (DG will assist with this and provide contact details of someone who can assist with covert enquiries.)
7. Tom Watson - review how we can engage with him.

2.4.26I note that there is no mention in these priorities of either 'Nick's' Wiltshire interviews or 'Nick's' blogs. It is imperative in the assessment of credibility to review all relevant and admissible evidence. A forensic read of 'Nick's' ABE interview, with no analysis of his earlier utterances on the same topic, is a futile exercise. I appreciate that the SIO had only recently been appointed but confirming the existence and identity of the three boys was entirely dependent on 'Nick's' credibility. She may well have been reliant on the DAC's observation that *"Nick' does not present with any obvious causes to doubt his account"*. However, it is of critical importance that an SIO evaluates every piece of evidence and reaches his or her own conclusion independently of any other view already expressed. Such conduct acts as a safeguard against the replication of errors.

FINDING: THE SIO'S INVESTIGATIVE PRIORITIES OVERLOOKED THE NECESSITY TO DETERMINE THE CREDIBILITY OF 'NICK' BEFORE CARRYING OUT SEVERAL TIME CONSUMING AND, POSSIBLY UNNECESSARY, EXERCISES. IT WAS OF VITAL IMPORTANCE THAT THE WILTSHIRE

INTERVIEWS AND 'NICK'S' BLOGS WERE ANALYSED AND CONTRASTED WITH HIS MPS INTERVIEWS. THIS DOES NOT APPEAR TO HAVE TAKEN PLACE AT THIS STAGE.

The SIO accepts that establishing 'Nick's' credibility was a priority and that it was reasonable to undertake enquires to identify whether 'Nick's' allegations could have been true. In November 2014 she sought records of missing boys, researched Martin Allen's case, sought to establish if named suspects had been posted to Wilton and, in February 2015, 'Nick' attended Larkhill and St David's Barracks, obtained a description of Lord Bramall's office, and forensically examined articles given by 'Nick' to Officers.

If 'Nick's' mother was telling the truth, then 'Nick's' allegations were false and liable to cause untold damage to reputations and great distress. This should have been the priority coupled with interviewing those who knew 'Nick' at the relevant time and those to whom he had allegedly complained, namely his ex-wife.

27/10/2014. WEEKLY BRIEFING - DSU McDonald

2.4.27I note that on the day before this meeting, the SIO and two Family Liaison Officers met 'Nick' and it was described as a very productive and excellent meeting. 'Nick' asserted that he was still in contact with Fred. He contended that Fred was upset with him at this stage and was reluctant to speak with the police. I find it surprising that no officer present at this meeting raised the possibility that Fred may be non-existent and a creation of 'Nick'.

The possibility that Fred may not exist and was a creation of 'Nick' was under constant consideration by the Midland Officers even if it did not form part of the specific discussion at this particular meeting.

I cannot, therefore, understand why 'Nick's' mother was not visited and asked about Fred; 'Nick' having said that he and Fred were close friends.

Further, and of even greater significance, I cannot understand how it can be said that 'Nick's' account has remained constant and he is felt to be a credible witness who is telling the truth, if, on the 27/10/14, Midland Officers suspected that 'Nick' had invented Fred; how then could he be telling the truth?

13/11/2014

2.4.28 One of the interviewing officers made the following 'Suspect Designation' - ALIVE Major General Bramall (sic), General Beach (sic), Harvey Proctor, Leon Brittan (sic), Greville Janner (sic) - DEAD Major Raymond Beach, General Roland Gibbs (sic), Jimmy Saville (sic) Michael Hanley (sic), Maurice Oldfield, Ted Heath (sic) and Peter Hayman. See Document D7.

FINDING: IT IS DIFFICULT TO KNOW WHAT OFFENCE OR OFFENCES SIR HUGH BEACH OR LORD JANNER WERE SUSPECTED OF HAVING COMMITTED. ON 11/06/2015 SIR HUGH CEASED TO BE DESIGNATED AS A SUSPECT. THIS DECISION SHOULD HAVE BEEN TAKEN VERY MUCH SOONER. 'NICK' SHOULD HAVE BEEN RE-INTERVIEWED AND FURTHER AND BETTER PARTICULARS SOUGHT OF THE ALLEGED ROLE OF EACH PERSON.

In relation to Lord Janner having been named by 'Nick', he was correctly recorded as a suspect. The SIO made contact with Leicestershire Police in January 2015 and was informed of an ongoing investigation (Operation Enamel). Accordingly, the Midland Inquiry was 'pended' on the outcome of that investigation. The MPS never publicly confirmed that allegations had been made against Lord Janner by 'Nick'.

No details of any crime alleged by 'Nick' against Lord Janner were ever obtained. This is one of several matters that should have been dealt with in a further interview shortly after 23/10/14.

It is accepted that General Sir Hugh Beach should have ceased to be a suspect far sooner than he was.

04/12/2014. WEEKLY BRIEFING – DSU

2.4.29 The Minutes report interest from the Commissioner's office generated by media articles from the family of Martin Allen. Both brothers were spoken to by the SIO and updated. The upset caused to that family is one of several distressing aspects of this case. On 21/11/2014, 'Nick' had been shown a photo of Martin Allen by Tom Symonds of the BBC in the company of journalists Tom Bateman and Peter McKelvie. 'Nick' did not say anything but it is said his reaction was marked and quite shocking. His expression changed and his hands started to move nervously. He looked close to tears. He remained silent for about a minute. 'Nick' kept looking at the image and continued to move his hands nervously. After a time, the journalists offered to leave the room but it was obvious to them that 'Nick' wanted to leave the

room and he did so. When he returned some 10 minutes later, 'Nick' did not feel able to talk about it. This photograph was one of two shown that day to 'Nick' by Tom Symonds. He chose the photographs due to the year and locations they went missing.

2.4.30The question immediately arises as to whether 'Nick' could have seen photographs or images of Martin Allen on the internet, both prior to this event and prior to creating an e-fit which showed some similarity to the photograph. An internet search should have been carried out at this stage to determine if images of Martin Allen were available. Had such a search been carried out, as Mr. Philip Fitzgerald points out in his review at paragraph 8.14:

'you will quickly see Martin Allen and also the photographs and Missing Persons Posters that were used when he went missing. A fresh appeal was made in 2009 when the details were again publicised'.

As Mr. Fitzgerald points out, the original photographs and the artist impressions depicted Martin Allen and a man described by several witnesses as holding the back of Martin Allen's neck, exactly the pose attributed to the man holding the neck of 'Boy 2' by 'Nick'.

2.4.31Describing incident two in his MPS interview, 'Nick' said:

'I was told to stay in the car. This boy came out and the man had his hand on the boy's neck. I was told to move over...'

For my part, the description of a man holding 'Boy 2' by the neck has all the

hallmarks of detail being extracted from the internet and being used to bolster a false story. 'Nick' was a habitual user of the internet and whether he saw three boys murdered, or whether he was lying about three boys being murdered, it is reasonable to conclude that he would search the internet to see details of boys who had, in fact gone, missing at the relevant time. In interview, 'Nick' was asked whether he had done any research at all prior to or since being shown the photograph and he replied '*nearly*'. He described putting Martin Allen's name into Google but then pressing 'x' instead of search. This was a reference to a near search after being shown the photograph. It is a matter of some concern that Mr. McKelvie supplied the name of Martin Allen to 'Nick', as is the fact that 'Nick' was shown the two photographs by Mr. Symonds. Had this case ever proceeded to trial, both acts would have been highly detrimental to the Crown's case.

FINDING: THE STAGE HAD BEEN REACHED WHERE MESSRS. SYMONDS, MCKELVIE, BATEMAN AND CONRAD NEEDED TO BE TOLD OF THE POTENTIAL DAMAGE THEY WERE CAUSING TO THIS INVESTIGATION. IT WAS NOT SUFFICIENT TO INSTRUCT ED STEARNS OF DMC TO REQUEST THAT 'NICK' BE LEFT ALONE. AN OFFICER OF HIGH RANK SHOULD HAVE GIVEN INSTRUCTIONS TO THOSE RESPONSIBLE NOT TO FEED INFORMATION TO 'NICK', POINTING OUT THE CONSEQUENCES OF DOING SO.

The showing of the picture of Martin Allen to 'Nick' by Tom Symonds of the BBC was unhelpful to the integrity of the investigation. The Allen family had a reasonable expectation that the information would be followed robustly to a conclusion. There was a degree of support for the purported

identification. Martin Allen's father worked at the Australian High Commission as a chauffeur. The Embassy had retained flats at Dolphin Square. Martin Allen used to wash cars at Dolphin Square. Martin had been found by police in May 1978 frequenting Piccadilly Circus, a location popular with rent boys. Officers had spoken to chauffeurs at Dolphin Square and received anecdotal evidence of collecting clients in company with young boys and, in one case, a description of pool parties involving young boys at Dolphin Square.

In his closing report the DAC identified some six factors undermining the identification of Martin Allen as being 'Boy 2'. The e-fit was made 35 years after the event. 'Nick' made no mention of [GIST: ADDITIONAL PHYSICAL DESCRIPTIVE DETAIL]. 'Nick' estimated 'Boy 2's' age as 11-12, when Martin Allen was 15. 'Nick' said the death of 'Boy 2' was in early 1980 whilst Martin went missing in November 1979. The photographic identification by Tom Symonds was fundamentally flawed and would not be admitted in a court. 'Nick' may be a suggestible victim and may have wanted to identify someone in order to seek closure.

The DAC failed to identify the more rational explanation that, having decided to invent three murders, it was necessary to search the internet to find details of boys who had gone missing at, or close to, the relevant time. As Tom Symonds had shown 'Nick' the photograph and Peter McKelvie had supplied the name, and there was an abundance of information on the internet, including photographs and artist impressions, there was a simple explanation for the e-fit. At this point 'Nick' should have been asked if his computer could be examined. Had he been found to have researched

Martin Allen his credibility would have been seriously damaged.

2.4.32I note, from the minutes of 04/12/2014, that *'there are 199 pages of transcript generated from the ABE interviews. They are being proof read for accuracy and updated onto Holmes. This will take time and not be completed before 15th December'*. The interviews took place on 22/10/2014, 23/10/2014 and 03/11/2014. I find the delay in completing this task unacceptable having regard to the importance of this case and the significance of the interviews. This is a case in which a continuing knowledge of the contents of all interviews was a necessity for all decision makers. Whilst the transcripts were available on the S drive, they were not as yet available on Holmes. This delay resulted in the SIO having to take the videos home and having to watch the videos with no transcript available to her.

FINDING: THE DELAY IN UPDATING 199 PAGES OF TRANSCRIPT OF INTERVIEWS ON TO HOLMES AND CREATING TRANSCRIPTS WAS UNACCEPTABLE.

05/12/2014. MINUTES FROM OFFICE MEETING (DCI TUDWAY)

2.4.33'The SIO indicated that 'Nick' had signed a form 172 consenting to his medical records being obtained. Obtaining the records was actioned. Consideration was given to having 'Nick' medically examined. Enquiries will take place with 'Nick's' family to obtain their accounts. A note had been sent via the press bureau to the press requesting that 'Nick's' privacy be respected. 'Nick' will be meeting with Fred to ask him if he will come forward as a witness. Two potential 'Scotts' have been identified having attended

'Nick's' primary school at the relevant time. Both will be traced. The house numbered [Nos.] has been traced by journalist to a named convicted paedophile. Research is actioned. The SIO has explained the nature of the enquiry to members of the Allen family.

2.4.34 This was an encouraging meeting. Meeting 'Nick's' family, tracing Scott and Fred, and obtaining 'Nick's' medical records, were critical to this investigation.'

11/12/2014. WEEKLY BRIEFING - DSU

2.4.35 'There was little to add since the last update. 'Nick' is planning to meet Fred in the week before Christmas. The potential for Mark (sic) Allen being 'Boy 2' is being investigated. 'Nick's' two e-fits are being researched for possible matches. A meeting has been arranged with Tom Symonds. All six schools attended by 'Nick' are being contacted in order to identify children named Scott with connections with 'Nick'. Plans are underway to drive 'Nick' around to positively identify or eliminate locations but not before 15th December. Occupants of Dolphin Square are to be identified. A forensic scientist was allocated to examine the knife and crowns handed over by 'Nick'. Full profiles of all living suspects are being completed. A chronology of events and abuse is being prepared. Press and media have refrained from contacting 'Nick'. A proposed press appeal will take place on December 18th.

2.4.36 I find it difficult to justify approaching all six schools attended by 'Nick'. 'Nick' was clear that he and Scott were both at Coombe Primary Hill School.

'He (Scott) was the same age and this was probably our last year at primary school. I knew him for four or five months'.

FINDING: IT WAS UNNECESSARY TO INVESTIGATE SCHOOLS, OTHER THAN COOMBE HILL PRIMARY SCHOOL, IN ORDER TO TRACE SCOTT. 'NICK' WAS CLEAR THAT 'SCOTT' WAS AT COOMBE HILL PRIMARY SCHOOL.

2.4.37 'I consider it premature to identify leaseholders for Dolphin Square at this stage. 'Nick's' credibility was far from established and he was uncorroborated. There are some 1,200 apartments in Dolphin Square and many of them are let. Identifying occupants some 35 years ago is very time intensive.'

FINDING: IT WAS INAPPROPRIATE AT THIS TIME TO INVESTIGATE THE RESIDENTS OF DOLPHIN SQ. DURING INTERVIEW 'NICK' HAD SAID THAT 'PETER MCKELVIE AND TOM WATSON FORMED A LITTLE GROUP THAT SUPPORTED ME. THEY DID A LITTLE PIECE ON DOLPHIN SQUARE'. IT WAS BY NOW APPARENT THAT 'NICK' WAS USING INFORMATION THAT HE HAD BEEN GIVEN BY OTHERS

When taken back to Dolphin Square by Midland Officers 'Nick' said that he did not recall the Dolphin Statue. Further enquires revealed that the statue was not in place until 1987.

Since, according to 'Nick', 'Peter McKelvie and Tom Watson formed a little group that supported me. They did a little piece on Dolphin Square', and Peter McKelvie had supplied Martin Allen's name to 'Nick', the possibility

that 'Nick' had received information about Dolphin Square is difficult to ignore. In any event, the existence or otherwise of a dolphin could not conceivably provide corroboration or support for the grave allegations made by 'Nick'.

18/12/2014

2.4.38 The DSU described 'Nick's' evidence as credible and true in a meeting with the Media. His exact words were:

'They and I [detective officers] believe that what 'Nick' is saying to be credible and true, hence we are investigating the allegations'.

These words should never have been spoken, nor indeed should such words be spoken in a case where a complainant is credible and true. This investigation was a long way from completion. 'Nick's' injuries, or lack of them, had not been contrasted with his interviews or his mother's statement. Aubrey, Scott, 'Nick' and Duncan were unresolved issues and the implausibility of the suspects behaving as alleged had not been evaluated, nor had the implausibility of drivers being able to remove a young child from school, time and again, without parental authority.

2.4.39 The Commissioner himself is fully aware of the context of this remark as he chose to correct it in a subsequent radio interview explaining that the words were spoken *'in making a quick recourse'* and *'very quickly in the interview'*. The DSU went on to say:

'Within the briefing I have just given, we know the abuse has taken place in London, the Home Counties and within certain military establishments. But the focus of the appeal today is Dolphin Square. I appeal to young men to come forward. 'Nick' has shown great courage by coming forward. We need others to come forward. You will be believed. You will be supported.'

I have little doubt that the origin of the error can be traced back to the decision of the DAC earlier that day, namely Decision number 6: *'If asked we will confirm that we do 'believe' 'Nick''*.

2.4.40 The mischief of this statement has been fully publicised. It is, of course, highly prejudicial to any present or future suspect. In the present case, the mischief was amplified by the fact that it implied that police officers were in possession of information which either confirmed, validated or corroborated 'Nick's' evidence. No such independent evidence existed and 'Nick's' evidence itself, as I have already opined, should have given rise to considerable doubt. The words spoken give a most misleading impression of the evidence collated. I have little doubt, however, that the officers did genuinely believe 'Nick'. I can only assume that they were impressed by his performance in his ABE interviews and his ability to support narrative with detail. At this stage of the investigation the officers should have had an open mind and should not have used words that overstated the evidence available.

FINDING: THE USE OF THE WORDS 'CREDIBLE AND TRUE' AND THE ACCOMPANYING TEXT WAS INAPPROPRIATE, PREJUDICIAL TO ANY SUSPECT, AND MISLEADING TO THE PUBLIC.

08/01/2015. WEEKLY BRIEFING - DSU

2.4.41'The Media coverage of 18/12/2014 was balanced. There was much conjecture linking the disappearance of Martin Allen to the enquiry. There is concern that publishing pictures in the press might damage identification processes in the future. 'Nick' has been struggling over the festive season with stress and pressure. He is being given some breathing space. There was a further ABE interview on 05/01/2015 regarding Boy 2. 'Nick' is very shaken and finding life very difficult. He met Fred before Christmas and Fred is very near to speaking to the police. Two live Scotts have been identified from Coombe Hill Primary. One is alive and well and the other has emigrated to Australia. The relevant documentation is being sought. Work is continuing on the assessment of Boy 2 being Martin Allen. Tom Symonds has stated that 'Nick' did not formally view the photograph of Martin Allen. Route plans for the drive around continue to be prepared, Dolphin Square enquiries continue and a chronology of abuse is being prepared. The media coverage produced approximately 200 calls, the vast majority not relevant to Midland. None identified any other victim'.

2.4.42The most significant development was the tracing of two live 'Scotts'. In the event of the investigation accounting for all 'Scotts' at Coombe Hill with no fatalities or major injuries the impact on 'Nick's' credibility will be immense.

15/01/2015. WEEKLY BRIEFING - DSU

2.4.43'On 13/01/2015 officers met 'Nick' concerning venue identification at

Imber Village and Erskine Barracks. 'Nick' asked to stop at [LOCATION] near Larkhill Officers Mess and indicated that he had been abused there. At Erskine Barracks he said nothing looks familiar. The case is progressing well and intelligence is being shared with other forces. A WADS viewing will be conducted to identify victims adopting PACE procedures to identify suspects. A considerable amount of enquiries have to be completed to ensure correct pictures are used. Full profiles of all living suspects are being created which will require considerable input from RMP'.

FINDING: THERE APPEARS TO BE INSUFFICIENT FOCUS ON ESTABLISHING 'NICK'S' CREDIBILITY. NO ATTEMPT HAS BEEN MADE TO TRACE AUBREY OR VISIT 'NICK'S' FAMILY.

The draft report overlooks that 'Nick',

- a. gave an accurate account of how Lord Bramall's office was accessed;**
- b. accurately recalled the layout of an accommodation corridor at Lark Hill;**
- c. accurately indicated the location of buildings no longer standing and with no trace thereof;**
- d. demonstrated visible distress at certain sites.**

For 6 months 'Nick's' stepfather was able to take 'Nick' to these locations and 'Nick's' mother confirms that they visited Army barracks for Sunday lunch. There are numerous explanations for these facts which, in themselves, fall a long way short of providing corroboration or support for 'Nick's' allegations. It is a fact that 'Nick's' stepfather served under General Bramall, as he then was, at Wilton Barracks and, as an officer, 'Nick's'

stepfather would have ready access to the Officers' Mess and senior officers' accommodation.

22/01/2015. GOLD GROUP MINUTES

2.4.44The SIO confirmed that all suspects were being investigated (whether dead or alive) to ensure that no opportunity for corroboration from witnesses or identifying further leads were missed. She had concerns for 'Nick's' emotional health and reaffirmed her commitment to a clear duty of care for 'Nick'. She contacted the College of Policing to identify the most appropriate support for him. She wrote:

'There are no concerns regarding the veracity of 'Nick's' account'.

The SIO outlined her investigative priorities, the first of which was further investigation regarding Martin Allen and the circumstances in which 'Nick' was shown photos by Tom Symonds and the showing of photos by Mark Conrad to 'Nick'. A discussion followed concerning the number of missing boys within this time frame. The SIO's second priority is around forensics and identifying a military crown and a pen knife in 'Nick's' possession. Thirdly, she is consulting the National Injuries Database to establish if any forensic work can be done in relation to historic injuries which 'Nick' has, which may be identified through body mapping or other forensic techniques, to corroborate his account- there is nothing in his medical records thus far which supports it. The investigation also now plans to visit 'Nick's' mother and siblings. The pros and cons of a proactive approach to Fred were discussed, including covert identification. It was decided it was not

appropriate at this time. The negative impact on 'Nick' would be too great. Any approach to Fred should start with a welfare/care plan before any evidential account was sought.

FINDING: IT IS IMPOSSIBLE TO RECONCILE THE CONCLUSION THAT THERE ARE NO CONCERNS REGARDING THE VERACITY OF 'NICK'S' ACCOUNT WITH THE OBSERVATION THAT THERE IS NOTHING IN 'NICK'S' MEDICAL RECORDS WHICH SUPPORTS HIS ACCOUNT. HE HAS, AT VARIOUS TIMES, ALLEGED NUMEROUS INJURIES, INCLUDING SEVERAL BROKEN BONES. HIS MOTHER HAD NEVER OBSERVED ANY INJURY. THIS MUST RAISE CONCERNS REGARDING HIS VERACITY. ALL THREE OF THE SIO's PRIORITIES INCORRECTLY ASSUME THAT 'NICK' HAS TOLD THE TRUTH. IT WAS A REASONABLE DECISION TO DELAY ATTEMPTS TO IDENTIFY FRED. NO CONSIDERATION HAS BEEN GIVEN TO FRED BEING AN INVENTION OF 'NICK'. THE DECISION TO VISIT 'NICK'S' MOTHER AND SIBLINGS WAS LONG OVERDUE.

27/01/2015. MINUTES FROM OFFICE MEETING - DCI

2.4.45'The SIO had regard to the responsibility of safeguarding victims and witnesses and was putting in place a care plan for 'Nick's' mother and his siblings. Enquiries have been made to establish details of all missing boys in London, aged 6-16 missing and not by parental abduction. Martin Allen is the only boy who falls within these parameters in 1979/1980. Another search has taken place for missing boys within these parameters reported missing but subsequently found, the theory being that these may be surviving victims linked to Operation Midland. Results are awaited. A third

search for body parts has been instituted. Results are awaited. Further searches of databases of missing boys and with the Missing Person Charity are to be carried out. All 7 'Scotts' from Coombe Hill Primary School have been accounted for. None of them died as children. One of the 'Scotts' is in Australia. A decision is pending re when to deal with him. Enquiries and records have also been obtained regarding other schools 'Nick' attended. There are no leads from local media releases re car accidents at the relevant time. A number of actions were raised relating to photographs of Martin Allen. An approach will be made to Martin Allen's family to discuss Operation Midland. Further discussion concerned contacting Fred. The SIO would write an open letter to him. 'Nick's' counselling records would be obtained. DS Townly indicated that 'Nick' never went into great details of the allegations with the counsellor.

2.4.46 The SIO requested that an action be raised to consult the National Injuries Database to discuss what type of injuries 'Nick' may have suffered and whether further checks/examinations of him could be made to help to corroborate his account.

2.4.47 'Nick' has been asked by the BBC to do a further interview following the death of Lord Brittan. He has been asked not to do so but the decision is his. 'Nick' will be taken to Bicester Barracks to identify any relevant buildings. 'Nick's' [No.] siblings are to be approached. Forensic examination of Imber village will take place in early March. DS SWORD WILL CO-ORDINATE OBTAINING SEARCH WARRANTS FOR RELEVANT ADDRESSES ATTRIBUTED TO BRAMALL, BEACH, AND BRITTAN. The SIO gave an update re Harvey Proctor. He may still be involved in sex parties. DSU McDonald will liaise with

Leicestershire Police’.

FINDING: THE FULL SIGNIFICANCE OF ALL 7 ‘SCOTTS’ BEING ACCOUNTED FOR, NONE OF THEM HAVING DIED IN CHILDHOOD, HAS NOT BEEN APPRECIATED. A MEETING OF ALL SENIOR OFFICERS SHOULD HAVE CONSIDERED THE EFFECT OF THIS DISCOVERY UPON THE INVESTIGATION AND, IN PARTICULAR, ‘NICK’S’ CREDIBILITY. THE DECISION TO ENQUIRE AT ALL OTHER SCHOOLS ATTENDED BY ‘NICK’ WAS NOT APPROPRIATE. THE ‘SCOTT’ IN ‘NICK’S’ NARRATIVE ATTENDED COOMBE HILL PRIMARY SCHOOL. BEFORE INSTRUCTING DS SWORD TO CO-ORDINATE OBTAINING SEARCH WARRANTS, CONSIDERATION SHOULD HAVE BEEN GIVEN TO THE STATUTORY CONDITIONS PRESCRIBED BY THE POLICE AND CRIMINAL EVIDENCE ACT FOR OBTAINING SEARCH WARRANTS. THE INCLUSION OF BEACH AND THE OMISSION OF PROCTOR IS UNEXPLAINED. I HAVE BEEN TOLD THIS WAS SIMPLY AN ERROR. I DO NOT CONSIDER THAT THE STATUTORY REQUIREMENT FOR THE SEARCH OF ANY PROPERTY EXISTED.

Lord Janner’s case had been pended by reason of a Leicestershire Police investigation.

09/02/2015. WEEKLY BRIEFING - DSU

2.4.48'A letter to Fred is being drafted by the SIO in collaboration with a psychologist who has experience in working with victims of non-recent abuse. ‘Nick’ will pass the letter to Fred and thus preserve Fred's anonymity. There are no positive forensic results from the pen knife or the crown. Engagement with the NSPCC regarding interview strategy for ‘Nick's’ family

members. Enquiries continue to secure counselling records. Work continues to assess the identities of the three potential victims of homicide. Work continues to prove whether Martin Allen can be directly linked. Forensic examination is being planned at Imber Village in early March.'

16/02/2015. SIO Policy File

2.4.49A decision was made to apply/authorise for search warrants under s8 Police and Criminal Evidence Act 1984. I can find no evidence that S8 was ever considered or that its prerequisites were ever analysed. S8 reads:

'8 (1) If, on an application made by a constable, a justice of the peace is satisfied that there are reasonable grounds for believing - (a) that an indictable offence has been committed and that there is material on the premises etc.'

2.4.50The question is a simple one, namely *'Were there reasonable grounds for believing that an indictable offence had been committed?'* For my part, I do not consider that there were reasonable grounds to believe that 'Nick' had told the truth. He was demonstrably inconsistent in his accounts to the Wiltshire Police and the MPS. He was manifestly inconsistent as between his blogs and his accounts to either Police Force. It is inconceivable that he was abused in the manner he asserts without his mother having any knowledge of it, as she has stated to the Wiltshire Police. It is inconceivable that a boy aged between 7 and 11 could be taken from school, time and again, with the concurrence of the school and without his parents' knowledge. The MPS had clear evidence that the alleged victim of one murder was, in fact, alive. There

was no independent evidence that 'Nick' had ever been injured; notwithstanding his assertion that several bones in his body had been broken during the alleged abuse. In any event, the allegation against numerous men of outstanding reputation was inherently unlikely. 'Nick's' evidence was uncorroborated; notwithstanding the fact that a public request for information had been made on 18/12/2014 and had received extensive coverage. If 'Nick' had told the truth there were at least 20, if not more, men in their 40's who had been grossly abused in similar circumstances whilst children and yet none had come forward, nor had any driver nor employee at Dolphin Sq. or the Carlton Club. There were no reported missing children at the time of any of the alleged murders and no relevant unsolved homicides.

2.4.51I have read the applications for search warrants. Each contains the following passage:

'The victim in this matter has been interviewed at length by experienced officers from the child abuse investigation team. His account has remained consistent and he is felt to be a credible witness who is telling the truth'.

This is regrettable. Had the Magistrate been told that the Wiltshire Police had expressed doubts about 'Nick's' veracity and had he been told that none of those named in the applications had been blamed by 'Nick' when he made his statement to Wiltshire, nor was it ever alleged that any murder had been committed, it is inconceivable, in my judgment, that any application for a warrant would have been granted. I note that the application commences:

'The victim in this investigation contacted police in late 2014 detailing allegations of serious sexual historical sexual assaults'.

The victim did not contact police in 2014. The MPS contacted 'Nick' having seen his blogs. 'Nick' had contacted MPS in 2012. He was referred to Wiltshire Police as the crimes alleged took place there. He was interviewed in Wiltshire. The statements placed before the District Judge failed to disclose the fact that the victim had been interviewed by the Wiltshire Police.

2.4.52 The SIO decided not to arrest any suspect. The SIO had regard to Code G. She concluded that it was not necessary to arrest any suspect having regard to the date at which the offences had allegedly been committed and to the circumstances of the suspects. However, there is a right of arrest where there are reasonable grounds for suspicion that an arrestable offence has been committed and, if the SIO did unreservedly believe that 'Nick' had told the truth, I find it difficult to accept that she would not have arrested Mr. Proctor who was allegedly a triple child killer and he was, in his occupation, in regular contact with children. If she had sufficient confidence in 'Nick's' veracity to instruct officers to apply for a search warrant, then I have no doubt that she should and would have arrested Harvey Proctor since she would have had reasonable grounds to suspect him of three child murders and innumerable offences of buggery and serious assault.

2.4.53 I note that she gave very intense consideration to the question of arrest and Code G referring to a redacted advice from leading counsel in another matter. Rather less consideration appears to have been given to the question of the legality of any search procedures. The CPS were not consulted.

Searching the premises of Lord Bramall, Lady Brittan, and Mr. Proctor was a course which would inevitably involve massive public scrutiny and visit the most intense anxiety upon two suspects and the grieving widow of a third suspect. I am satisfied that the Senior Magistrate was misled. 'Nick' had not been consistent throughout. As I have already stated, the Wiltshire interviews were inconsistent. The District Judge could not know that the Complainant had made statements to two different police forces. He was correct in granting the Warrants having regard to the information placed before him.

2.4.54 On a more technical point, the warrant in respect of Lady Brittan's home and Yorkshire property describes the two properties as Lord Brittan's property. A deceased individual cannot own property. It vests in his executors or personal representatives. In the context of this matter this may be of less significance than the contents of the statement in support of the application. However, in the context of s8(3) (a-d), it was practicable to communicate with Lady Brittan DBE JP who was the person entitled to grant entry to the premises.

FINDING: THE WARRANTS TO SEARCH THE PREMISES OF LORD BRAMALL, LADY BRITTAN, AND MR PROCTOR WERE, IN MY JUDGMENT, OBTAINED UNLAWFULLY. THE WRITTEN APPLICATIONS STATED THAT 'NICK'S' ACCOUNT HAD REMAINED CONSISTENT AND HE IS FELT TO BE A CREDIBLE WITNESS WHO IS TELLING THE TRUTH. 'NICK'S' ACCOUNT HAD NOT BEEN CONSISTENT THROUGHOUT. FURTHER, THERE WERE, IN MY JUDGMENT, NO REASONABLE GROUNDS TO BELIEVE 'NICK' AND THE STATEMENT THAT HE HAD TOLD THE TRUTH WAS NOT CONSISTENT WITH INFORMATION

THEN AVAILABLE. THE MAGISTRATE WAS MISLED. HE WAS NOT TOLD OF THE WILTSHIRE INTERVIEWS OR 'NICK'S' BLOGS. FURTHER, THE APPLICATION STATED *'THE VICTIM IN THIS INVESTIGATION CONTACTED POLICE IN LATE 2014'* WHEN IN FACT 'NICK' FIRST CONTACTED MPS IN 2012 BEFORE BEING REFERRED TO WILTSHIRE POLICE WHERE HE WAS INTERVIEWED AT LENGTH IN DECEMBER 2012. 'NICK' DID NOT CONTACT THE POLICE IN LATE 2014. THE MPS CONTACTED HIM. THE WILTSHIRE INTERVIEWS ALLEGED ANAL RAPE BY 'NICK'S' STEPFATHER AND AN UNNAMED LIEUTENANT COLONEL. THE MPS INTERVIEWS ALLEGED ANAL RAPE BY NUMEROUS NAMED INDIVIDUALS AND THREE ACTS OF CHILD MURDER. THE WARRANT IN RELATION TO PREMISES OWNED BY LORD BRITTAN DURING HIS LIFETIME INACCURATELY STATED *'PERSON WHOSE PREMISES ARE AUTHORISED TO BE SEARCHED: LORD LEON BRITTAN'* (LORD BRITTAN HAVING DIED). FURTHER NONE OF THE CONDITIONS IN S8(1) OF THE POLICE AND CRIMINAL EVIDENCE ACT 1984 WERE SATISFIED. WITH REFERENCE TO S8(1)(e) THE PERSON ENTITLED TO GRANT ENTRY TO BOTH PREMISES WAS LADY BRITTAN DBE JP. IT WAS PRACTICABLE TO COMMUNICATE WITH HER. THE CPS SHOULD HAVE BEEN CONSULTED BEFORE SUCH A CRITICAL STEP WAS TAKEN.

The DS who made the application for search warrants honestly believed the threshold of reasonable grounds was met for the following reasons:

1. The manner in which 'Nick' gave his account in interview;
2. 'Nick's' Counsellor had said she believed him;
3. [GIST: PSYCHOLOGIST 1] concluded that 'Nick's' Counsellor was well placed to judge 'Nick's' truthfulness;

4. 'Nick's' ability to describe the access arrangements to Lord Bramall's office;
5. 'Nick's' apparent trauma at returning to various parts of the military establishment;
6. 'Nick's' identification of Martin Allen;
7. The long standing nature of these allegations. First to a counsellor in 2012, then Wiltshire police and now to the MPS.

This application may have been made by the DS and authorised by the DI. It is to be noted that neither have contributed to the present explanations. The application, however, was made on behalf of the MPS and the District Judge wrote in his written decision: *'this has been considered at DAC level'*. I accept that Neither the DSU nor the DAC would have approved the wording of the statements in support of the warrants.

In the DAC's presentation, see 2.7.17, the DAC wrote:

'before applying for the warrants we fully recognised aspects of the investigation were not born out by our investigations but we took the view that they were outweighed by various elements where 'Nick' had provided some knowledge of evidence that supported his assertions.... Accordingly, we obtained search warrants on 02/03/15'.

I note that when a decision was being considered to apply for search warrants the DAC wrote in the Gold decision log of 24/02/15 that *'that Nick had remained consistent and detailed in his accounts'*.

I have no doubt that the District Judge was misled. 'Nick' had not been consistent. No mention is made in the application of either the Wiltshire interviews or of 'Nick's' blogs. Several undermining factors were omitted from the application. These are set out in the DAC's presentation at 2.7.17. Namely:

1. No witnesses had come forward despite extensive media coverage;
2. Fred was either unwilling to engage or an invention of 'Nick';
3. There was no record of the accident involving 'Boy 1';
4. There was no identity for 'Boy 3';
5. 'Nick's' mother does not recall signs of abuse or of 'Nick's' absences.

In addition to those 5 points, all 'Scotts', allegedly murdered as 'Boy 1', had been found alive.

All these undermining factors should have been brought to the attention of the District Judge. None of them were. Further, it is stated in the application, that 'Nick' contacted the police in 2014. In fact, he contacted the MPS in 2012 and was referred to the Wiltshire Police. In 2014, the MPS observed 'Nick's' blogs and, through Exaro, invited 'Nick' to contact them, i.e. the initiative for the 2014 meeting came from the MPS and not from 'Nick'.

The senior officers should have concluded that reasonable grounds did not exist and should not have permitted these applications to be made. I have no doubt that the several undermining factors and numerous inconsistencies would have been material relevant to the District Judge's decision.

There was no necessity to arrest Harvey Proctor since none of the conditions in section 24 (5) of PACE 1984 applied (given the antiquity of the suspected offences).

I do not suggest that Mr. Proctor should have been arrested, far from it. The point is, that if there were reasonable grounds to believe 'Nick' for the purposes of obtaining search warrants, then there were grounds to arrest Mr. Proctor as a suspected serial child killer. His occupation put him in contact with children; indeed, as a suspect, he felt obliged, with much regret, to resign his post. Section 24(2) gives a constable power to arrest, without warrant, if he has reasonable grounds for suspecting that an offence has been committed. He may arrest, without a warrant, anyone whom he has reasonable grounds to suspect of being guilty of that offence. Section 24(5)(c) gives an officer the power to prevent the person in question causing physical injury to himself or another person. A suspected serial child killer clearly activates this subsection.

23/02/2015. CONTACT LOGS

2.4.55 The SIO and DC Chatfield visited 'Nick' for two hours. 'Nick' was given an update on the investigation and told that enquiries had been made re tracing Scott with negative results. 'Nick' was told not to write comments on blogs in order to protect the integrity of the investigation. 'Nick' mentioned that he was happy with the support from his Counsellor although he did not believe she had experience of dealing with victims of sexual abuse. He is seeing her twice a week at present and is not providing any payment due to financial constraints. He has previously applied to CICA (Criminal Injuries

Compensation Authority) for support but this appears to have stalled. With 'Nick's' permission DC Chatfield agreed to contact the CICA to expedite the payment. The arrangement had the full support of the SIO. Later that evening 'Nick' sent his CICA reference number to DC Chatfield stating '*I submitted my claim in October 2013. I have chased it a few times since then just to be told it's with a reviewer. I eventually complained about the length of time it was taking. They then wanted my medical records which was fine. The latest I heard from them was at the beginning of February and they told me they were still waiting for my records. I haven't chased it since*'. 'Nick' received £22,000 on 01/04/2015.

FINDING: ASSISTING A CLAIMANT TO RECOVER COMPENSATION BEFORE AN INVESTIGATION IS COMPLETE IS AN ACT WHICH PRE-JUDGES THE OUTCOME OF THE INVESTIGATION AND SHOULD NOT HAVE HAPPENED. THE WILTSHIRE POLICE HAD QUESTIONED 'NICK'S' CREDIBILITY AND THE MPS WERE IN POSSESSION OF STATEMENTS FROM 'NICK' THAT WERE INCONSISTENT. THE SIO FAILED TO OBTAIN FROM THE CICA FULL DETAILS OF THE CLAIM WHICH WOULD HAVE REVEALED THAT 'NICK' STATED HE HAD SUFFERED NO INJURY. THE FACT OF HAVING ASSISTED 'NICK' TO CLAIM COMPENSATION RENDERED IT MORE DIFFICULT TO DISCONTINUE THIS INVESTIGATION. 'NICK'S' COMMENT, THAT HE DID NOT BELIEVE HIS COUNSELLOR HAD EXPERIENCE OF DEALING WITH VICTIMS OF SEXUAL ABUSE, RAISES THE QUESTION OF WHY HE CONTINUED TO CONSULT HER AND TO PAY HER WHEN SIMILAR TREATMENT WAS AVAILABLE ON THE NHS.

Operation Midland did not assist 'Nick' with his CICA claim. DC Chatfield did email the CICA on 24/02/15 saying that he was unsure how much detail

'Nick' had provided in his application and saying:

'I am able to provide some details if appropriate. 'Nick' informed me he applied for CICA funds in 2013 but is awaiting progress. With his permission I just wanted to get in touch with you and ascertain, 1. If there is any update regarding his application and 2. If I can assist in any way I hope you can advise. Best Wishes'.

Since DC Chatfield agreed to contact the CICA to expedite payment and the SIO agreed, that was, in my judgement, an agreement to assist 'Nick' to recover compensation at time when Midland Officers were engaged in deciding whether or not he was a victim of crime.

SEARCHES

24/02/2015. GOLD DECISION LOG

2.4.56The DSU and SIO informed the DAC that they wished to conduct s 8 PACE search warrants at premises occupied or controlled by Harvey Proctor, Leon Brittan and Edwin Bramall. The purpose of the search would be to locate and secure any evidence to corroborate (or discredit) the allegations made by 'Nick'. The DAC wrote:

'Despite the lack of corroboration the investigation has not revealed any cause to disbelieve 'Nick'. He has remained consistent and detailed in his accounts'.

The DAC also wrote:

'I consider that it is possible that the execution of these warrants will become known in the public domain.....any such public knowledge of the searches could cause public distress and embarrassment for the named subjects and their families'.

The DAC asked for further information from the SIO before reaching a decision principally concerning the qualifications and expertise of 'Nick's' Counsellor.

On 26/02/2015 the DAC wrote:

'I have reviewed the material supplied to me by the SIO and DSU. I am content for them to make applications for s8 PACE warrants in support of the proposed searches'.

04/03/2015

2.4.57 On this date simultaneous searches took place at five properties, namely, Lord Bramall's home in Farnham, at Lady Brittan's home in Westminster, at her country home in Leyburn, at Mr. Proctor's home in Grantham and at his office on the Belvoir Castle Estate. Approximately twenty officers attended each venue.

LORD BRAMALL'S PROPERTY

2.4.58At 08.45 the SIO and a DS knocked on the door of Lord Bramall's home.

They were welcomed in by a carer/housekeeper. At this date Lord Bramall was 91 years of age. He was in the kitchen with Lady Bramall, who was terminally ill at the time. The officers moved to the lounge at the rear of the premises and explained to Lord Bramall, in the absence of his wife, that someone had made allegations of sexual abuse against him and others that were alleged to have occurred between 1975 and 1985. The SIO went on to explain that they had obtained a search warrant from Westminster Magistrates Court and that they wished to execute the warrant. Lord Bramall was shown the warrant and told that the warrant was to search for material relating to the abuse of children. The search was carried out by 22 officers and lasted for over ten hours. Lord Bramall was anxious to know what allegations had been made against him. He stated that he was based in Hong Kong in the 70's and later in Germany. He confirmed he was back in the UK from time to time during the relevant period. He asked if the crime involved buggery and the SIO responded that numerous different types of sexual assaults had been alleged against him and others. He asked if it was a boy or girl and the SIO told him it was a boy. Lord Bramall stated that the whole thing was nonsense and [PERSONAL INFORMATION]. Throughout the whole of the day Lord Bramall asked questions in an endeavour to ascertain the nature of the allegations he faced. He wished to know what the Magistrate had been told in order to grant the warrant but was not told. A number of treasured belongings were taken and returned in due course, including his late wife's Dinner Book, a party guest list, a visitors' book, and numerous draft speeches. Lord Bramall made it clear to the officers that he fully

understood and appreciated that they had a job to do. He made it plain that he wished to be interviewed as soon as possible. Nothing of significance was found in the search.

2.4.59 I accept that a number of steps were taken to minimise the distress to Lord Bramall and his wife and that the SIO did everything in her power to minimize their discomfort and apprehension. The large number of officers were utilised in order to minimize the time taken for the search.

LADY BRITTAN'S HOME IN WESTMINSTER

2.4.60 At 08.20 officers attended at this house and the door was opened by Lady Brittan. They explained that they were in possession of a search warrant to search the premises and Lady Brittan co-operated fully. The officers indicated that they would be as discreet as possible. I have visited the premises as part of this review. The house is a town house positioned on the street. It would be impossible to conduct a search with approximately twenty officers in a sufficiently discreet manner to avoid attracting the attention of passers-by and/or neighbours. At one stage Lady Brittan had to ask the police to close the curtains as it was obvious what was taking place. She became apprehensive and called her solicitor who attended and remained until the conclusion of the search, which was not until 21:00.

2.4.61 Lady Brittan found the search very distressing. There were a large number of searchers and she was still grieving; Lord Brittan having died only weeks earlier on 22nd January. She was deeply shocked by the search. A DCI present was overheard making comments about Lady Brittan not having to conceal

things. One particular event caused much distress. Officers searched through the many letters of condolence that she had received. Further, there was no indication on the warrant that the search was in relation to other people. Lady Brittan was given no information as to the purpose of the search nor was she informed of any rights she had in relation to the search. No list of property removed was then provided. She was shown each item as it was bagged. Nothing of significance was found in the search.

LADY BRITTAN'S HOME IN LEYBURN

2.4.62At 08.50 a team of officers attended at premises in North Yorkshire, previously owned by Lord Brittan. Three of the officers were wearing protective masks and double gloves. A search team from the North West were also in attendance. [NAME], the housekeeper, admitted the officers. The search lasted from 08.54 until 20.20 on 04/03/2015. One officer remained on the premises overnight and the search continued the following day until 20.00. There was insufficient room in the police vehicles to take all the exhibits back to London. They were stored at Richmond Police Station. On 10/03/2015 an MPS van travelled north to collect the remaining property. During the search officers showed particular interest in the garden and grassed areas conveying to [NAME] the impression that they suspected that a body or body parts had been buried therein. Several pairs of the late Lord Brittan's shoes were seized. They were used to extract his DNA. Swabs were taken from possible blood stained surfaces. Nothing in the warrant permitted such conduct. The warrant specified documents, journals, diaries, records, still images, digital media products, computers and mobile phones. The seizure of the footwear was, accordingly, also unlawful, regardless of

whether or not the warrant had been obtained lawfully. A manuscript list of property seized was provided but it falls short of being a full list, omitting, in particular, the Home Secretary's Forward Engagements June 1984 - May 1985. Nothing of significance was found in the search.

Officers were not tasked or briefed to search for bodies or body parts nor did they. Officers do recall visually inspecting the garden area as they walked through.

Whatever their purpose, the impression conveyed to [NAME], as officers crossed the lawn, line abreast, was that they were looking to see if ground had been disturbed consistent with the disposal of bodies or body parts. Nothing the officers were permitted to search for under the terms of the search warrants could conceivably be kept under the lawn. I have not been told what the officers were looking for.

HARVEY PROCTOR'S HOME

2.4.63 At 08.05 officers entered the address through the porch door and shouted police. After a short time two males presented themselves in dressing gowns, identifying themselves as Harvey Proctor and his partner. They were shown a copy of the warrant. Mr. Proctor made it clear that he was not, nor ever had been, involved in sexual activity with children. Both men were happy to co-operate with the police. Some 15 officers were involved in the search. A large number of laptop computers, hard drives, DVDs, clothing and other property was removed. The search lasted for some 15 hours being completed at 22.30. According to Mr. Proctor the promised list of property

seized was not forthcoming. It was said it would take too long. As the police left Mr. Proctor was assured that he would not be identified by the press.

BELVOIR CASTLE ESTATE OFFICES

2.4.64 At 10.00 officers visited Mr. Proctor's office on the Estate. They were met by the Commercial Director and, because of the volume of files in Mr. Proctor's office, it was agreed that they would return the next day. They were present on the first day between 10.00 and 18.00 acquiring a number of forensic images from electronic devices within Mr. Proctor's office. They returned the following day and concluding the search at 14.00. A large volume of digitally stored material and other property was seized. None of any probative value in the investigation.

FINDING: THESE SEARCHES SHOULD NOT HAVE TAKEN PLACE. THE WARRANTS WERE OBTAINED UNLAWFULLY. 'NICK'S' CREDIBILITY WAS VERY MUCH IN QUESTION AND HE HAD NOT BEEN CONSISTENT. SHOES WERE REMOVED AND SWABS TAKEN IN THE LEYBURN SEARCH, HAVING NOT BEEN AUTHORISED IN THE WARRANT, AND AN APPARENT SEARCH OF THE GARDEN FOR BURIED BODIES OR BODY PARTS ALSO TOOK PLACE. LADY BRITTAN WAS NOT TOLD THAT THE INVESTIGATION WAS INTO THE ALLEGED CRIMINALITY OF OTHERS.

PUBLICITY

2.4.65 The searches of all three homes attracted considerable attention. Twenty-two officers in a small Hampshire village, with several attending the local

pub, created much local interest. Events at Lady Brittan's townhouse were most obvious to locals and, in Mr. Proctor's case, no sooner had the search ended than he recovered an email from Exaro sent at 9.34pm. Mark Conrad had sent the email asking Mr. Proctor to contact him to confirm that the police were in the process of searching his home. Unsurprisingly, Mr. Proctor was most upset and in his book, 'Credible and True' observes:

'So, the police had lied to me. Scotland Yard had issued a statement, not revealing my name of course, but that a man in his sixties had his house raided at an address near Grantham. In addition, they had already informed 'Nick' -the traducer- of the raid on my home'.

I have been given unlimited access to all contact sheets between officers and 'Nick' and what took place was this:

Early morning. 04/03/2015. 'Nick's' FLO contacted 'Nick' informing him of the pending searches.

10.22. 'Nick' emailed his FLO: *'Thanks for your call this morning, very emotional to hear, but I appreciate you letting me knowThanks.'*

13.39. FLO to 'Nick': *'Thanks for your email. Yes, I'll be busy over the next couple of days with these searches.....'*

19.42. 'Mark Conrad contacted DMC stating that he was aware that the MPS went to Belvoir Estate today and carried out a search of a number of properties on the estate. He asked to confirm that we had attended the

estate as well as asking if we had spoken to/questioned anyone (formal/informal) and whether anyone had been arrested.'

20.01. DMC:

'IF ASKED: Can confirm officers from Operation Midland are carrying out a search of an address in Grantham in connection with their enquiries'.

20.12. 'Mark Conrad asked DMC has Harvey Proctor been arrested or interviewed in connection with the searches? Response: We do not conduct searches based on names. Conrad: Has a 68-year-old man from Grantham, Lincolnshire been spoken to/arrested in connection with the searches that have taken place today. No response.'

23.16. Exaro News published a lengthy article headed 'Police raid Harvey Proctor's home under 'Operation Midland'. 'Former Conservative MP faces police investigation into allegations of child sex abuse'. By Mark Conrad.

05/03/15

09.33. BBC carried the same story.

12.10. DMC:

'IF ASKED: Can confirm officers from Operation Midland continue to carry out a search of an address in Grantham today, Thursday 5 March in connection with their enquiries'.

17.55. DMC:

'IF ASKED: Can confirm that the police search of an address in Grantham has now been concluded'.

06/03/2015

17.27. Mark Conrad again contacted DMC with full details of the searches that had taken place at the homes of Lord Bramall, Lady Brittan, and Mr. Proctor including the relevant ages. As a result, the DSU authorised the following information: - IF ASKED: Can confirm officers from Operation Midland, on Wednesday 4 March, conducted searches at an address in Westminster, an address in Leyburn, an address in Farnham and an address in Grantham in connection with their enquiries.

2.4.66 The effect of this information circulating was that the National Media were able to extensively report that searches had taken place at all three homes, naming Lord Bramall, Lady Brittan and Harvey Proctor within some 48 hours of the searches taking place. The information relating to Mr. Proctor was in the public domain on the day of the search causing Mr. Proctor to go onto Radio 4 after the 8am news the following morning to describe the allegations as pure and utter fantasy and to state that he wished to be interviewed by the police at the earliest opportunity.

2.4.67 It was two days later that the searches at Lord Bramall's home and Lady Brittan's home became public knowledge. There was an almost constant release of information, not only that premises had been searched but also,

in the case of the office, that the premises were being searched and later that the search had been completed. This protracted release of information gave rise to the suspicion that the media was being used to seek out further 'victims' and 'evidence ' to back up 'Nick's' allegations, at a time when the MPS were continuing to appeal for witnesses to come forward.

2.4.68 Since it remains MPS policy that all suspects should remain anonymous prior to charge, there can be no clearer example of 'suspects' losing their anonymity with the concurrence of the MPS. In the first instance, DC Chatfield informed 'Nick' that searches were to take place. It was common knowledge that 'Nick' was on close working terms with Exaro. He does not appear to have been warned to keep the information to himself and, even if he had been, it is unlikely that he would have done so. There was no obligation to inform 'Nick' of the search under the Victims Charter which specifies that victims are entitled to be informed of a suspect being arrested, interviewed under caution, released without charge, released on police bail, or if police bail conditions are changed or cancelled. No entitlement arises in relation to a search. It was, in my judgment, an error to inform 'Nick' of the searches as it was foreseeable that his links with Exaro would cause the householders to be identified to the public. It was also, in my judgment, unfortunate that DMC were prepared to virtually confirm the information already in Exaro's possession. It is possible that Exaro would not have had the courage or temerity to publish it without some degree of confirmation.

FINDING: HAVING REGARD TO MPS POLICY THAT SUSPECTS SHOULD RETAIN THEIR ANONYMITY PRIOR TO CHARGE, IT WAS AN ERROR TO INFORM 'NICK' THAT SEARCHES WERE ABOUT TO TAKE PLACE AS IT WAS

ENTIRELY FORESEEABLE THAT HE WOULD INFORM EXARO WHO WOULD THEN IDENTIFY THE HOUSEHOLDERS. 'NICK' HAD NO ENTITLEMENT TO THE INFORMATION. SEE VICTIMS CHARTER PART A 1.5.

RECOMMENDATION: IN ORDER TO PRESERVE A SUSPECT'S ANONYMITY PRE-CHARGE IT IS ESSENTIAL THAT PARLIAMENT CREATES A LEGAL ENTITLEMENT TO ANONYMITY. ENTITLEMENT UNDER THE VICTIMS CHARTER CREATES AN AVENUE OF INFORMATION VULNERABLE TO EXPLOITATION.

FINDING: BY CONFIRMING THAT ADDRESSES WERE BEING SEARCHED, AND HAD BEEN SEARCHED, THE DMC WERE POTENTIALLY CONTRIBUTING TO THE RESULTING LOSS OF ANONYMITY.

It was recognised that informing 'Nick' of the searches could lead to him informing the media. However, to lessen the risk, 'Nick' was told after the searches began. This was a significant update and within the spirit of the Victim's Code. It would have been a serious blow to the Police relationship with 'Nick' and the Allen family if they learned of the searches through other means and concluded that the Police had withheld relevant updates.

It was, in my view, a virtual certainty that 'Nick' would inform Exaro having regard to their continuing role. 'Nick' was informed, sometime before 10.22 am, in the very early stages of the searches. The consequences of the searches becoming public knowledge was foreseen in the DAC's rationale of 11/11/2014, specifically that *'if the subjects were placed in the public domain it would cause significant damage to their reputation and distress to them*

and their families'. This was a clear case of 'Nick's' 'feelings' being protected whilst exposing the suspects to the damage and distress so accurately foreseen.

I note that Midland Officers support the statutory protection of anonymity pre-charge.

2.4.69 One matter which has caused me concern is the situation of a suspect who is neither arrested nor interviewed but has his home searched. If innocent, he will have no idea what is going on unless he has learned something from the internet or some other source. In Lord Bramall's case it was obvious, certainly at the outset, that he had not the slightest idea what had been alleged against him and yet, for many hours, had to observe his home being meticulously searched. Had he been interviewed he would, of course, have received a disclosure document. In Lady Brittan's case, she could not possibly know what was afoot and the occasion must have been traumatic. I understand that in many cases it will prove counter-productive to give information to suspects. That may also be the case pre-interview. In the present case, it would have been possible to draft a document setting out the basis of the allegation against each suspect. In Lady Brittan's case it should certainly have been made clear that the police were seeking evidence against other living persons. Such a limited disclosure document might also assist the police. It was clear that the SIO was having to give information to Lord Bramall as he asked and without warning.

RECOMMENDATION: IN CASES WHERE A SEARCH TAKES PLACE BUT NO INTERVIEW IT MAY BE GOOD PRACTICE TO PREPARE A LIMITED

**DISCLOSURE DOCUMENT SETTING OUT THE BASIS OF THE ALLEGATION
AGAINST THE SUSPECT EXPLAINING THE PURPOSE OF THE SEARCH.**

05/03/2015. SIO POLICY FILE

2.4.70 The SIO faced an understandable dilemma concerning the timing of interviews. A volume of material had been seized in the searches which needed analysing. However, both suspects had expressed a desire to place on record their response to the allegations at the earliest opportunity and to place their denials on record. Lord Bramall's age made an early interview even more desirable and police are under a duty to ascertain facts which may, if known, disprove an allegation. It was foreseeable that Lord Bramall or Mr. Proctor may have been able to disprove any allegation. There were difficulties with the availability of a specialist interview adviser and a decision was made to interview Lord Bramall and Mr. Proctor on 23rd and 24th March. The SIO was undoubtedly correct to arrange the interviews at the earliest opportunity.

10/03/2015

2.4.71 The Commissioner spoke to AC Gallan expressing his concern '*about a number of warrants that had been executed in relation to Operation Midland*'. The Commissioner had received a formal briefing some two months earlier. He had very recently spoken to the DAC but told AC Gallan that '*he remained concerned re the warrants*'. Accordingly, AC Gallan, who was about to leave the country on leave, spoke to both the DAC and the Commissioner on the telephone. As a result of that briefing '*the clarity was*

not sufficient to provide sufficient reassurance other than that there had been judicial oversight by way of a Magistrate (Stipendiary Judge) granting the Warrants'. She asked the DAC if it would seem prudent, with allegations of such a historical nature, that she was briefed on her return from leave. She specifically asked if it would hinder the investigation to delay the interviews until that time and she was informed not. The DAC agreed to delay the suspects interviews.

It is wrong to imply that the decision to cancel the interviews was a shared one. AC Gallan made this one.

I agree that AC Gallan made this decision but apparently with the full concurrence of the DAC.

2.4.72AC Gallan has explained to me her concerns at the time. The warrants appeared to have been obtained on the basis of 'Nick's' evidence which was without corroboration. It was a highly unusual case both in terms of the suspects and three alleged homicides and, in two of them, there was no deceased person and no unsolved homicide. AC Gallan told me that she had been assured by the DAC that expert evidence had been obtained regarding 'Nick's' statements. She specifically asked whether anything would be lost by delaying the interviews and was told not. At that stage she did not recall being told about Lord Bramall's age. Both agreed that the interviews should be delayed and the Commissioner was so informed.

FINDING: IT IS UNFORTUNATE THAT THESE INTERVIEWS HAD TO BE CANCELLED, HOWEVER, IT IS EXPLICABLE BY THE UNDERSTANDABLE AND

JUSTIFIED CONCERNS OF THE COMMISSIONER AND ASSISTANT COMMISSIONER.

18/03/2015. SIO POLICY FILE

2.4.73 The SIO was advised by DSU McDonald *'that the interviews arranged for Mr. Proctor and Lord Bramall are to be postponed to facilitate senior briefing to AC Gallan which cannot take place prior to 23/03/2015 due to AC Gallan being out of the UK'*. Unfortunately, both Lord Bramall and Mr. Proctor had been told that they would be interviewed on the 23rd/24th of March and those interviews were cancelled. Whilst the SIO had no choice but to obey orders from senior officers, this was an unfortunate intrusion, albeit fully justified by an Assistant Commissioner plainly concerned at events as they were unfolding. The delay added to pressures mounting for the suspects. Lady Bramall was in very poor health. Lord Bramall believed that he was in a position to establish his innocence when interviewed as did Mr. Proctor who additionally was placed under great pressure from social services to resign from his employment at Belvoir Castle *'as children visited the venue'*. He did indeed resign on 24th March with much sadness both on his part and that of his employers. The interviews were cancelled but not, at this stage, re-scheduled.

18/03/2015. SIO POLICY FILE

2.4.74 The SIO had met with the regional SIO adviser, Paul Kemp, and requested a peer review of Operation Midland and other relevant matters, including experts. Mr. Kemp said he had access to a Psychologist by the name of **GIST:**

PSYCHOLOGIST 2] who had done some excellent work around adapting interview approaches to offenders with mental health/personality disorders. The SIO declined this offer for two reasons. Firstly, neither suspect demonstrated those traits, and, secondly, she had previously been made aware that **[GIST: PSYCHOLOGIST 2]** had a strong opinion in relation to the lack of credibility of 'Nick'. Her concern was that **[GIST: PSYCHOLOGIST 2]** had not had sight of the ABE interviews, the transcripts, the analytical products or any other information generated by the investigation. She expressed the view that she had reservations about the judgment and decision making that sits behind **[GIST: PSYCHOLOGIST 2]** assertion. She felt there was evidence of bias and *'that is not what I want for the investigation'*.

2.4.75**[GIST: PSYCHOLOGIST 2]** is well regarded and advises the NCA. He is a Forensic Clinical Psychologist and lectures at Manchester University. He heard 'Nick' on the television and was urging caution about relying on his testimony without certain checks being carried out. I have read a document prepared by **[GIST: PSYCHOLOGIST 2]**. It is sound, well-reasoned and, in my judgment, his views merited consideration. **[GIST: PSYCHOLOGIST 2]** was suggesting an independent review of the progress of attempts thus far to corroborate 'Nick's' account and, further, was suggesting that consideration be given to an independent review by a Forensic Clinical Psychologist, such as **[GIST: PROFESSOR 1]**, Emeritus Professor of Forensic Clinical Psychology, who is regularly used by the CPS. I can see no justification for asserting bias against **[GIST: PSYCHOLOGIST 2]**. His suggestion was perfectly sound and was adopted by DSU Sweeney at Recommendation 9 of his subsequent review. Had **[GIST: PROFESSOR 1]**, or indeed **[GIST: PROFESSOR 2]**, been consulted at this stage this investigation may well have been concluded at an earlier

time.

FINDING: IT WAS INAPPROPRIATE TO CATEGORISE [GIST: PSYCHOLOGIST 2] AS BIASED. HE IS A WELL-REGARDED EXPERT WHOSE OPINION, WHILST PARTLY UNINFORMED, WAS TENDERED IN GOOD FAITH AND PRESCIENT. CONSIDERATION SHOULD HAVE BEEN GIVEN TO CONSULTING [GIST: PROFESSOR 1] AT THIS STAGE.

The SIO did not characterise [GIST: PSYCHOLOGIST 2] as ‘biased’ but merely made a decision not to commission him to support Operation Midland. This was for two reasons:

- a. his expertise was not in the field of assessing traumatized victims;**
- b. it had been decided not to seek any psychological assessment of ‘Nick’s’ ABE interviews.**

The SIO specifically referred to ‘evidence of bias on the part of [GIST: PSYCHOLOGIST 2]’.

[GIST: PSYCHOLOGIST 1]

2.4.76 Earlier in March 2015, the SIO had consulted [GIST: PSYCHOLOGIST 1], a Clinical Psychologist, Consultant to the Child Exploitation Online Protection Centre (CEOP). I have interviewed her as part of this review. The SIO engaged her services on the advice of [GIST: PSYCHOLOGIST 3], also from CEOP, who advised that [GIST: PSYCHOLOGIST 1] had significant experience in relation

to non-recent abuse. I have no reservations concerning the competence or ability of [GIST: PSYCHOLOGIST 1]. She was entirely cooperative when I interviewed her and clearly extremely able. Her opinion had been sought on the credibility of 'Nick'. She wrote a report dated 25th May 2015.

2.4.77 In that report, headed 'Brief assessment of the credibility of 'Nick', [GIST: PSYCHOLOGIST 1] outlines the information provided to her; namely, conversations with the SIO, a DI and an FLO and transcripts of two police interviews with 'Nick', dated 22/10/2014 and 23/10/2014. [GIST: PSYCHOLOGIST 1] was not provided with the Wiltshire interviews, 'Nick's' Blogs, his medical reports, his mother's statement to the Wiltshire police, or his counsellor's notes.

2.4.78 In her second paragraph, [GIST: PSYCHOLOGIST 1] wrote:

'There are limits to this assessment. Firstly, given the length of interviews, I have not had capacity to read all of the transcripts and I have not viewed the interview videos which would enable sight of non-verbal clues to honesty and deception. Additionally, I have not applied a standardised assessment of credibility- such an assessment exists for judging children's allegations of sexual abuse, but there is no equivalent for adults alleging historical sexual abuse.'

She concluded that, on the evidence that she had seen, 'Nick' was credible.

2.4.79 When I met [GIST: PSYCHOLOGIST 1] she told me that she was first approached through CEOP to consider Fred. Thereafter, she was asked to

assess 'Nick's' credibility. She did not understand there to be any real concerns about his credibility but there was such an intense media scrutiny over the allegations that a need had arisen to consider the use of further resources. She was not commissioned as an expert witness. It was part of her consultancy with CEOP. This was to inform future decision making within the police.

2.4.80 She would have been assisted by watching the ABE interviews. They were not provided to her. She thought she was aware of the Wiltshire interviews but did not see them. The spirit of what she was asked to consider was *'are there any red flags, is there a sufficient basis to continue investigating, i.e./ is there enough credibility to justify further resources being expended'*. This request is in stark contrast to the statement placed before the District Judge.

2.4.81 Her view was that, regardless of what her conclusions were in terms of credibility, she would always conclude that the best principle is to follow the evidence. All she could say was that the account was consistent with a truthful account rather than stating that it was a truthful account. She stated:

'I was not able to look at inconsistencies as I did not have the material at the time'.

She was aware that 'Nick' had progressively disclosed his account. She further stated:

'It is difficult to use increasing disclosure as undermining credibility or supporting credibility'.

She considered her report to be an interim report. She did this with her CEOP hat on. None of this was with any cost to the MPS.

FINDING: FAILING TO SUPPLY [GIST: PSYCHOLOGIST 1] WITH THE WILTSHIRE INTERVIEWS, AND OTHER HIGHLY RELEVANT MATERIAL, RENDERED HER OPINION AS TO 'NICK'S' CREDIBILITY VALUELESS. THE EXERCISE DELAYED THE INSTRUCTION OF [GIST: PROFESSOR 2] AND DELAYED THE CONCLUSION OF THIS INVESTIGATION.

[GIST: PSYCHOLOGIST 1] was not commissioned to provide a comment on 'Nick's' credibility. The report, dated the 25/05/2015, was commissioned to provide an informed response to the comments made by [GIST: PSYCHOLOGIST 2].

I find this comment puzzling. [GIST: PSYCHOLOGIST 1] report is headed 'brief assessment of the credibility of 'Nick''. The report commences:

'In this report I provide a brief assessment and opinion on the credibility of the witness 'Nick'.

As I have already observed, since [GIST: PSYCHOLOGIST 1] was only provided with a fraction of this MPS interviews and had not read all the transcripts and had viewed none of the videos, had no blog and no Wiltshire interviews, any opinion expressed by her as to 'Nick's' credibility was valueless.

I have seen her in interview and [GIST: PSYCHOLOGIST 1] assured me that

her task was to assess 'Nick's' credibility.

FINDING: 'NICK'S' CREDIBILITY SHOULD HAVE BEEN FULLY INVESTIGATED BEFORE ANY SEARCH TOOK PLACE. THE INSTRUCTION OF [GIST: PSYCHOLOGIST 1] AND THE TERMS OF HER INSTRUCTIONS IS A CLEAR INDICATION THAT DOUBTS EXISTED AS TO 'NICK'S' CREDIBILITY AS THE TITLE OF HER REPORT CONFIRMS.

23/03/2015

2.4.82AC Gallan returned from leave and received a briefing from the DAC and the DSU. She confirmed that 'Nick' remained uncorroborated. There was a reluctance to track down Scott. There was a reluctance to speak to the SIO on the Martin Allen case who might be able to assist in assessing 'Nick's' credibility and provide valuable background knowledge. The DSU indicated that he was not sure what he would ask the retired SIO and that prompted AC Gallan to ask what he would then be asking the suspects. She formed the view, in the light of that comment, that the investigation may not be sufficiently far advanced to carry out effective and useful interviews. The involvement of the CPS was not clear. An early investigative advice would assist the team and she noted that the investigation had been running for six months and no review had taken place at 24 hours, 7 days, or 28 days. Standard review processes had not taken place and, accordingly, she asked Det. Supt. Sweeney to carry out a review.

There was no reluctance to track down Scott.

This was AC Gallan's conclusion.

The DSU did not say to AC Gallan that he did not know what questions he would put to the original Martin Allen SIO.

I have seen AC Gallan in interview and I have read her email on this topic and she has a clear recollection to the contrary.

Standard practice for a homicide review is for the review to take place after 28 days. This is only guidance. The DSU requested that no review take place after 28 days as '*officers were still engaged in assessing the case*'. In March 2015, the SIO was in discussion with the regional SIO advisor to arrange a national SIO peer review but events were overtaken by the MPS peer review instructed by AC Gallan in April 2015.

If 28 days is the standard period for a homicide review, I find it rather perplexing that in a triple child murder allegation some four months can elapse without any review. A review should have taken place before any application was made for search warrants.

24/03/2015

2.4.83 The SIO received feedback from Paul Kemp that the National Interview Advisor and another member of the cadre had said:

'We all agree that the rationale articulated in your policy document not to arrest but to search under warrant is sound and couldn't add anything. We

would agree with this decision'.

2.4.84 This was no doubt of comfort to the SIO. However, it was not possible for the National Interview Advisor to judge whether the statutory conditions for a search under warrant had been fulfilled. The National Interview Advisor and Paul Kemp had not read 'Nick's' Wiltshire interviews nor his blogs.

25/03/2015. GOLD GROUP MINUTES

2.4.85 The SIO indicated that there was one Scott left to interview and he lived in Australia. She would prefer that an investigator from within the team interviewed him. She had met with Martin Allen's family. They felt let down by the police. She explained that the boy, described as 'Boy 2', was said to be 11/12 and Martin Allen was 15 when he went missing in 1979, although he looked younger. A letter composed by [GIST: PSYCHOLOGIST 1] had been sent to Fred via 'Nick'. Fred was discussed at length, the DAC indicating that Fred's evidence would be crucial in supporting 'Nick', if indeed he existed. The SIO indicated that 'Nick' was frustrated that Fred would not engage. Covert options were discussed. It was agreed that the approach by letter should be continued.

2.4.86 'Nick's' mother has already been spoken to and interviews with her and 'Nick's' siblings will take place. The SIO gave an update on a number of forensic tests that were in hand.

2.4.87 [GIST: PSYCHOLOGIST 2] concerns regarding the veracity of 'Nick' were discussed. The SIO indicated that she was working closely with CEOP to

ensure that any opportunities to obtain independent oversight of the investigation and specialist advice, where required, had been sought. She was confident that she had the appropriate investigative advice and insight which is relevant to this particular investigation.

FINDING: AT THIS MOMENT IN TIME, [GIST: PSYCHOLOGIST 1] REPORT ON 'NICK'S' CREDIBILITY WAS AWAITED. IT WAS, HOWEVER, IMPOSSIBLE TO OBTAIN APPROPRIATE INVESTIGATIVE ADVICE WITHOUT SUPPLYING THE EXPERT WITH THE NECESSARY INFORMATION.

30/03/2015. MINUTES FROM OFFICE MEETING DCI

2.4.88 The meeting discussed property recovered during searches and how the examination of the property was progressing.

2.4.89 'Nick' has stated that he has concerns regarding the police contacting his mother. A DC will be making contact with the family to see if they will be willing to make statements.

2.4.90 Maps of the barracks and addresses for 'Nick's' drive around are being prepared. The voters register for Dolphin Sq. is being obtained.

2.4.91 Mr. Proctor will be interviewed on 13/04/2015 and Lord Bramall on 16/04/2015.

01/04/2015

2.4.92 'Nick' received a payment of £22,000 from CICA. Operation Midland were not informed of this by either 'Nick' or the CICA. 'Nick' failed to thank his FLO who had contacted the CICA on his behalf.

08/04/2015. SIO POLICY FILE

2.4.93 'On the direction of AC Gallan, the interviews of the two suspects are to be cancelled together with the disclosure briefing. I am mindful that this is the second time this interview has been stopped. It remains my intent as the SIO to treat the suspects fairly and without bias and that approach has assisted in securing the co-operation of the suspects to be interviewed'.

2.4.94 I have read a very lengthy email from the DAC to AC Gallan in which he is clearly very anxious that the interviews should take place as soon as possible. He gives a number of reasons for this. AC Gallan, for her part, is clearly very anxious at the direction in which this investigation is going and understandably so. No review of this Operation has thus far taken place and she is anxious that one takes place before this Operation continues.

FINDING: IT IS UNFORTUNATE THAT THESE INTERVIEWS WERE CANCELLED AS BOTH SUSPECTS WISHED TO GIVE ACCOUNTS EXONERATING THEMSELVES. THE ROOT CAUSE OF THE PROBLEM, HOWEVER, IS THAT NO SEARCH SHOULD HAVE TAKEN PLACE AND LORD BRAMALL, LADY BRITTAN AND MR. PROCTOR SHOULD NOT HAVE BEEN MADE AWARE THAT ANY INVESTIGATION WAS TAKING PLACE NOR SHOULD THE PUBLIC. AC

GALLAN'S DECISION TO ORDER A REVIEW WAS BOTH REASONABLE AND PROPORTIONATE. THE DELAY IN INTERVIEWING AT THIS STAGE WAS LIMITED.

09/04/2015

2.4.95The DAC sent an email to AC Gallan indicating that a meeting had taken place with **[GIST: CPS 1]** and **[GIST: CPS 2]** of the CPS in which:

'they had a productive discussion on the witness strategy and in particular focused on the approach taken to secure best evidence from 'Nick'....'The CPS were pleased that we had decided not to seek an expert assessment of 'Nick's' ABE interviews in order to evaluate the likely truthfulness of the allegation'

FINDING: ON 10/03/2015 THE DAC, SPEAKING TO AC GALLAN, EMPHASISED THAT EXPERT PROFESSIONAL ADVICE HAD BEEN SOUGHT ON THE COMPETENCE OF 'NICK'S' COUNSELLOR TO COMMENT MEANINGFULLY ON 'NICK'S' CREDIBILITY AND TRUTHFULNESS. THIS REPORT IS DATED 26/02/2015. ON 09/04/2015 THE CPS WERE PLEASED 'THAT WE HAD DECIDED NOT TO SEEK AN EXPERT ASSESSMENT OF 'NICK'S' ABE INTERVIEWS'. THE ABILITY OF **[GIST: PSYCHOLOGIST 1] TO ACCURATELY COMMENT ON 'NICK'S' COUNSELLOR'S ABILITY TO ASSESS 'NICK'S' CREDIBILITY AND TRUTHFULNESS, WHEN NEITHER HAD READ 'NICK'S' WILTSHIRE INTERVIEWS OR MPS INTERVIEWS IN FULL, IS HIGHLY QUESTIONABLE.**

2.4.96The DAC's email gave a lengthy and detailed account of the meeting with

the CPS and made the point that, if interviews did not take place shortly, there could be criticism. He stated Lord Bramall's age and his wife's poor health and the fact that both suspects had asked to be interviewed at the earliest opportunity.

2.4.97AC Gallan responded the same day stating that the email had provided a lot of reassurance and stated that she hoped that the review that she had commissioned would be viewed by all as supportive. Within four days she had indicated that the interviews could go ahead; a decision endorsed by Det. Supt. Sweeney.

FINDING: THE SIX WEEK DELAY IN INTERVIEWING WAS ATTRIBUTABLE TO THE JUSTIFIED CONCERN OF A SENIOR OFFICER AND WOULD NOT HAVE OCCURRED BUT FOR THE SEARCHES HAVING TAKEN PLACE AT A TIME WHEN 'NICK'S' CREDIBILITY HAD NOT BEEN SUFFICIENTLY ASSESSED AND HAD NOT BEEN ESTABLISHED.

13/04/2015. SIO POLICY FILE

2.4.98The DAC has confirmed with AC Gallan that the interviews can now go ahead.

27/04/2015. DSU

2.4.99"*Nick' is in Twitter contact with Martin Allen's family. It is the feeling within the investigation team that 'Nick' is harbouring some guilt around what he believes happened to Martin Allen and could he have done more to prevent*

it.'

2.4.100 *'The drive around London took place on 21/04/2015 and 'Nick' identified 7 locations, including two new locations.'*

2.4.101 *'The investigation is progressing at a steady pace and the interviews of Lord Bramall are scheduled for 30/04/2015. There will be no pro-active briefing of the media around this interview taking place. The interview of Mr. Proctor will not take place until he returns from a personal holiday.'*

2.4.102 *'Officers from the enquiry team have been authorised to travel to Australia to meet and interview an individual, Scott, who could be a significant witness for this investigation'.*

2.4.103 *'The identity of Fred is still not known. A new request for him to engage has been forwarded via 'Nick'.'*

2.4.104 *'Nick's' mother reiterates that 'Nick's' stepfather was an abusive and violent individual. She has disclosed the names of two school friends who were close to 'Nick' around the relevant time.'*

FINDING: ALTHOUGH AUTHORISATION WAS GRANTED I CANNOT SEE THAT IT WAS NECESSARY TO SEND OFFICERS TO AUSTRALIA TO INTERVIEW SCOTT. HE WAS CLEARLY ALIVE AND IF, WHEN ASKED, HE SAID HE WAS INVOLVED IN AN ACCIDENT OUTSIDE COOMBE HILL PRIMARY SCHOOL OFFICERS COULD THEN TRAVEL OUT TO INTERVIEW HIM. A DETAILED STATEMENT SHOULD HAVE BEEN TAKEN FROM 'NICK'S' MOTHER AT THIS

TIME.

The decision to send officers to Australia did not prolong the investigation and was encouraged by AC Gallan.

30/04/2015. FIRST INTERVIEW OF LORD BRAMALL

2.4.105 Lord Bramall was interviewed for 1 hour and 44 minutes at a local police station in the presence of his solicitor. The interview was under caution. He protested his innocence [PERSONAL INFORMATION]. The many questions and answers elicited during the search of his home were put to him and accepted. He was asked how he responded to the allegations and said:

'Well, I'm absolutely astonished, amazed and bemused. I mean not only do I deny absolutely any of these things but we will do that in more detail, but I find it quite incredible that someone of my career, standing and integrity should have been capable of any of these things, including things like torture which are unbelievable'.

2.4.106 In the interview, Lord Bramall told the officers that he had an ADC and a Military Assistant who sat in next door offices. When it was put to him that he had touched a boy's penis, Lord Bramall replied:

'Absolute rubbish, absolute rubbish, I mean whether the Commander in Chief of the British Army and all the land forces would have a child into the thing and strip him down is absolute and complete, well in a land of fantasy. I mean it's nonsense, complete nonsense'.

He told officers he had never been to Dolphin Sq. He had never met Jimmy Savile or Harvey Proctor. He had only been to the Carlton Club twice as a guest at lunchtime and had never been to a swimming pool party. He had never met Michael Hanley and had never spoken to Leon Brittan, although they had passed in the House of Lords. He was very good friends with Hugh Beach and with Roland Gibbs. He had never heard of Ray Beach. He had no social contact with Greville Janner. He had met Edward Heath when he was Prime Minister. Lord and Lady Brittan once visited his home in Salisbury.

2.4.107 Having been taken through his well-researched career from an ordinary soldier, a rifleman in 1942, landing on the Normandy beaches, being awarded the Military Cross in 1945, serving as Staff Officer to Lord Mountbatten OBE in 1965, in 1974 invested as Knight Commander, 1976 promoted to General, 1979 invested with the Knight Grand Cross, 1979 ADC General to the Queen, 1982 Field Marshall, 1982-1985 Chief of the Defence Staff, 1982 Head of the British Armed Forces, a Justice of the Peace, Baron Bramall 1987, Knight of the Garter 1990, Lord Lieutenant of Greater London 1986-1998, Chairman of the Imperial War Museum, Past President of MCC and now Honorary Life Vice President, to name some but not all of his awards, Lord Bramall asked to make a short statement. He began by completely accepting that the police were duty bound to investigate any allegation in connection with Operation Midland. He accepted that in searching his home officers were only doing their duty. He then continued:

'I would however ask you to understand and appreciate the real anger that I feel that inadvertently your police action, and even more the often misleading and inaccurate way as reported by some of the media both in

papers and electronically on the Internet, should have caused my family and me such acute embarrassment with an utterly unjustifiable public question of my reputation, honour and integrity. I have, as you know, completely rejected any of the allegations and most vehemently deny any wrongdoing of any sort. I do not believe that in your fuller investigation you have any obligation to accept 'Nick's' often uncorroborated word against mine, merely because forty or so years later he came forward when encouraged to do so and was apparently told he would be believed. After all, as an ex Lord Lieutenant of Greater London for thirteen years and a Field Marshall of thirty years standing, cleared for security of the highest level, I have an unblemished and, indeed, ever unquestioned record for reliability and integrity in the service of my country. I would ask that as soon as possible I am removed from the investigation and a public statement made to that effect. I can then get on with ensuring that my reputation and my honour is publicly restated which is not only important to me and my family but to the proud name and standing of the British Army as well and I would be very grateful if you would ensure that your most senior managers are made aware of that statement'.

03/05/2015. HARVEY PROCTOR'S ARTICLE IN THE INDEPENDENT

2.4.108 Mr. Proctor began by complaining that the MPS had assured him, at the conclusion of the search, that his identity would not be revealed and yet, within eight hours of the police leaving his home, details of the raid were leaked to the national media. Mark Conrad had emailed his office ninety minutes before the police had left his home. At the conclusion of the search he had volunteered to be interviewed and arrangements were made for an

interview on 23/04/2015. That was cancelled '*due to circumstances beyond (the officer's) control*'. The interview was rearranged for 14/04/2015 and again cancelled. The MPS had caused him to retire from his job of thirteen years '*and ruined twenty-eight years of my life's rehabilitation since 1987*'. At that date, he pleaded guilty to four charges of gross indecency which, because of changes in the law regarding the homosexual age of consent, are no longer offences. He wrote of a number of unproven allegations without a shred of evidence against a number of deceased former respected politicians by '*attention seekers and nutters*'. He continued:

'They are dead; they cannot defend themselves. I am alive; I can and I will. Enough is enough. Someone has to stand up and say the emperor is wearing no clothes. So let me be straight with you, the media, and through you, the police. I have not murdered anyone. I have not been involved with the sexual or other abuse of children or anyone else'.

He went on to deny every aspect of the allegations which were in the public domain and went on to say:

'I have witnessed the growing paranoia among various police 'organisations' with disbelief and disgust. I wish to place on record my admiration for the work the uniformed bobby does and has done and which I have seen at first hand in my old constituencies....The higher up the police command chain, however, the less I see to admire. For example, I find it incredible that a senior police officer has said on the media that a 'victim's' evidence is 'credible' before an investigation has been completed or a prosecution launched. It would not be acceptable on any other police investigation and is outright

prejudicial from the very outset to any impending investigation....It's time - with the spending on these inquiries approaching £100 million - to say to the police and the Director of Public Prosecutions: Put up or shut up. Arrest me, charge me, try me. If you have evidence against me bring it on!'

06/05/2015. OFFICE MEETINGS MINUTES DCI

2.4.109 Lord Bramall's interview was summarised. The SIO said:

'Fred has made contact with us via his own email address. States his real name is John and was known as J as a child. An email has been sent to him asking him for a meeting but his response was 'I don't know'. Two officers are in Australia to speak to Scott. 'Nick' has been driven round London. He became very upset in Eccleston Sq. and stopped on Ponsonby Terrace and indicated he had been there and the 'usual' happened'. He recognised Wilton St. and associated it with Edward Heath and Harvey Proctor.'

DS Townly pointed out that *'there was a discrepancy in when 'Nick' first viewed his class photo and when he recently viewed it in ABE. He initially identified only 2 people that he recognised from his class. When asked to confirm those 2 people, he identified 2 different people.'* DI Hepworth said that any discrepancy with 'Nick's' information would be dealt with together at a later interview.

2.4.110 DC [NAME] had spoken to 'Nick's' mother on 08/04/2015 and 22/04/2015. 'Nick' had emailed after the first visit asking his mother what she had said to the police. After the second meeting they met. His mother

said that [FRIEND] was a good friend of 'Nick's' and they would see each other weekly outside of school. They went to school together in Kingston. No indication they knew each other before Kingston. 'Nick's' mother remembers Aubrey. 'Nick' has, in recent years, stated that [IDENTITY] abused 'Nick' and Aubrey but he did not tell her this at the time. [PERSONAL INFORMATION] 'Nick's' mother had no awareness of 'Nick's' absence from school and stated he had a good attendance rate.

FINDING: THERE IS A CLEAR INDICATION OF 'NICK'S' POSSIBLE MENDACITY WHICH WAS NOT FULLY APPRECIATED. 'NICK' KNEW THAT HIS MOTHER WAS IN CONTACT WITH THE POLICE AND EITHER LEARNED OR GUESSED THAT HIS MOTHER HAD TOLD THE POLICE THAT [FRIEND] WAS A GOOD FRIEND AT SCHOOL IN KINGSTON. 'NICK', THEREFORE, TOLD THE POLICE THAT [FRIEND] WAS, IN FACT, FRED. THIS, HOWEVER, CANNOT BE TRUE BECAUSE FRED WAS INVOLVED IN SEVERAL ALLEGATIONS WHEN 'NICK' WAS AT BICESTER (SEE TAPE Y1C Page 94) AND [FRIEND] WAS A FRIEND AT SCHOOL IN KINGSTON.

'NICK'S' CONDUCT IN IDENTIFYING TWO PERSONS FROM THE PHOTOGRAPH, FOLLOWED BY AN INCONSISTENT AND DIFFERENT IDENTIFICATION, SHOULD HAVE PROVOKED A DISCUSSION AS TO 'NICK'S' RELIABILITY.

A STATEMENT HAS STILL NOT BEEN TAKEN FROM 'NICK'S' MOTHER, WHO IS ABLE TO DEAL WITH SEVERAL MATTERS WITH A VITAL BEARING ON 'NICK'S' CREDIBILITY, EVEN THOUGH SHE WAS VISITED ON 08/04/2015 AND 22/04/2015.

It is suggested that Sir Richard has misunderstood the details of 'Nick's' pseudonyms. 'Nick's' account could feasibly be true if it accepted that he lied over using Aubrey's name, when in reality, he meant, for the most part, he was referring to 'John/J/Fred'. In particular, it is said that Sir Richard may have concluded that [FRIEND] from [LOCATION] is John / J/ Fred whilst officers believe that [FRIEND] and John are different individuals and John originates from Bicester. It is said that Fred has made contact via his own email address stating that his real name was John and he was known as J as a child.

Any evaluation of 'Nick's' use of names involves speculation. What is certain is that:

1. 'Nick' lied when asserting that a boy named Aubrey, his friend, was abused on numerous occasions at parties whilst they lived at Bicester;
2. 'Nick' cut and pasted more than one email to prevent officers discovering the email address of the person 'Nick' asserts to be Fred;
3. A person purporting to be Fred has obtained an email account in Switzerland, the specific purpose of which was to conceal the identity of the sender and to render him untraceable;
4. 'Nick' is either that person or knows that person well.

I regard the most likely explanation for those proven facts to be that 'Nick' has created the Swiss email address. He has visited Switzerland, has a motive

to create a false account, has cut and pasted emails to disguise their sources and has lied about the identity of alleged fellow victims.

13/05/2015. DSU

2.4.111 'Nick' has been contacted by the BBC and Exaro concerning a drive around the Coombe Hill area. He was advised against this by us and refused their request. 'Nick' continues to have a close relationship with both the BBC and Exaro and a decision has been made by the SIO that 'Nick' will not be briefed prior to any operational activity at this stage. Officers from the enquiry visited an individual, 'Scott', which is negative in terms of being involved in, or knowing about, this incident. He attended the school but has never heard of 'Nick' (His true identity was revealed to Scott). All the individuals with the name 'Scott' from Coombe Hill Primary School have now been traced. We will now repeat the exercise with the Secondary School. The identity of Fred is still not known. 'Nick' did allude to his true identity and this may correlate with a statement received from 'Nick's' mother. Enquiries around Fred are ongoing. 'Nick's' mother has disclosed the names of two school friends who were close to 'Nick'. The main lines of enquiry are to complete the interviews of Bramall and Proctor, to review and analyse military files, review and analyse hard drives and tapes seized, and to continue engaging with Fred.

FINDING: 'NICK' WAS VERY CLEAR. THE FATAL ROAD TRAFFIC INCIDENT WAS OUTSIDE COOMBE HILL PRIMARY SCHOOL. ACCOUNTING FOR ALL 'SCOTTS' SERIOUSLY IMPACTED ON 'NICK'S' CREDIBILITY. THERE WAS NO JUSTIFICATION IN TARGETING HIS SECONDARY SCHOOLS.

SERIOUS CONSIDERATION SHOULD AT THIS STAGE HAVE BEEN GIVEN TO THE FUTURE OF THIS INVESTIGATION.

20/05/2015. GOLD GROUP MINUTES

2.4.112 The interview of Mr. Proctor will take place on 17-19th June. Property seized from Mr. Procter's home was discussed. The DSU gave an update on the interview of Scott repeating the previous entry. All lines of enquiry at Coombe Hill School have been exhausted. They are scoping other possible schools. A discussion took place concerning the effect on 'Nick's' credibility of the fact that *'we have not been able to trace Scott'*. An update on efforts to trace Fred was given. Covert opportunities to trace the email address were discussed. However, the SIO would like to remain in contact with Fred overtly to try to persuade him to engage. The DAC reiterated the need to explore all options regarding Fred. 'Nick's' mother giving the police a name could possibly be identification for Fred. DSU H stated that their enquiries revealed that the email user appears to be from somebody who is trying to conceal their identity due to the type of email account used. A discussion took place considering whether intrusive covert methods might be used to identify Fred. The group acknowledged that MPS policy was that victims must be believed. DSU H stated that in order to corroborate 'Nick's' story more intrusive methods might be appropriate; particularly when considering the rights of the persons accused of these offences. The DSU was uncomfortable with this line of enquiry at present and will continue to pursue other lines of enquiry. He updated the Gold Group on 'Nick's' drive around when he picked out addresses at Dolphin Sq. and Eccleston Place

associated with high profile individuals.

FINDING: THIS WAS A CLASSIC DEMONSTRATION OF THE DIFFERENCE BETWEEN INVESTIGATING AND BELIEVING AN ALLEGATION. HERE WAS AN EMAIL ADDRESS THAT WAS APPARENTLY FROM SOMEONE TRYING TO CONCEAL THEIR IDENTITY. THE TEAM HAVE BEEN TRYING TO TRACE FRED WITHOUT SUCCESS FOR SOME FIVE MONTHS. TWO SUSPECTS HAVE BEEN EXPOSED TO PUBLIC SCRUTINY. I HAVE NO DOUBT THAT A DECISION SHOULD HAVE BEEN TAKEN AT THIS DATE TO IDENTIFY THE EMAIL ADDRESS AND ITS USER. IF IT WAS 'NICK' THE INVESTIGATION WOULD BE ENDED.

Efforts began to covertly identify the true identity behind the email address being used by Fred. The RIPA/ILOR application was submitted to the CPS on the 28/10/2015. Other methods and avenues were commissioned in May 2015. [GIST: United Kingdom Intelligence Community] were unable to assist. When this investigation was closed down the RIPA/ILOR application was withdrawn on the advice of the CPS.

The ILOR application should have been made far sooner but this does not appear to be the fault of Operation Midland officers. Those investigating Martin Allen's disappearance may wish to renew the ILOR application. If a decision is made, by those responsible, to investigate 'Nick' for offences of fraud and/or perverting the course of justice a similar ILOR application will no doubt be considered.

20/05/2015. 'NICK'S' MOTHER'S STATEMENT

2.4.113 'Nick' was 7 when she married Ray. His children were [AGES]. The

two elder ones were at boarding school. Ray would bath [SIBLING] and 'Nick'. 'Nick's' mother considered it a fatherly activity and it did not give her any reason to suspect that they were being sexually abused by him. She did not remember seeing any blood in 'Nick's' laundry at any stage. When they lived at Wilton she took 'Nick' to school and brought him home again. To her knowledge 'Nick' was not taken out of school by Ray and there was never an issue with his attendance. The school never contacted her to say he was missing or to ask about arrangements with other people for him to be taken out during the school day. On Sundays they would sometimes go to the Barracks to have Sunday Lunch in the Mess. She did not remember 'Nick' ever going out on his own with Ray for the day or being taken to the Barracks by him. She did not remember 'Nick' ever being taken on his own by Ray to a wildlife park. Whilst at Wilton, she spent a lot of time with 'Nick'. She was not working and he was her precious little boy. She now believed that Ray had the capacity to abuse 'Nick', mainly because she found him to be a cruel and brutal man who lied very easily and tried to destroy her. Ray was eventually sectioned. She had sustained broken ribs and thumbs. Ray trashed the house and destroyed all their belongings.

2.4.114 She and 'Nick' fled to Oxfordshire but within weeks Ray had been discharged from hospital and was banging on the door of their Bicester home. She called the police and Ray was arrested. That was the last time she saw him. He had no access to 'Nick' and she and 'Nick' never spoke about him until 'Nick' was an adult. In Bicester 'Nick' went to [NAME] Primary School. She took him to school herself and another child's mother would drop him back home. 'Nick' had a friend called Aubrey and a while ago 'Nick' disclosed that [IDENTITY] had abused both Aubrey and himself. She had

never noticed anything to indicate that was the case. After they moved to Bicester 'Nick' had no further contact with Ray. She would not have permitted it. She never heard of 'Nick' being taken out of school. She went to parents' meetings and there was no talk of it.

2.4.115 She had no impression that 'Nick' was unhappy or that anything was wrong with him. She never remembered ever seeing 'Nick' inexplicably dishevelled, dirty, or smelly. If 'Nick' had been taken away by men for any period of time and abused and returned a matter of hours later she was surprised that she would not have smelled it or sensed it on him.

2.4.116 In 1979, after two years at Bicester, they moved to Kingston and 'Nick' went to Coombe Hill Primary School. 'Nick' was adamant that he did not want to leave Bicester and was very upset at leaving. His mother bribed him with a dog. When he was at Coombe Hill Primary School his mother had no recollection of any child being run over.

2.4.117 Aged 11, 'Nick' moved to Tudor School in Kingston. There he had a close friend called [FRIEND] who was in the same class. His family lived only a few streets away in Kingston. 'Nick' would go to the school chess club, a nearby shooting club and 'Nick' and [FRIEND] played on the river in boats and fishing. He and his mother would also go on long walks. 'Nick' had horse riding lessons and he and his mother had regular skiing holidays in France, Austria or Switzerland. It was not until 1989 that 'Nick' mentioned that he was abused by Ray. He said that Ray used to hold his head under the water when he bathed him. The first she heard of any abuse by a Westminster paedophile ring was when she saw a profile of 'Nick' on television in

November 2014. She rang him and he said he had been taken to parties as a school boy and passed around a number of well-known establishment figures. There were no further details. She would prefer not to know all the details and to support him by looking forward. The only injury spoken of in her statement was 'Nick' chipping a bone in his ankle whilst skiing.

26/05/2015. OFFICE MEETING MINUTES - DCI Tudway

2.4.118 CPS have been briefed on the job so far and they advised that two disclosure officers be appointed. Also advised that 'Nick's' Blogs be monitored and compared with counselling notes. [GIST: PSYCHOLOGIST 2] has recently made comments that, having seen 'Nick's' television and newspaper interviews, he may not be genuine. SIO has referred [GIST: PSYCHOLOGIST 2] comments to CEOP ([GIST: PSYCHOLOGIST 1]) who confirms that 'Nick' presents as other victims in line with this type of investigation. Review of property seized in searches is continuing. 'Nick' continues to do a lot of Twitter and blog writing. He recently tweeted about being abused on the mile-high club. SIO has received a reply from Fred. She will send him another email to see if he has made a decision. SO13 are researching the email address. We will search the electoral register for Aubrey as 'Nick's' mother said Aubrey lived on the same street as them. She possibly remembers Aubrey having a friend called Duncan (said to be present at the murder of 'Boy 3'). 'Nick's' mother's statement has now been finished. SIO stated that the crux of the statement was that Ray Beach was capable of abuse. SIO said that CEOP advise that it is not unusual for people to be in the environment of abuse but not actually see it or aware of it happening.

FINDING: 'NICK'S' MOTHER'S STATEMENT WAS LONG OVERDUE. I DO NOT AGREE THAT THE CRUX OF HER STATEMENT WAS THAT RAY BEACH WAS CAPABLE OF ABUSE. THE CRUX OF HER STATEMENT WAS THAT SHE HAD NEVER SEEN 'NICK' INJURED. HE HAS COMPLAINED OF NUMEROUS ACTS OF RAPE/BUGGERY ON OCCASIONS LEADING TO LARGE BLOOD LOSS, BEATINGS CAUSING BRUISING TO VARIOUS PARTS OF THE BODY, CUTS AND ABRASIONS TO VARIOUS PARTS OF HIS BODY CAUSED BY SHARP IMPLEMENTS, FRACTURES TO THE HEAD, BOTH ARMS, RIGHT LEG, NOSE, RIBS, AND FINGERS, BURNS TO HIS FEET, SNAKE BITES, WASP STINGS, AND ELECTROCUTION. THESE INJURIES, ACCORDING TO 'NICK', WERE SUSTAINED BETWEEN THE AGES OF 7 AND 15 WHILST HE AND HIS MOTHER LIVED TOGETHER. THERE IS NO BASIS FOR QUESTIONING THE ACCURACY OR INTEGRITY OF 'NICK'S' MOTHER'S STATEMENT. IT RENDERS MANY, IF NOT ALL OF 'NICK'S' ALLEGATIONS, INCREDIBLE.

ATTEMPTS TO LOCATE AUBREY ARE ALSO LONG OVERDUE. HE WAS POTENTIALLY A CRITICAL WITNESS AND POTENTIAL VICTIM.

IT APPEARS THAT WEIGHT IS BEING GIVEN TO THE VIEWS OF [GIST: PSYCHOLOGIST 1] WHO WAS NOT GIVEN MUCH OF THE INFORMATION CAPABLE OF UNDERMINING 'NICK', NOR HAD SHE READ MUCH OF THE DOCUMENTATION SUPPLIED TO HER.

IMMEDIATE ATTEMPTS HOULD HAVE BEEN MADE TO TRACE [FRIEND].

URGENT CONSIDERATION SHOULD HAVE BEEN GIVEN AT THIS STAGE TO

THE FUTURE OF THIS INVESTIGATION.

11/06/2015. SIO POLICY FILE

2.4.119 The SIO decided that Sir Hugh Beach should no longer be designated as a suspect. DS Townly having named him as a suspect on 13/11/2014. She did not feel she had sufficient information to infer joint enterprise. The only mention in the ABE interviews is of his being present. She believed it proportionate to interview him and tasked DS Sword to progress that line of enquiry.

FINDING: THIS WAS A DECISION WHICH SHOULD HAVE BEEN TAKEN MONTHS EARLIER WHEN SIR HUGH SHOULD HAVE BEEN INTERVIEWED AS A WITNESS. HE WAS THEN 91 YEARS OF AGE AND A FAILURE TO INTERVIEW HIM IN TIMELY MANNER RISKED LOSING HIS EVIDENCE. THIS WAS POTENTIALLY UNFAIR TO ANY PROSPECTIVE DEFENDANT. HE IS A MAN OF THE HIGHEST POSSIBLE STANDING AND POTENTIALLY A CRITICAL WITNESS.

It would have been inappropriate to speak with Sir Hugh Beach before interviewing Lord Bramall as they were close colleagues.

This is a possible view but not one I agree with. Had Sir Hugh died his evidence would have been lost to the considerable detriment of the suspects. There was, in any event, a significant delay between Lord Bramall's interview of 30/04/2015 and Sir Hugh's interview on the 28/07/2014. The urgency of interviewing Sir Hugh appears to have been lost upon the SIO.

2.4.120 The SIO decided to deliver a corporate message regarding the

interview of Mr. Proctor to 'Nick' and Kevin Allen ahead of media outlets being informed. She felt that it was important that victims are briefed as much as possible and she hoped it would assist in demonstrating her commitment to progressing the investigation. She was aware that confidence might be broken and that it would be unhelpful if any information was leaked. *'It is important that the suspects and their legal teams have confidence in our integrity'*. Her intention was to brief 'Nick' and Kevin Allen that Mr. Proctor was being questioned after his interview had started, the time he attended and the general area. This decision was a mistake as the SIO soon acknowledged. As Mr. Proctor was being interviewed Exaro contacted DMC asking if they could confirm that Mr. Proctor had been interviewed. The media lines were sent out at 7.19pm to allow Mr. Proctor time to get home. At 7.35pm 'Nick' emailed his FLO to ask about 'that person'. 'Nick' felt unable to talk to anyone and didn't tell him anything. It was the view of the SIO that Kevin Allen may have contacted Exaro as she knew he had strong links with Exaro. She did not think it appropriate to ask him as she did not wish to intrude upon journalistic confidence. She decided to stop providing notice of media releases to Kevin Allen. DMC published:

'A man in his 60's [8] from Grantham, was interviewed under caution after attending a local police station by appointment at 12.00hrs on Thursday 18 June. He was not arrested'.

FINDING: THE SIO ANTICIPATED THAT SUSPECTS AND THEIR LEGAL ADVISERS MAY LOSE CONFIDENCE IN THE INTEGRITY OF THE INVESTIGATION. JUST SO. MR. PROCTOR COMMENTED:

'OF COURSE I WAS NOT NAMED IN THE STATEMENT. THE POLICE KNOW THEY DO NOT HAVE TO NAME YOU TO ALLOW THE PRESS TO IDENTIFY YOU. THE POLICE THINK THEY ARE BEING CLEVER IN THIS SUBTERFUGE. BUT THEN THE MET WILL HAVE TOLD 'NICK' AND/OR EXARO AND MAYBE OTHERS, SO IT LEAKS OUT AGAIN, TRIGGERING ANOTHER ROUND OF BAD PUBLICITY ABOUT ME'.

COMPLIANCE WITH THE VICTIM'S CHARTER DOES NOT REQUIRE COMPLAINANTS TO BE INFORMED OF INTERVIEWS IN ADVANCE OF THEIR COMPLETION. THIS PUBLICITY CAUSED MR. PROCTOR TO DRAFT A STATEMENT, AS HE COULD NOT STAY SILENT ANY LONGER, EVENTUALLY DELIVERED ON 25/08/2015, WHICH WAS HIGHLY CRITICAL OF THE MPS. IT WAS AN ERROR OF JUDGEMENT TO DISCLOSE THE FACT THAT MR. PROCTOR WAS ABOUT TO BE INTERVIEWED AND EXCEEDED 'NICK'S' ENTITLEMENT UNDER THE VICTIM'S CHARTER.

'NICK'S' ALLEGATIONS AGAINST BOTH SIR HUGH BEACH AND LORD JANNER WERE SIMILAR. NAMELY, THAT THEY HAD BEEN PRESENT AT PARTIES BUT 'NICK' MADE NO MENTION OF EITHER HAVING COMMITTED ANY SPECIFIC ACT OF BUGGERY OR ASSAULT. AT THE VERY OUTSET OF THIS INVESTIGATION 'NICK' SHOULD HAVE BEEN RE-INTERVIEWED CONCERNING THE ACTS, IF ANY, ALLEGED AGAINST EACH MAN AND, IN THE ABSENCE OF ANY FURTHER EVIDENCE, BOTH MEN SHOULD HAVE CEASED TO BE SUSPECTS.

18/06/2015

2.4.121 Harvey Proctor was interviewed, under caution on a voluntary basis, having days earlier been provided with a disclosure document setting out in detail the essence of 'Nick's' allegations. At an early stage he told the officers that they should have come to interview him before the search some four and a half months earlier. He had been promised a speedy interview and two earlier appointments had been cancelled at short notice. He recited his career and earlier residences in detail before telling the officers that he was a homosexual with a small circle of friends. He spoke of his time in Parliament and told the officers that he declined to become a member of the Carlton Club (mentioned in the disclosure) in 1979 when, as a new MP, he was invited. His political views were close to those of Enoch Powell. He dealt with his conviction for matters occurring in 1986 and 1987, namely four charges of gross indecency to which he pleaded guilty, involving males he believed to be over 21, when they were 19 and 17 and had lied about their ages. What he had done then was now legal.

2.4.122 When the officers turned to 'Nick's' allegations he said:

'What this amounts to is a heinous calumny. These allegations are just about the worst allegations you could throw at any other human being. When are you going to prosecute 'Nick', if he exists, for making these false allegations? At what stage do you wake up and find you are being taken for a ride?'

He pointed out that he was being accused of three murders and sexual abuse and yet had not been arrested, whilst others are arrested for stealing sweets from a shop. Throughout his political career he had supported the Police and the Armed Forces and did not expect this sort of treatment from the Police.

If they thought he was guilty of these offences they would not have waited four and a half months to question him, on the contrary, they would have arrested him. It was a game, a political and a press game.

2.4.123 The officers went through the several locations that 'Nick' had mentioned when interviewed. Mr. Proctor most vehemently denied every suggestion or allegation contending that every word of 'Nick's' statement was a heinous calumny. He was not part of a group and had never been part of a group.

2.4.124 There is little purpose in summarising the remainder of the interview which amounted to the most strenuous and determined denial of guilt that I have read during my time in the law.

2.4.125 At 19.15 DMC released a statement that a man in his 60's from Grantham was interviewed under caution after attending a local police station by appointment. He was not arrested. He was interviewed by Metropolitan Police Service Officers working on Operation Midland.

FINDING: BY RELEASING A STATEMENT THAT A MAN IN HIS 60's FROM GRANTHAM HAD BEEN INTERVIEWED IN CONNECTION WITH OPERATION MIDLAND THE DMC MAY JUST AS WELL HAVE RELEASED HARVEY PROCTOR'S FULL NAME. RELEASES SUCH AS THIS ARE INCONSISTENT WITH MPS POLICY THAT SUSPECTS RETAIN THEIR ANONYMITY UNTIL CHARGED.

19/06/2015. SIO POLICY FILE

2.4.126 A decision was taken to stop providing advance notice of media releases to Kevin Allen. This was as a result of Exaro contacting DMC asking if they would confirm that Mr. Proctor had been interviewed actually during the interview. The SIO concluded that Kevin Allen had been the source of the leak to Exaro because 'Nick' emailed DC Chatfield to say that Mark Conrad rang to ask about 'that person' at 19.35 when the media lines had been sent out at 19.15.

FINDING: THE EVIDENCE SUPPORTS THE LIKELIHOOD THAT 'NICK' WAS RESPONSIBLE FOR THE LEAK AND THAT HIS PHONE CALL TO DC CHATFIELD WAS DESIGNED TO DEFLECT SUSPICION FROM HIM.

07/07/2015. SIO POLICY FILE

2.4.127 A decision was taken to provide a corporate message to DC Chatfield so that he may update 'Nick' regarding the progress of the investigation. This information was to be provided to 'Nick' and was extremely detailed. It involved disclosing details concerning the identification of Martin Allen. 'Nick' was to be told that, in November 1979, Martin Allen was 15 years old and was to be told that was in conflict with 'Nick's' description of 'Boy 2' being 11 or 12 years of age and being murdered in the year 1980.

'I am now assessing the information we have been told about Martin to establish whether or not there is no other conclusion that it is Martin. The process to do that involves a workshop type meeting where I have sought the support of an independent advisor to the police to check/challenge my

thinking.'

2.4.128 'Nick' was to be informed that the police had been unable to trace Scott, that they now have been in touch with J a number of times via email. 'Nick' was to be told that she was hoping to meet with 'Nick' and J. He was to be told that further lines of enquiry involved speaking with National Missing Persons, Met Missing Persons, National Crime Agency and the Catchem database. 'Nick' was also to be informed of several matters that had caused concern and also that the investigation was considering information held in files that relate to investigations from the 1970's and 1980's which involve sex offenders in Central London.

2.4.129 The rationale behind this was that since the update, after Harvey Proctor was interviewed, 'Nick' has engaged less with his FLO and had asked to be updated only with 'significant updates'. 'Nick' had said he was feeling the strain and is not sure if he will be in a fit state to stand a trial.

FINDING: THE INFORMATION TO BE PROVIDED TO 'NICK' FAR EXCEEDED HIS ENTITLEMENT UNDER THE VICTIMS CHARTER AND, IN MY JUDGEMENT, FAR MORE THAN WAS APPROPRIATE IN THE CIRCUMSTANCES. IT WOULD ENABLE HIM TO AMEND HIS ESTIMATE OF THE AGE OF 'BOY 2' AND APPEARS TO INDICATE THAT THE SIO HAD CLOSED HER MIND TO THE POSSIBILITY THAT THE ALLEGATIONS WERE FALSE.

'NICK'S' REDUCED ENGAGEMENT WITH HIS FLO'S, AND DOUBTS THAT HE WOULD BE IN A FIT STATE TO STAND A TRIAL, WERE CONSISTENT WITH HIS HAVING RECEIVED HIS £22,000 ON 01/04/2015.

The information was already in the public domain and did not enable 'Nick' to amend his account.

By informing 'Nick' that Martin Allen was 15 when he went missing in November 1979, 'Nick' might well have decided to say that he made a mistake when saying that Martin Allen was 11/12 when he died in 1980. If the facts were both in the public domain and known to 'Nick' there was little purpose in giving him this information.

Whilst 'Nick' is being given a detailed account of this investigation every Gold Group Meeting is discussing the likelihood of 'Nick's' allegations being wholly or partly false.

28/07/2015. SIR HUGH BEACH WAS INTERVIEWED AS A WITNESS

2.4.130 Sir Hugh described Lord Bramall as his immediate boss at Wilton and as a great friend. He also knew Rolly Gibbs who was Commander in Chief Land Forces for the first few months Sir Hugh was at Wilton. General Gibbs conducted life with great flair and panache. The name Ray Beach meant nothing to Sir Hugh. Of Lord Bramall he said:

'I cannot pick a man, a more upright man, a man I admire more for his moral character'.

He had written in his published memoirs:

'I have never considered General Bramall as a rival or the man I had to beat

because he was bound to win. He's a renaissance man, an excellent infantry officer, painter and cricketer. He went on to achieve the Defence Staff during the Falklands Campaign and is now a Member of the House of Lords and Knight of the Garter. I owe him a great deal. He was always very flattering in comments about me and gave a lovely benedictory speech when I left Wilton.'

He described the allegation against Lord Bramall as a '*total fairy tale*'. '*I can't conceive that anything like that could ever have happened*'. He said he had never been to Dolphin Square or the Carlton Club. He had never met Maurice Oldfield, Leon Brittan, Michael Hanley, or Greville Janner and had never heard of Harvey Proctor. When he read that Police had raided Lord Bramall's house he was horrified, but did not contact him because it was a difficult thing to do and probably not very helpful.

FINDING: THIS INTERVIEW SHOULD HAVE TAKEN PLACE MONTHS EARLIER. SIR HUGH WAS 92 YEARS OF AGE. HAD SIR HUGH DIED AND THIS EVIDENCE NEVER BEEN TAKEN AND A TRIAL HAD FOLLOWED THE DEFENCE WOULD HAVE BEEN SERIOUSLY DISADVANTAGED.

31/07/2015

2.4.131 Lord Bramall was interviewed for the second time. He was asked if he knew Raymond Beach and was unable to recollect such person serving under him saying:

'You will appreciate that in my 43 years' service in the Army I have met an

enormous number of people but I can't remember Raymond Beach.'

It was established that Raymond Beach arrived at Wilton in 1974 and Lord Bramall arrived in 1976. For the first time it was put to Lord Bramall that Raymond Beach introduced this child that they called 'Nick' to Lord Bramall prior to the child being abused. Lord Bramall replied:

'I wonder what my Military Assistant and ADC and personal staff were doing about this. Haven't you bothered to check with them. I mean he claimed he was brought into my office I mean the security you couldn't have got in without being signed in. I would never have seen a child in my office unless it has been a child of one of the staff...A lot of my staff who were there at the time would be able to say quite categorically that it never happened.'

Lord Bramall then agreed to supply details of his Military Assistant and his ADC at the time. Lord Bramall indicated that he arrived at Wilton in the middle of 1976. Lord Bramall pointed out that, as Commander in Chief at Wilton at a time when the IRA threat was quite big, he had very little private life, there was a certain amount of protection and every moment of the day was arranged and monitored by his staff. He had never in his life molested a child and it was not in his psyche to do so. His reputation was being damaged on Google and it was not fair at his time of life. He asked that the matter be cleared up as soon as possible and that he be taken out of the investigation.

31/07/2015. CONTACT LOG

2.4.132 *"Nick" revealed some important information. He admitted when referring to 'Aubrey' in his interviews quite often or primarily he was actually*

referring to the boy he later referred to as 'Fred' (John or J). He did state Aubrey was abused by [IDENTITY] but is unsure if [IDENTITY] was part of the 'group'. He added he didn't know if Aubrey was ever part of the wider group, but that he ('Nick') was 'made to do things' with him.'

FINDING: THIS WAS A SIGNIFICANT ADMISSION. 'NICK' HAD DELIBERATELY LIED TO POLICE STATING THAT AUBREY WAS PRESENT AT BICESTER SEX PARTIES. 'NICK' WAS NOW SAYING IT WAS FRED. THE REALITY IS THAT 'NICK' REALISED THAT THE POLICE, HAVING VISITED HIS MOTHER, WERE LIKELY TO FIND AUBREY SHORTLY; AS THEY DID SHORTLY BEFORE 05/10/2015. AUBREY DENIED ANY INVOLVEMENT IN ANY ABUSE. 'NICK' WAS ANTICIPATING AUBREY'S EVIDENCE.

24/08/2015

2.4.133 Harvey Proctor was further interviewed. The name Ray Beach meant nothing to him. He knew no such person. He did not recognise his photograph. He was shown a pen knife given by 'Nick' to the police and denied that it had ever been his. He questioned why he had not been asked about the knife at the earlier interview. The proposition was put to Mr. Proctor that he had threatened to cut 'Nick's' genitals with the knife and Edward Heath intervened and told him "no". The allegation was denied in the strongest possible terms. Mr. Proctor told the officers that *'the fantasy gets bigger by the minute'*. He was then asked about Elm Guest House and whether he had ever visited it. He denied ever visiting it and said that the list on the internet of those who had visited was fraudulent. He told the officers that they had been taken for a ride. He was shown an e-fit created by 'Nick'

of the boy Mr. Procter was alleged to have strangled and denied recognising it. He was asked about Jimmy Savile and said that they both had connections in Scarborough in Mr. Proctor's late teens and may have been at the same garden party but they had never met in London or been to parties together. Mr. Proctor pointed out that 'Nick' must know that Jimmy Savile was in the firing line for paedophilia and thus included him in the allegation. Shortly afterwards Mr. Proctor observed that it was a ridiculous interview. Nothing of any relevance was achieved thereafter.

25/08/2015

2.4.134 Harvey Proctor held a press conference at the St Ermin's Hotel close to New Scotland Yard. It was a most powerful declaration of his innocence informing the press of the full contents of the disclosure documents provided to him in advance of his interviews, in effect disclosing the totality of the allegations by 'Nick'. He went on to point out how unlikely it was that he and Edward Heath would be involved in any joint activity. Each despised the other. Heath despised Proctor for his views on limiting immigration from New Commonwealth and Pakistan and Proctor despised Heath because he sacked Proctor's political hero Enoch Powell. They were not on speaking terms and ignored one another in the House of Commons.

2.4.135 He questioned how such a sex party could conceivably take place in Edward Heath's home with CCTV, housekeeper, private secretary, chauffeur, police and private detectives assigned to former Prime Ministers in the security conscious days of the IRA's assault on London. He challenged anyone who could place him at the home of Edward Heath or Leon Brittan to come

forward. He pointed out that he was an ex-secondary modern schoolboy from Yorkshire and was not part of the establishment and did not move in the same circles as those accused with him. He pointed out that the observation of DSU McDonald, *'I believe what 'Nick' is saying is credible and true'* was highly prejudicial to the police inquiry and its outcome. He made the suggestion that he, Harvey Proctor, be arrested, charged and prosecuted for three murders and numerous other offences so that he could start the process of ridiculing the allegations, or, in the alternative, 'Nick' should be stripped of his anonymity and prosecuted for wasting police time and for attempting to pervert the course of justice. He had come to show his face as an innocent man and to raise his voice as an aggrieved subject now deeply concerned about the administration of justice.

11/09/2015. GOLD GROUP MINUTES

2.4.136 'SIO has decided not to ask 'Nick' if they can examine his computer to see if he has researched any of the information contained in his allegations. She believes this will cause 'Nick' to disengage and does not want to do this too early as it may damage our relationship. She wants to progress lines of enquiry which can be tested before they reach the point that they can 'test' 'Nick's' credibility. The SIO reported that, due to the media interest and reporting, 'Nick' is thinking of walking away from this'.

FINDING: IF 'NICK' WAS GENUINE AND TRUTHFUL HE WOULD SURELY HAVE NO OBJECTION TO HIS COMPUTER BEING EXAMINED. AN OBJECTIONABLE AND INAPPROPRIATE IMBALANCE HAS PREVAILED. EVERY PIECE OF PAPER IN THE HOMES OF THE SUSPECTS HAS BEEN PERUSED AND SEVERAL

**COMPUTERS SEIZED WHILST NO REQUEST HAS BEEN MADE TO EXAMINE
'NICK'S' COMPUTER HIS PHONE OR HIS JOURNALS.**

2.4.137 At this stage of the investigation two potential witnesses, A and B, were interviewed resulting in numerous enquiries being made. As there is plainly no truth in the allegations of either I do not intend to repeat their allegation in this review. As to witness A, a Senior Clinical Therapist reported that A has admitted giving false information in the past about being systematically sexually abused over a substantial period of time by a paedophile ring. A manager of a clinic wrote to the Probation Service and stated that A *'spent a long period of time giving misinformation and my suspicion is that whether consciously or not he has a need to be mischievous.'* It was believed that A had done significant levels of internet research about the matters that he had reported. Whilst being interviewed by another force, A disclosed that he had spent 20 years *'hunting'* for information on places such as Dolphin Sq. and the Paedophile Information Exchange. A spoke about trawling the internet to find out everything about a suspect in this case and *'still with that mentality that I'm going to fuck them all up'* A has a significant history of criminal offending, including sexual offences against children, numerous fraud and theft offences. Very recently he had made a false claim to the police concerning alleged threats. I have read the totality of the investigation into this person's evidence and it is manifestly worthless and fraudulent.

2.4.138 B has convictions for theft fraud and violence. He has a brother in the Church who states that B is a prolific liar who has told various untruths about money and property that he has claimed to own. He had invented an

allegation of being approached by a paedophile when, in fact, it had been his other brother. B had alleged that he was abused by a priest at a named cathedral when he, B, was 7 years old. When enquiries were made, the priest did not move to that Cathedral until 7 years later. When Midland officers showed an album of photos to B he was unable to identify any suspect, but did select other photos chosen at random. I have studied his evidence with care and it is plainly worthless. It is not suggested by any officer in the case that either A or B could possibly be relied upon. Both deliberately lied.

2.4.139 I have included reference to A and B for two reasons. Firstly, their allegations occupied considerable amounts of police time during this investigation, and may well have prolonged it. Secondly, the danger of continuously asking witnesses to come forward, and assuring them that they will be believed, is that individuals of this character present themselves. I do not intend to deal further with these individuals.

2.4.140 By failing to repeat the false accounts given by A and B I do not intend to minimise the significance of their allegations. If their accounts had withstood scrutiny it is highly likely that charges would have been brought against the suspects. The evidence of A and B was detailed and lengthy and was very properly investigated. The intervention of A and B unquestionably prolonged this investigation.

23/09/2015. SIO POLICY FILE

2.4.141 A decision was made to apply for CIU comms data for the mobile phone of 'Nick' in order to identify Fred. The SIO wrote:

'Fred is the pseudonym of a man who is believed to have been a victim of rape and physical abuse and also present at the alleged homicide of 'Boy 3'. The identity of Fred is known to 'Nick' but 'Nick' has given his word not to reveal Fred's identity'.

05/10/2015 - OFFICE MEETINGS MINUTES - DCI

2.4.142 It was reported that 'Nick' does not want to continue with the investigation because he feels that information has been leaked to the Press. He has been 'door stepped' by the Sun and Panorama.

2.4.143 DS Sword reported that Aubrey had now been interviewed. He stated that he may have known 'Nick' and remembers his mother owning a sports car. He played down being his friend. He had not seen anything sexual and had not been the victim of anything. 'Nick' has changed his account about Aubrey. He originally stated that Aubrey was a victim with him and then said that Aubrey was the name of a childhood friend that he had used in place of the other victim's real name (known to the enquiry as Fred).

FINDING: 'NICK' HAS UNQUESTIONABLY LIED IN RELATION TO AUBREY, JOHN, AND FRED. HE TOLD WILTSHIRE POLICE (TAPE 5) 'I WAS THE ONLY CHILD PRESENT, BUT NOT ALWAYS. ABOUT A QUARTER OF THE TIME ANOTHER CHILD WAS PRESENT, JUST ONE OTHER. HIS NAME WAS AUBREY. WE BECAME FRIENDS FROM BICESTER'. IN MPS DISK 2 'NICK' SAYS 'I REMEMBER GOING TO THE CARLTON CLUB WHEN I WAS LIVING IN KINGSTON, 3 OR 4 OF US WERE THERE. I CALL HIM FRED NOW 'THAT IS

YOUR FAULT' (REFERRING TO THE INTERVIEWING OFFICER)'. FRED CANNOT BE A PSEUDONYM FOR AUBREY BECAUSE AUBREY LIVED IN BICESTER NOT KINGSTON. ON 06/05/2015 (OFFICERS MEETING NOTES) 'NICK' TOLD POLICE THAT FRED WAS [FRIEND], HIS FRIEND FROM KINGSTON. FRED HAS BECOME BOTH AUBREY FROM BICESTER AND [FRIEND] FROM KINGSTON BUT THERE IS NO POSSIBLE REASON FOR AUBREY TO NEED A PSEUDONYM AS HE WAS NEVER ABUSED. IN MY JUDGMENT, 'NICK'S' CREDIBILITY IS GRAVELY AND FURTHER DAMAGED BY THESE INCONSISTENCIES. FURTHER, IT HAD TAKEN FAR TOO LONG TO LOCATE AUBREY DUE TO THE DELAY IN VISITING 'NICK'S' MOTHER.

2.4.144 It was reported that a comms data application for 'Nick' had been considered and requested by the DAC. [GIST: QUEEN'S COUNSEL 1] had advised that it is not a question of lawful necessity rather intrusion of privacy and collateral intrusion. Ben Emmerson QC had a different view and thought it a legitimate line of enquiry. The DCI thought the issue relating to 'Nick's' data was one of excessive collateral intrusion.

FINDING: I AGREE WITH WITH BEN EMMERSON. IT WAS NECESSARY TO DISCOVER WHO 'NICK' WAS COMMUNICATING WITH. IT WAS EQUALLY NECESSARY TO ASCERTAIN WHO 'FRED' WAS.

13/10/2015. OFFICE MEETING MINUTES - DCI

2.4.145 The SIO stated that enquiries to trace Fred are ongoing. Regarding the e-mail address subscriber details for Fred (Proton) it would require an international letter of request from the CPS for Switzerland. Switzerland

would operate outside RIPA so a Court Order would be required. The SIO stated that there had been no recent contact with Fred via email.

2.4.146 The Daily Mail had recently published an article in which details of 'Nick' had been published which may lead to the identification of 'Nick'. Officers were seeing 'Nick' today to obtain a statement with a view to prosecuting the Daily Mail.

21/10/2015. EMAIL from 'Nick' to his FLO

2.4.147 'Nick' writes:

'I have been going through my diary and I am just not sure when I would be in a position to do the ID and interview this side of Christmas. I have listed the weeks below with possible dates, but that could change'.

'Nick' then listed the dates with the only free dates:

'might be able to do the 23rd November and that might change. Might be able to do the 16th or 17th December'.

He continued:

'Things are very tight at work at the moment as you can see, I don't know how long you would expect the interview or the IDs to last? Or how important it is to do it quicker or whether it can wait.'

2.4.148 In due course officers offered to carry out the IDs and the interview on the 23rd November but 'Nick' wrote, on the 6th November, saying that the 23rd was no longer possible as he had a meeting booked and he had been told he had to attend. His FLO had previously offered evenings or weekends but 'Nick' had declined on 22/10/2015 saying *'You offered the evening/weekend but this is my family time'*.

22/10/2015. Operation Winterkey and Midland Meeting

2.4.149 The DAC stressed the need to expedite the enquiries into Operation Midland.

'The file has gone to the CPS for an Early Investigative Advice concerning Lord Bramall and we need to push for a timeline. It was agreed we would like the Early Investigative Advice within two weeks'.

2.4.150 The ILOR had now been served and the CPS are of the view that a Swiss Court will need to look at it.

2.4.151 The DAC indicated that a TIU application had been submitted in respect of 'Nick's' phone around the time 'Nick' had allegedly met with Fred in France. He has been informed that the application has been progressed. The data was obtained lawfully *'but the question of whether or not we can now use this data needs to be understood. We need to seek legal advice concerning this'*. There was a discussion concerning the pros and cons of examining the billing data.

FINDING: WHERE BILLING DATA IS OBTAINED LAWFULLY IT NECESSARILY FOLLOWS THAT IT IS LAWFUL TO EXAMINE THE DATA. WHY ELSE WOULD THE LAW PERMIT IT TO BE OBTAINED?

Leading Counsel had advised the SIO that an application would be unlikely to be seen as necessary or proportionate. However, unknown to the SIO, an Independent Authorising Officer had already authorized the application. Accordingly, when the phone billing was received, the resulting data was not analysed. The decision was endorsed by AC Gallan.

Since the information was, in fact, obtained lawfully I can see no reason why the billing data was not examined. I accept that Midland Officers acted in good faith in deciding not to examine it. I consider, however, that it would have been lawful to examine the data and that it may be highly relevant in any contemplated future proceedings.

2.4.152 One line of enquiry remaining was for 'Nick' to do a WADS (Witness Album Display System). The DAC asked:

'Once WADS is done and we have taken the Fred line of enquiry as far as possible what line of enquiry are left to progress?'

It was said that house to house enquiries remained to be done but the DAC asked that consideration be given to what a proportionate amount of resources is to achieve the aim. There was a discussion regarding what was proportionate to do before a view could be taken on whether to continue with the investigation.

FINDING: THE USE OF ANY WADS EVIDENCE IN A TRIAL WOULD ALMOST CERTAINLY BE EXCLUDED HAVING REGARD TO THE FACT THAT 'NICK' HAD, IN ADVANCE OF THIS INVESTIGATION, BEEN SHOWN IMAGES OF THE SUSPECTS BY MARK CONRAD AND AN IMAGE OF MARTIN ALLEN BY TOM BATEMAN, TOM SYMONDS AND PETER MCKELVIE. THIS IS THE FIRST INDICATION AT ANY MEETING THAT THIS INVESTIGATION MAY HAVE TO BE DISCONTINUED. I NOTE THAT THE SIO WAS NOT PRESENT.

27/10/2015

2.4.153 At the request of the CPS the DI prepared a list of consistencies and inconsistencies in 'Nick's' evidence. She itemised a total of 12 inconsistencies, 8 of which were in existence at the commencement of this investigation. The same DI had authorised the statements placed before the District Judge on 02/03/2015 in support of the application for search warrants. Those statements stated that 'Nick' had been consistent.

2.4.154 A second schedule of 'Nick's' inconsistencies was prepared by an analyst on the instructions of a senior officer and was in existence prior to the review of Mr. Fitzgerald (commissioned by the DAC 24/11/15). Mr. Fitzgerald commented that the analyst had *'done a good job'*. Again this document is wholly inconsistent with the representations made to the District Judge on the 02/03/15.

FINDING: THE DOCUMENT DETAILING 'NICK'S' INCONSISTENCIES SUBMITTED TO THE CPS, DATED 27/10/2015, IS INCONSISTENT AND

IRRECONCILABLE WITH THE STATEMENTS AUTHORISED BY THE SAME OFFICER ON 27/02/2015 AND PLACED BEFORE THE DISTRICT JUDGE ON 02/03/2015.

06/11/2015 - OFFICE MEETINGS MINUTES - DCI

2.4.155 The SIO outlined plans for House to House enquiries to commence in Pimlico and Victoria to identify information on suspicious sexual activity that took place at that location around the time of 'Nick's' allegations. A *'witness strategy is to be undertaken to identify people involved in the rent boy community at the time of the offences, the objective being to identify the blond haired male seen with Martin Allen....100's of potential nominals have been identified. Actions have been raised and ready for allocation.'* The SIO suggested a timeline of one month for house to house enquiries but longer for the rent boy scene. It was pointed out that there are 144 addresses identified in London and 193 addresses outside London. The SIO pointed out that there are concerns over Lord Bramall's age and concerns over reaching a resolution whilst he is alive.

FINDING: THESE STEPS APPEAR TO BE BORDERING ON THE HYSTERICAL AND DISPROPORTIONATE HAVING REGARD TO THE STATE OF 'NICK'S' CREDIBILITY. HE HAS MISLED OFFICERS CONCERNING AUBREY AND [FRIEND]. NO 'SCOTT' WAS EVER KILLED OR SERIOUSLY INJURED AND 'NICK'S' EVIDENCE IS WHOLLY INCONSISTENT WITH HIS MOTHER'S AND INTERNALLY INCONSISTENT.

It was deemed appropriate to conduct historic house to house enquires to

identify residents from the relevant time period who could give evidence about the disappearance of Martin Allen and any other concerns involving child abuse. 'Nick' had drawn a picture of [Nos.] Ecclestone Square and that property had been occupied at the time by persons with convictions for paedophile offences. DSU Sweeney had suggested house to house enquires in his review in April 2015.

The occupants of [Nos.] Ecclestone Square were part of a notorious gang of paedophiles and 'Nick' had been taken for walks in that locality by his journalist supporters. DSU Sweeney's suggestion was made seven months earlier and by now (06/11/2015) this investigation was on its last legs. House to house enquires represented a very long shot given the 35-year time lapse.

17/11/2015. EMAIL 'Nick' to DC Chatfield

2.4.156 *'I have been going through my diary and don't have any free time this side of the New Year'....'I am also sorry for not letting you know about the CICA. I assumed you knew as I hadn't raised it again'.*

FINDING: THE MPS HAVE NOW LEARNED THAT 'NICK' HAS BEEN PAID OUT BY THE CICA AND IT IS CLEAR THAT HE IS DOING ALL HE CAN TO AVOID BEING FURTHER INTERVIEWED.

24/11/2015. OPERATION MIDLAND TIMELINE MEETING

2.4.157 'Nick' has agreed to a further interview and a WADS viewing in the first week in December. DSU S has spoken to [GIST: PROFESSOR 2] and she

has further questions regarding 'Nick's' ABE interviews. [GIST: PROFESSOR 2] has expressed concern regarding 'Nick's' Counsellor and her qualifications. The Counsellor's notes are poor. Nothing significant has been learned from house to house enquiries. Once complete DSU Scott will make a judgment call on whether or not to pursue further. Lord Bramall's Aide de Camp is to be traced. The DAC believes his details are in Lord Bramall's interview.

FINDING: LORD BRAMALL WAS INTERVIEWED ON 31/07/2015 AND ASSERTED THAT 'NICK'S' ALLEGATION WAS IMPOSSIBLE BY REASON OF THE PRESENCE OF HIS ADC AND OTHER MILITARY PERSONEL. HE PROVIDED DETAILS. THIS IS ALMOST FOUR MONTHS LATER AND ENQUIRIES WHICH ARE CAPABLE OF ESTABLISHING LORD BRAMALL'S INNOCENCE HAVE STILL NOT BEEN MADE. IN ALL THE CIRCUMSTANCES THIS IS MOST REGRETTABLE.

It is accepted that the delay in speaking to [MILITARY OFFICER 2] was an error.

01/12/2015. OPERATION MIDLAND MEETING

2.4.158 The SIO reported that 'Nick' had agreed to be interviewed on 30th November but, shortly before, he cancelled on the grounds of work commitments. Efforts were made to counter this but he is not prepared to take more time off work. He is prepared to do the WADS on 5th December but says he is too tired to do the interview. Attempts have been made to persuade him but unsuccessfully. On being asked what it was hoped a further interview might achieve the SIO stated that the interview plan was extensive and included questions relating to his injuries, i.e. who saw them and who

did he tell. In the past questions have been very open and more detailed interviews needed to take place. His counselling notes have been reviewed. The SIO believed [GIST: PROFESSOR 2] report was important and believed it could '*influence our decision making*'.

2.4.159 The DAC could not see how her report will strengthen the case in terms of the evidence available and the existing problems with the weaknesses of evidence (no corroborating injuries, no explanation of how he could have been removed from school, no further witnesses, Fred, failure to name Bramall immediately).

FINDING: I BELIEVE THAT, BUT FOR THE FALSE INFORMATION BEING PEDALLED BY WITNESSES A AND B, THAT THE DAC WOULD HAVE TERMINATED THE INVESTIGATION AT THIS STAGE. I UNRESERVEDLY ACCEPT THAT THEIR INTERVENTION PROLONGED THE INVESTIGATION.

IT IS REGRETTABLE THAT 'NICK' WAS NOT ASKED, AT THE OUTSET OF THIS INVESTIGATION, WHAT INJURIES HE SUFFERED, WHO SAW THEM, AND WHETHER HE WAS PREPARED TO BE EXAMINED FOR SCARS, HEALED FRACTURES, AND ANALLY. HIS ALLEGATIONS DID INCLUDE RAPE AND INFLICTING GRIEVOUS BODILY HARM.

On 17/12/2015 the CPS advised that the absence of injuries would not enable Operation Midland to conclude that buggery had not occurred. Equally, if there was damage, then there was a range of other explanations.

In my judgement it was essential to ask 'Nick' if he was prepared to be

examined. He had alleged, at various times, numerous injuries, including several fractures and had alleged innumerable violent anal rapes with considerable and frequent bleeding. Since a request was eventually made in January 2016, Midland Officers presumably agree.

01/12/2015. SIO POLICY FILE

2.4.160 The SIO nominated an American Citizen as a POI (Person of Interest). I will not name him for reasons which will become clear. Shortly after the interviews of October 2014, Peter McKelvie emailed 'Nick' providing him with the name of an American who might have been one of his abusers. 'Nick' did not respond.

2.4.161 This was yet another example of a freelance journalist providing information to 'Nick' which he might utilise. There is not a jot of evidence against the American and yet he finds himself now a POI in a case involving the gravest of allegations. Had 'Nick' adopted the name he would necessarily have become a suspect.

09/12/2015. OPERATION MIDLAND TIMELINE MEETING

2.4.162 The position with 'Nick' still had not changed. The team were trying to get him to commit to a date in January. Enquiries with Lord Bramall's ADC were now complete. He stated that the office was heavily secure in terms of always having people around it. He said that it was unlikely that children had ever been in there but could not be certain that this had never happened.

2.4.163 The DAC was keen that 'Nick' be asked if he is willing to take part in a medical examination. The SIO said she would seek NCA advice on the matter and carry out a risk assessment using their guidelines for working with vulnerable victims. The DAC did not agree and expressed a preference for asking him if he would consent to being examined. 'Nick' needs to know what is required from him to take this investigation forward and, in any event, if a prosecution is forthcoming, a defence team would want these enquiries carried out. The SIO was nervous about speaking to 'Nick' in December about these issues as he has already been clear that December is a difficult time for him and she is concerned that this will add to his trauma. Enquiries are being made with CICA to establish on what basis the compensation claim was paid out on.

FINDING: NO SUFFICIENT CONSIDERATION APPEARS TO HAVE BEEN GIVEN BY THE SIO TO THE PLIGHT OF THE SUSPECTS WHILST EVERY POSSIBLE CONSIDERATION HAS BEEN GIVEN TO 'NICK'. I CAN SEE NO POSSIBLE OBJECTION TO ASKING HIM IF HE WILL AGREE TO A MEDICAL EXAMINATION.

ENQUIRIES SHOULD HAVE BEEN MADE IN FEBRUARY OF THE CICA AS TO THE BASIS OF 'NICK'S' CLAIM AND NOTIFYING THEM THAT THE METROPOLITAN POLICE WERE NOW INVESTIGATING 'NICK'S' ALLEGATIONS. HAD ENQUIRIES BEEN MADE THEY WOULD HAVE REVEALED THAT 'NICK' INFORMED THE CICA THAT HE HAD SUFFERED NO INJURIES.

17/12/2015. OPERATION MIDLAND TIMELINE MEETING

2.4.164 The date for 'Nick's' WADS meeting and further interview has been agreed for 17th January. This was the earliest date he would agree to. He has cancelled appointments for 23rd and 30th November and 5th December. CPS advised that an intrusive examination of 'Nick' would not take the investigation further forward. The DAC challenged the view and asked if it was backed by a medical opinion. It was said their view was based on other cases and case law. They felt that an intimate examination was too intrusive when balanced against the benefit of this from an evidential perspective. Even if evidence of anal tearing was present, it is unlikely we would be able to draw an inference of abuse from it nor would it indicate who was responsible for the abuse. Equally the lack of such damage would not negate the possibility that the offence occurred.

FINDING: EVERY CASE MUST BE CONSIDERED ON ITS OWN FACTS. 'NICK' ALLEGES THAT HE WAS BUGGERED NUMEROUS TIMES AND WITH GREAT FORCE FROM THE AGE OF 7 TO 15 AND WAS FREQUENTLY CAUSED TO BLEED. I CONSIDER IT HIGHLY LIKELY THAT IF HE HAD BEEN SO ABUSED THAT THERE WOULD BE SOME INDICATION THEREOF. AN UNDAMAGED ANAL CANAL WOULD (SUBJECT TO MEDICAL OPINION) TEND TO NEGATE HIS ALLEGATIONS AND, ACCORDINGLY, IN CONDUCTING AN INVESTIGATION WITHOUT FEAR OR FAVOUR, 'NICK' SHOULD HAVE BEEN ASKED WHETHER HE WOULD CONSENT TO SUCH AN EXAMINATION. IF HE HAS NEVER BEEN DAMAGED HE WOULD IN ALL LIKELIHOOD DECLINE. DEFENCE LAWYERS WOULD CERTAINLY ASK PRE-TRIAL WHETHER HE HAD BEEN GIVEN THE OPPORTUNITY TO BE EXAMINED.

2.4.165 'Nick' was to be told that it is vital that the interview takes place on

11th January and there can be no further delays. The SIO wants 'Nick' to do a CT scan as it will be less intrusive. There was a discussion regarding the seizing of 'Nick's' computers. The CPS view is that it would be a waste of resources. We would be looking to prove that he did not do internet research. This would only take us so far. It would not prove that he has not conducted research on suspects and premises using another form of access to the internet.

FINDING: THE CPS ARGUMENT MISSES THE POINT THAT THE POLICE HAVE A DUTY TO INVESTIGATE WITHOUT FEAR OR FAVOUR AND SEIZURE OF 'NICK'S' COMPUTER MAY PROVE THAT HE HAS BEEN RESEARCHING AND MAY DISCLOSE THAT 'NICK' IS 'FRED'. A LINE OF INVESTIGATION SHOULD NOT BE AVOIDED MERELY BECAUSE IT CAN ONLY ASSIST A SUSPECT.

2.4.166 **[GIST: PROFESSOR 2]** report has now been received. The DAC asked why this had not been commissioned earlier in the investigation. The SIO said that the CPS had advised against it. **[GIST: PROFESSOR 2]** had concluded that 'Nick's' accounts contain numerous inconsistencies. She concluded that there must be serious doubt about the reliability of his account.

FINDING: THE ADVICE OF THE CPS IS PERFECTLY UNDERSTANDABLE. THE EVIDENCE OF A PSYCHOLOGIST, HOWEVER EMINENT, CANNOT BE DEPLOYED TO USURP THE FUNCTION OF A JURY. PSYCHIATRIC EVIDENCE CANNOT BE CALLED TO PROVE THE PROBABILITY OF A WITNESS'S VERACITY. IT IS FOR THE POLICE PRE-CHARGE TO ASSESS THE CREDIBILITY OF A WITNESS AND TO ANALYSE INCONSISTENCIES IN A WITNESS'S ACCOUNT. [GIST: PROFESSOR 2] WAS, TO A CONSIDERABLE DEGREE,

REACHING A CONCLUSION ON 'NICK'S' INCONSISTENCIES WHICH WAS AVAILABLE TO THE INVESTIGATION TEAM AND HAD BEEN FOR SOME TIME.

2.4.167 **[GIST: PROFESSOR 2]** was critical of the interviewing technique of the interviewing officer stating that there appeared to be a number of leading questions and that the general thrust of the questioning and the interviews as a whole was to wholeheartedly endorse 'Nick's' account without inviting him to critically consider the basis of his assertions (as was also the case with his Counsellor). The DAC questioned whether this was simply **[GIST: PROFESSOR 2]** opinion and if the interviews were compliant with MPS standards.

FINDING: I HAVE SEEN THE OFFICER AND DISCUSSED THE FACT THAT FEW, IF ANY, INCONSISTENCIES WERE PUT TO 'NICK' IN INTERVIEW. THERE IS A GOOD EXPLANATION. HE HAD NEVER BEEN INFORMED OF THE CONTENTS OF THE WILTSHIRE INTERVIEWS NOR THE CONTENTS OF 'NICK'S' BLOGS THAT PRECEDED HIS INTERVIEWS. FURTHER, BETWEEN 23/10/2014, WHEN THE EARLIER INTERVIEWS TOOK PLACE, AND HIS FURTHER INTERVIEW OF 27/04/2015, DS TOWNLY WAS NOT INVITED TO ATTEND ANY OF THE CASE MANAGEMENT MEETINGS (GOLD GROUP, THE DSU'S WEEKLY BRIEFING, OR THE SIO's OFFICE MEETINGS). I FIND THIS FACT DIFFICULT TO COMPREHEND. IN A CASE SUCH AS THIS, THE INTERVIEWER NEEDS TO KNOW ALL RELEVANT FACTS. AS THE SIO OBSERVED AT THIS MEETING:

'THERE ARE A LOT OF DETAILS WHICH 'NICK' NEEDS TO BE CHALLENGED ON'.

MOST OF THOSE MATTERS DERIVE FROM INCONSISTENCIES BETWEEN INTERVIEWS AND BLOGS. THE INTERVIEWING OFFICER WAS NOT INFORMED OF THEM AND THUS COULD NOT SEEK TO RESOLVE THEM IN INTERVIEW.

2.4.168 DSU and the SIO reported on a meeting with the CPS that morning when they were told that the CPS were very concerned about the impact of [GIST: PROFESSOR 2] report on the case. They had indicated verbally that *'they were unlikely to bring any prosecution as a result of 'Nick's' allegations as a result of [GIST: PROFESSOR 2] report'*. They maintained that the decision to NFA is one for the police. The DAC asked what the team hope to achieve through the further interview with 'Nick'. The SIO responded that there were lots of details 'Nick' needed to be challenged on. The DAC initiated a discussion regarding the proportionality of keeping Lord Bramall and Mr. Proctor under investigation having considered the CPS advice relating to the Psychologists report. No decision was taken to terminate the investigation.

FINDING: THE DAC WAS VERY OBVIOUSLY OF A MIND TO END THE INVESTIGATION AND HAD IN MIND THE FAIRNESS OF KEEPING LORD BRAMALL AND MR PROCTOR UNDER INVESTIGATION WHEN ALL LINES OF INVESTIGATION HAD IN REALITY BEEN EXHAUSTED AND, IN ANY EVENT, 'NICK'S' CREDIBILITY WAS IRREPERABLY DAMAGED. I AM OF THE OPINION THAT THE INVESTIGATION SHOULD HAVE BEEN TERMINATED ON THIS DATE AT THE VERY LATEST. THERE WERE SEVERAL EARLIER OCCASIONS WHEN IT WOULD HAVE BEEN APPROPRIATE TO DO SO.

06/01/2016

2.4.169 Officers continued to investigate allegations of A and B and house to house enquiries had continued.

2.4.170 A discussion took place concerning the proposed interview with 'Nick'. The DAC asked the SIO what the contingency plan was in the event that 'Nick' decided not to complete the interview. It was said:

'We know that he is a vulnerable man and he has been reluctant to commit to this interview and that this one will be more challenging than any previous interviews'.

The SIO said she was satisfied that the interview had been arranged in chronological order (which in her view made the most sense) and had been properly planned by people with the requisite experience. The DAC was concerned that the questions relating to Martin Allen were at the end of the interview and that 'Nick' may disengage before dealing with that aspect of the investigation. The SIO agreed that the order of questions should be altered so that Martin Allen would be dealt with at the outset. The SIO pointed out that there was a huge amount of material to be put to 'Nick'. She indicated that there were likely to be a number of enquiries that were likely to be generated as a result of the interview.

11/01/2016. Final Interview of 'Nick'. (Please see interview summaries)

2.4.171 'Nick' did, as anticipated by the DAC, discontinue at a comparatively early stage of the interview process. He pleaded illness. It is manifest from the content of the interview that the problems facing 'Nick' were insurmountable. He faced difficulties over his alleged hospitalisation after his stepfather allegedly first raped him (unbeknown to his mother) and further difficulties over his statement that his stepfather raped him several times in Kingston, when he had earlier told the police that he last saw his stepfather being taken off by police in Bicester, some two years earlier. He was asked why he failed to mention Lord Bramall's name to the Wiltshire Police. He said he thought they would find out and that he did not want to be the one that gave the name. When the topic turned to Middle Eastern, Saudi and American Diplomats 'Nick' said that he was ill. The SIO took the view that he should be interviewed further at a later date. 'Nick' agreed to return on 14/01/2016 but cancelled the day before pleading work commitments.

14/01/2016. Conference Call Operation Midland

2.4.172 A decision was taken to discontinue against Lord Bramall but to continue to investigate the case against Mr. Proctor. The material seized in the search had not been fully examined and Witnesses A and B were to be re-interviewed.

FINDING: I DISAGREE WITH THIS DECISION. THE CASE AGAINST BOTH SHOULD HAVE BEEN DISCONTINUED. IT HAD BECOME IMPOSSIBLE TO CALL 'NICK' AS A WITNESS AND, WITHOUT HIM, THERE WAS NO POSSIBLE EVIDENCE OF ANY MURDER NOR ANY ACT OF ABUSE OF 'NICK'.

The Officers contend that it was a correct to discontinue against Lord Bramall and to continue against Mr. Proctor.

Irrespective of any evidence that A and B might give, if 'Nick' was credible against Mr. Proctor then he was credible against Lord Bramall. The CPS had already advised that if he was incredible in the case of one he was incredible in the case of the other. In my judgement, the time had long since passed when both suspects should have been told that no further action would be taken.

21/01/2016. OPERATION MIDLAND TIMELINE MEETING

2.4.173 'Nick' and solicitors for both Lord Bramall and Mr. Proctor were informed of the decision of 14/01/2016. 'Nick' had been 'doorstepped' by the Daily Mail following the MPS press release and has stated that he can no longer cope. *'Welfare is in place and attempts are made daily to arrange a visit'*. Lord Bramall's solicitor has indicated three areas of concern. There was no sufficient investigation into 'Nick's' veracity before the search, there was insufficient evidence to justify a search, and it took far too long to remove him from the investigation. The DS was liaising with Lord Bramall's solicitor concerning property that needs to be restored. 'Nick' is refusing to provide his journal in its entirety, only partially disclosed to the Operation Midland team. He will not hand it over due to other names in the journal. 'Nick' has received £22,000 in compensation from CICA.

FINDING: I AGREE WITH EACH ONE OF LORD BRAMALL'S SOLICITOR'S CONCERNS. IN ADDITION, IT APPEARS THAT PROPERTY SEIZED FROM LORD

BRAMALL SHOULD HAVE BEEN RETURNED VERY MUCH SOONER. NONE OF IT HAD ANY CONCEIVABLE PROBATIVE VALUE AND ALL DOCUMENTATION COULD IN ANY EVENT HAVE BEEN COPIED. SEE PACE 1984 s22(1) s22(2)(a) and s22(4).

27/01/2016. OPERATION MIDLAND TIMELINE MEETING

2.4.174 *"Nick' has been seen and his main concern is the harassment and false reporting in the media. He has had enough, physically and emotionally. No further request will be made for his consent to a medical examination or interview. 'Nick' has confirmed that Fred is aware of the NFA against Lord Bramall. 'Nick' will try and contact Fred. He has not heard from him since September 2015. If 'Nick' does attempt any contact with Fred, then we will send a supporting email from the Operation Midland team to request an informal meeting'.*

2.4.175 *'CPS are dealing with the ILOR which is currently going through the Swiss Courts. The CPS do not anticipate hearing anything until around March 2016. The DAC is concerned at the length of time the ILOR is taking and that any decision to NFA may impact on the Swiss investigation'.*

2.4.176 *'A discussion was had around 'Nick's' phone data and if there is a need to submit a new application which 'may help identify Fred's existence'.*

2.4.177 Statements of A and B continue to be scrutinised.

09/02/2016

2.4.178 ‘There was a discussion regarding bringing Operation Midland to a conclusion but the DAC stressed that this would not be brought forward prematurely. *The SIO takes a very firm view that we should not ask ‘Nick’ for his computer. She believes this will set a dangerous precedent for victims and we know that he is resolute in his decision not to compromise Fred. By giving up his computer, he would potentially reveal the identity of Fred and he is clear that this is not something he would be willing to do’.*

2.4.179 *The SIO does not see any evidential value in seizing the original journals in their entirety as they contain certain information regarding other suspects whose identity he is not willing to disclose.* There was a discussion regarding the value of seizing them and what action police would take if ‘Nick’ refused to hand over the journal. The SIO believed it was too late to carry out this enquiry.

FINDING: I CAN SEE NO POSSIBLE DISADVANTAGE IN ASKING ‘NICK’ TO ALLOW THE POLICE TO EXAMINE HIS COMPUTER AND HIS JOURNALS ON A PURELY VOLUNTARY BASIS. I AM SURE THAT HE WOULD HAVE REFUSED BUT THE POTENTIAL ADVANTAGES ARE CONSIDERABLE ALBEIT SPECULATIVE. SEIZURE OF EITHER ARTICLE WOULD BE A BREACH OF ARTICLE 8 ECHR UNLESS OFFICERS HAD REASONABLE GROUNDS TO SUSPECT THAT ‘NICK’ HAD COMMITTED A CRIMINAL ACT. I BELIEVE THAT THEY HAD BUT THE SIO DID NOT SO CONSIDER AND, ACCORDINGLY, IT WAS NOT POSSIBLE TO SEIZE THE COMPUTER OR JOURNAL LAWFULLY.

2.4.180 There was a brief discussion regarding the recent criticism in media concerning the amount of time it took to trace Lord Bramall's staff. The SIO stated that it took a long time to find out the information regarding who was employed in Lord Bramall's office at the relevant times.

FINDING: A MAJOR CONTRIBUTING FACTOR WAS THAT THERE WAS NO DISCLOSURE IN THE FIRST INTERVIEW (30/04/2015) OF THE FACT THAT IT WAS ALLEGED THAT BUGGERY TOOK PLACE IN LORD BRAMALL'S OFFICE AT WILTON BARRACKS. THIS WAS NOT DISCLOSED UNTIL THE SECOND INTERVIEW (31/07/2015). IN CERTAIN CASES, PARTIAL DISCLOSURE CAN BE JUSTIFIED BUT THIS WAS CERTAINLY NOT SUCH A CASE. THIS WAS RESPONSIBLE FOR 3 MONTHS DELAY. HOWEVER, IT WAS NOT UNTIL 24/11/2015, THAT OPERATION MIDLAND TIMELINE MINUTES READ '*LORD BRAMALL'S AIDE DE CAMP TO BE TRACED*'. THIS FURTHER DELAY OF ALMOST 4 MONTHS IS REPREHENSIBLE.

03/03/2016. OPERATION MIDLAND TIMELINE MEETING

2.4.181 Witnesses A and B continued to be considered. The SIO reported that both had quite chaotic lifestyles and it is very difficult to arrange any kind of meeting.

2.4.182 The DAC was frustrated by the lack of progress with the ILOR and asked for an explanation for the delay. [GIST: CPS 3] of the CPS had said she would provide an update by Easter but also expressed the view that if a decision was taken to close down the Operation then the grounds to

continue with the ILOR cease to exist. The DAC took the view that even if Midland is closed down the ILOR remained a legitimate line of enquiry.

FINDING: I AGREE WITH THE DAC. THE ILOR IS OF CRITICAL IMPORTANCE. IF 'NICK' HAS PRETENDED TO BE FRED, THE MARTIN ALLEN FAMILY CAN BE ASSURED THAT EVERY WORD SPOKEN BY 'NICK' IS UNTRUE AND THAT 'NICK'S' GRAPHIC DESCRIPTION OF MARTIN'S MURDER IS A FABRICATION. I WAS INFORMED BY THE DAC THAT THE ILOR HAS NOW LAPSED AND NOT BEEN RENEWED BY OFFICERS NOW INVESTIGATING THE DEATH OF MARTIN ALLEN. I FAIL TO SEE THE LOGIC IN SUCH A DECISION.

10/03/2016. OPERATION MIDLAND AND WINTER KEY MEETING

2.4.183 The DAC indicated that he was likely to decide that no further action should be taken against Mr. Proctor, but a number of matters remained unresolved, including Fred, 'Nick's' journals and the Martin Allen case.

18/03/2016. OPERATION MIDLAND TIMELINE MEETING

2.4.184 'On Monday 21st March Harvey Proctor will be notified through his solicitor that no further action will be taken in respect of the investigation against him.

2.4.185 We will need to be clear that we have found no evidence of 'Nick' wilfully misleading the investigation team or anything which would amount to an offence of perverting the course of justice. We have investigated a number of allegations which we have been unable to prove or disprove.'

FINDING: I FUNDAMENTALLY DISAGREE WITH THIS STATEMENT. 'NICK' HAD MISLED THE INVESTIGATION AS OFFICERS I INTERVIEWED ACCEPTED. HE FALSELY ASSERTED THAT AUBREY FROM BICESTER WAS ABUSED, AND THAT [FRIEND] FROM KINGSTON WAS ABUSED. HE SAID THAT SCOTT WAS KILLED. [GIST: PROFESSOR 2] HAD WRITTEN OF 'NICK'S' MANY INCONSISTENCIES. THIS APPROACH WAS GROSSLY UNFAIR TO THOSE ACCUSED BY 'NICK'. THEY HAD BEEN UNDER INVESTIGATION FOR A PROLONGED PERIOD AND THEY AND THEIR FAMILIES AND THE FAMILIES OF OTHER SUSPECTS WERE ENTITLED TO BE TOLD THAT 'NICK'S' ACCOUNTS WERE INCONSISTENT AND UNTRUTHFUL.

The MPS press statement on 21/03/16 stated:

'In the course of the investigation, officers have not found evidence to prove that they were knowingly misled by a complainant. The MPS does not investigate complainants simply on the basis that their allegations have not been corroborated.'

I disagree with the assertion that no evidence was found to prove that officers were knowingly misled. It is common ground that 'Nick' lied about Aubrey from Bicester having been sexually abused at several sex parties. It is manifest that no 'Scott' was murdered outside Coombe Hill Primary School. It is clear that 'Nick' has given conflicting version of events to two different police forces. This closing statement was unfair to every one of those persons named by 'Nick' as his abusers and especially unfair to Lord Bramall and Harvey Proctor who have had to live through the ordeal of facing these

shocking allegations over a prolonged period. Those named, their families, Martin Allen's family, and the Public needed to be informed that 'Nick' had given inconsistent versions to two different Police forces and that several asserted facts had been found to be untrue.

The Reviews

2.5.1 During Operation Midland two reviews were ordered. The first was ordered by AC Gallan on 23rd March 2015. On 10th March she received a call from the Commissioner who was concerned about a number of warrants that had been executed in relation to Operation Midland. I have recited her response to that concern and her meeting with the DAC and Det. Supt. John Sweeney (DSU) on 23rd March in the resume of the Investigation. She had a number of concerns, namely that 'Nick' was not corroborated, there was a reluctance to track down 'Nick', there was a reluctance to speak to the SIO who had investigated the Martin Allen case, the involvement of the CPS was unclear, and standard review processes had not taken place at 24 hours, 7 days or 28 days. AC Gallan asked DSU Sweeney to carry out this review due to his experience of historical child abuse cases. I interviewed Mr. Sweeney on 08/09/2016. The decision to order a review at this stage was clearly correct and fully justified.

2.5.2 DSU Sweeney carried out this review on his own. The AC initially wanted him to deal with the question of whether there should be voluntary interviews with Lord Bramall and Harvey Proctor. He reported back on the day he was first approached having concluded that the interviews should go ahead as soon as they could be arranged. That decision was also clearly right and I need not review the DSU's reasoning. Thereafter he turned his attention to the Operation as a whole. He described his review to me as a snapshot. His concern was '*where is the investigation at this point*'. The DSU concluded that the investigation was not as far forward as he would have wanted it to be. There were allegations of a single witness with no

effective corroboration or support for 'Nick's' allegations. His concern was that the investigation needed to focus on corroboration or support for 'Nick's' allegations.

2.5.3 The DSU had read all 'Nick's' interviews and some of the blogs. He had read the analyst's notes. He had not read the blog setting out 'Nick's' body map of his numerous alleged injuries. The DSU had his concerns about the blogs and the comments 'Nick' made about receiving a good response from them. There were issues. He said in his report that *'anyone who had knowledge of 'Nick' growing up should be spoken to'*. He stressed in his review that enquiries should be made into 'Nick's' credibility, but it was premature at this stage to determine his credibility as there were enquiries outstanding. He was aware of differences or inconsistencies in 'Nick's' accounts and knew that 'Nick's' accounts were not the same as his mother's. He did not specifically mention 'Nick's' mother in his review. He did mention in his review a recommendation to speak to people who had contact with 'Nick' when he was growing up.

2.5.4 The DSU was focused on ascertaining who 'Fred' was and did point out that *'if we cannot broker a meeting with 'Fred' we will have to explain to 'Nick' the vital importance of police being able to pursue all lines of enquiry, whether it helps the prosecution or defence'*. Covert intelligence gathering was suggested.

2.5.5 The DSU provided the most useful guidance concerning Martin Allen, namely that his photograph was readily available on the internet, together with an artist's impression of a man with his hand on the back of Martin

Allen's neck. When 'Nick' described meeting 'Boy 2' he was being led to the car by a man who had his hand on the back of 'Boy 2's' neck. As the DSU observed, the investigation needed to find out if these media appeals were seen by 'Nick' as he conducted research.

2.5.6 The DSU did not specifically mention 'Aubrey' because he was considering the murders and was considering where the investigation should go now. He was very much focused on 'Fred' and 'Duncan'. As to 'Scott' he did point out that the elimination of all 'Scotts' affected 'Nick's' credibility. He did not recommend a physical medical examination because he had not been informed of 'Nick's' allegation that he had sustained multiple fractures. He was not told during the review that 'Nick' had made a claim to the CICA. He wanted the investigation to do what he recommended were 'quick wins' (police jargon) meaning 'a speedy result'. If they discovered that 'Fred' was in fact 'Nick' that would be the end of the investigation. Since the case depended on 'Nick's' credibility.

2.5.7 In my opinion, 'Nick's' computer, mobile phone and 'Fred' were the quick wins. The question of whether 'Nick' should have been asked if his computer and mobile telephone could be examined had to be confronted at some time. Gold should have confronted it even if the investigation team would not.

2.5.8 I have concluded that it would have been unreasonable at this stage for the DSU to advise that this investigation be terminated. A number of matters were outstanding, relating to 'Fred', Martin Allen, 'Duncan' and 'Aubrey' and 'Nick's' mother had not been interviewed. Further, the DSU had not

been assisted by being informed of 'Nick's' most significant blog setting out his injuries and fractures, nor had he been informed of the CICA claim.

2.5.9 I find no basis to criticise this review and, having received it, AC Gallan had no basis for halting the investigation.

2.5.10 The second review by the Specialist Crime Review Group (SCRG) was commissioned by the DAC on 24/11/2015. It was conducted by Philip Fitzgerald, a retired DCI, whom I interviewed on 08/09/2016. It was a Progress Review of Operation Midland and Mr. Fitzgerald was conscious that this was towards the end of the investigation. He had a team of seven working with him and the review ended on 21/01/2016. He had read all 'Nick's' transcripts and looked at intelligence documents setting out inconsistencies and discrepancies in 'Nick's' transcripts. Mr. Fitzgerald told me that *'the intelligence analyst had done a good job'*.

2.5.11 The review was system based. He was not asked to determine whether 'Nick' was credible or was telling the truth. Since it was a progress review, he was looking at what the investigators could do in the future. He was asked to establish if there was any more work that could be done and to determine whether things had been done properly in accordance with systems. Commenting on 'Nick's' credibility was outside his terms of reference, although Mr. Fitzgerald made it very clear that establishing 'Nick's' credibility was critical. Decision making was not within the scope of the review. Mr. Fitzgerald was also very aware that 'Nick's' evidence was uncorroborated and was especially concerned about Lord Bramall given his age and family circumstances.

2.5.12 Mr. Fitzgerald pointed out to me that *'there are professional pointers re 'Nick's' credibility in the review'* and that *'It would have been better if a review had been commissioned in March or April of 2015 with terms of reference designed to assess 'Nick's' credibility.'* However, he stressed that *'assessing 'Nick's' credibility was not our task'*. It was focused on *'are we going in the right direction and are there any further lines of enquiry'*. He also told me that he was given 6-8 weeks in which to complete his review although he said he *'would have liked 12-14 weeks.'* As a result, extra resources were allocated in to reduce the time scales in which the report had to be completed. This was a huge piece of work.

2.5.13 An example of work Mr. Fitzgerald's team did was to discover that a school tie from a Surrey school outfitter (the County of Coombe Hill Primary School) and a school blazer, both seized in a search on 4th March, had not been forensically examined or traced in the intervening eight months. Whilst the blazer was a 44-inch chest, Mr. Fitzgerald observed that both the blazer and tie should be forensically examined and other relevant enquiries should be made. I understand this has now been done with a negative result.

2.5.14 Mr. Fitzgerald was particularly concerned about the evidence of 'Nick's' mother which was not consistent with 'Nick's' evidence. He discussed with the SIO whether they might re-interview the mother and ask about 'Nick's' day to day routine, what time he went to school, after school activities, the name of his GP, but the feeling of the investigation team was that *'they had gone as far as they could with the mother'*. Accordingly, Mr. Fitzgerald

concluded that the investigation had got all the evidence it could from 'Nick's' mother.

2.5.15 Mr. Fitzgerald recommended that further investigations were conducted and that members of staff, police officers and close protection officers should have been spoken to with a view to ascertaining whether these suspects associated with one another or had mutual connections.

2.5.16 The investigation could have asked at any time for a review as to the credibility of 'Nick'. I was told that it is open to any senior officer to request any '*bespoke review or a thematic review.*' The DAC could have gone to Det. Supt. Robson, the senior officer I/C SCRG, and asked for a review and he would arrange terms of reference. The team would then assess and evaluate the evidence that the investigation had. They would, if asked, have looked at the credibility of 'Nick' and given an opinion on whether the Full Code Test was met.

2.5.17 Mr. Fitzgerald told me that '*at this time the MPS were under a lot of criticism of how they had investigated historical allegations of sexual abuse*' and that the '*MPS were anxious to make sure that victims were treated fairly and that victims must be believed.*' It is right to note that the DCI made it clear that '*the suspects had to be treated fairly*' as well.

2.5.18 In my opinion, the examination of 'Nick's' computer, mobile telephone and the question of a medical examination should have been confronted at the beginning of the investigation. Victims should know from the outset that such investigations will need to take place and that they will be subject

to a level of investigation in order to corroborate their allegations. The boundaries needed to be set at the beginning with 'Nick' and his computer and journals should have been examined. If he refused the investigation team would have needed to consider where that left them. All complainants should have it explained to them that these matters are part of the investigative process and are standard procedure.

2.5.19I was impressed with Mr. Fitzgerald's approach to his task. He made a number of recommendations relating to the recording of exhibits and similar administrative matters, but, as he himself pointed out, a thematic review related to 'Nick's' credibility, in advance of considering any application for a search warrant, would have served the investigation far better. Requests for medical examination, journals and computers had all been put off when they should have been made at the outset. There was little else left to do at this stage and the investigation was in terminal decline.

2.5.20Neither review was concerned with assessing 'Nick's' credibility. Since the team had informed the District Judge that 'Nick' had remained consistent and that he is felt to be a credible witness who is telling the truth, it would be problematic, thereafter, to commission a review designed to assess 'Nick's' credibility. The investigating team cannot rely upon either review as validating their conduct of this investigation, since neither was required to assess 'Nick's' credibility.

Interviews with Operation Midland Police Officers

2.6.1 I spent all of 16/08/2016, and the morning of 17/08/2016, interviewing the DAC, DSU, DCI, and two DSs. I had supplied a list of questions in advance of the meeting. Proceedings commenced with a presentation by the DAC, accompanied by some 53 slides. I have summarised that presentation in a separate chapter. The officers sought to explain and justify their decision making whilst I sought explanations for any perceived errors in the investigative process. I have most helpfully been supplied by the DAC with copies of the slides and some 58 pages of notes. He had prepared his presentation with the greatest care and delivered it in a most digestible manner.

2.6.2 The DAC began by placing this investigation in its correct context with several media headlines displayed, including: The Times *'Paedophile Cover up'*, London Evening Standard *'MP Told Police about VIP paedophile ring's parties 26 years ago'*, and Metro *'600 child sex cases in eight months'*. This was a prelude to the DAC justifying his decision of 11/11/2014 to formally investigate Operation Midland. Since I agree that 'Nick's' allegation had to be investigated, the DAC was, at this stage of his presentation, pushing at an open door. I did not, however, share the same approach to the decision making rationale. The DAC stressed the media headlines and the public mood, namely that VIP paedophiles in Westminster were in the news on a daily basis, the prevailing mood was that, historically, the police had failed to pursue allegations involving people in authority, and, on a daily basis, the media were running stories concerning the police mishandling of allegations of abuse involving VIPs. I was given the impression, possibly mistakenly, that

the decision to investigate was in response to media pressure and potential public criticism; which is no basis for a decision to investigate. A decision to investigate must be strictly evidence based. There was, here, an allegation that three children had been murdered and that numerous other children had been gravely abused. My concern was the quality of the available evidence, namely the conflicting versions given by 'Nick' to Wiltshire and in his blogs, and the manifestly implausible nature of many of the allegations. It soon became clear that a major difference between my own view of this investigation and the DAC, which is apparently shared by other officers, centred on the inconsistencies in 'Nick's' accounts, dealt with in my conclusions 2-13, which Midland officers do not accept. Every officer present contended that 'Nick' had been consistent.

'The media coverage did not change our investigative approach. We took the investigation on merit.'

I readily accept this. It is correct that this investigation should be contextualised and I have sought to do this elsewhere. I accept that the decision to investigate was not a response to media pressure and potential public criticism. The decision to investigate was correct and I agree with it.

Every officer present accepted that 'Nick' had been inconsistent. But also noted that this is not in any way unusual for victims of sexual abuse. Academic research points to inconsistencies on the part of victims not being consistent whether underlying truth.

At the outset of our meeting in August every officer present advanced

arguments in support of the contention that 'Nick' was 'consistent' or at least not inconsistent. Upon being challenged in that assertion by me all three senior officers acknowledged that there were inconsistencies in 'Nick's' account. I paid particular attention to the word 'consistent' since it was used in the application for the search warrants wherein it was stated that *'his account has remained consistent and it is felt he is a credible witness who is telling the truth.'* I have a note of the SIO's words when she said *'his account was consistent. It was broadly consistent. They were consistent accounts delivered in stages.'* I also note, that on 22/01/2015, the SIO told the Gold Group that she had *'no concerns regarding the veracity of 'Nick's' account'*. I am minded to accept that the officers had persuaded themselves that 'Nick' had been consistent. An analysis of his interviews and blogs is very much to the contrary. Miss Oakley's note is as follows:-

'Did you believe that 'Nick's' statements were credible and true as at 18/12/2014?

The SIO replied:-

On the 18th December I believed he is telling the truth as he knows it. I believed there may be problems of recall. I think credible and true was an accurate view. I was still believing 'Nick'.

On 22/01/2015 you told the Gold Group there are no concerns regarding the veracity of 'Nick's' account and, at the same time observed that there is nothing in 'Nick's' medical records which supports his account?

I had no concerns about the veracity of his account. The broken bones etc. is not a matter of veracity. It was a live inquiry and we were investigating.

Did you inspect the applications for a search warrant? Did you feel that 'Nick' was a credible witness who is telling the truth and who had been consistent? If so, why was Harvey Proctor not arrested. Were you aware that only days earlier the Commissioner had stated on the radio that DSU McDonald had made a mistake in using the word true. You had information that Proctor may still be holding sex parties.

The SIO said:-

I saw the application before they were made.

His account was consistent. It was broadly consistent.

The DAC said:-

They were consistent accounts delivered in stages. I didn't see the warrants before the applications were made. I was aware of the purpose and the grounds of the warrant but I didn't see them. I do say the accounts are consistent. In Wiltshire he had said that there were parts he hadn't told them everything and so I was of the view that the account he gave to the Met was the account he had not given to Wiltshire. There were differences but that were accounted for in his account. There are were differences. We weren't trying to mislead the judge it was a development of an account.

DS Townly said:-

We came out of every ABE thinking he was the real deal - genuine and credible.

I never doubted him. I was his liaison officer and the drive around officer - I am constantly questioning if someone is telling me the truth and thinking it could be true.

At what stage, if any, did you begin to doubt 'Nick's' credibility?

I haven't. I still consider him to be a victim.

The DSU said:-

I did think 'Nick' was credible and true. The Commissioner was that it was a misspeak. I would have perhaps used different language. The Commissioner said it was a 'misspeak'

In addition, the DAC stated in his Gold Decision Log of 24/02/2015, when dealing with search strategy:

'despite the lack of corroboration in the investigation it has not revealed any cause to disbelieve 'Nick'. He has remained consistent and detailed in his accounts'.

Further, I have looked at the DAC's presentation in which he wrote:

'we considered 'Nick's' credibility as witness he had no obvious motivation to fabricate an allegation and had a consistent recall over a period of time'.

2.6.3 The DAC dealt with the ABE interviews. He contended that, in order to get the best evidence, it was correct for DS Townly not to review the Wiltshire interviews in advance of the MPS interviews. I cannot subscribe to a theory that places ignorance ahead of learning. Indeed, DC Young's interview plan for the 11/01/2016 interview states:

'During the course of an investigation it can become necessary to seek an explanation from the witness in relation to significant evidential inconsistencies between information supplied during the interview procedure and other material gathered during the course of the investigation. This would include differences between accounts provided during the interviews and what the witness has said during previous interviews as well as details provided of injuries sustained by the victim'.

If an interviewer has no idea what was said in a previous interview he can hardly seek an explanation for an inconsistency. Much of the training for ABE interviews relates to child witnesses or those with mental disorder/illness. 'Nick' is an intelligent and articulate man in his 40's. Many of the inconsistencies that were to be put to 'Nick' in January 2016 could have been resolved at the outset of this enquiry had a decision been made to inform the interviewer of the earlier interviews and blogs.

The interviewing officer was following a well-established police practice that

suggests, in the first instance, that the interviewer simply seeks the interviewees account rather than challenge it. It is accepted that the follow up challenges that were to be put on 11/01/16 should have come much more quickly.

2.6.4 The DAC dealt with the issue of 'Nick's' credibility and set out the MPS Policy Special Notice 11/02 which stated that:

'It is the policy of the MPS to accept allegations made by any victim in the first instance as being truthful. An allegation will only be considered as falling short of a substantial allegation after a full and thorough investigation'.

He went on to say that:

'Our starting point is to believe witnesses until we have reason to believe otherwise'.

The difficulty in the present case was whether to believe 'Nick's' version of facts as told either to the Wiltshire Police, or to the MPS, or in his blogs.

2.6.5 The DAC placed much emphasis on 'Nick's' e-fit of Martin Allen but failed to sufficiently appreciate that Martin Allen's photograph was readily available on the internet. If a person is minded to make a false allegation of child murder at a particular date, it is an elementary precaution to look on the internet to research which children have gone missing at that time. The subsequent description by 'Nick', of the man with his hand on the back of 'Boy 2's' neck, was surely the giveaway as that very image was available on

the internet (see DSU Sweeney's review).

It cannot be said that simply because 'Nick's' description of seeing 'Boy 2' being led from a flat by a man holding the back of his neck is similar to that of the original witness seeing Martin Allen in a similar position is conclusive evidence that 'Nick' has researched and fabricated his account. The DAC was reluctant to jump to any conclusions.

2.6.6 The DAC dealt with the implausibility of a former Prime Minister, a future Home Secretary, Heads of MI5 and MI6, Two Field Marshals, etc. He observed:

'What is there to say that those suspects are any less likely to conspire to commit offences than anyone else?'

That observation overlooks the law's attitude to positive good character. The considerable majority of the suspects, were they to become Defendants, would rely on years of public service in the most responsible of positions and would call character witnesses of the highest order. Both the law and common sense dictate that Lord Bramall, for one, is less likely to have offended, as alleged, than the man in the street who is of good character. Further, it is the combination of suspects which adds to the implausibility.

This paragraph overlooks the fact that numerous high profile persons of positive good character have committed serious crime, e.g./ the Bishop of Gloucester, Jimmy Savile, Stuart Hall, Rolf Harris, Jonathan Aiken, Lord Archer and many others.

2.6.7 The DAC suggested, in relation to other implausibilities, that the extent of injuries could well have been over-exaggerated by a small child and hence not recognised by his mother. With respect, the evidence was not that of a young child but that of an articulate man in his 40's with a responsible job. The DAC went on to suggest that homicides may not have taken place, they may have been serious assaults. I am at a loss to comprehend how that suggestion is consistent with statements to the public that we believe 'Nick', or to the District Judge when applying for Search Warrants, or in interview when accusing Harvey Proctor of murdering three children.

'Nick' was recounting events over 30 years earlier. Inconsistencies or errors of recollection would be unremarkable in such a situation.

2.6.8 The DAC stated that 'Nick's' mother was not a wholly reliable witness. It was noted that she incorrectly recalled 'Nick's' bed wetting and school absences. She may well have had guilt in her role in introducing Ray Beach. It should be said that, at one school, 22 half day absences were recorded consistent with an illness or a holiday in term time. If it really was thought that 'Nick's' mother was a significantly unreliable witness, or even possibly so, then she should have been visited and assessed far earlier than 20/05/2015.

The DAC was entitled to observe that 'Nick's' mother was not in all respects reliable. She incorrectly remembered the age at which 'Nick' ceased bed wetting and was inaccurate in her recollection of school absences.

'Nick's' mother should have been visited within days of the start of the investigation. She is an intelligent well educated lady with an impeccable

history.

2.6.9 Since I agree that these allegations required investigation, I do not propose to analyse the DAC's rationale for commencing this investigation. It is significant to note that Lord Bramall himself accepted that these allegations had to be investigated. Any complaint relates to the conduct of the investigation.

2.6.10As to the media appeal of 18/12/2014, it is said that this was a witness appeal and officers were very mindful of potential witnesses coming forward. The DAC stated that:

'The credible and true statement is an opinion expressed by individual officers. It does not convey a closed mind. There remains an intention to investigate thoroughly, without fear or favour. Our starting point is to believe witnesses until we have reason to believe otherwise'.

As I have explained elsewhere, credible and true indicates that there exists other evidence, independent of 'Nick', that validates his evidence. When a statement such as this is made publicly, by an officer of the rank of Superintendent, the public are entitled to believe that he spoke on behalf of the MPS and that it was not the opinion of an individual officer.

The DSU did not intend to inflict any harm upon the suspects by using the words '*credible and true*'. He was encouraging other (hopefully genuine) complainants to come forward and doing his best to gain their confidence. He selected the wrong words in the heat of an interview and was influenced

by the MPS Special Notice 11/2002 which was operating on his mind. Fear of disbelief is a potent barrier to disclosure by victims.

I have dealt with this topic fully at 2.4.8. I accept that the DSU sincerely regrets the words '*credible and true*' and that he has learned a significant lesson.

2.6.11 As to 'Nick's' credibility as a witness, the DAC stated that within Midland there was no credible evidence to suggest that 'Nick' had a malicious intent to make a false allegation and, on a slide, the words '*no obvious motivation to fabricate an allegation*' appeared. Unfortunately, no enquiry of the CICA was made at the outset of this Operation as is now advised by Hydrant. For the greater part of this investigation 'Nick' was awaiting payment of a very significant sum of money, albeit unbeknown to the team.

The guidance from Operation Hydrant was not published until November 2015. We challenge the conclusion that 'Nick's' CICA claim necessarily represented motive for fabrication.

I accept no guidance was available at the time. I have not concluded that a CICA claim necessarily establishes a motive for fabrication. The existence of a claim is an indication of a possible motive for fabrication.

2.6.12 The DAC explained what he would have to say if the investigation was closed before all feasible lines of enquiry were followed:

i) What evidence shows that the offences alleged could not have

taken place?

ii) Why should the witness in the case not be believed? On what evidential basis did the SIO/Gold conclude that the factors supporting the credibility of the allegation were outweighed by evidence that the allegation was false?

iii) Any such decision would need to be justifiable in the face of intense public scrutiny.

2.6.13 The first of these statements reverses the burden of proof. A decision maker should ask what evidence there is to support an allegation. He should not reverse the burden. There would have been an answer to the second had enquiries been made. The final statement suggests that decision making is being driven by potential public criticism and not by a rigorous analysis of the facts.

2.6.14 The DAC explained his investigative priorities and his decisions as to resources. I am satisfied that this Operation was well resourced and that no shortcoming was attributable to lack of resources or support.

2.6.15 In reviewing 'Nick' as a witness I note that the DAC wrote:

'Consistent recall of his allegation over a period of time'.

The DAC and I are in disagreement as to 'Nick's' consistent recall. It is also significant in the Gold decision log of 24/02/2015 that the DAC wrote *'that*

'Nick' had remained consistent and detailed in his accounts'.

Warrants

2.6.16 The whole team asserted that there were reasonable grounds to believe that an indictable offence had been committed. The only basis for such belief would be if there were reasonable grounds to believe that 'Nick' had told the truth. The DAC wrote:

'Nick continued to relay his account consistently and was pushing for progress'.

For the reasons contained in my conclusions, I do not agree. I am far from satisfied that this team, as a whole fully believed 'Nick'. Had they done so I am sure that Mr. Proctor, as a suspected triple child murderer, as he would have been, would have been arrested. It is said that Code G encourages non-arrests where there is no necessity to affect an interview, and that is so. However, where a police force has reasonable grounds to believe that a child killer is at large, the conventional response is to make an arrest. I have no experience of a suspected triple child killer being permitted to remain at large.

2.6.17 The most concerning feature of the obtaining of the search warrants is the content of the statements in support which begins:

'The victim in this investigation contacted police in late 2014.'

And later states:

'His account has remained consistent and he is felt to be a credible witness who is telling the truth'.

In fact, 'Nick' contacted MPS Operation Yewtree in October 2012 before the matter was referred to the Wiltshire Police. It was inaccurate to state that 'Nick' contacted Police in late 2014. At that date the Police contacted 'Nick'. The statement also concealed the fact that another force had interviewed 'Nick' and had expressed doubts about his credibility. The statement that 'Nick' has remained consistent cannot be justified having regard to his Wiltshire interviews and 'Nick's' blogs. This statement was not seen or checked by the DAC. This is unfortunate because District Judge Riddle stated, in terms, in his written reasons for granting the warrants that *'This has been considered at DAC level'*. I appreciate that he was referring to the overall decision to apply for the warrants but good practice suggests that the written application, certainly in a case as critical as this, should be validated by the senior decision making officer.

2.6.18 The SIO made the point that police spoke with Lord Bramall's housekeeper at the start of the search and asked that if she saw any behaviour she was unhappy with, or felt was not taking into account the needs of the occupants, then she should speak with the police. In a subsequent email to the Police, Lord Bramall's daughter commented that police had been *'very nice on the day of the search'*. The DCI said that Lady Bramall, who was far from well, had been treated with the greatest care and consideration. No press agents attended during the search.

2.6.19 In Lady Brittan's case I was told that two plain clothes officers approached Lady Brittan, in the first instance, to explain the rationale in relation to the search warrant. No press agents attended the venue during the time of the search. Lady Brittan's solicitor attended and made representations which were acknowledged and are subject to review by MPS lawyers. Representations were made that Pimlico should not be included in the media publicity but Westminster was substituted to no effect.

2.6.20 In Mr. Proctor's case the DAC made the point that the search was concluded within one day to limit the disruption of the search.

2.6.21 The DAC stressed that they decided to inform 'Nick' and the Allen family about the search but only after the warrants had been executed. They did not want them finding out from others. The police were concerned about a breach of trust. It was not thought that 'Nick' leaked the information concerning the searches taking place to Exaro. There were several other possible explanations. He thought it unlikely to have been a Midland internal leak. Reporters were previously aware of a likely search of premises and may have made local enquiries. Both Lord Bramall and Lady Brittan disclosed the searches to several people during the searches. Further police activity, at all premises, may have prompted on-lookers to contact the media.

2.6.22 As to interviews, it had been the intention to swiftly follow the searches with interviews but the AC decided that a peer review should take place before the Operation continued. I have read the emails between the AC and DAC and it is clear that he was most anxious to interview both Lord Bramall and Mr. Proctor promptly as they had asked to be interviewed forthwith.

2.6.23 As to medical evidence, the view was taken that the absence of current injuries, or medical notes documenting injuries from childhood, would not fatally undermine the case and, as a result, the team did not regard a medical examination of 'Nick' as a high priority. I regard this as an error of judgement. 'Nick' had alleged numerous broken bones, several cuts and injuries and sustained violent buggery over an eight-year period. Not only was there no medical record, his mother was unaware of any single injury apart from a chipped bone in his body on a skiing holiday. The DAC sought to explain matters by relying on the fact that his mother was subjected to serious domestic violence by Ray Beach and, by her own admission, was so traumatised by her own abuse that she may have failed to see that her son was also being abused. I do not accept this explanation. 'Nick's' mother and stepfather only cohabited for six months. 'Nick's' allegations against these suspects continued over the next seven or eight years. His mother had a most responsible job during a substantial part of that time. It is inconceivable, in my view, that if 'Nick' was telling the truth that his mother could not have been well aware of the injuries. The suggestion was made that perhaps she may have been covering matters up. I reject that absolutely as a credible explanation for these known facts. If that really was the suspicion of the team, it renders the decision not to visit 'Nick's' mother for almost six months all the more unfortunate. The team appear to have overlooked the fact that 'Nick's' allegation involved several grave wounds and multiple rape. In my judgment, a medical examination was an absolute priority, as was a meeting with 'Nick's' mother.

2.6.24 Both the SIO and the DAC emphasised the fact that medical notes indicated bed wetting until the age of 13, whilst 'Nick's' mother had said that

'Nick' ceased bed wetting at a much younger age. This, it appears, caused them to question 'Nick's' mother's reliability as a witness. I do not share that view. If 'Nick's' statements were true his mother must have known full well that her son, aged 7 to 15, was being brutalised and had sustained a grave catalogue of injuries, as must the neighbours, and 'Nick's' teachers. The lack of accurate memory by his mother as to bed wetting was not, in my judgement, significant. Consent for a medical examination was not sought until January 2016 when 'Nick' said he would think about it. He should have been asked at the outset of this investigation and told that it is standard practice in cases of wounding and rape.

It is accepted that an earlier full medical examination should have been sought.

2.6.25 As to 'Nick's' computer, the DAC stated that there was continual discussion within the team as to whether a request should have been made to examine 'Nick's' computer and whether it should have been seized had he declined the request. It is said that a request risked damaging 'Nick's' relationship with the team. If he refused they could only seize the computer if they believed 'Nick' had committed an offence. It was during such a discussion, in a Gold Group meeting on 20/05/2015, that it was recorded that *'The Group acknowledged that MPS Policy was that victims must be believed'*. I am told, in this meeting, that every officer actually did believe 'Nick' and thus seizure was out of the question. The time had come when 'Nick' was cutting and pasting emails allegedly from Fred to ask to examine his computer. Had he refused to permit an examination, I believe there were grounds to seize his computer provided officers believed they had reasonable grounds to believe

he had committed a criminal act. The DAC considered that the decision to request an examination of the computer was a judgement call. I disagree. The necessity to inspect the computer had become a necessity, not least because it was capable of establishing the innocence of all suspects. It was also capable of informing the Allen family of the state of 'Nick's' knowledge.

It is accepted that a request to examine 'Nick's' computer should have been made much earlier in the investigation.

2.6.26 The SIO told me that he believed that [GIST: PSYCHOLOGIST 1] had access to all of 'Nick's' interviews. She most certainly did not. [GIST: PSYCHOLOGIST 1] states in her report that she only had interviews dated 22/10/2014 and 23/10/2014 and that she had not had time to complete her reading of them. It appears that [GIST: PSYCHOLOGIST 1] *'was engaged to advise on 'Nick's' counsellor's credibility to vouch for his truthfulness'*. This should not have happened. An expert cannot give evidence as to the credibility of another expert. She could assist on the quality of her notes and her qualifications, as [GIST: PROFESSOR 2] did in due course.

2.6.27 As to the failure to enquire if 'Nick' had made a CICA claim at the outset of this investigation, as advised by Hydrant, the DAC told me that if they had known of his claim it would not have altered the course of the investigation. One of the factors said to be supportive of 'Nick's' credibility was said to be the fact that he had no reason to lie. Had the team known of the claim I suggest they may have been more proactive in terms of asking for a medical examination ('Nick' said he had no injuries in his CICA claim) and also been more proactive in requesting to examine 'Nick's' computer. They may also

have delayed or avoided an application for search warrants having been less confident of 'Nick's' credibility. The CICA may not have parted with £22,000 of public money. In my judgement, 'Nick' continued with these allegations in order to obtain his money from the CICA. His persistent unavailability after receiving his money was in marked contrast to his earlier enthusiasm for progress to be made.

2.6.28 The DAC defended the asserted lack of timeliness by referring to the vast number of entries on the Holmes account, the 202 House to House enquiries, research, obtaining Military Records, analysis of property seized, 'Nick's' unavailability and false information received. I do not accept this explanation. If priority had been given to establishing, if possible, 'Nick's' credibility, visiting 'Nick's' mother, tracing Aubrey and [FRIEND], and eliminating 'Scott', this investigation would have been completed very much sooner.

2.6.29 I acknowledge the difficulty in using the expression 'insufficiency of evidence'. Grading cases of no further action would create many difficulties. I have suggested 'the case failed to meet the evidential test' as an alternative.

2.6.30 The DAC has listed a number of unanswered questions, including what was 'Nick's' motivation for making a false claim. Having made a claim, and not having received payment by October 2014, 'Nick' was bound to continue with his allegations when approached by the MPS if he wished to receive his money. Had he declined to cooperate he could reasonably assume that the CICA and the police would communicate and that his claim would be rejected.

2.6.31 I canvassed a number of matters with the officers present. I discussed the question of resources. I discussed the SIO's workload at the commencement of this investigation and she stated that she *'had capacity to permit me sufficient time to adequately conduct this investigation'*. At no time during our discussion of events did she plead inadequate resources. My views that this Operation was properly resourced and supported were confirmed.

2.6.32 I discussed the delay in visiting 'Nick's' mother with the SIO and she pointed out that she had the statement taken by the Wiltshire Police and that his mother had seen no sign of abuse and may have missed it. The SIO did not question 'Nick's' mother's honesty. The SIO said that:

'Not everything can have equal priority. We were trying to trace missing boys'.

2.6.33 I asked if the SIO had read the Wiltshire interviews, the MPS interviews, and 'Nick's' blogs before commencing this investigation. She told me that the MPS interviews were not available for some time due to a delay in transcription. She took the videos home one weekend and watched them. She did not accept that there were material differences between the Wiltshire accounts and the MPS accounts. We agree to differ (see my conclusions). She had read DC Lewis's email. She had compared the Wiltshire account with the MPS account. She intended a further interview to deal with inconsistencies but the media onslaught in summer 2015 made it impossible to interview 'Nick' as he and his mother were being 'door stepped'. She concluded that his blogs contained emotional writing and so were not reliable.

2.6.34 When asked why not establish 'Nick's' credibility first, she said it was a chicken and egg situation.

2.6.35 Asked about the participation of journalists Messrs Symonds, McKelvie, Bateman, and Conrad, she said a lot of information was being fed to 'Nick' and it was really frustrating. The harm, she said, to the Allen family was disappointing. Tom Symonds said he only got pictures of people available on the internet. McKelvie fed an American name to 'Nick'. That is why she had a degree of caution with these people. The four of them together prejudiced the investigation. She said that:

'I chose not to engage with them. Conrad and Symonds asked for an off the record conversation but I refused. I can't overstate the frustration with this type of behaviour. We referred it to the Attorney General and Press Standards. We were unhappy with the impact they had on the investigation'.

2.6.36 She agreed that the MPS interviews of 22/10/2014 and 23/10/2014 should have been transcribed before 15/12/2014. They lasted for 17 hours and she listened to them over a weekend.

2.6.37 Asked why enquiries were made at every school that 'Nick' attended to find a deceased or injured 'Scott' when 'Nick' stated he was a friend from Coombe Hill Primary School and the accident was outside Coombe Hill Primary School, she said she thought it the right thing to do in case 'Nick' had got the name of the school wrong.

2.6.38 Asked why enquiries were being made to trace the occupants of 1,200

flats at Dolphin Sq. before 'Nick's' credibility had been established, she said it was going to take time so it was better to start enquiries at an early stage.

2.6.39 She believed that "Nick" was *'telling the truth as he knows it. I do believe there may be problems of recall. I think credible and true as at 18/12/2014 was an accurate view. I am still believing of 'Nick''*. All five officers present agreed with her.

All five officers recognised there were significant issues surrounding 'Nick's' credibility.

When I saw these three officers on 16-17 August 2016, they all advanced arguments in support of the contention that 'Nick' was consistent or at least not inconsistent. When I pointed out a number of significant inconsistencies, as I perceived them to be, the three officers acknowledged that there were inconsistencies in 'Nick's' account.

2.6.40 On 22/01/201 the SIO agreed that she had told the Gold Group that she had no concerns regarding the veracity of 'Nick's' account and, at the same time, observed that there was nothing in 'Nick's' medical records that supports his account. She confirmed that she did not doubt 'Nick's' veracity. She said *that*:

'The absence of records re multiple broken bones was not a matter that concerned me. It was a live enquiry and we were investigating what we had been told'.

2.6.41 On 27/01/2015, when she wrote that search warrants would be obtained for relevant addresses attributed to Bramall, Beach and Brittan, she had included Beach in error and excluded Proctor in error.

2.6.42 She agreed that Sir Hugh Beach should have been interviewed very much sooner and should have been discontinued as a suspect in November 2014 and interviewed a long time before May 2015 as he was in his 90s and a man of impeccable character who might have been an important witness.

2.6.43 She had seen the written applications for search warrants. She said that:

'His account was consistent. It was broadly consistent. They were consistent accounts delivered in stages'.

2.6.44 The DAC said he did not see the applications but he stated:

'I do say the accounts are consistent. When 'Nick' was interviewed by Wiltshire he told them that there were parts he had not told them and so I was of the view that the account he gave to the MPS was the account he had not given to Wiltshire. There were differences but that accounted for his account. I accept there were differences. We were not trying to mislead the judge. It was a development of an account'.

2.6.45 The SIO confirmed that Lady Brittan was not told that the search was in relation to material in respect of other people. She agreed that the taking of shoes was not permitted by the warrant. She said that they were seized in order to obtain DNA.

2.6.46 'Nick' was told that the searches were about to take place as soon as the warrants were executed because she did not want him finding out from another source and wanted to keep him onside because *'Keeping 'Nick engaged was very important'*.

2.6.47 The SIO agreed that when she learned that 'Nick' had made a claim to the CICA she should have obtained from them the account given by 'Nick' when making his claim.

2.6.48 The SIO agreed that she had described [GIST: PSYCHOLOGIST 2] as biased in her minutes but she did have his views investigated by [GIST: PSYCHOLOGIST 1] and did not accept [GIST: PSYCHOLOGIST 2] views. She did not seek an opinion on the credibility of 'Nick' from [GIST: PSYCHOLOGIST 1]. She asked her to look at [GIST: PSYCHOLOGIST 2] concerns and provide an analysis of what he said. She was never asked to provide an expert opinion re Operation Midland. [GIST: CPS 2], of the CPS, was spoken to and she advised that they should not consult a clinical psychologist.

2.6.49 As to 'Scott', the DAC said that 'Scott' may not have died and may simply have been injured.

'A child of 'Nick's' age couldn't say if someone had died'.

'We could not say the accident never happened'.

2.6.50 The SIO thought it important that officers with knowledge of the case

visited Australia to interview 'Scott'. She obtained authority for it from AC Gallan.

2.6.51 As to the email from Fred, the SIO agreed that 'Nick' had cut and pasted Fred's email to him rather than redirect it to her so that Fred's email address would not be disclosed to her. She thought this was done so that 'Nick' would not reveal Fred's identity because they had an understanding between them to that effect. She agreed that she had initially rejected proactive attempts to discover Fred's identity. She did describe it as excessive collateral intrusion. Eventually she agreed that an ILOR should be made.

2.6.52 Both the SIO and the DAC accepted that if Fred was, in fact, 'Nick' the investigation would be fatally undermined. The DAC did not, however, think that there were reasonable grounds to suspect that 'Nick' was Fred. There was a range of explanations.

'It was a judgment call as to whether we investigated Nick's laptops'.

The DAC did not say that there were not reasonable grounds to suspect that 'Nick' was Fred.

I disagree with this. Miss Oakley's note is to the following effect:

'I don't think there were reasonable grounds to suspect that 'Nick' was Fred, there was a range of explanations.'

2.6.53 The DAC said he did not cancel the ILOR. In order for it to progress there

had to be an ongoing investigation.

'Although the Martin Allen investigation continues my understanding is that the ILOR is not a priority line of enquiry. I wanted to challenge the cancelation of the ILOR as the Martin Allen investigation is continuing'.

2.6.54 I trust that every effort will be made to trace 'Fred' by means of an ILOR or by other means. If Fred is a creation and illusion, then Martin Allen's family will be assured that there never was a 'Boy 2'.

DAC's Presentation

2.7.1 The investigation involved a series of fine judgement calls. There was no right answer. Care and thought went into the investigation. We adhered to national policy and guidance. We undertook an ethical, thorough and proportionate investigation into the allegations made. We considered the competing needs of the complainants, accused and potential witnesses. Our approach was reasonable.

2.7.2 Our approach to Midland was skewed by external events. The prevailing mood was historically that the police had failed to pursue allegations involving people in authority. The media were running stories concerning the mishandling of allegations of abuse involving VIPs.

2.7.3 In November 2014 Tom Watson MP passed hundreds of pieces of information to the MPS. 3 investigations took place over the allegation that the Home Office did not properly handle material provided by Geoffrey Dickens to Leon Brittan in his capacity as Home Secretary. Daily media reports appeared of witnesses who were aware of serious sexual abuse being overlooked by the State. Allegations to the police were multiplying and, by August 2015, the number of investigations related to Westminster totalled 28 with 111 suspects. This was a febrile time to receive the allegation and there was massive scrutiny of our response. There was clearly an issue of public confidence and we were very aware that our conclusions would be publicly challenged. This did not change our investigative approach. We took the allegation on merit.

2.7.4 'Nick's' allegation was made in part to Wiltshire Police and more information was provided by the time 'Nick' spoke to the MPS. Victims of abuse may disclose their experiences in a phased manner. When speaking to Wiltshire, 'Nick' alluded to the fact that his allegation was not complete. He had also spoken to a counsellor and these disclosures were more detailed than he told Wiltshire. Officers could not rule out that the Counsellor had suggested anything. 'Nick' had also engaged with journalists and made full disclosure to them and they were making their own enquiries. We had little or no control over what was in the public domain. We were pressured into media comments and there was massive scrutiny of our response. The media were undertaking their own enquiries in a non-evidential manner. They were showing pictures to 'Nick' and giving him names and, at an early stage, the Martin Allen case was drawn into this by journalists, which raised the expectations of the Allen family who had long considered that Martin's disappearance was connected to a VIP paedophile conspiracy. The e-fit created by 'Nick' shows a remarkable likeness to Martin Allen. Our task as officers was made the more difficult because the original Martin Allen file was missing. I accept that it is not normal practice to introduce an e-fit into an investigation after so long a time lapse. Ideally we would have done so within an ABE but 'Nick' did not wish to do so. 'Nick' had never mentioned the name Martin Allen.

2.7.5 The DS conducting the ABE interviews is trained and experienced as an ABE interviewer. He intentionally did not review the Wiltshire interviews before interviewing 'Nick'. Where the DS felt there was a need to probe for more detail he did so, but it was not his intention to challenge any apparent inconsistency. ABE policy states that inconsistencies should only be explored

after the witness's basic account has been probed. An inconsistency should only be challenged in exceptional circumstances and, even then, only if it is essential to do so. The SIO consulted with [GIST: PSYCHOLOGIST 4] who endorsed the interview strategy. He recognised that police may need to seek clarification of 'Nick's' account. ABE policy is that it may be better, if a witness seems reluctant or unable to clarify any point for the interviewer, to return to it at a later point.

2.7.6 Having obtained 'Nick's' account our starting point was to believe the witness until we have reason to believe otherwise. Our stance then is to investigate without fear or favour in a thorough, professional and impartial fashion. There then follows a number of judgment calls on what actions are appropriate and proportionate. On receipt of the detailed allegation, an initial proportionate assessment of credibility was undertaken. Any decision to curtail the investigation without exploring all reasonable lines of enquiry would need to clearly outline what evidence shows that the offences alleged could not have taken place; why the witness should not be believed; on what evidential basis did the SIO/Gold conclude that the factors supporting the credibility of the allegation were outweighed by evidence that the allegation was false; any such decision would need to be justifiable in the face of intense public scrutiny. In a case such as this, lack of corroboration cannot be taken as an indication that no offence has occurred (CPS Guidance Para 53).

2.7.7 Even though these circumstances were improbable sounding, they had to be considered. The allegation cannot be disregarded unless there is something to say that it could not have occurred. I was alive to the possibility that this may be a false allegation. Martin Allen had gone missing from

central London and we had an e-fit that matched even though the ID was flawed. I was fully aware of all the elements of implausibility and considered them but concluded that these allegations had to be investigated. I considered the CVs of all the suspects but what is there to say that they are any less likely to conspire to commit offences than anyone else? Men do offend in groups with like-minded men. The extent of injuries could well have been over exaggerated by a small child. Homicides may not have taken place - they may have been serious assaults. 'Nick's' mother was clearly not a wholly reliable witness. She incorrectly recalled the age of 'Nick's' bed wetting and the number of school absences. She may have had feelings of guilt over her role in introducing Ray Beach. Other factors indicate that something has happened to 'Nick' and that he has been subjected to some real trauma.

2.7.8 In deciding to investigate I had regard to group activity and the manner in which 'Nick' alleged he had been abused. Child sexual exploitation goes largely undetected. Oral sex and physical violence of the type alleged are typical. Delayed disclosure is very common. At no time did officers take investigative decisions based on a reliance on any direction to 'believe' a victim.

2.7.9 On 18th December 2014 we were conducting a witness appeal and were very mindful of the reticence of potential witnesses to come forward. NPCC guidance stresses the importance of reassuring witnesses that they will be believed if they come forward. I recorded at Decision 6 in my Policy Log:- Significant element of the investigation strategy was to seek corroboration in the form of other witnesses. Important to reassure those coming forward.

I recognised that we would be asked to confirm that we believe 'Nick'. I agreed that we should confirm belief of 'Nick'. The credible and true statement is an opinion expressed by individual officers. It does not convey a closed mind. We have an intention to investigate thoroughly without fear or favour. Our starting point is to believe witnesses until we have reason to believe otherwise.

2.7.10 We considered 'Nick's' credibility as a witness. He had no previous convictions or evidence of dishonesty, no diagnosis of mental disorder or associated addictions, an educated, articulate man with a successful professional career and responsibility for a young son. He had no obvious motivation to fabricate an allegation and had a consistent recall over a period of time. Early disclosure to a Counsellor is consistent with later allegations and why would he get checkable facts wrong if he was fabricating evidence? E.g./ Martin Allen's age, the date he disappeared **[GIST: ADDITIONAL PHYSICAL DESCRIPTIVE DETAIL]**.

2.7.11 I also fully considered all available information relating to the suspects, considering in each case whether they had any relevant antecedents, if there was any relevant police intelligence, had the suspect received a child abduction notice, is it likely that the suspect will have come into contact with the victim through employment or the victim's lifestyle, has the suspect been the subject of any other allegation of sexual abuse, are there any credible third party accounts supporting the allegations, does the suspect associate with others suspected of committing similar offences, and does the suspect have indecent images of children. All these matters were fully considered.

2.7.12 My decision was to investigate and I was mindful of ascertaining what evidence there was that the offences alleged could not have taken place; why 'Nick' should not be believed; whether factors supporting the credibility of 'Nick' were outweighed by evidence indicating that the allegation was false; and, that any such decision would need to be justifiable in the face of intense public scrutiny. Our approach was to do the right thing, regardless of the background of the suspects and to operate without fear or favour.

2.7.13 My investigative priorities were to test the credibility of 'Nick' as a witness, to identify any corroboration of these offences, to establish what offences may have been committed and by whom, and to establish whether there is sufficient evidence to bring a criminal prosecution against any surviving offender. The practical steps we took were:- Victimology of 'Nick'; Reviewing medical notes; Reviewed Wiltshire allegation and met with team; Analytical comparison of the Wiltshire allegation and 'Nick's' MPS ABE interviews; Worked with RMP to identify potential scenes of crimes; Forensically examined military establishments; Intelligence research on named accused; Controlled Drive Arounds to specific addresses in London, including Dolphin Sq.; Detailed analysis of military postings of Bramall, Gibbs and Beach; Search of Military files of Ray Beach; Review of Martin Allen case, including locating papers; Engaged with Allen family; Review of outstanding missing boys at relevant time; Sought formal records of Road Traffic Accidents linked to 'Boy 1'; Sought to identify 'Fred'; Appointed FLO to 'Nick'; Interviews of 'Nick's' family.

2.7.14 There was no information gleaned from these enquiries which indicated that these offences could not have happened or that 'Nick' was misleading

the investigation team. Since corroboration was always going to be important I wrote off a whole MIT team, a practice which is almost unheard of. I checked resourcing at every meeting and allocated supporting teams when needed. Dedicated intelligence teams were deployed outside of MPS policy. Operation Midland was allocated to a Murder Investigation Team of 1x DCI, 2x DI, 4 x Sgts and 20 Constables. They were supplemented with additional officers when required and had additional specialist expertise from Operation Fairbank, the Royal Military Police and Specialist intelligence and analytical support.

2.7.15 After 8-10 weeks of investigations I was approached by the SIO and DSU to consider executing search warrants. I recognised that this would be significant as the identity of the accused would, in all likelihood, become public knowledge. This was an appropriate time to take stock. Nothing had changed in order to undermine 'Nick's' character, motivations or reliability. He continued to relay his account consistently and was pushing for progress.

2.7.16 We reviewed the evidence relating to Martin Allen and established that he and his father frequented Dolphin Sq. and a picture in 'Nick's' journal matched [No.] Ecclestone Sq., a premises occupied by a known paedophile at the time of these matters. A number of links were established between known sex offenders and premises of interest to this investigation. In conclusion, a known paedophile can be linked to Eccleston Sq. There was information suggesting that another known paedophile may have supplied boys to a suspect but there was no evidence of any relevant criminal conduct by any suspect and no corroboration. As to military premises, the witnesses interviewed did not recall a child having access to a General's office and it

would have been very unusual but they could not rule it out. 'Nick' correctly described the lay out and the presence of two people in an outer office. 'Nick' recognised Larkhill in a drive around and the old accommodation floor layout. 'Nick's' choice of accused would require intense research to establish that they were all colleagues at the UKLF at the same time. As to 'Fred', 'Nick's' counselling notes showed that 'Nick' mentioned 'Fred' to his Counsellor many months before coming to the MPS. If this was an invented fantasy this was tremendous forethought and fantasy.

2.7.17 Before applying for warrants we fully recognised that aspects of the investigation were not borne out by our investigations but we took the view that they were outweighed by the various elements where 'Nick' had provided some knowledge or evidence that supported his assertions. None of these undermining factors were, by themselves or collectively, viewed as a justification to end the investigation and to not seek corroboration through searches and interviews. Accordingly, we obtained search warrants on 02/03/2015. I did not draft the written application nor did I validate the statement in support of the application. The undermining factors were that no witnesses had come forward despite extensive media coverage. 'Fred' was unwilling to engage. There was no record of the accident involving 'Boy 1'. There was no identity for 'Boy 3' and 'Nick's' mother does not recall signs of abuse or 'Nick's' absences.

2.7.18 The decision to obtain warrants was not taken lightly. The decision is supported by CPS guidance which recommends getting an early account. The searches were necessary to determine if any evidence could be recovered that may have shown involvement in child abuse. Failure to take action at

this point could have led to accusations that the MPS failed to act without fear or favour. Research shows that sexual offenders do like to keep trophies. In the recent cases of Harris and Clifford, searches produced powerful evidence. Our judgement at that time was that searches were needed in order to progress the investigation in a timely fashion, mindful of Lord Bramall's age and the need to give him an opportunity to give an account. We also had a responsibility to safeguard children and were aware that Mr. Proctor had a job involving children. We also wished to reduce the risk of evidence being destroyed following media reporting. We had reasonable grounds to believe that an indictable offence had been committed.

2.7.19 I am advised that naming Lord Brittan as owner of the premises in Pimlico and in Yorkshire did not invalidate the warrant because the warrant is a specific premises warrant as defined by s8(1A)(a) of PACE and s8(1A)(b) of PACE provides the definition of an all premises warrant as being any premises occupied or controlled by a person specified in the application. The need to gain entry without going through the laborious process of trying to ascertain who holds title to the property following the death of the previous owner is consistent with the purpose of s8(1)(e) and s8(3) of PACE, which provides that the magistrate who grants the application must be satisfied that it is not possible to communicate with the person entitled to grant entry, or that the purpose of the search would be frustrated if access were not granted immediately.

2.7.20 The warrant application set out a brief explanation of the material sought during the search which included documents, journals, digital and computer equipment. The shoes of Lord Brittan were retained in the event that a DNA

sample would be needed to compare to any relevant unknown forensic profile recovered during ongoing searches.

2.7.21 The search of Lord Bramall's home was timed to avoid a too early visit together with an intention of completing the search within one day. Police spoke with Lord Bramall's housekeeper and she was asked if she saw any behaviour she was unhappy with or felt was not taking into account the needs of the occupants, she should speak with the police. Every consideration was given to Lady Bramall's comfort. No press agents attended the venue during the search. 20 officers were deployed so that disruption would be minimized.

2.7.22 At Lady Brittan's home, two plain clothes officers approached her in the first instance to explain the rationale in relation to the search warrant. No press agents attended during the search. Representations by Lady Brittan's solicitors were taken into account in the media strategy. 16 officers were deployed to Pimlico and 13 officers to Yorkshire. Lady Brittan thanked officers for their conduct during the search.

2.7.23 At Mr. Proctor's home, the search was conducted within one day to limit the disruption of the search. 18 officers attended and the same officers attended the following day at Belvoir Castle.

2.7.24 We did not proactively inform the media that these searches had taken place. MPS policy was to only confirm Operation Midland policing activity within a broad location if journalists were already aware of the detail of the searches. 'Nick' and the Allen family were informed once the searches had

started on 4th March. They were not told which premises were being searched. Under the Victims Charter they have a right to be informed of significant developments in the case within 1 day. We considered it would undermine our relationship if they were to discover the activity through other sources. We judged this outweighed the risk of them actually publishing the searches.

2.7.25 We think it unlikely that either 'Nick' or the Allen family notified the media. Exaro News were only aware of the Proctor searches until 6th March. There was no coverage of the Lord Bramall or Lady Brittan searches until 2 days after they had been completed. There was no media presence during the searches. 'Nick' told us that Mark Conrad of Exaro told him that he was informed by a worker at Belvoir Castle.

2.7.26 We did comment once it was clear that the media were in possession of the relevant facts. If the media know and we do not comment, then it leads to allegations of secret policing. There is a legitimate public interest in knowing that we are taking matters forward. If we say nothing we see rumours and false stories circulating. There are several ways the media may have learned of the searches other than through 'Nick' or the Allen family. Reporters were previously aware of likely search premises and made local enquiries. Both Lord Bramall and Lady Brittan disclosed the searches to several people during the searches. Police activity may have prompted onlookers to contact Exaro.

2.7.27 The intention was to follow the searches with interviews. These were postponed to allow a Peer Review to take place. I endorsed the SIO's decision

not to arrest either suspect having regard to Code G and their preparedness to be interviewed voluntarily. The decision was validated by the National Interview Advisor. We made full disclosure in advance of the interviews and were criticised by the NPCC lead who held the view we had disclosed too much.

Medical Evidence

2.7.28 We were aware that the presence of injuries consistent with 'Nick's' allegations had the potential to support the allegation. However, we considered the value of this would be limited. The absence of injuries would not have conclusively undermined the allegation. Absence of injury did not mean that assaults did not take place. Accordingly, we pended the harvesting of medical evidence. As to 'Nick's' mother, she was the victim of domestic violence and shown to have an unreliable memory of the period. It cannot be discounted that she was either complicit or turned a blind eye. She now believes that Ray Beach had the capacity to abuse her son. Medical records are notoriously unreliable. 'Nick' speaks of a doctor who was employed specifically to patch up abused children. We did ask 'Nick' for his consent to a medical examination in January 2016 and he indicated that he would think about it. We had his GP notes, obtained on 19th December 2014, which did not reveal information in relation to physical injuries or scars from his childhood. The CICA claim submitted by 'Nick' said that he had no injuries.

Computer Research

2.7.29 The subject of the seizure and examination of 'Nick's' computer was the

subject of continual discussion and review. There is no right or wrong answer. 'Nick' had categorically denied carrying out research. We could only analyse his devices with his consent or by the use of police powers of seizure which could only be invoked if we believed 'Nick' had committed a criminal offence. Consent was most unlikely to be given, and would be seized upon by the defence as evidence that we had doubts about 'Nick's' truthfulness. There was a risk that we would damage our relationship with 'Nick' and the CPS commented that a physical examination and an examination of his computer would not help to establish his credibility. Seizing and examining digital devices would not have conclusively demonstrated that 'Nick' had not undertaken research. Any research could have been undertaken on other unknown devices. Failing to ask if we could examine his computer was a judgment call.

Use of Psychologists

2.7.30 Three psychologists were used during Operation Midland. [GIST: PSYCHOLOGIST 4] (National Vulnerable Witness Adviser-National Crime Agency) was consulted in relation to best practice and advice in relation to vulnerable witnesses. [GIST: PSYCHOLOGIST 1] (Chartered Clinical Psychologist and Consultant to CEOP Command of the NCA) was consulted in relation to contact with a reluctant victim of non-recent child abuse. She provided a commentary on the credibility of [GIST: COUNSELLOR], Counsellor and Psychotherapist, assisted to compose a letter to 'Fred' to be sent via 'Nick', provided a response to a briefing note from [GIST: PSYCHOLOGIST 2], provided a report outlining a brief assessment of the credibility of 'Nick', which advocated following the evidence, the dynamics

of organised sexual abuse, the impact of sexual abuse, and the recovery process, delivered a training session to Operation Midland and Operation Hydrant Officers in relation to organised child sexual abuse and wrote a report in relation to sensory details in memory trauma. Finally, [GIST: PROFESSOR 2] was consulted following a recommendation by Det. Supt. Sweeney to assess the reliability of memory recall over an extended period of time without direct corroboration. We mistakenly believed that [GIST: PSYCHOLOGIST 1] had access to all of 'Nick's' interviews.

MIR Processes

2.7.31 The reason that all of the exhibits were not transferred onto Holmes is that it is not an effective use of resources to both record the movement of exhibits in exhibit books and to duplicate this by showing movement on the Holmes package. Exhibits will be entered on the system to assist with searching and trial preparation. The use of the exhibits excel spreadsheet was intended to allow greater access by enquiry team officers to this information. Access to the Holmes account can be limited due to the availability of Holmes terminals, whereas the spreadsheet could be accessed via any aware terminal. At the time of the review the process of updating the Holmes account was underway and was completed to the satisfaction of the reviewing team.

Criminal Injuries Compensation Award

2.7.32 'Nick' submitted his application on 26/09/2013 with a Wiltshire Constabulary reference number. On 23/02/2015 'Nick' informed the SIO and

his FLO that his claim was outstanding and he required payment to pay his Counsellor, '[GIST: COUNSELLOR]', outstanding fees. Both officers agreed to assist and on 24/02/2015 the FLO emailed the CICA advising them that he was now acting as liaison officer and offering to assist with any information they required. There was no response. On 25/03/2015 'Nick' advised his FLO by email that he had received a letter from CICA. They advised him that the matter was now with a senior reviewer. On 01/04/2015 'Nick' was paid £22,000 by the CICA. He did not inform either the SIO or the FLO of the payment. On 04/11/2015 the MPS contacted the CICA asking for details of 'Nick's' application. On 17/11/2015 CICA provided a copy of the application form, a signed consent form, and additional incident information form. The application form indicated that 'Nick' had sustained no physical injuries. Knowledge of the claim would not have altered the course of the investigation. The CICA process is a legitimate process and 'Nick' is entitled to make his application. The CICA assess claims on the balance of probabilities. The CICA case was submitted prior to speaking to the MPS. The MPS case was not required in order to support his claim.

Timeliness

2.7.33 The Holmes account contains 1464 nominals, 369 statements, 443 messages, 1838 documents, 1698 actions were generated and it took 6 weeks to back record/convert the information from Operation Fairbank onto Holmes. 2473 addresses were researched re House to House enquiries. 202 Houses were visited in the London area. A significant amount of research took place in relation to suspects both dead and alive. Considerable time was spent collating military records which were not computerised. Victim

availability delayed the investigative process. 'Nick' asserted that he felt harassed and traumatised by media intrusion and made him feel the need to step away from the investigation. It took from 16th October 2015 until 11th January 2016 to arrange the final interview of 'Nick'.

A and B

2.7.34I understand that it is not the policy of Sir Richard to publish in his report details of information which is considered to be untrue and false. It is, however, important for me to make the point that the information given to us was of a highly significant nature which, if true, would have significantly altered the course of this investigation. I am satisfied that both A and B have told deliberate lies and the rationale for my decision appears elsewhere in Sir Richard's report. It was, however, essential that we investigated those allegations thoroughly and in doing so this investigation was extended.

Full Code Test

2.7.35I understand that my conclusions in relation to the Full Code Test are not the subject of any criticism. I used the words, in a letter to Lord Bramall's solicitors, 'insufficient evidence' rather than 'no evidence' because the test itself requires me to consider whether *'there is sufficient evidence to provide a realistic prospect of conviction'*. It should not be for the Police to give a qualitative assessment on how close a case came to meeting the threshold. It either did or did not! If we had established that this allegation was clearly false, malicious or could not have been accurate then the letter would have reflected that. There was some evidence. 'Nick' gave an evidential

statement.

Impact of the Media

2.7.36 The conduct of the media presented one of the greatest challenges of this investigation. We were working under the media spotlight. The impact was felt by complainant, potential witnesses, accused and investigators. The media were aware of the identities of suspects from day one and, at that time, 'Nick' was still cooperating with journalists that he trusted. Whilst we were trying to build trust with potential victims and witnesses such as Fred, it was hugely unhelpful for the media to be identifying 'Nick', harassing his family, publishing his identity and breaching his confidentiality by describing him as a fantasist. The Mail on Saturday have been fined £40,000 and have been ordered to pay £2,000 compensation to 'Nick', and £5,450 Costs for breaching the Sexual Offences Act by identifying 'Nick'. The impact of the Press intrusion, describing 'Nick' as a 'serial fantasist', 'door stepping' him and visiting his mother had a most unfortunate impact on 'Nick'. He became untrusting of the investigation team. He was reticent about engaging with us, causing us to have genuine concerns over his welfare and state of mind. This resulted in delays to his final interview. The media focus became huge once the media felt sufficiently confident to name Lord Bramall, Lord Brittan and Mr. Proctor. It remains our view that accused should also have the right of anonymity pre-charge.

Final Thoughts

2.7.37 This investigation was in unique circumstances and context. The media

involvement and external scrutiny created difficulties. Officers were working under immense pressure to do the right thing and to keep an open mind. The motivation was to find the truth. We suspect we have not been able to achieve this. Charges, prosecutions and convictions cannot be the only barometer of success. We cannot only investigate the obviously guilty. Our decisions were brave and taken in good faith. Thorough investigations take time, particularly as new relevant witnesses come forward. There is undoubtedly learning to come from this. But which officers would want to take on these investigations now? And why would a witness want to come forward and report against a VIP offender?

Operation Midland Conclusions

2.3.8.1 The decision to terminate the investigation was correct. It should have been taken much earlier. 'Nick's' several statements are inconsistent and could not be relied upon in a Court. Numerous errors were made in this Operation.

'Nick's' Inconsistencies

2.3.8.2 'Nick' was inconsistent in describing the injuries he allegedly sustained. In his Wiltshire interviews the only injury he described was anal bleeding. In his CICA claim he asserted that he had no injuries. In his blogs and counselling notes he describes multiple broken bones. On 19/06/2014 he said:

'They inflicted some nasty and lasting injuries on me. Some of the injuries give me constant pain even all these years later....I feel the pain today, I look at the scars today.'

In his MPS interviews he made no mention of broken bones. He described sharp implements being plunged into various parts of his body. His medical notes disclosed no injuries. The only injury spoken of by 'Nick's' mother was a chipped ankle on a skiing holiday.

2.3.8.3 'Nick' was inconsistent when speaking of the first occasion when he was allegedly raped. The first act of rape described by him to the Wiltshire Police was allegedly perpetrated by an unnamed Lieutenant Colonel. The

first act of rape described by him to the MPS was allegedly perpetrated by his stepfather.

2.3.8.4 'Nick' was inconsistent when describing the first alleged act of rape by his stepfather. To Wiltshire Police he failed to mention a location. To MPS Officers he alleged the act took place in public toilets at Burford Wildlife Park.

2.3.8.5 The description of the two alleged acts was suspiciously similar. As to the alleged act of the Lieutenant Colonel:

'I didn't know what was happening; I felt something on my bottom and then that, just pain like I've never felt before...I put my hand down the back of my pants and it was covered in blood' (Wiltshire 06/12/2012).

As to the alleged act of his stepfather (MPS 22/10/2014):

'I didn't know what it was at the time. The pain was indescribable, so much pain. There was a lot of blood and the pain lasted for quite a while. By the time we got home the blood had soaked through my underwear to my trousers and I can just remember putting my hand behind because it was all wet and sticky and my hand covered in blood'.

It appears that on both occasion he is describing a first act of rape.

2.3.8.6 'Nick' stated in his Wiltshire interviews that he was introduced to the 'group' a couple of months after he moved to Bicester. During his MPS interviews he stated that he was introduced to the 'group' at Wilton.

2.3.8.7 In 'Nick's' blog, 18/08/2014, he wrote:

'I would have to be ready to be picked up or it could be unexpected and they would suddenly arrive to pick me up. It was usually in the day or early evening and I could be gone from anywhere from a few hours to days'.

Nowhere in his Wiltshire interviews or MPS interviews does he mention being away for days. His mother does not mention, in either statement, that he was away for days.

2.3.8.8 In 'Nick's' blog, 06/05/2014, he mentioned the 'group' coming together for big parties and mentioned Christmas and Valentine's Day parties. Nowhere in either Wiltshire interviews or MPS interviews did he mention Valentine's Day parties.

2.3.8.9 'Nick' was inconsistent in relation to the names of his alleged abusers. To Wiltshire Officers 'Nick' stated that names were never used. To MPS officers 'Nick' alleged that names were habitually used by almost all of his abusers.

2.3.8.10 'Nick' was inconsistent in naming the first Army Officer to abuse him. To Wiltshire Officers he stated that he did not know the name of the first Army Officer to rape him and that he was a Lieutenant Colonel. To MPS Officers he named General Bramall as his first Army abuser. In his final MPS interview (11/01/2016) 'Nick' stated that he knew, when being interviewed in Wiltshire, who the Army Officer was who had raped him but deliberately

chose not to name him because he thought the police would find out in due course.

2.3.8.11 'Nick' was inconsistent when speaking of the time when he was first abused by his stepfather. The handwritten notes of the Wiltshire interview state that the sexual abuse may have begun before 'Nick' and his mother moved in with his stepfather; he stated:

'it began when we moved in and a bit before' (Wiltshire 06/12/2012).

To MPS Officers 'Nick' alleged that the abuse began after he and his mother moved in with 'Nick's' stepfather.

2.3.8.12 'Nick' was inconsistent giving details of the occasion when he alleged he was first raped by his stepfather. To Wiltshire (06/12/2012), when asked if his stepfather put his penis in his bottom, 'Nick' replied that it was:

'regular, after that first sort of meeting I suppose, couple of times a week'.

Locations, pain, and blood shed were not mentioned. To MPS (22/10/2014) he said the act was at Burford with excruciating pain and bloodshed. He got a beating when he got home because he should not have struggled or screamed. In a blog (19/06/2014) he said:

'The first time he raped me ...lots of trauma...lost a lot of blood...when we got home...beat me unconscious...I remember a member of staff I remember I think a nurse telling me I was lucky because if I had not lost so much blood

I would have likely died from my head injury. When I got home despite having a plaster cast on my arm...it did not stop my father from raping me again as soon as I got home'.

Finally, in a blog of 24/07/2014, 'Nick' wrote that after being raped by his stepfather he had his:

'first near death experience...nearly killed me...the hospital released me back into his care'.

There was no mention of being raped again on his release from hospital.

2.3.8.13 'Nick' was inconsistent when speaking of the last time he saw his stepfather. To MPS 22/10/2014 (Y1C DISK 3 Page 63):

'My last recollection of Ray, my stepfather, is of him being carted off in a police vehicle and us going to Bicester for roughly two years'.

And to MPS (11/01/2016 Y1P):

'The last time I'm definitely sure that I saw Ray was in Bicester when he was taken away'.

On 5th May 2012 he wrote to his Counsellor:

'I think I told you that the last time I saw him was when he was taken away by the police. It wasn't. He found me about a year later in Kingston. I was just

walking home one day and I knew someone was watching me, and I can't explain it, but I knew it was him. I tried to get away, but he was too strong. He continued where he left off and I had to meet him at various times each month, and did what he wanted and then just dump me to get home. It went on for just over a year'.

On 23/10/2014 he told MPS (Y1D):

'In Kingston my stepfather was no longer around. I don't have any recall of him from Kingston, I have no sense that he was at anything in London or anything'.

On 11/01/2016 he was asked about his statement that his stepfather had found him in Kingston and abused him in Kingston on numerous occasions for a period of over a year. 'Nick' said:

'That wasn't Ray it was another member of the group. I hadn't said everything to the counsellor at that stage. I was trying to get it all out to her. It was easier to say Ray than another member of the group'.

I find this explanation unimpressive.

2.3.8.14 'Nick' was inconsistent when speaking of other children being present.

'Nick' told Wiltshire Police (Tape 5):

'When these incidents happened with the group, a lot of times I was the only child present, but not always. About a quarter of the time another child

would be present, just one other. His name was Aubrey. We became friends from Bicester. He was the same age as me. I last saw him 30 years ago. I don't know how he got involved'.

2.3.8.15 In Tape 6 he was asked:

'Q:- 'Other than you and Aubrey were there any other children?'

A:- 'There were some more but I don't know who they were. One of them I saw just a couple of times, one I only saw once. He later said Aubrey was not in London when I was there. The stuff with Aubrey was not in London'.

2.3.8.16 To MPS (Y1B) he said that, at Imber:

'There were some other boys there. I don't know who they were. I hadn't seen them before'.

2.3.8.17 To MPS (Y1C):

'Q:- 'Who do you remember from Bicester period. You said you had to sit down and line up?'

A:- 'My friend mainly'.

Q:- 'Is this Fred?'

A:- 'Hmm, yes...we've been through a lot together I suppose he's the main one from then, the others Aubrey from Bicester. The others they're more London than Bicester. I don't remember a lot about Aubrey apart from his name. Same age. My height.'

2.3.8.18 It is important to note that, at this point, Fred and Aubrey are separate individuals.

2.3.8.19 To MPS (Y1D) at Dolphin Sq.:

'My friend Fred was there'.

2.3.8.20 To MPS (Disk 2):

'At the Carlton Club Fred was there. I call him Fred now that is your fault (referring to his interviewer) Duncan was there and a third one'.

2.3.8.21 To MPS (03/11/2014 - Incident 3):

'Fred, Duncan and another boy were present'.

2.3.8.22 06/05/2015: 'Nick' told MPS officers that Fred was in fact [FRIEND].

This cannot be true because Fred was involved, according to 'Nick', at Bicester and [FRIEND] was a friend from Kingston.

2.3.8.23 To MPS Officers, after Aubrey had been interviewed and denied being involved in any abuse, 'Nick' told officers that he had used Aubrey's name in place of the other victim's real name known as 'Fred'. On any view, 'Nick' deliberately misled Midland Officers.

2.3.8.24 'Nick' was inconsistent in the accusations he made. To Wiltshire Officers he made no mention of murder but to MPS officers he alleged three

murders.

2.3.8.25 'Nick' was inconsistent in the offenders he accused:

To Wiltshire Officers, he accused his stepfather, a Lieutenant Colonel, Jimmy Savile, a man named Pete and unnamed individuals from the Middle East, Saudi Arabia and America;

To MPS Officers, he accused his stepfather, Field Marshal Lord Bramall, Lord Brittan, Sir Edward Heath, Field Marshall Sir Roland Gibbs, Jimmy Savile, Harvey Proctor, Sir Michael Hanley, Sir Maurice Oldfield and Sir Peter Hayman. He also accused General Sir Hugh Beach and Lord Janner of being present and witnessing various offences of sexual abuse.

2.3.8.26 'Nick' was inconsistent in his allegations against his stepfather. To Wiltshire Officers and to the MPS he alleged indecent assault, violence and rape but there was no allegation that his stepfather inflicted any visible physical injury. In his blogs, 'Nick' alleged that he was beaten black and blue and had his arm fractured by his stepfather.

Incredible Assertions

2.3.8.27 I find it incredible that 'Nick' identified Jimmy Savile by his voice and necklace. According to 'Nick', Jimmy Savile was present three or four times (Wiltshire Account) or just a few times (MPS Account) and held 'Nick's' head under the water and '*penetrated*' him. Had that version been true 'Nick' would have had every opportunity to identify Savile facially.

2.3.8.28 I find it incredible that 'Nick' could have suffered the injuries alleged by him without his mother being aware of them. 'Nick' alleges multiple bruises, fractures, cuts, grazes etc. The only injury 'Nick's' mother recollects is a chipped bone in 'Nick's' ankle sustained when he was skiing.

2.3.8.29 I find it incredible that 'Nick' could have bled profusely on several occasions into his underpants and pants without his mother becoming aware of such bleeding.

2.3.8.30 I find it incredible that there is no record of any injury in 'Nick's' medical records.

2.3.8.31 I find the suggestion made by the SIO incredible, namely that 'Nick's' mother may have been so adversely abused herself by 'Nick's' stepfather's cruelty to her, that her ability to intervene and/or report 'Nick's' injuries was compromised. Reliance is placed by the SIO on the fact that 'Nick's' mother was mistaken as to the date when 'Nick' ceased to wet his bed. There is nothing to suggest that 'Nick's' mother is anything other than truthful, loving and responsible. In her divorce petition, alleging unreasonable conduct against 'Nick's' stepfather, there is no allegation of any misconduct towards 'Nick'. She took and collected 'Nick' from school at Wilton and, at Bicester, took 'Nick' to school and he was collected by another child's mother.

2.3.8.32 I find it incredible that 'Nick' could have been systematically removed from a number of schools by unauthorised drivers on numerous occasions over a number of years without teachers intervening or 'Nick's' mother being informed.

2.3.8.33 I find it incredible that 'Nick' could have been given drink and/or drugs, injured, raped and returned to a location near his home on numerous occasions without his mother's suspicion or knowledge.

2.3.8.34 I find it incredible, if 'Nick' was injured and abused as he alleges, that he continued to meet drivers to be taken to be similarly abused time and again.

2.3.8.35 I find it incredible that 'Nick' could witness the murder of three friends on separate occasions, having been told that it was his turn next, and yet continue to meet with his alleged abusers.

2.3.8.36 I find it incredible that 'Nick' could have been treated as alleged and have witnessed three murders without at least causing his mother some concern. The evidence is that they went for long walks by the river, they went for riding lessons and had several skiing holidays abroad. They were, for much of this time, a two-person unit. According to 'Nick's' mother he was her precious little boy.

2.3.8.37 I find the description of 'Scott's' alleged murder incredible. It is inconceivable, if such an event had occurred, that nobody would talk about it afterwards and that nobody would mention him at school. It is also incredible that there should be no record, memory or trace of such a grave event had it occurred.

2.3.8.38 I find it incredible that a 'group' could trace 'Nick' from Wilton in Dorset, to Bicester in Oxfordshire and thence to Kingston in Surrey.

2.3.8.39 I find it incredible that, if 'Nick' was treated as he alleges in Bicester, he would be so reluctant to move to Kingston, only being persuaded to do so by his mother with the bribe of a dog.

Implausibility

2.3.8.40 I find it highly implausible that a former Prime Minister, a Home Secretary, former Heads of MI5 and MI6, two Field Marshals, a Labour Peer, a former Conservative MP and a television presenter would have conspired together to inflict grievous bodily harm and to rape numerous young boys.

2.3.8.41 I find it highly implausible that Lord Bramall would have conspired with Jimmy Savile to commit any criminal act.

2.3.8.42 I find it highly implausible that Sir Edward Heath, Lord Janner, and Harvey Proctor would take part in any joint activity having regard to their disparate political views.

2.3.8.43 I find it highly implausible that a young boy would be raped in the office of a General having regard to the likely presence of other military personnel.

2.3.8.44 I find it highly implausible that a party would take place at the home of a former Prime Minister where several young boys were raped having regard to security arrangements then in place.

2.3.8.45 I find it highly implausible that similar parties would be held in the swimming pool at Dolphin Sq. or in the Carlton Club.

2.3.8.46 I accept [GIST: PSYCHOLOGIST 2] opinion, based on the CATCHEM dataset, that the chances of repeated stranger child sexual homicide at sex parties in the United Kingdom would be a very low frequency event indeed and, thus, highly implausible.

2.3.8.47 I find it highly implausible, indeed incredible, that Mr. Proctor would arrange for one boy to be run down and killed, would strangle a second boy, and beat a third boy to death, all three murders being witnessed by 'Nick'.

2.3.8.48 I find it highly implausible that either 'Boy 1' or 'Boy 3' could have been murdered with no missing person report and no unsolved homicide investigation matching either 'death'.

Suspicious

2.3.8.49 I find it suspicious that 'Nick' employed an enquiry agent, paying him to ascertain whether his stepfather was alive or dead before complaining to the Wiltshire Police. Apart from seven months, when he was aged seven, 'Nick' had no contact with his stepfather and no conceivable affection for him.

2.3.8.50 I find it suspicious that, in his complaint to the Wiltshire Police, 'Nick' named no living person who could dispute his allegations.

2.3.8.51 I find it suspicious that, in his claim to the CICA, he named no living person who could dispute his claim.

2.3.8.52 I find it suspicious that, from October 2014 until April 2015 and during which time his claim was pending, 'Nick' cooperated fully with the MPS investigation. Having received his compensation his attitude to the enquiry changed. He became uncooperative, felt he could not continue, cancelled appointments, and made it extremely difficult to arrange any further interview. When an interview was arranged he stated after a short time that he was ill and cancelled the adjourned process.

2.3.8.53 I find it suspicious that 'Nick' declined to hand over his journals to police officers and that he chose not to mention the murders until he had discussed them with his Counsellor.

2.3.8.54 I find it suspicious that 'Nick' continued to engage his Counsellor and attended a total of 91 sessions whilst knowing that she had no experience of counselling sex abuse victims.

2.3.8.55 These incredible, implausible and suspicious facts can only be reconciled by the sure conclusion that 'Nick' has invented these allegations in order to claim compensation. I am satisfied that every person named by 'Nick', including his stepfather, is innocent of the allegation made against him.

Principal Police Failings

2.3.8.56 Specifically:

- i) Believing 'Nick' at the outset of this investigation when the Wiltshire Police had doubted 'Nick's' credibility describing it as *'all a bit odd'* and *'it all sounds a bit "Spooks"'*.
- ii) Causing 'Nick' to be interviewed by officers with no knowledge of 'Nick's' Wiltshire interviews or 'Nick's' blogs.
- iii) Failing to arrange a further interview, to deal with inconsistencies in October 2014 interviews, until January 2016.
- iv) Delaying visiting 'Nick's' mother for approximately six months.
- v) Failing to trace Aubrey until October 2015.
- vi) Failing to enquire of the CICA whether 'Nick' had made a claim.
- vii) Having learned that 'Nick' had made a claim, failed to ask the CICA for details of the claim.
- viii) Having learned that 'Nick' had made a claim, assisted 'Nick' to process his claim during the currency of this investigation.
- ix) Having obtained 'Nick's' medical records in December 2014, failed to

ask 'Nick' if he would consent to a full medical examination until January 2016.

- x) On 18/12/2014, making a public statement that:

'We believe that what 'Nick' is saying is credible and true'.

- xi) Failed to request a Review of this Operation at 24 hours, 7 days or 28 days and, thereafter, failed to request a thematic review by the Specialist Crime Review Group to specifically assess 'Nick's' credibility before applying for any search warrant.

- xii) Applying for search warrants when there were no reasonable grounds to believe that an indictable offence had been committed.

- xiii) Inaccurately, on the face of the warrant, stated:

'Person whose premises are authorised to be searched: Lord Leon Brittan' when, as a deceased person, Lord Brittan could not own property.

- xiv) In the applications for the warrants, stating that:

'The victim in this investigation contacted Police in late 2014....'.

When, in fact, 'Nick' first contacted MPS in 2012 before being referred to Wiltshire Police where he was interviewed at length in December

2012. Further it was the MPS who contacted 'Nick' in 2014.

xv) In the applications for the warrants, inaccurately stated that:

"Nick's' account had remained consistent and he is felt to be a credible witness who is telling the truth'.

xvi) Before the searches commenced, informing 'Nick', by his liaison officer, that the searches were about to commence.

xvii) In the searches, property was seized which was not authorised by the warrant.

xviii) Officers conducting a search in North Yorkshire conducted the search as if looking for bodies or body parts.

xix) Lady Brittan was given no sufficient assurance that the search of her home was related to the suspected criminality of others.

xx) Property seized in the searches was not copied and returned in timely manner and other property was retained for excessive periods.

xxi) By confirming the locality of the searches the MPS contributed to the loss of anonymity of Lord Bramall, Lady Brittan and Harvey Proctor.

xxii) Conducted this investigation in such a manner that the Assistant Commissioner felt obliged to postpone the interviews of Lord Bramall

and Harvey Proctor on two occasions whilst a review took place.

- xxiii) Instructed a Consultant Psychologist to carry out an assessment of 'Nick's' credibility and failed to provide her with 'Nick's' Wiltshire interviews, his blogs or the videos of his MPS interviews.
- xxiv) Rejected the concerns of a well-regarded Consultant Psychologist, who had questioned 'Nick's' credibility, describing his views as biased.
- xxv) Relied on the advice of the instructed Psychologist when she had advised that she had insufficient time to read all the MPS interviews.
- xxvi) Placed reliance on the views of 'Nick's' Counsellor without sufficiently evaluating her experience or qualifications.
- xxvii) In Lord Bramall's first interview, failed to disclose the location of the alleged crimes thus depriving him of the opportunity of specifying potential witnesses to rebut the allegations.
- xxviii) Having learned that every 'Scott' at Coombe Hill Primary School had survived his schooling, and that no serious road traffic accident could be traced to the locality, failed to sufficiently assess the impact of this information on the investigation.
- xxix) In Gold Group Minutes of 20/05/2015, it is recorded that:

'The Group acknowledged that MPS Policy was that victims must be

believed and relied on this policy to justify not asking to inspect 'Nick's' computer.

- xxx) On receiving an email from 'Fred' via 'Nick', which was cut and pasted to conceal 'Fred's' email address, failed to ask 'Nick' if he would consent to his computer being examined.
- xxxi) Having visited 'Nick's' mother failed to take immediate steps to trace Aubrey and [FRIEND].
- xxxii) Recorded General Sir Hugh Beach as a suspect from 13/11/2014 until 11/06/2015 and failed to interview him as a witness until 18/09/2015, 'Nick' having alleged that Sir Hugh was a witness to significant criminality. He was 92 years of age when interviewed.
- xxxiii) On 11/06/2015 informed 'Nick' that Harvey Proctor was to be interviewed, thus ensuring further adverse publicity for Mr Proctor.
- xxxiv) On 11/06/2015 caused DMC to publish that a man in his 60's [8] from Grantham was interviewed under caution, thus confirming information that Exaro had already received, thereby causing further adverse publicity for Mr Proctor.
- xxxv) Caused two police officers to travel from England to Australia to interview a 'Scott' who must necessarily have survived his childhood when 'Scott' could have answered any questions by more economical means.

xxxvi) On 05/10/2015, when 'Nick' had asserted that both Aubrey and 'Nick' were 'Fred', declined to take pro-active steps to trace 'Fred's' email address or to ask 'Nick' for his mobile phone or his computer.

xxxvii) Between March 2015 and December 2015, when a review was carried out, failed to forensically examine a school tie and blazer recovered in searches, notwithstanding the fact that the school tie bore a label of school outfitters in Surrey which was the County of Coombe Hill Primary School. Both tie and blazer have since been found to have no evidential significance.

xxxviii) Conducting several hundred house to house enquiries, in December 2015 and January 2016, at a time when 'Nick's' credibility was non-existent thus making a poor use of resources.

xxxix) The decision to trace Lord Bramall's ADC, on 24/11/2015, was unreasonably delayed. Lord Bramall having indicated that his ADC could vouch for his innocence on 31/07/2015.

xl) Upon receiving **[GIST: PROFESSOR 2]** report, and upon receiving advice from the CPS, the investigation should have been terminated on 17/12/2015 and no further action brought against both suspects.

xli) When a decision was taken to discontinue against Lord Bramall on 14/01/2016, the same decision should have been taken in Harvey Proctors case. If 'Nick' could not be relied upon in the case of one suspect, on these facts, he could not be relied upon in the case of the

other.

xlii) The decision to inform the public that...

'we have found no evidence of 'Nick' wilfully misleading the investigation team or anything which would amount to an offence of perverting the course of justice'

...cannot be justified on the facts of this case.

xliii) Failing to interview 'Nick's' ex-wife in connection with any disclosure that 'Nick' allegedly made to her. On 03/11/2014 'Nick said, during interview, that he had told his ex-wife. Police should have visited her at an early stage of the investigation.

2.3.8.57 Having made these criticisms, I should also state that this was a well-resourced investigation with every possible investigative tool and support made available to the Midland team.

2.3.8.58 The principal cause of the many failures in this investigation was poor judgement and a failure to accurately evaluate known facts and to react to them. A major contributing factor was the culture that 'victims' must be believed. Whilst the responsible Officers assert that they kept an open mind, several failures can only be explained by an unwarranted and disproportionate belief in 'Nick's' credibility.

2.3.8.59 The most significant error in this investigation was the decision to apply for search warrants coupled with formulating inaccurate statements which were placed before the District Judge. But for that decision, this investigation may well have been completed without the dreadful adverse consequences I have described. As the three senior officers now appreciate, 'Nick' had been inconsistent in his accounts and yet the District Judge was told that he was consistent. This, combined with other inaccuracies before the District Judge, and the failure to disclose several undermining factors, has caused me great concern. Two more junior officers made the statement and authorised the application. It was made clear at the outset, to all officers, that the purpose of this review was not to conduct disciplinary proceedings under a different guise and that the Commissioner wished to learn lessons with a view to improving investigative procedures in the future. It is essential that any investigation, disciplinary or other, is carried out according to law and with all appropriate safeguards being observed.

2.3.8.60 I wrote the paragraphs on 'Belief' in Chapter 1 some little time ago, and observed '*that the policy of believing victims strikes at the very core of the criminal justice process*'. I have no doubt that the policy adversely affected the judgement of officers in this case. The DSU specifically refers to the policy affecting his judgement in relation to his 'credible and true' statement. I believe it affected the decision to delay visiting 'Nick's' mother, because they believed 'Nick', and it affected decisions in relation to 'Nick's' injuries, his computer, his phone, and his journals. Those who contend for the policy will assert that the officers misapplied the policy. The problem with enforcing an artificial belief in the truth of an allegation is that it deprives the officer of the ability to make an independent decision as to the

veracity of what they are hearing. The SIO spent 17 hours, under direction, to 'believe' 'Nick' as she watched the ABE videos from beginning to end. If one policy decision results from this review I trust that the instruction to 'believe' a victim's account will cease.

2.3.8.61 I have spent much time considering how it has been possible for five experienced and highly regarded officers to have expressed the view that 'Nick' had been consistent, when he was so demonstrably not so, as they now accept. One possibility, not advanced by any officer, but nevertheless in my view a possibility, is that at the time the warrants were sought one or more of these officers had not in fact read, or sufficiently read, the Wiltshire interviews. I note that in the SIO's investigative priorities of 18/11/2014, at number 5, she wrote: *'Forensic read of 'Nick's' ABE interviews'*. There was no mention of the Wiltshire interviews, nor are the Wiltshire interviews mentioned in any log or minutes of any meeting prior to the application for warrants, and the analysis of the differences between the Wiltshire interviews and the MPS interviews did not take place until 27/10/2015. If the two officers making the statements and authorising them had no knowledge of the Wiltshire interviews, it would explain the misleading content of those statements, including the statement that 'Nick' was first interviewed in 2014 rather than 2012. I appreciate that if an officer overlooked or failed to read the Wiltshire interviews it will be a difficult concession to make.

2.3.8.62 As matters stand I have no doubt that the District Judge was misled, and, had he known the true position, he would not have granted the applications. The gravity of a Judge being misled in such circumstances cannot be overstated. A rigorous investigation into the decision to apply for

the warrants and the formulation of the statements must take place and be conducted by those with the appropriate investigative powers. Those adversely affected by the issuing of those warrants may feel that I can perform that function. Due process must be followed and I do not have, nor could I be given, those powers. Such investigation should be conducted by the IPCC. A number of questions remain unanswered in relation to the application for the warrants but those must await the service of the appropriate notices.

2.3.8.63 In 'Nick's' case, and in the cases of A and B, I do not have, nor could I be given, the appropriate investigative powers and, again, due process must be observed. I recommend that an investigation into possible offences of fraud and perverting the course of justice should be undertaken in 'Nick's' case, and offences of attempting to pervert the course of justice be considered in the cases of A and B. It would be appropriate for another police force to carry out such investigations.

2.3.8.64 At the conclusion of my interview with the officers on 16-17 August 2016, I formed the view that, notwithstanding the many mistakes I have enumerated above, the officers had conducted this investigation in a conscientious manner and with propriety and honesty.

Chapter 3

Operation Vincente

A summary of the complaint

3.1 The Complainant was 19 years of age in 1967 when this incident took place. **[GIST: Description of a historic allegation of rape by 'Jane' against Lord Leon Brittan]**.

3.2 The following day the Suspect contacted the Complainant **[GIST: Description of account by 'Jane']**.

3.3 **[GIST: Continued description of account by 'Jane']** She stated that she observed a **[GIST: Document that named Leon Brittan and organisation]** on the **[GIST: LOCATION]** **[GIST: Continued description of account by 'Jane']**.

3.4 **[Continued description of account by 'Jane']**.

3.5 **[Continued description of account by 'Jane']**.

3.6 This is a summary of the facts which are set out in more detail in the MG3.

I have read both ABEs, **[PERSON 1]** statement, plus the statements of **[PERSON 2]**, **[PERSON 3]**, **[PERSON 4]**, **[PERSON 5]** and **[GIST: Personal information of 'Jane']** together with the contents of three ring binders provided for the purpose of this review.

DCI Settle's Initial review of the evidence

3.7 I have read DCI Settle's manuscript Decision Log Commenced 20/12/2012. The offence had first been reported to South Yorkshire Police and was transferred to the MPS on 30/12/2012. DCI Settle was satisfied, from the original notes, that the initial investigation was sound. He reviewed the allegation and observed that, in the aftermath of Savile, the matter had been reported to her local force and that the investigation should now be conducted by this team as part of the confidential enquiry. It made sense for Fairbank to investigate. He tasked [DC 1], an experienced and suitably qualified officer, to speak to the victim and to offer reassurance. He observed that *'this allegation ultimately may centre on consent. Given that this is not a clear cut allegation I will liaise with a colleague in 'Sapphire' with a view to his advising and, if need be, reviewing our actions to date'*. He decided the victim should be further interviewed.

3.8 On 08/01/2013, following the further ABE interview, DCI Settle observed that the Complainant's account remained consistent.

'The fact remains that this was an incident involving 2 people in a private dwelling some 40 years ago. It is hoped that the witnesses may offer some corroboration of events which could strengthen the victim's account'.

He advised that four potential witnesses be interviewed and that a fifth be traced and interviewed.

3.9 On 15/02/2013 DCI Settle wrote that he had spoken to DCI Smith who had agreed to look at the investigation to date. He added that:

'I am concerned at this point that the facts as presented do not necessarily constitute the offence of rape in that on the account provided I am unsure if LB could have reasonably known or suspected that consent was an issue'.

3.10 On 07/06/2013 DCI Settle had read both ABE interviews and the statements that I have read and reviewed the evidence before observing:

[GIST: Description of account by 'Jane' and personal information]

'I am struggling to see, based on the evidence gathered, that a reasonable person would have any idea that consent was an issue let alone that it had been refused. That said I am by no means an expert in that field and therefore I propose to seek advice from the CPS. At this stage I do not feel that the arrest or interview of the suspect is a proportionate response. The matter is over 40 years old, the offence is not clear cut, the additional witnesses do not support LB's presence at the time. The victim is sure of the identification from a [GIST: Document that named him] in his flat. But I am still not convinced that the offence is made out. There is no right of anonymity for persons arrested for sexual offences. Furthermore, there is considerable media intrusion in other aspects of a parallel investigation, and to arrest now would I feel jeopardise any other potential enquiries as this, given the evidence would be seen as a baseless witch hunt.....Once this matter has been referred to the CPS and advice received I will review and make a further decision'.

CPS Investigative Advice 19/08/2013

3.11 This matter was considered in considerable detail by [CPS 4] a rape specialist prosecutor. Having reviewed the evidence, [CPS 4] concluded:

[GIST: Detailed CPS review of content of allegation made by 'Jane']

'I am of the view all of this evidence supports the fact that the suspect was unaware that the victim was not consenting to the sexual intercourse between them'.

'On the evidence that I have seen, I am of the view that there is insufficient evidence to prove that the suspect would have been aware that the victim was not consenting....Whether the suspect is arrested and interviewed is purely an operational decision for the police'.

DCI Settle's Application of the Full Code Test - 04/09/2013

3.12 Having read [CPS 4] advice, DCI Settle applied the Full Code Test and decided that no further action would be taken, that there would be no arrest and no interview. It would be disproportionate as there was insufficient evidence to prove that the suspect would be aware the victim was not consenting. He concluded:

'We would be totally reliant upon a suspect admitting the offence when the disclosure would undermine that very notion. Given the impact that arrest would have on the suspect and the subsequent media intrusion and legacy when the offence to my mind is not made out, I believe that any executive action against the subject would be grossly disproportionate to any realistic

outcome. Following advice received from the CPS at the last Gold Group I will apply the full code test'.

3.13 DCI Settle applied the test thus:

'Unfortunately this matter falls at the evidential stage.....There must be sufficient evidence to provide a realistic prospect of conviction. I do not believe that the suspect would have been aware that consent was an issue [GIST: Description of account by 'Jane' and personal information].

He instructed [DC 1] to communicate his decision to the Complainant and offered to speak to her himself should the Complainant so wish.

Meeting on 17/02/2014 between DCI Settle, [DC 1], the Complainant and [PERSON 1].

3.14 The Complainant did indeed wish to speak to DCI Settle. He had offered to travel north to see her, but the Complainant preferred to wait until she visited London and thus the meeting was delayed. I have a very full note of the meeting, compiled by the Complainant or [PERSON 1], which bears the words:

'no publication without explicit consent'.

3.15 It is not necessary for me to summarise that document save to say that the meeting was extremely difficult, not least because the Complainant indicated that she had been to Exaro News and they had printed something about her that was not true and implied that a leak from Police was the cause of

this getting into the Press. She implied that DCI Settle was looking after the suspect. DCI Settle indicated that he had a very low opinion of Exaro News as they had been overly intrusive with regard to an ongoing investigation. DCI Settle explained the full code test, informing them that the decision was his and his alone, but assuring them that he had consulted the CPS and that a specialist rape prosecutor had considered all the papers. He told them that they could, if they wished, complain to the IPCC. He repeated this in a letter of the same date. The letter was sent recorded delivery but returned to the MPS unsigned for and thus never received by the complainant.

DCI Settle is taken out of his role - 21/04/2014

3.16 An email from Commander M [sic] states:

'Re the issue with Paul Settle, we took him out of his role due to the pressure he was under, particularly with [GIST: Personal information].

I have received a full explanation of the circumstances of DCI Settle's removal from his role and have concluded that it can be justified having regard to his [GIST: Personal information], the location of their home in [COUNTY] and the pressures of his role within Operation Fairbank. Due to DCI Settle's [GIST: Personal information] I have not canvassed these circumstances of his removal from his role with him.

Letter from Tom Watson - 28/04/2014

3.17 This letter, written on House of Commons notepaper, was highly critical of

what had thus far taken place. He wrote:

'Unusually, and contrary to current practice and the ACPO/CPS Guidance on the Investigation and Prosecution of Rape Cases, the investigation into the serious allegations in this case was dropped before the suspect was interviewed'.

He described the decision as highly irregular and shocking in itself. This letter was not sent to the MPS nor did they become aware of it until 02/06/2014 although it was published on the Exaro website on 17/05/2014. The DPP replied, on 13/06/2014, saying that:

'any decision whether or not to investigate a case, is a matter for the police and that she was therefore forwarding Mr. Watson's letter to the police superintendent in charge of the case'.

Operation Fairbank Tactical Review Meeting - 28/04/2014

3.18 At this meeting it was decided that DSU G [sic] would establish the rationale for not approaching Lord Brittan to put the allegation to him and that DSU G would review the exact nature of the CPS advice and review the decision not to speak to Lord Brittan.

3.19 Regard was had to paragraph 4.2 of the Code of Crown Prosecutors which states:

'in most cases prosecutors should only decide whether to prosecute after the

investigation has been completed and all the available evidence has been reviewed’.

3.20 Commander M took the view that, since Lord Brittan had not been interviewed, the investigation had not been completed and all the available evidence had not been reviewed.

3.21 He also had regard to para 4.3:

‘prosecutors should only take such a decision (whether or not to prosecute) when they are satisfied that the broad extent of the criminality has been determined and that they are able to make a fully informed assessment of the public interest. If prosecutors do not have sufficient information to take such a decision, the investigation should proceed and a decision taken later in accordance with the full code test’.

3.22 I do not agree with the decision reached at this meeting for the very reason enunciated by DCU Price when she wrote, on 19/05/2014:

‘even if statements are obtained, I feel they are unlikely to change the CPS decision which incident, I believe was the correct one based on the evidence they received’.

3.23 DCI Settle had anticipated the unfortunate chain of the events that would follow from an interview with Lord Brittan, namely that, with Exaro involved, media intrusion was a certainty as far as Lord Brittan was concerned.

3.24 I am fully aware of the conclusion of the review undertaken by the Dorset Constabulary that concluded:

'The reviewer concludes that there were ample reasonable grounds to conduct an interview of Lord Brittan and that the enquiry could not be properly progressed without doing so. Such action was necessary, proportionate and justified and far from unlawful as was contended by the SIO on the basis that the ingredients of the offence were not made out due to "consent". Whilst he has sought to rationalise this in his decision log, the reviewer believes that the only way to explore that consent was by questioning the suspected person. Had other available lines of enquiry been explored, these may well have unearthed information that negated the need for an interview but for the SIO to base the decision entirely on his assessment of the consent issue is difficult to justify.'

3.25 I find the last sentence difficult to understand as the issue at that stage was clearly consent and nothing else. The Complainant had **[GIST: Description of account by 'Jane']** and did nothing not to indicate a lack of consent. In my judgment, the SIO was correct to *'base the decision on the consent issue'*.

3.26 Whilst I do not agree with the conclusions reached by the Dorset Constabulary of Operation Vincente I do not regard the decision as wholly unreasonable, or one that no competent senior officer could make. I fully recognise that it was a potentially controversial decision to NFA a case against a former Home Secretary and that it was and remains a legitimate concern of senior officers in the MPS to maintain public confidence in the MPS. Whilst ordering a review creates an appearance of careful oversight of the investigative

process, the decision, as anticipated by DCI Settle, resulted in massive media intrusion and great distress of an elderly and very sick man. I have no doubt that, had the suspect been an ordinary member of the public with no reputation or celebrity, no review would have taken place given identical facts. The outcome of the review was easy to anticipate and, as foreseen by DCI Settle, it proved to be a futile exercise.

Review of Operation Vincente by DCI Sam Price - 19/05/2014

3.27 DCI Price indicated that certain witnesses, who had not been traced, should be further sought but commented:

'however, even if statements are obtained I feel they are unlikely to significantly change the CPS decision, which, incidentally, I believe was the correct one based on the evidence they received. The key line of enquiry I believe should be progressed is the interview under caution of LB. I believe he must be interviewed in order to question him regarding the victim's account as well as obtain crucial background information, including his place of residence in 1967/associates etc. Additionally, as per any named suspect, he must be allowed the opportunity to respond to the allegation made'.

Interview at Mischon De Reya Solicitors - 30/05/2014

3.28 Lord Brittan denied ever having met the Complainant and denied ever living in a [VENUE 1]. He told police officers that, in 1967, he lived in a [VENUE 2]. He named his landlady. He did not recall having had a [GIST: Document that named him and organisation] and, if he had, he would not have exhibited it on

a [GIST: LOCATION]. He gave a prepared statement and answered questions under caution very positively denying the allegation and denying ever having met the Complainant.

CPS Email - 03/06/2014

3.29 [CPS 1] of the CPS wrote to DSU G saying that [CPS 1] was confused and understood that the case had been NFA'd by DCI Settle and the investigation had finished. The CPS could only now become involved if the Officer in Charge of the case confirmed that the investigation was complete, completed an MG3, confirmed that the evidential threshold had been passed and then submitted a full set of papers for a charging decision to be made. [CPS 1] went on, most significantly, to write that:

'I think that any supervising officer may struggle to show that it meets the threshold bearing the reasons given by Paul Settle for the NFA and the fact that the only additional evidence is the interview which weakens the case'.

CPS Email - 05/06/2014

3.30 Earlier in the day DS Townly sent an email to [CPS 1] asking that a decision be made as soon as possible.

'The decision has been reviewed by another ERO DS Andy May and there is significant pressure from the senior management that a decision is made as soon as possible, victim charter, public interest/perception, ill health of LB and the political sensitivity around the subject. It is my view that a

transparent review is carried out of this case (not by the police) so that there can be no accusation of us 'covering things up'.

Within two hours [CPS 1] replied that [CPS 1] had already sent an email to DSU G on the matter and reaffirmed that a DCI dealt with the original decision and NFA'd the case on an evidential basis.

'LB has now been interviewed and has raised ID in issue and denied the offences. In my view his interview weakened the case further'.

[CPS 1] then reiterated the several steps that would have to be taken, certification of threshold passing, completion of MG3, and submission of full file before the CPS would make a charging decision. [CPS 1] stressed that the Director's Guidance must be followed and that *'this case is not accepted by the CPS to provide advice'*.

Email from Lord Brittan's Solicitors re [GIST: Document that named him] -
23/06/2014

3.31 Solicitors acting for Lord Brittan wrote [GIST: Details enquiries contesting existence of document that named him, at that point in time. MPS enquiries also queried if document that named him was issued at that point in time].

It is not clear whether [GIST: Commentary about type of document that named him].

The Complainants evidence was clear [GIST: Commentary about existence

of document that names him, at that point in time] and the Defence had indicated that they would call oral evidence to that effect in the event of any resulting trial.

Lord Brittan was named in the press in connection with a rape of allegation in 1967 on or about 07/07/2014

The DAC was appointed Gold Commander Operation Vincente - 07/07/2014

3.32 [GIST: Comment about 'Jane's' concern around media coverage].

Complainant taken for a drive around in attempt to locate the scene of crime - 22/08/2014

3.33 The Complainant was taken for a drive around [VENUE 3] and shown [VENUE 4] and [VENUE 3] tube stations, neither of which she could positively identify. She had heard from Mark Conrad and he was trying to identify the location. She was told to tell Conrad that if he found the location he should not tell her but should inform the police.

Identification Procedure on 07/10/2014 (Via the WADS System)

3.34 Lord Brittan had declined to attend upon an identification procedure. This is hardly surprising considering how frequently his photograph and images had been in the public domain. Any legal advisor would advise him not to participate. After asking to be shown two pictures a second time, the Complainant identified the Suspect.

Information re Mark Conrad - 14/10/2014

3.35 [GIST: Comment about 'Jane' informing [DC 1] of media making enquiries].

File resubmitted to CPS - 12/11/2014

3.36 The file was resubmitted and [CPS 1], returned the file and stated that it was not accepted for pre-charge advice. [CPS 1] gave a full explanation. [CPS 1] had read the endorsement of DSU G which read:

'The case has been difficult in the sense that it was closed on the basis of an offence not being identified, however in my view there are some points of case law to be considered, mainly in terms of the consent. I believe that she held a genuine belief of fear and therefore was not in a position to say 'no'. Case law appears to show that unless consent is obvious it is up to a jury to decide whether any intercourse was lawful'.

The purpose of resubmitting the file was to seek the CPS expert advice in the case in totality. The DAC viewed this investigation as a 'test case'

3.37 [CPS 1] set out the Director's Guidance in full and, yet again, reminded DSU G that cases should not be referred to the CPS unless the Full Code Test can be met. [CPS 1] then wrote:

'Neither the endorsement by DSU G nor DS Townly satisfy the criteria set out in the Director's Guidance, in so far that they are satisfied the Full Code Test

has been met. As the case has been previously NFA'd (no further action) by the Police, as previously stated, we would additionally need the reasons why the decision made by DCI Settle was wrong. The file is therefore returned and not accepted for pre charge advice'.

Email from the DAC to DSU G questioning the CPS decision - 24/11/2014

3.38 The DAC expressed himself puzzled by the decision not to accept the file stating that common sense would state that the CPS should be able to offer a professional view on a set of case files where the decision not to proceed would be of such huge public interest. He wrote:

'I am keen that we appeal this decision on the basis that we are seeking a professional view on our judgement. These are unique circumstances where the background context is one where the previous independence of the Police to tackle sexual offending by VIPs has been publicly called into question'.

Email from DAC to Commander Spindler - 08/01/2015

3.39 The DAC wrote:

'How can we get the CPS to assess the evidence in cases of public interest (even if our assessment is that the threshold test is not met)'.

Death of Lord Brittan 21/01/2015

3.40 Shortly after Lord Brittan died, Tom Watson MP described him in a blog as

'close to evil as any human being could be'. At this time Lord Brittan (albeit now deceased) was a suspect in Operation Midland, an investigation into allegations of child murder by 'Nick'. A case in which Mr. Watson had taken a personal interest having, according to 'Nick', spent some time with him at an early stage of the investigation. The DAC in this investigation was also Gold Commander in Operation Midland.

Email from the DAC to the CPS ([CPS 5]) - 23/01/2015

3.41 The DAC wrote:

'You may be aware that we did seek EIA (Early Investigative Advice) from [CPS 1] in this case and that we subsequently decided that there was insufficient evidence to meet the Full Code Test. We then conducted further enquiries, including an interview with Lord Brittan, and were keen to get CPS endorsement of our informal professional view that the Full Code Test was not met. [CPS 1] rightly refused to formally consider the case because the Test was not met and we have had an impasse ever since! We now have to manage the impact of his death with a number of media enquiries about the status of our enquiry. Could you possibly consider the merits of a protocol that would allow the CPS to review cases that in our view do not meet the Full Code Test but where there is a public interest in you doing so'.

Meeting between the DAC, [CPS 5] and [CPS 6] - 12/02/2015

3.42 The DAC expanded on his proposal that the CPS should consider reviewing cases where the Full Code Test had not been met. He stated that the case could

be written up either way; either Full Code Test met or not met. [CPS 5] expressed the view that the CPS should not give advice on the case of Lord Brittan because it would involve departing from more than one piece of existing policy. It was agreed that their respective organisations would consider the proposal.

Email from the DAC to [CPS 5] - 02/02/2015

3.43 The DAC, wrote:

'many thanks for taking the time to look at this, I really appreciate your efforts to find a way through this. I have had a look at the suggested lines and would still hope there is potential to get us closer together on this. My objective is to be able to demonstrate that there has been informed CPS scrutiny of our investigation and that we have a shared view on the evidential position. This is challenging as the DPP guidance seems to preclude both of our organisations taking a joint view on a case in circumstances where the police believe that a case may not be chargeable but where there are issues of both public confidence and consent. I am sure this is not intentional in a case like this where I believe that there is a need for legal advice on the issue of implied consent by the victim. This is central to the strength of this case. At present, my only route to securing CPS consideration of the case is to declare that we (DSU G) believes that the Full Code Test has been met. There is some merit in this view but I suspect that it may only serve to engineer a situation where you will be forced to declare that the CPS disagree with the Police assessment of the case. Obviously, I genuinely want to avoid this. In this particular case I would still ask for a CPS review of the current file, in effect an update on the Early Investigative Advice given by [CPS 4] in August

2013. Since that time a number of enquires have been conducted and it would seem right that the updated file is reviewed. I am relaxed as to whether we refer to this as Further Early Investigative Advice or Charging Advice? Is there any scope for a CPS review of the current file of evidence under the banner of EIA? Kind Regards Steve.'

This was a blatant attempt to bypass the Directors' guidance to which the DAC had been referred on many occasions by [CPS 1]. It should have been abundantly clear to him that the time had come to apply the Full Code Test. He knew if he did apply the Full Code Test the investigation would come to an end. By acting as he did, in my judgement, he prolonged this investigation and must have realised that he was doing so. He was attempting to modify the Directors' guidance. He was perfectly entitled to attempt do so without unjustifiably prolonging the situation of any suspect. Had he discontinued the present investigation, he could perfectly well have embarked upon meetings with the CPS provided, of course, that he had the support of his superiors.

It should be borne in mind that the DAC in Operation Vincente was, by now, Gold Group Commander in Operation Midland and, in both operations, Lord Brittan was a suspect. Whilst I do not assert that the DAC was deliberately retaining Lord Brittan as a suspect in Operation Vincente to bolster Operation Midland, by conducting himself as he did, he has exposed himself to such a suspicion. It is a fact that, within one month of this letter, search warrants had been applied for at two homes of the now deceased Lord Brittan. The question plainly arises to why the DAC should be so concerned to prolong an investigation into an allegation of sexual misconduct 48 years ago by a

deceased man.

Letter from AC Gallan to DPP - 01/04/2015

3.44 AC Gallan wrote to the Director recording a recent meeting in which she stated:

'we discussed the Director's Guidance in relation to allowing the CPS to review cases involving prominent figures when the Full Code Test has not been met'.

She went on to ask whether the CPS would reconsider whether it should review Lord Brittan's case. She wrote:

'This case does not, as I understand it, meet the evidential test'.

Letter from AC Gallan to DPP - 05/03/2015

3.45 AC Gallan wrote in similar terms stating:

'It is my opinion, that in the light of the numerous high profile and complex investigations that the police are investigating, that we should consider the need to create a mechanism where CPS advice can be provided when police believe that insufficient evidence exist'.

Letter in Response from the [CPS 6]

3.46 The [CPS 6] wrote:

'The decision making in this case has always been a matter for the police. Investigative advice was given by the CPS, but the decision to take no action was made by the police, without further consultation. Despite later investigative work the police view remains that the evidential test for a Full Code Test charging decision is not met. As that remains the police assessment of the case I have concluded that we should not carry a separate review'.

[CPS 6] concluded by stating that the CPS continue to consider the wider issue raised, namely, whether the guidance should be amended to provide for discretionary submissions in truly exceptional cases.

Statement by the CPS - 24/06/2015

3.47 The CPS released a statement that the Police had taken the decision in 2013 to take no further action against Lord Brittan and that the Police's subsequent enquiries had not elevated the strength of the evidence to the point where the Police could conclude that there was sufficient evidence to refer the matter to the CPS for a charging decision.

Letter from Lady Brittan's Solicitors to the MPS - 11/09/2015

3.48 [PERSON 7], of Mischon de Reya, set out the history of this investigation, including the CPS statement of 24/06/2014. [PERSON 7] went on to quote an

MPS spokesman as confirming, in an article in the Independent on 28/06/2015, that:

'police subsequently carried out a further review of the case which has now concluded.'

As [PERSON 7] pointed out that the quote did not explain what the conclusion of that further review was and thus the comments publicly attributed to the Metropolitan Police did not go nearly far enough. [PERSON 7] penultimate paragraph reads:

'It is a matter of considerable regret that at no stage have the Metropolitan Police confirmed either at the time to Lord Brittan or subsequently to Lady Brittan, the decision(s) reached following the further investigation undertaken in 2014. Such a situation appears inexplicable against the backdrop of the information that has nevertheless been released into the public domain by those with conduct of this matter. We are, therefore, writing to invite you to remedy that omission by providing our client with the confirmation that she seeks and to which she is plainly entitled'.

Reply to Lady Brittan's Solicitors by the DAC - 06/10/2015

3.49 The DAC set out the history indicating that, in July 2013, the CPS concluded that there was insufficient evidence at that time. He continued:

'The MPS subsequently conducted a review of the investigation and identified a number of other enquiries to be carried out, and decided to interview Lord

Brittan. Once these enquiries were completed the MPS assessment of the case was that the enquiries had not strengthened the available evidence. However, in order to demonstrate transparency in such a high profile case, we then asked the CPS to consider whether they were prepared to offer a further view on the case. As was reflected in their statement the CPS declined to do so. In light of the above, I am able to confirm that, unless further evidence had become available no further action would have been taken in respect of this allegation. I do recognise that this clarity should have been provided at an earlier stage and I apologise for any distress that has caused to Lady Brittan'.

An independent review was commissioned by the MPS on 12/10/2015 undertaken by the Dorset Police

Home Affairs Committee. Oral Evidence: Investigation into the late Lord Brittan - 21/10/2015

3.50 DCI Settle, the DAC, AC Gallan, Tom Watson MP, and the DPP, gave evidence. I have read the full transcripts and will have regard to them in my conclusions.

The Final Dorset Report was handed to the MPS - 13/01/2016

3.51 The report conducted by the Deputy Chief Constable, James Vaughan, was critical of DCI Settle indicating that he drew an early erroneous conclusion that the offence of rape was not made out due to his perceived issues with consent. The reviewer concluded that there were ample reasonable grounds to conduct

an investigative interview of LB and that the enquiry could not properly be progressed without doing so. The reviewer questioned the necessity for an identification procedure. He concurred with the final decision in respect of the Full Code Test.

3.52 The reviewer observed:

[GIST: Commentary by review officer regarding consideration of balancing the issue of consent].

3.53 The reviewer concluded that the case was more likely to lead to acquittal than conviction and, therefore, the Full Code Test was not quite met. The other conclusions were as follows:

‘the reviewer concludes that there were ample reasonable grounds to conduct an investigative interview with the Lord Brittan and that the inquiry could not properly be progressed without doing so. Such action was necessary, proportionate and justified and far from unlawful as was contended by the SIO when he subsequently gave evidence before the Home Office Affairs Select Committee’.

‘The Early Investigative Advice file lacked essential details and was incomplete. The corresponding advice from the CPS did not fully fulfil the requirements of the CPS “Guide to Investigating and Prosecuting Rape, 2010” and, in essence, provided what seemed to amount to charging advice. The prosecutor provides comprehensive analysis of the strengths and weaknesses of the evidence but does not offer any investigative advice. No direction or advice is offered surrounding the potential benefits of an

investigative interview.'

'It is surprising that a relatively junior member of staff made the decision to close the case without auditable reference to senior command.'

'the reviewer is sympathetic to the notion that an independent assessment may have served the public interest. In cases surrounding very senior members of the British establishment, particularly those engaged in home affairs or law enforcement, an independent review would provide necessary rigour and integrity in decision making.'

'The operational context in which investigators and senior command were operating within the MPS during the period of time under review was extraordinary by any standards and resources were understandably very stretched. Commanders were operating multiple Gold Groups for very complex and high risk cases, which included numerous non-recent allegations against other prominent people. Operations Fairbank and Yewtree are but two high profile examples of ongoing casework, which was in addition to the usual high demand for specialist resources to deal with homicide and rape.'

3.54 I do not agree with significant parts of the 'Dorset Review'. For reasons I have already stated, I do not consider that interviewing Lord Brittan could conceivably have advanced the investigation.

3.55 I consider [CPS 4] advice to have been detailed and very clear. It was, in reality, a charging advice and no other reasonable interpretation could be put upon it. Whatever descriptive title is given to it, it was good sound legal advice.

3.56 DCI Settle could not properly be described as ‘a relatively junior member of staff’, a description accorded to him by Dorset Police.

3.57 I do not agree that an independent assessment prior to application for the Full Code Test does serve the public interest. The Director’s Guidance is very clear. It is for the police to apply the Full Code Test. If it is met, the case will be accepted by the CPS. Police Officers must conduct investigations within a prescribed regime. The contention that different rules should apply in Operation Vincente is untenable.

3.58 On 16th February 2016 the Commissioner, Sir Bernard Hogan-Howe, met with Lady Brittan and formally apologised to her for not telling her at an earlier stage about the fact that Lord Brittan, who by that stage had unfortunately died, was not to be prosecuted as there was no chance of a successful prosecution.

Conclusions

3.59 Contrary to the views expressed in the Dorset Review, I consider DCI Settle's conduct of this investigation to have been exemplary, as did the Home Affairs Committee. He is a most experienced DCI and more than capable of leading an investigation such as this. He acknowledged his inexperience in rape investigations and sought specialist assistance from a colleague in Sapphire, DCI Smith. He sought Early Investigative Advice from CPS and, in my judgement, reached the correct decision in concluding that no further action should be taken and his reasoning was in accord with the advice of the CPS.

3.60 As to consent, there was simply no evidence that the Complainant did not

consent. Indeed [GIST: Detail of account from 'Jane'.] It follows that there was no evidence that the Suspect did not believe that the Complainant consented. Indeed, on the facts, there was every indication that the Complainant was consenting.

Sir Richard is analysing the matter through the prism of a criminal jury, not the prospective analysis of an investigator. The two approaches are not mutually exclusive since the application of the Full Code Test requires that the investigator '*must be satisfied that there is a sufficient to provide of realistic prospect of conviction*'. An investigator could, very properly, put himself in the position of a reasonable juror.

3.61 DSU G raised the issue of fear, suggesting that the apparent consent may not have been genuine [GIST: Detail of actual source of fear by 'Jane'] as DCI Settle observed, was unknown to the Suspect.

The Complainant may have been in fear due to the fact that [GIST: Comment on content of 'Jane' allegation detail].

The reason given by the Complainant [GIST: Comment on content of 'Jane' allegation detail]. Since the DAC accepts that the Full Code Test has not been met, it is unhelpful for him now to seek to re-open the allegation.

3.62 [GIST: Comment on content of 'Jane' allegation detail].

The fact that the Complainant [GIST: Content of 'Jane' allegation detail] is with respect, irrelevant to her actions during the index event.

I do not agree. The circumstances of [GIST: Content of 'Jane' allegation detail] and this evidence would be admitted before a jury.

3.63 A specialist rape prosecutor had considered the facts with care and gave a fully reasoned advice concluding that there was insufficient evidence to prove that the Suspect was unaware that the Complainant was not consenting.

A charging advice was not being sought and the CPS did not offer any meaningful early investigative advice.

This was legal advice from a specialist rape prosecutor. She had clearly considered and analysed the facts in great detail. It was sound advice with which I concur. It clearly assisted DCI settle to reach his decision.

3.64 The Suspect's conduct, after the event, was wholly consistent with a belief in her consent.

3.65 The Complainant's conduct after the event and for the next twenty years was also consistent with consent.

Whilst the Complainant's conduct may have been consistent with consent it is also consistent with remaining silent.

[GIST: Content of 'Jane' allegation detail] and said nothing for 20 years. It appears that the DAC, who accepts that the case does not meet the Full Code Test, continues to assert guilt.

3.66 The Complainant's [GIST: Personal detail about 'Jane'] would trouble a jury, including, as it did, [GIST: Personal detail about 'Jane'].

[GIST: Comment on personal detail about 'Jane'] may be relevant to the context of the alleged offence.

The Complainant's [GIST: Comment on personal detail about 'Jane']

3.67 The decision not to interview Lord Brittan was, in my judgement, correct and well-reasoned. It is inconceivable, on the facts of this case, that an interview would advance the prosecution case. As DCI Settle put it:

'we would be totally reliant upon a suspect admitting the offence when the disclosure would undermine that very notion'.

Contrary to Mr. Watson's assertion, a decision to interview and/or to arrest is not governed by ASBO or CPS guidelines but by the Police and Criminal Evidence Act 1984, code C10A, which provided that, in order to interview Lord Brittan under caution, there had to be reasonable grounds for the suspicion of rape or other allegation on known facts or information. For my part, I do not consider that such grounds existed and, thus, I agree with DCI Settle's decision not to interview Lord Brittan. Paragraph 4.4 of the Code for Crown Prosecutors states:

'A case which does not pass the evidential stage must not proceed, no matter how serious or sensitive it may be'.

The DAC, Commander M, DCI Price and the Dorset review team believe that the decision to interview Lord Brittan was correct.

I have dealt with this at 3.20.

3.68 DCI Settle also considered and rejected the possibility of an arrest. Again there was, in my judgement, no reasonable grounds for the suspicion of rape or any other arrestable offence and, in any event, Code G would militate against any such course in the absence of necessity. The Suspect was in his 70's, in very poor health and of exemplary character. DCI Settle had regard to a further more practical reason for deciding against either an interview or an arrest, namely the fact that Lord Brittan would lose his anonymity. He considered:

'the impact that arrest would have on the suspect and the subsequent media intrusion and legacy when the offence to my mind is not made out'.

He is to be commended on his perspicacity because that is just what occurred in July 2014 after DMC put out a statement that a man in his 70's had been interviewed under caution in relation to a non-recent allegation of rape in 1967. Since the Complainant was in regular contact with Exaro, it is no surprise that there was media intrusion; as had been anticipated by DCI Settle.

3.69 A review of Operation Vincente was undertaken by DCI Price on 19/05/2014. I note that he agreed with the decision of DCI Settle and concluded that:

'even if statements are obtained I feel they are unlikely to significantly change the CPS decision. I find it hard to see how he thought an interview of Lord Brittan would strengthen any case that might exist'.

The interview had the unfortunate consequence anticipated by DCI Settle. Lord Brittan was named in the Press and subsequently grossly insulted by Tom Watson. Any prospect of his retaining his anonymity was illusory. No thought appears to have been given to the MPS policy that a suspect should retain his anonymity pre-charge.

Police Forces cannot allow speculation about likely media reporting to deter their officers from undertaking a proper investigation.

3.70 There can be no doubt that the interview of Lord Brittan further weakened any case that may have existed pre-interview. Identification was now in issue. The Complainant was unable to identify the scene of the alleged crime and the Suspect had identified his home in [VENUE 2] and named his landlady. Further, on 03/06/2014, [CPS 1], of the CPS, informed the officers:

'that any supervising officer may struggle to show that it meets the threshold bearing the reasons given by Paul Settle for the NFA and the fact that the only additional evidence is the interview which weakens the case'.

The case, in my opinion, should have been NFA'd at this time at the very latest. A possible inference is that the officers, then responsible, were in a state of panic induced by Mr. Watson's letter; a suggestion raised by the Home Affairs Committee.

The MPS were not aware of Tom Watson's letter when Commander M commissioned the review.

3.71 It soon became evident that the case was further weakened by the fact that [GIST: Document that named him] do not appear to have been issued by [ORGANISATION] at this time. Officers enquired at [ORGANISATION] on 19/06/2014 and Defence Solicitors disclosed their evidence on the subject on 23/06/2014. This should have caused the supervising officer to NFA the case at this time. The DAC did not consider that this fact weakened the case. I do not agree.

This could have been a [GIST: Different type of document].

That was not the Complainant's evidence. She stated in terms that it was a [GIST: Document that named him].

3.72 A decision to hold an identification procedure was taken. This was a mistake. Of course the Complainant could identify Lord Brittan. The process CPS decision was not recorded as it should have been.

This was the SIO's decision.

3.73 On three separate occasions the officers attempted to persuade the CPS to give a pre-charge advice. On each occasion [CPS 1] explained, in detail, the Director's Guidance. The officers responsible were under a positive duty to make a decision themselves and failed to do so. On all three occasions the case should have been NFA'd ('No further action' taken). I have discussed these attempts

with the DAC, who became Gold Commander on 07/07/2014. Whilst he accepted that the Full Code Test had not been met, he believed that it was the right ethical choice to seek some independence to the decision making process to give the public confidence. He stated that there was a real issue of victims not coming forward.

Since the allegations had already been reported, desire for CPS endorsement or otherwise was not legitimate and proper.

The investigation was complete. The Full Code Test was not met. Lord Brittan should have been informed that no further action will be taken.

3.74 Commencing on 24/11/2014, the DAC sought to persuade the CPS to review cases involving prominent persons when the Full Code Test had not been met. Since it was agreed by all that the Full Code Test had not been met in this case, the case should have been discontinued forthwith and both parties notified. The failure to do so was particularly unfortunate since not only was Lord Brittan a very poorly man, having undergone a number of surgical procedures, as the officers knew, he was also a suspect in Operation Midland. Since the DAC and DSU G were significantly involved in Operation Midland, and Tom Watson had spent some time with 'Nick', the complainant in that case, the officers were exposing themselves to the possible criticism that they were retaining Lord Brittan as a suspect in Operation Vincente in order to further Operation Midland. Having interviewed the DAC, I do not believe that he was motivated by any such oblique purpose.

The issue of independent oversight of decision making, where the suspect is

a person of public prominence, was a legitimate concern recognised by others and escalated by AC Gallan when the DAC's came to nothing.

3.75 When Lord Brittan died, on 21/01/2015, an obvious opportunity arose for a statement to be made that the Full Code Test had not been met in this case and it was not intended to prosecute Lord Brittan had he lived. Again, failure to do so exposed the officers in question to the possible allegation that they chose to retain Lord Brittan as a suspect, with the attendant bad publicity, in order to bolster Operation Midland. Again, I accept that was not their purpose. I have no doubt, however, that steps should have been taken at this time to notify Lady Brittan or her solicitors that there had been no intention to charge her late husband.

When Lord Britain died the MPS and the CPS were still liaising around the issue of advice in cases such as this; that is why Lady Brittan was not informed.

3.76 The DAC continued in endeavouring to persuade the CPS to advise in cases that involved prominent persons that did not meet the Full Code Test. On 02/02/2015, he wrote`:

'At present my only route to securing CPS consideration of the case is to declare that we (DSU G) believes that the Full Code Test has been met'.

It seems that he was still engaged in seeking the CPS advice that had been refused on three occasions and was advancing the untenable proposition that an officer might declare that a Full Code Test has been met, when it

clearly had not, in order to obtain an advice from the CPS. I fully accept that the DAC had no intention of actually stating that the Full Code Test had been met in this case. Indeed, in his email of 23/01/2015, he had specifically informed [CPS 5] that he believed the Full Code Test had not been met.

3.77 On 06/10/2015 the DAC replied to Lady Brittan's solicitors saying:

'I am able to confirm that unless further evidence had become available no further action would have been taken in respect of this allegation. I do recognise that this clarity should have been provided at an earlier stage'.

I do not think this was a sufficient apology. There were numerous opportunities to discontinue the matter during Lord Brittan's lifetime and certainly as soon as it was appreciated, or should have been appreciated, that his interview weakened the case further. There were clear mistakes which merited a full apology. Lady Brittan should have been told that several officers took the view that the facts did not meet the evidential test for charging and it could and should have been made clear that a decision to take no further action should have been taken during Lord Brittan's lifetime and communicated to him. The DAC wished to receive advice from the CPS in cases that did not meet the evidential test as a shield to protect the police from adverse criticism from the media and the public.

The DAC does not accept that he wished to receive advice from the CPS as a shield to protect the Police from adverse criticism. He wished to maximise public confidence in the decision and to minimise conspiracy theories or allegations of cover-up.

3.78 As to the general merits of the DAC's endeavour to persuade the CPS to advise in high profile cases that do not meet the Full Code Test, I do not agree with it. An essential principle of the Criminal Law is that all stand equal before the Law. The proposition that a different regime should be applied in the case of prominent persons conflicts with that principle. I am quite sure that the DAC sincerely believed that it was in the public interest for the CPS to advise in cases that failed the Full Code Test in the estimation of the police. I accept that he genuinely thought that, since the CPS can be consulted re early advice, they ought also to be able to give later advice even in cases that did not meet the evidential test. He was perfectly entitled to canvas that argument with the CPS. What he was not entitled to do was to delay the termination of an investigation in order to do so.

3.79 I have concluded that the errors in this investigation were largely attributable to the fact that Lord Brittan was a prominent person and there was a desire amongst senior officers to reassure the public that if they come forward the police will investigate a complaint thoroughly no matter whom the allegation is against. I have concluded also that investigating officers were fearful of media criticism and public cynicism and sought protection from it by the CPS.

The MPS naturally wanted to reassure the public but it is not accepted that the MPS were '*fearful of media criticism and public cynicism*'. The MPS is legitimately concerned with the impact on public confidence in two respects:

A – the confidence of rape victims to report crimes to the police may be undermined if they perceive, however wrongly, that the police will not

conduct a proper investigation into their allegations: rape is notoriously under reported.

B – the confidence of the public that allegations against prominent persons would be investigated without fear or favour. Thus to obtain the CPS ‘endorsement’ of an NFA decision (if such an endorsement is appropriate in this case) serves only to properly reduce improper media allegations of cover up. It is regrettable that the Operation Vincente investigation took so long and that this has had a negative impact on both Lord Brittan and his family and the Complainant.

3.80 The prolonged extension of both this investigation and Operation Midland was unjustifiable and most unfair to the Brittan family. Both investigations should have been completed very much sooner. A distinguished former Home Secretary died facing an allegation that did not pass the Full Code Test and had, unbeknown to him, failed to pass the Full Code Test some 16 months earlier. Several officers and the CPS were satisfied that the case did not pass the Full Code Test. Lord Brittan should have been informed that no further action would be taken against him during his lifetime. It is an inescapable and sad conclusion that had Lord Brittan achieved nothing in life, no further action would have been taken against him during his lifetime.

Explanatory note outlining the Metropolitan Police Service's response to the recommendations made in the 'Independent Review of the Metropolitan Police Service's handling of non-recent sexual offence investigations alleged against persons of public prominence' conducted by Sir Richard Henriques

Sir Richard Henriques was commissioned in February 2016, by the then Commissioner Sir Bernard Hogan-Howe, to conduct an Independent Review of the Metropolitan Police Service's handling of non-recent sexual offence investigations alleged against persons of public prominence. A total of eight cases were selected for review by Sir Richard, with the most significant being Operation Midland, the much publicised inquiry investigating allegations made by Carl Beech (under the pseudonym as Nick) of murder, child sexual abuse and a paedophile ring linked to high profile individuals. Beech was subsequently convicted of perverting the course of justice and fraud following an investigation by Northumbria Police.

Sir Richard Henriques made twenty-five recommendations stemming from his review in respect of how police should investigate allegations of non-recent sexual abuse. Some of these recommendations also transverse in to other aspects of police investigations, and therefore considerable discussion has been undertaken both internally within the MPS, and more widely externally with National Police Chiefs Council, the College of Policing, Operation Hydrant¹ and the Crown Prosecution Service.

RECOMMENDATION 1:

Throughout both the investigative and the judicial process those who make complaints should be referred to as 'complainants' and not as 'victims' by the MPS.

This recommendation was **not accepted** by the MPS as this is a commonly accepted term across a wide range of guidance, policy and legislation. This issue has been widely debated and differing views exist. The use of the word victim is not intrinsically linked to the issue of belief. The Met police continues to support the use of the term victim. This does not confer any judgement on the allegations they make which will always be investigated impartially and with an open mind.

RECOMMENDATION 2:

The instruction to 'believe a victim's' account' should cease. It should be the

¹ Operation Hydrant is a coordination hub established in June 2014 to deliver the national policing response, oversight, and coordination of non-recent child sexual abuse investigations concerning persons of public prominence, or in relation to those offences which took place within institutional settings. Operation Hydrant is informed by individual forces of investigations meeting the criteria, and then coordinates the information among forces to prevent duplication. It does not carry out individual investigations – this is done by individual Forces.

duty of an officer interviewing a complainant to investigate the facts objectively and impartially and with an open mind from the outset of the investigation. At no stage must the officer show any form of disbelief and every effort must be made to facilitate the giving of a detailed account in a non-confrontational manner.

This recommendation was fully **accepted**, and the MPS supports the view that allegations should be investigated impartially and with an open mind. This is different to the National Crime Recording Standards (NCRS) Guidance, which advises that if a person believes a crime has been committed it is sufficient to record the crime: *“Victim Focused Recording: NCRS promotes a victim focused approach to crime recording. The intention is that victims **are believed** and able to benefit from their statutory entitlements under the Codes of Practice for Victims of Crime. This advice ensures consistency of victim focus.”* Please see paragraph 3.5 on link:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/833226/count-general-sep-2019.pdf

On receipt of the review in October 2016, the MPS issued a communication to all officers and staff, which has recently been reissued to all crime managers, all senior investigating officers and the Telephone Digital Investigation Unit, with the guidance including:

- The investigation of any crime should be about the impartial search for evidence that may support or undermine an allegation.
- Challenges to a victim’s account should be done in a professional and supportive manner with an explanation given of the requirement to achieving the best evidence available to support the criminal justice process.
- Investigators should treat all victims with compassion but will need to ask challenging and difficult questions. The consequence of these questions can be offset by preparing victims for the investigative process.

RECOMMENDATION 3:

In future, the public should be told that 'if you make a complaint we will treat it very seriously and investigate it thoroughly without fear or favour'.

This recommendation was fully **accepted**. In addition to our activity outlined above to recommendation 2 encompassing this issue, this topic is taught during basic crime training for all officers within lessons on Home Office Counting Rules, Victims Code of Practice and the investigation of initial complaints.

RECOMMENDATION 4:

Investigators should be informed that false complaints are made from time to time and should not be regarded as a remote possibility. They may be malicious, mistaken, designed to support others, financially motivated, or inexplicable. When considering non-recent allegations against prominent people they should give full consideration to all background information.

This recommendation was fully **accepted**. This issue is taught as part of both false allegations and of investigative hypothesis, through the MPS Senior Detective faculty. The College of Policing currently has draft guidance out for consultation.

RECOMMENDATION 5:

A check list of critical topics to be covered in the complainant's statement should be made available to all investigators designed specifically for non-recent allegations against prominent people.

This recommendation was fully **accepted**. Formal guidance exists and senior investigating officers have been reminded of this via an internal factsheet. The College of Policing currently has draft guidance out for consultation.

RECOMMENDATION 6:

In cases involving prominent people, consideration should be given to inviting complainants to sign confidentiality agreements and witnesses to sign witness contracts.

This recommendation was **not accepted** as it would be difficult to enforce any breach. The impending Operation Hydrant guidance covers issues such as media contact and social media to assist investigators in advising complainants and victims. This topic is referenced in the recent MPS fact sheet, however the risks associated with victims and witnesses discussing allegations is already part of MPS current investigator training.

RECOMMENDATION 7:

First responders should be able to inform complainants of the latest time that contact will be made with them. Such time scale should be variable and dependent on other commitments.

This recommendation was **partially accepted** and it is within current policy. Please see link to the MPS Policy on Victims' Code of Practice:

<https://www.met.police.uk/advice/advice-and-information/wvs/victim-and-witness-support/>

The relevant excerpt as to the timeliness of contact post initial investigation is: *"Ensure that, if you have been assigned a crime for further investigation, that you make contact with the victim within 24 hours of being allocated the CRIS report. Inform them as to the current progress of the investigation and, where appropriate, what investigative actions will take place."*

RECOMMENDATION 8:

Contacting a complainant, or potential complainant or witness, by letter, in non-recent cases involving prominent persons, should only take place if a constable is satisfied that there is no risk of interception by another member of the same household.

This recommendation was **accepted**. This is covered in the Victims' Codes of Practice, please see link:

<https://www.met.police.uk/advice/advice-and-information/wvs/victim-and-witness-support/> and again has been re-enforced in the MPS factsheet. The relevant excerpt states: *"be aware that specific crime types may include a victim living in the same household as the suspect, therefore appropriate lines of communication should be ascertained for further investigation stages. The victim may wish to receive no communication to acknowledge the crime report"*.

RECOMMENDATION 9:

DMC (Directorate of Media and Communications) policy should be amended to avoid any details of age or geography being released to the public in relation to an arrest, search, interview, or bail of any suspect.

This recommendation was **not accepted** by the MPS who follow the College of Policing Authorised Professional Practice (APP) on Media Relations which states that in some cases, where they could lead to the identification of a suspect, details of age or geography in relation to a suspect should **not** be released, however judgements are made on a case by case basis. The MPS accepts that some of the information released re suspects in Operation Midland, whilst not naming them, was too detailed. Please see link:

<https://www.app.college.police.uk/app-content/engagement-and-communication/media-relations/>

RECOMMENDATION 10:

A suspect should have the right to anonymity prior to arrest enforced by statute and criminal sanctions.

This recommendation could **not be accepted** by the MPS as it is not within our gift to influence or make legislative change. There are also occasions where anonymity might expose the public to harm such as an active hunt for a wanted offender.

RECOMMENDATION 11:

The exceptional circumstances in which suspects will be named or identified before charge should be clearly defined and included in MPS policy documents. In most cases qualifying for removal of anonymity there will be sufficient evidence to justify a charge.

This recommendation was fully **accepted** and the MPS follows the College of Policing Authorised Professional Practice (APP) on Media Relations. APP guidance allows some flexibility on a case by case basis and our Directorate of Media Communications work closely with officers when agreeing press lines, especially in high profile investigations where media interest will be significant. Please see link: <https://www.app.college.police.uk/app-content/engagement-and-communication/media-relations/>

RECOMMENDATION 12:

Every effort should be made to minimise leaks of information by examining current systems and increasing sanctions.

This recommendation was fully **accepted** and, whilst by its very nature it is often very difficult to identify those who leak information, any allegation of such activity is considered by our Directorate of Professional Standards.

RECOMMENDATION 13:

In non-recent cases particular consideration should be given to the necessity to arrest or re-arrest in accord with Code G and the guidance therein.

This recommendation was fully **accepted** - it forms the basis of general Police and Criminal Evidence Act (PACE) guidance training for detectives at all ranks. The necessity test was introduced by PACE Code G. Full PACE guidance can be found on the following link: <https://www.gov.uk/guidance/police-and-criminal-evidence-act-1984-pace-codes-of-practice>

RECOMMENDATION 14:

A protocol for keeping suspects, who are not in custody, informed of the progress of the investigation should be published.

This recommendation was **partially accepted**. Current teaching to detectives at all ranks and MPS policy on Pre-Charge Investigative Bail outlines that officers should *"Update suspects released without bail, but still under investigation. If you have released a suspect from custody, without bail but still under investigation, you must update the suspect on the general status of the investigation at 3 monthly intervals. These intervals start from 3 months after the date of arrest"*. Further guidance can be found at:

<https://www.cps.gov.uk/legal-guidance/bail>

<https://www.gov.uk/arrested-your-rights/how-long-you-can-be-held-in-custody>

<https://www.gov.uk/government/publications/criminal-courts-and-police-officers-bail-and-refusal-of-bail>

RECOMMENDATION 15:

At the commencement of an investigation a time limit should be fixed by a supervising officer and communicated to a suspect. Such time limit can be extended in appropriate circumstances.

This recommendation was **not accepted** as this is likely to vary according to the allegation and needs to change according to circumstances. All investigations have supervisor oversight.

RECOMMENDATION 16:

Consideration should be given, at the highest level, to the question of whether suspects should be informed of every allegation against them when one or more of those allegations has not been pursued. On balance, I agree with present arrangements having regard to the duty to disclose in the event of a trial

resulting.

This recommendation was fully **accepted** and is part of current training. The decisions on what should and could be shared with a suspect must be made on a case by case basis as part of the investigative strategy.

RECOMMENDATION 17:

When a decision is made to take no further action on any complaint, but the investigation continues on others, the suspect, or his solicitor, must be informed at the earliest opportunity of any decision to discontinue in relation to any allegation communicated to them.

This recommendation was **partially accepted**. The decisions on what should and could be shared with a suspect must be made on a case by case basis as part of the investigative strategy, and full disclosure is not always a viable option. A policy is in place and is part of current training.

RECOMMENDATION 18:

At the conclusion of an investigation, when no further action is to be taken against a suspect, he should be supplied with a similar written document to that provided to the complainant coupled with an explanation of the circumstances in which an investigation may be re-opened.

This recommendation was **not accepted** as this information is already contained within our updated notification of 'No Further Action' (NFA) forms provided to suspects at the conclusion of an investigation along with the circumstances under which it may be re-opened.

RECOMMENDATION 19:

Before information is released to the media that no further action is to be taken against a suspect, police must ensure that the suspect has received the information.

This recommendation was **partially accepted**. It is best practice, within guidance, please see link:

<https://www.app.college.police.uk/app-content/engagement-and-communication/media-relations/>, to inform a person or their representative first, however there may be circumstances where informing them in advance is not always possible such as when multiple initial suspects are involved and prematurely notifying one could adversely affect the investigation.

RECOMMENDATION 20:

When announcing publicly that no further action will be taken, rather than stating that there was an insufficiency of evidence, an alternative, and arguably preferable reason, is that 'the case failed to meet the evidential test'.

This recommendation was fully **accepted** and the wording of our forms informing individuals that they face no further action has been amended. Instructions have been

issued to press officers that the term “insufficiency of evidence” should no longer be used.

Consultation was undertaken with the Attorney General, Director of Public Prosecutions, CPS and those representing the interests of victims and the following form of words was recommended:

- The evidence did not meet the evidential stage of the full code test set out in the Code for Crown Prosecutors; or
- Further action is not in the public interest

RECOMMENDATION 21:

When announcing publicly that no further action will be taken, no details of the allegations not already published should be disclosed.

This recommendation was relevant to and **accepted by CPS** (this related to a specific case under review).

RECOMMENDATION 22:

In exceptional cases, and very rarely, consideration should be given to issuing a reasoned statement explaining why no further action has been taken.

This recommendation was relevant to and **accepted by CPS** and is current practice.

RECOMMENDATION 23:

Consideration should be given at NPCC level to both of these concerns. It may be that some form of statutory control is needed to prevent investigative journalists intruding on investigations in circumstances such as these. At certain times there appeared to be two teams of investigators competing for ‘Nick’s’ attention. Matters communicated to ‘Nick’, in furtherance of perceived obligations under the Victim’s Charter, were divulged by ‘Nick’ to Exaro and thence to the public to the considerable disadvantage of suspects. In an endeavour to encourage witnesses to come forward and to give evidence in high profile cases some statutory control may be necessary to prevent ‘door stepping’ of witnesses.

This recommendation was **partially accepted** by policing nationally and Operation Hydrant has issued guidance to forces however it is not within the gift of the MPS to influence or make legislative change.

RECOMMENDATION 24:

Senior Detectives should be reminded, or be made aware, of the full range of reviews that are available from the SCRG and should be encouraged to make use of them.

This recommendation was fully **accepted** and Serious Case Review Group (SCRG) subject matter experts provide input into both the Detective Inspector and the Senior Investigative Officer training courses. Operation Hydrant now has a CADRE of officers experienced in historical allegations of this nature and they are able to support/review police forces in England and Wales.

RECOMMENDATION 25:

In exceptional cases where suspects have been falsely accused of crime, they, and their families, should be treated the same as 'victims of crime' invariably are and should be offered support and liaison compatible with the gravity of the allegations made.

This recommendation was fully **accepted** and if/when there are reasonable grounds to believe an allegation is false the 'suspect' would become a victim and will be considered under the Victims Code of Practice, as outlined on link:

<https://www.met.police.uk/advice/advice-and-information/wvs/victim-and-witness-support/>