



■ SURREY ■  
POLICE

## **REPORT INTO OPERATION ORNAMENT**

**Detective Superintendent Jon Savell**

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## **1. Introduction**

1.1 This report is commissioned by Assistant Chief Constable Jerry Kirkby and undertaken by Detective Superintendent Jon Savell, current Head of Public Protection in Surrey Police to examine and comment on the investigation that was launched on 13<sup>th</sup> May 2007 under the name of Operation Ornament. This was an investigation into allegations of sexual abuse committed by Jimmy Savile on teenage girls in the late 1970s. It is not a formal review in terms of those undertaken by a Major Crime Review Team but is intended to establish all the information known about what Surrey Police uncovered and did during the life of the investigation.

1.2 The review and report process commenced on the 6<sup>th</sup> November 2012 prior to the announcement by Her Majesty's Inspectorate of Constabulary (HMIC) that they have been commissioned by the Home Secretary to undertake a review of all police forces investigations into Savile. This report will be placed in the public arena.

1.3 Those undertaking this work have been able to access the filed hard copy papers that were held in archive storage and various electronic databases including those for media enquiries and releases. Officers and staff involved in the investigation at the time have been spoken to in order to seek clarification on certain points where their memory allows. In addition some retired officers have also been contacted by telephone and assisted where they can.

## **2. Circumstances leading to the commissioning of this report**

2.1 The investigation began on 13<sup>th</sup> May 2007 and concluded on 30<sup>th</sup> October 2009 with no further action. It became known to Surrey Police in late November / early December 2011 that BBC Newsnight were working on a story about Savile and sexual abuse and they asked for a response. They were given bespoke but brief media response lines. In January and early February 2012 newspaper headlines appeared alleging that the BBC had 'pulled' the Newsnight programme. On 3<sup>rd</sup> October 2012 the ITV documentary 'Exposure' was broadcast covering the same story, fronted by an ex-Surrey Police

Constable, Mark Williams-Thomas. Subsequent to that programme there has been intense and extensive media interest in Savile and the allegations made. This has focussed considerable attention on the Surrey Police investigation and the CPS decision making at the time.

2.2 The Metropolitan Police have established Operation Yewtree in response to the hundreds of victims who have come forward to allege historic abuse by Savile and various other celebrities following the Exposure programme. The large numbers of reports and the focus on the BBC in terms of why they decided not to show the original Newsnight programme and the apparent culture and attitude that existed in the BBC in the 1970s has prompted two independent reviews. Nick Pollard is leading on the Newsnight decisions review and Dame Janet Smith DBE is heading an enquiry into the BBC at the time. Surrey Police has written to Nick Pollard offering to provide information relevant to his review. This was published in late December 2012.

2.3 It also transpires that the Metropolitan Police Service had knowledge of historic allegations against Savile dating back to 2003 and the 1980s.

2.4 This report has subsequently been commissioned with the genuine desire to understand fully exactly how Surrey Police conducted the investigation and what lessons can be learned. Additionally there is the potential for adverse impact on the trust and confidence in Surrey Police from misreporting and misrepresentation of the facts of the initial investigation. It is imperative that what took place is fully understood.

2.5 The subsequent national scale and scope of new victims and allegations has prompted the Home Secretary to commission HMIC to review all police forces investigations into Savile.

### **3. Chronology of the investigation**

3.1 On 13<sup>th</sup> May 2007 DC1 from Surrey Public Protection Investigation Unit contacted Duncroft resident Ms A following her report to Dorset Police that she was witness to Jimmy Savile indecently assaulting a fellow resident at Duncroft School, Staines, in the late 1970s.

3.2 It is ascertained that Duncroft was a school run by Barnardos for 'maladjusted girls' (as described in the historic records) aged between 14 ½yrs – 19yrs, however the girls were usually around 15-16 years of age when they entered and averaged a stay of 15-18 months. By this it is taken that the residents were teenage girls with behavioural problems. Liaison was undertaken with Barnardos to ascertain what they knew about any allegations of sexual assault and who the other residents were during the time period of 1977 to 1979 when Duncroft resident Ms A was living at the school.

3.3 It also transpires that there was an additional hostel which sat in the grounds called Norman Lodge and housed up to 8 girls in single bedrooms. The lodge was known as the "pre-release" hostel and was designed as a place to prepare girls to live life independently once they left Duncroft. Many of the girls living there would have been on work release and no longer in education (16+yrs).

3.4 Through liaison with Barnardos and other enquiries there were a total of twenty three girls identified who may have been victims or witnesses to the activity of Savile during his visits to Duncroft. One of these was Duncroft resident Ms C who herself had no evidence to give but did provide details of a close relation, former member of a girls choir Ms F who was alleged to have been assaulted by Savile whilst she was performing a concert at Stoke Mandeville Hospital. This gave a total of twenty four.

3.5 The process of tracing all these girls took until mid-July 2008 as it required trying to locate and contact people from thirty or more years previously. The records from Barnardos were checked with police intelligence systems and other 'open source' systems. Applications for data from the Department of Work and Pensions were made to obtain more accurate details.

3.6 Of the total of twenty four girls, it was ascertained that one had passed away and two could not be traced. Twenty one were found to be all across the UK and one was abroad. All these were contacted by letter in May, June and July 2008 which eventually resulted in fourteen being spoken to by police. The last one to be located and spoken to was Duncroft resident Ms D who provided a tape recorded account on 30<sup>th</sup> July 2008.

3.7 Care was taken about how to approach these witnesses and victims to ensure that it was not seen as 'trawling' and so attract criticism on the methods of contact and also undermine the credibility of any witness. Advice from the previous SIO in Operation Arundel (Police staff member Mr2) was taken about learning from previous investigations into historical sexual abuse, in particular the David Jones case. Operation Arundel was the successful Surrey Police prosecution of a high profile celebrity and others for historic sexual abuse where a specific strategy was used to contact victims and witnesses that stood the test of cross examination at court by defence counsel. The contact letter and questions put to the people who responded were careful in not leading the witness in any particular way. This is consistent with the current NPIA 2009 Guidance on Investigating Child Abuse and Safeguarding Children that advises on contacting victims and witnesses in complex sexual abuse cases. This is also consistent with the recommendations from the House of Commons Home Affairs Committee Fourth Report of Session 2001-02. This was a report on 'The Conduct of Investigations into Past Cases of Abuse in Children's Homes'. In particular the Committee recommended that *"...any initial approach by the police to former residents should – so far as possible – go no further than a general invitation to provide information to the investigation team."*

3.8 The result of these enquiries was a tape recorded account obtained from Duncroft resident Ms A outlining her witnessing Savile attending Duncroft and sitting next to a girl, Duncroft resident Ms B in the TV room. Whilst there she saw Savile using his hand to put Ms B's hand on his groin area and rub it over his trousers. She knew that this happened more than once as they had discussed it and agreed a 'code word' of 'Beef –Biryani' when it was happening so that Ms A knew. This code-word came from a popular TV advert at the time.

3.9 On 17<sup>th</sup> July 2007 Ms B was identified and traced to her address. Eventually on 16<sup>th</sup> November 2007 Ms B was contacted after letters and a visit to her address. Ms B was unwilling to make a statement or support police with any prosecution. She allowed officers to make notes on plain paper. Her account was very similar to Ms A with some understandable finer detail discrepancies. In particular about the fact that there was a blanket over her lap at the time the assault happened. Ms B was very sure about not wanting to

make a formal allegation or support any sort of prosecution. In fact during the course of providing details of what she could remember about the incident she expressed anger and concern about Ms A naming her as involved. She did allow the officers who met with her to take notes on plain paper and signed an officer's Pocket Note Book to the effect that she "*...did not want police action about what happened at Duncroft. I want no further contact.*"

3.10 Former member of a girls' choir Ms F met with officers and provided a written statement but concluded that by confirming that she "*...was happy to say what happened but no police or court action*". Her account was that she had been performing in a girls' choir performance at Stoke Mandeville Hospital. Present was Savile and after the concert the girls were all getting back on a coach and Savile was there, described as "*...acting a clown*". Just before she boarded the coach Savile asked her for a good-bye kiss. Ms F approached him expecting a usual 'peck on the cheek' but instead Savile kissed her on the lips and placed his tongue in her mouth. Ms F was shocked by this and quickly got on the coach. She stated that "*...she did not know if anyone saw what happened and she did not mention it to anyone else as she thought it was insignificant*".

3.11 Former Duncroft resident Ms D gave a tape recorded account, stating that Savile would visit and ask the girls to comb his hair and massage his neck and on one occasion he asked Ms D to perform oral sex on him that she refused to do. It is unclear exactly when this happened in order to determine Ms D's age at the time. However she was born in March 1960 and was resident at Duncroft between 1<sup>st</sup> October 1976 (therefore aged 16 years) and 11<sup>th</sup> September 1977 (leaving aged 17 years). Police have confirmed via the CPS Head of Trials Unit that the only relevant offence that may have been committed was under S.1 Indecency with Children Act 1960. However, this offence is only applicable if committed against a child under the age of 14yrs therefore it is reasonable to conclude Ms D was not a victim of crime in the event she describes. She was of course a victim of Savile's inappropriate behaviour.

3.12 The summary of actual evidence amounted to:

- An audio statement from Ms A as a witness to an offence who was willing to attend court.
- An audio statement from Ms D about an incident that amounted to witness evidence of Savile's behaviour at Duncroft. Although not documented, DC1's recollection is that Ms D also was not prepared to attend court.
- A statement from Ms F of an Indecent Assault but who "*...did not want any police action or attend court.*"
- There was a verbal account from Ms B of an Indecent Assault that was in note form only. This did not constitute admissible evidence and therefore could not be used in court to support a prosecution as she "*...did not want police action about what happened at Duncroft. I want no further contact.*"

3.13 The ten others spoken to all confirmed that they were resident at Duncroft but did not remember anything untoward happening and either did not mention Savile at all or recalled that they remember him being "creepy". No formal accounts were taken from these witnesses.

3.14 During these enquiries liaison took place with Surrey County Council Children's Services to advise them of the allegations and consider any on-going safeguarding actions that were required. Additionally, in April 2008 contact was received from Sussex Police via their INI (Impact Nominal Index) check to advise that they had received an allegation of indecent assault by Savile on an adult female at a caravan park in Worthing in 1970. The victim in this case made a statement but did not wish to support a prosecution. The crime was subsequently 'closed' by Sussex Police. A copy of the Sussex Police crime report was faxed to Surrey Police.

3.15 On 15th July 2008 the first meeting with the Crown Prosecution Service took place with DI3 and DCI4. It is recorded in the notebook of DI3 that at that meeting the Senior Crown Prosecutor indicated that he "*...did not feel there*

*was a case to proceed as the incidents were relatively minor and they were so long ago there would be grounds for an abuse of process argument.”* The investigation team did continue and obtained the account from Ms D and then decided to submit an Advice File for formal review.

3.16 There was a delay in completing the Advice File, explained by DI3 as a lack of resources because of unforeseen absence in the department and persistent heavy workloads. This was completed in November 2008 but it took some while to contact the Senior Crown Prosecutor and get an appointment to deliver the file by hand. The meeting eventually took place on 22<sup>nd</sup> January 2009. The file contained the details as outlined in this report including a copy of the Sussex Police report regarding the allegation they had received. At the meeting it was requested that Savile’s biographies, ‘God’ll Fix It’, ‘Love is an Uphill Thing’ and ‘As it Happens’ were read to see if there was any mention of an association with Duncroft. This was duly done but there were no references identified that were of any connection to the investigation.

3.17 DC1 met with the senior prosecutor on 31<sup>st</sup> March 2009 following his review of the papers. DC1 recorded in her notebook that his advice was *“NFA and for a senior officer of rank to advise Savile”*.

3.18 On 2<sup>nd</sup> June 2009 DI3 sent Savile a recorded delivery letter to his home address requesting that he make contact. Savile telephoned the following day and has a brief conversation with DI3 who advised him of the nature of the allegation and made an arrangement that they would meet when Savile was next in the area as he often attended Broadmoor.

3.19 On 8<sup>th</sup> June contact was received in the Surrey Police Control Room from Inspector 5 who stated he was from West Yorkshire Police and known personally to Savile. He explained that Savile had lost the contact details of DI3 and was passing on a telephone number for Surrey Police to contact Savile again. A further telephone conversation took place with Savile but by September he had failed to provide any arrangements to meet. Consequently DC1 wrote again and on 24<sup>th</sup> September telephone arrangements are made for an interview with Savile at Stoke Mandeville Hospital on 1<sup>st</sup> October 2009.

3.20 It is apparent that DI3 sent a letter and then had a conversation with Savile during which he advised him of the nature of the allegation. It is recorded on the Surrey crime report on 23<sup>rd</sup> June 2009 that DI3 has told Savile he will be interviewed. This is over and above the advice the Senior Crown Prosecutor gave that Savile should be told about the allegation and that there was to be no further action. Arrangements were then made by DC1 to interview Savile under caution. This is in accordance with the North Surrey Gold Group decision in August 2008 that Savile should be interviewed under caution despite the initial CPS advice.

3.21 DC1 and DS6 interviewed Savile on tape under caution at his private office at Stoke Mandeville Hospital on 1<sup>st</sup> October 2009. Present with Savile was a 'friend' who was a trustee of the Jimmy Savile Stoke Mandeville Charitable Trust. It is not clear in what capacity this male was present as there is no indication that Savile required an appropriate adult and he was not acting as a legal representative.

3.22 The interview lasted 56 minutes. In interview Savile denies all allegations. He cannot remember when he visited Duncroft other than the first time was with Princess Alexandria for a garden party and overall, at the invite of the matron he believed he visited a total of three or four times. He denies being alone with any of the girls or ever going upstairs into dormitories. He states there were always lots of people about, maybe thirty or forty. He stated that he never brought gifts for the girls as that was against the rules and he never gave any of them a lift in his car.

3.23 Savile remembers a choir at Stoke Mandeville but denies being alone with any of the girls or indecently assaulting anyone. He states that there were always lots of people around.

3.24 He continues to explain that he believes these allegations are simply people trying to get money from him and are unfounded. He explained that he has contacts within the police at Leeds and whenever he receives letters alleging that he has done something he gives them to his contacts who 'get rid' of them.

3.25 Savile concludes by explaining that he often gets these types of letters and his 'policy' is to get his lawyers to take these people to court and sue

them. He has been successful on number of occasions and been awarded several hundred thousand pounds as a result.

3.26 In summary, Savile said he remembered visiting Duncroft on three or four occasions by invite. There were always lots of girls around and some members of staff. He denied all the allegations concerning girls at Duncroft, stating that they were all lies. He also remembered a girls' choir at Stoke Mandeville but again stated that he was never alone with any of the girls and denied any indecent assault on anyone.

3.27 Following the interview a verbal update was provided to the Senior Crown Prosecutor followed by an MG3A summary. The Senior Crown Prosecutor responds on 28<sup>th</sup> October 2009 with an MG3 (charging decision) stating that *"...Nevertheless at the end of the day, on applying the evidential test in the absence of statements from victims, there is clearly insufficient evidence to charge the suspect with any criminal offence"*.

3.28 The investigation is concluded on 30<sup>th</sup> October 2009 with letters to Savile, Ms D, Ms F, Ms B, Ms A and Barnardos updating them on the conclusion of the investigation.

#### **4. Decision Making**

4.1 The available documents for this review have been the Major Crime/Major Incident Decision Log for Operation Ornament completed by DI3 and his Investigators Notebook. Both of these documents commenced on 26<sup>th</sup> November 2007. Additionally there has been valuable insight gained from the Surrey Police crime report and the minutes/notes of the North Surrey Gold Groups chaired by Temporary Chief Superintendent 7.

4.2 It is evident from the crime report that upon receiving the initial contact from Dorset police on 11<sup>th</sup> May 2007 efforts had been made to trace the possible victim Ms B. On 25<sup>th</sup> July there was comment by the supervisory DS at the time that as there had been no progress in locating Ms B then

consideration should be given to filing this report with no further action. It was intervention by DI3 that prevented this and set in train a series of actions to further progress the initial enquiries. It was on 16<sup>th</sup> November 2007 that Ms B was eventually traced and spoken to on the telephone.

4.3 This corroboration from Ms B then prompted a review of the investigation and recognition that there were potential substantive offences. It was recognised that this was a 'significant' investigation in terms of the profile of the suspect. It was therefore entirely appropriate to begin recording decisions in a Major Crime/Major Incident Decision Log (to be referred to as the policy log) and that it was reasonable not to have done so before then.

4.4 The policy log outlines an investigation governance structure and early recognition of the sensitivity surrounding the persons involved and the need for information security to prevent 'leaks' to the media and subsequent compromise to the investigation and credibility of witnesses.

4.5 An early decision in the policy log also recognises the importance of the recording of information in line with the Bichard recommendations and the need to appropriately share information via INI (Impact Nominal Index) and CRB (Criminal Records Bureau) checks if necessary.

4.6 It is also evident that the senior staff at Surrey County Council Children's Services were made aware of the investigation and identity of the suspect once the corroboration from Ms B had been obtained.

4.7 The need for information security and integrity of the investigation must always be balanced with the need for timely information sharing to safeguard children. The decision to share information with Children's Services was on the understanding that this was kept 'confidential'. The decision to not tell Barnardos initially of the identity of the suspect was also reviewed and changed at an appropriate time to aid information gathering.

4.8 A further significant decision is taken in identifying that not linking Savile to the investigation crime report to maximise information security was actually hampering potential crucial future information sharing through INI. On 18<sup>th</sup> December 2007 Savile is created as a suspect on the Surrey Police computer system and linked to the investigation. It is unknown whether the delay of six

and half months to do this has meant that had another Force carried out an INI check in that time they would not have known about the Surrey investigation. However, as a result of this decision, Surrey's investigation was revealed in a Sussex Police INI check on 10<sup>th</sup> April 2008.

4.9 A decision was made on 13th May 2008 to focus enquiries on the three 'identified' potential witnesses from Ms A and Ms B. Had this remained the witness strategy throughout then this would have been too restrictive. However, on 5th June 2008 this strategy was changed to seeking out residents of Duncroft at the appropriate time (1977 to 1979) in order to ensure that no potential witnesses were missed. This also is consistent with the recommendations from the House of Commons Home Affairs Committee Fourth Report of Session 2001-02 (referenced in paragraph 3.7). In particular the Committee recommended that *"...senior officers should retain their discretion to determine the nature and scale of an investigation, particularly in complex investigations into past institutional abuse"*.

4.10 On 20th May 2008 an initial North Surrey Gold Group meeting chaired by the Divisional Commander at the time, Temporary Chief Superintendent 7 was held. A briefing on the investigation took place and it was decided to brief a member of the Chief Officer Group. This first meeting was initiated following contact from Duncroft resident Ms C that made Surrey Police aware that there was more than one victim and that the incidents were being discussed on Friends Reunited website. The concerns from the investigation team were regarding the increasing possibility of media exposure and the resourcing of the investigation. It is clear that the impact of the investigation on the victims and Savile was recognised and therefore the need for senior strategic oversight.

4.11 On 21<sup>st</sup> May 2008 Temporary ACC16 was due to attend the regular North Surrey Senior Management meeting. Temporary Chief Superintendent 7 took the opportunity to bring together a further Gold Group meeting to brief ACC16 whilst he was there. The investigation to date was reviewed and a decision made that it would remain with the North Surrey Division. In light of the scope of the investigation known at the time this is a reasonable decision, however it is not possible to know what else was being investigated at the time and whether, with the benefit of hindsight, it would have been more

straightforward to pass the investigation to a central dedicated team. It is clear that DI3, DS8 and DC1 also retained a 'business as usual' workload at the same time. This will have impacted on the timeliness of the progress of the investigation.

4.12 There is a 'policy' decision noted in the INB on 3rd June 2008 (that is not entered into the policy log) that Ms F, Ms B and the victim in Sussex will not be told that there are other victims and CPS advice will be sought about this first. Evidentially this is correct procedure and prevents future criticism on the motives for a witness coming forward. This point was also raised at a meeting held between the SIO, DSIO and Surrey County Council Children's Services. The date of this meeting was recorded as the 10th June 2008 by DI3 and as 12th June 2008 by a senior manager from Children's Services. Actions from that meeting recorded in typed notes contain the below action:

'Action number 4.

*DI3 to consult with CPS to gain their advice as to whether they can tell the alleged victims of each other's accounts, and what is the CPS view of the current evidence and therefore any subsequent Police action.'*

This must always be borne in mind with the reluctance of a witness to support a prosecution in these circumstances because they feel they are a 'lone voice' against a 'powerful' individual and will not be believed. There is no record of whether this was discussed with CPS or considered further. The initial strategy was sound but a clearer policy, documented review and decision making on this point would have been helpful.

4.13 The subsequent witness strategy of 5th June 2008 correctly addresses the need for ensuring that this is not open to challenge in the future as 'trawling' for possible victims/witnesses and undermine their credibility. Although not in the policy book, there are copies of emails available to show that there was a strategy for contacting potential witnesses that had been reviewed and amended by Mr2. Learning from Operation Arundel had been used to inform the strategy in the investigation into Savile. This shows appropriate consideration on how best to obtain any witness evidence and maintain its integrity for the future. See comment in paragraph 3.7.

4.14 Also significant is the policy decision of 5<sup>th</sup> June 2008 on not contacting former staff members as there was nothing to indicate that they were witnesses to any assaults. This was contrary to an action from the North Surrey Gold Group meeting held on 20<sup>th</sup> May 2008 where it was decided to contact the Duncroft Principle at the time. It is unclear why this decision was reversed. It is reasonable to consider that staff members may have relevant information and/or evidence to give about the visits of Savile and the background to potential victims and witnesses. The fact that the staff potentially had not been disclosed to by any residents at the time or themselves reported anything formally to Barnardos, does not mean that they had not witnessed the activity of Savile and may have had evidence to give. It is recorded that this decision will be reviewed throughout the investigation; however there are no further entries on this strategy. With the benefit of hindsight this was too restrictive and stifled the opportunity to gather further evidence.

4.15 CPS advice on 15th July 2008, as recorded by DI3 was they “...*did not feel there was a case to proceed...*”. On the 18th August 2008 the North Surrey Gold Group meeting decided that Savile should be interviewed with an eight point rationale on why this should be undertaken. On 22nd January 2009 an advice file was submitted to the Senior Crown Prosecutor. This was before Savile was interviewed, again with the CPS response that there should be “*no further action*” being given verbally at a meeting with DC1 and recorded in her notebook. On 1st October 2009 Savile was interviewed at Stoke Mandeville Hospital during which he denied the offence. Following this, further advice was sought from the Senior Crown Prosecutor resulting in final written advice on 26th October 2009 that “...*on applying the evidential test, in the absence of statements from the victims, there was insufficient evidence to charge with any criminal offence.*”

4.16 In conclusion, the decision made to continue the investigation to establish facts and interview Savile under caution, in the knowledge that CPS held the view that there was insufficient to proceed with a prosecution, should be considered an appropriate level of thoroughness and professionalism in light of the high profile nature of the persons involved.

## **5. Governance and oversight**

5.1 This section deals with the senior oversight and governance of the investigation.

5.2 It is apparent from the crime report and the policy log referred to in Section 4, that between the initial account being received from Ms A to the corroborative account received from Ms B, the investigation was managed by the North Surrey Child Protection Team based at Walton Police Station. The senior officer in that team was DI3. This covers the period from 13<sup>th</sup> May 2007 to 19 November 2007.

5.3 The crime report has entries from DC1 as the case officer, overseen by DS8 and DI3 at appropriate stages in the investigation. On 25<sup>th</sup> July 2007 DS8 makes an entry, as a review of the investigation to date, and considers that as it had not been possible at that time to locate any other witnesses or the alleged victim Ms B that the matter may be filed. DI3 reviews this and sets further actions to be completed. It is appropriate to comment that without DI3's intervention this matter may well never been investigated to the extent that it was.

5.4 Upon recognition of the profile of the investigation DCI4 commenced senior oversight of the investigation in his role as the North Surrey DCI. Meetings were held with DCI4 on 23<sup>rd</sup> November 2007, 7<sup>th</sup> January 2008 and 13<sup>th</sup> May 2008 as well as his attendance at the Gold Groups. The professional relationship between DCI4 and DI3 was such that DI3 retained everyday responsibility for the investigation including the completion of the policy log. DI3 referred to DCI4 for guidance and direction when he felt appropriate. It is apparent from conducting this review that DI3 undertook the role of SIO in practice and DCI4 acted in the capacity of advisor. This is contrary to one of the decisions of the Gold Group of 2<sup>nd</sup> June that agreed that DCI4 would be the SIO.

5.5 Following contact with Ms C and information coming to light that Savile may have indecently assaulted other girls, in this case Ms F at Stoke

Mandeville, a North Surrey Gold Group meeting was held on 20<sup>th</sup> May 2008 chaired by the Divisional Commander Chief Superintendent 7. This is clear recognition of the potential for this investigation in terms of impact and although not specifically stated, is consideration that this was a 'critical incident' by definition that required a formal strategic governance structure. The following day the same group met with T/ACC16 to inform a member of the Chief Officer Team of the investigation. During this meeting it was decided that the investigation would remain with North Surrey with appropriate senior officer oversight from Chief Superintendent 7 and no further Gold Groups at a Force level were required. The rationale for this was that the current officers allocated to the investigation were trained and experienced in investigating historic sexual abuse, the senior management team had considerable local knowledge and experience in managing 'risk', specialist senior investigative advice could be brought in and it was considered that a Force Gold Group would not add value. The alternative resourcing options would have been to have a 'ring-fenced' team from Public Protection or CID; however resource levels would have dictated that this was impractical when also managing the daily volume of work. The other alternative was to pass to the Major Crime Investigation Team based centrally who did not have specialist child abuse training. Based on the scale of the investigation and its potential impact, with the benefit of hindsight, the decision to leave the investigation with the limited resource of the North Surrey Public Protection team was probably not the correct decision.

5.6 A further North Surrey Senior Gold Group met again on 2<sup>nd</sup> June 2008 attended by the Head of Public Protection Detective Superintendent 9, DCI10 from the Major Crime Investigation Team and Mr2 the Head of the Major Crime Review Team (former SIO for Operation Arundel). This list of attendees indicates that as well as considering the management issues for the Division advice was also being sought from specialists on the future strategy and plans for the investigation. This shows due consideration being given to best practice and specialist knowledge on investigating such offences. It was at this meeting that it was decided to engage with CPS.

5.7 On 10<sup>th</sup> June 2008 DCI4 and DI3 met with senior staff at Surrey Children's Services to agree a plan on safeguarding and information security. On 18<sup>th</sup> June 2008 DI3 also met with Detective Superintendent 9 for an update.

5.8 Following the North Surrey Gold Group meeting on 2<sup>nd</sup> June, DCI4 and DI3 met with the Senior Crown Prosecutor on 15<sup>th</sup> July 2008. Comment on this meeting is contained in Section 6.

5.9 The final senior oversight meeting was held on 18<sup>th</sup> August 2008 by a North Surrey Gold Group. This is the meeting at which the decision was taken to seek written CPS advice and to interview Savile. Following this the only other senior oversight recorded is an update to Detective Superintendent 9 on 8<sup>th</sup> October 2009 on the outcome of the interview with Savile.

5.10 The investigation was finalised on 30<sup>th</sup> October 2009.

5.11 In summary there were nine meetings with senior officers during the course of 2008 to set direction on the investigation, provide specialist advice and deal with resource and other issues associated with an investigation into a high profile person. A member of the Chief Officer Group was briefed and attended one meeting. DCI4 acted as an advisor to DI3 who undertook the role of the Investigating Officer.

5.12 During 2009 there was a noticeable absence of recorded senior oversight on the progress. From September 2008 onwards the investigative activity focussed on putting together a file for CPS to review, researching Savile biographies and finally the interview with Savile. This reduced level of investigative activity may not have required such close senior oversight but it is considered that there should have been on-going liaison with senior officers during this period. Following the interview of Savile DI3 and Detective Superintendent 9 had a telephone conversation to discuss the interview and the closing of the investigation. It would have been appropriate for a formal debrief on the content of the interview with senior officers to identify any further possible lines of enquiry prior to a request to close the investigation.

## 6. CPS contact

6.1 As directed by the 2nd June 2008 North Surrey Gold Group meeting, DCI4 and DI3 met face to face with the Senior Crown Prosecutor on 15th July 2008. The meeting was to brief CPS on the investigation and the evidence and information known at that time. It is believed that this was a verbal briefing as would be usual during the 'early' stages of an investigation.

6.2 It is notable that this was in fact a little over one year from when the first report was received by Ms A. The purpose of an SIO meeting with CPS during the beginning of an investigation is to appraise them of information known to date, seek any particular direction on evidential matters that may assist the SIO in determining future investigative strategy and 'test' the potential strength of evidence in the eyes of a prosecutor. The CPS (2007) Directors Guidance on Charging 3rd edition sets out that "*...Early consultation and advice may be sought and given in any case (including those in which the police may themselves determine the charge) and may include lines of enquiry, evidential requirements and any pre-charge procedures. In exercising this function, Crown Prosecutors will be pro-active in identifying and, where possible, rectifying evidential deficiencies and identify those cases that can proceed to court for an early guilty plea as an expedited report.*"

6.3 The unique nature of this investigation where witnesses and victims had to be traced from 30 years previous has obviously impacted on the speed of progress of the investigation. Therefore the lapse of 12 months or more is not as unacceptable as first would appear. Comment on the speed of the investigation has already been made.

6.4 There is record within DI3's notebook of the outcome of the meeting on 15<sup>th</sup> July 2008 where he states that CPS advice was they "*...did not feel there was a case to proceed as the incidents were relatively minor and they were so long ago there would be grounds for an abuse of process argument.*" It also states that the Senior Crown Prosecutor would be happy to put this in writing. However the only written record of CPS advice is following the interview of Savile in October 2009 at the very end of the investigation.

6.5 It is following the North Surrey Gold Group meeting of 18th August 2008 that the decision is made to formally submit a file of papers to CPS and obtain

their written advice. At this meeting it was also decided that Savile would be interviewed under caution. The crime report then shows that DC1 proceeded with putting together an Advice File for CPS.

6.6 It is not until 8th January 2009 that further contact is made with the Senior Crown Prosecutor to make arrangements to deliver the Advice File. This was subsequently delivered on 22nd January 2009. DI3 makes reference to this delay in submitting the file in his notebook on 3rd June 2009, explaining that this was due to staff shortages that were impacting on the workloads within the Child Protection unit at that time.

6.7 The content of the Advice File was an MG3 case summary report, a detailed Short Descriptive Note of the witness interview with Ms A, a detailed Short Descriptive Note of the witness interview with Ms D, the statement from Ms F, a copy of the Sussex Police crime report, an Officer's Report detailing the account of Ms B and an investigation chronology up to the time of file submission.

6.8 As part of the DPP's review of CPS decision making at the time, Surrey Police has submitted a file of papers and copies of interview tapes to the DPP's office. It is understood that the DPP's Principle Legal Advisor has undertaken this review. Following feedback from this review it has been acknowledged that there are some inaccuracies in the MG3 that was submitted to CPS as part of the Advice File submission in January 2009. This has been reviewed again internally to assess the extent and impact of this. It appears that the original MG3 written by DC1 was reviewed by DI3 and amended in some areas. This has changed the context of some of the content. The inaccuracies concern the accounts of Ms A and Ms B and an apparent confusion by DC1 about who saw what being done by Savile. The victim's original accounts were very similar considering the passage of time albeit there were some differences. However there has been some confusion when summarising these accounts in the MG3 that incorrectly mixes up what the two have said and therefore does not exactly reflect the information they gave to police. However, within the Advice File was a summary Short Descriptive Note (SDN) of the account taken from Ms A and an Officer's Report of the account taken from Ms B that did accurately reflect what they told police. Additionally there is comment in the MG3 on the account of Ms D that appears to be factually inaccurate. Despite the

inaccuracies it is not considered to be material to the decision making by CPS, as stated in their MG3, who ultimately focussed on the “...*absence of statements from the victims...*” leading to there being “...*insufficient to charge the suspect with any criminal offence.*”

6.9 Knowing the limited extent of the content of the file it would seem that the period of five months or so was an overly long time period to put together the required papers. It is also unusual to undertake this before interviewing Savile. It would be usual practice to submit all the relevant evidence to CPS for their review, thus requiring the evidence gained from Savile’s interview to be included. As it was, this additional information from the interview had to be provided to CPS verbally in the first instance and then an updated MG3(A) form completed afterwards.

6.10 On 31st March 2009 DC1 met with the Senior Crown Prosecutor who advises that there should be No Further Action (NFA) in this case (as noted in her notebook). He also directs that a senior officer (DC1 recalls this to mean a Detective Inspector or above) should meet with Savile and update him with the details of the allegation and the outcome that there would be no further action.

6.11 DI3 (since retired) has also been spoken to, whose memory of the investigation is understandably patchy. He cannot recall any conversations with the Senior Crown Prosecutor on the police formally interviewing Savile. DCI4 recalls that the decision to interview Savile was entirely a police one, with discussions taking place with DI3 at the time over the merits of arrest or not. There is email evidence of this discussion from May 2008, prior to meeting with the Senior Crown Prosecutor. There is also a record from 18th August 2008 North Surrey Gold Group meeting that the decision made at that meeting was to interview Savile under caution. Neither DCI4 nor DC1 are able to recall receiving advice from the senior prosecutor that Savile should or should not be formally interviewed. On this point it is also worthy of note that the final MG3(A) from DC1 to CPS makes mention that she had told the Senior Crown Prosecutor that she had been advised to interview Savile, thus implying this was a requirement from her senior officers.

6.12 Following the interview of Savile on 1st October 2009 CPS were updated with the outcome. It is unclear exactly how this was done. On 10th October 2009 DC 1 completed an MG3A with a brief summary of the interview that was sent to the senior prosecutor. DC1 also completed a Record of Taped Interview (ROTI) which is in effect also a 'summary' and does not completely detail every point raised and responded to in the interview. However DC1 cannot recall whether she submitted the ROTI to CPS or just sent the MG3A. The written response from CPS contains only a short reference to the interview "*...On the 1<sup>st</sup> October last the suspect was interviewed. He denied all the allegations and suggested that such complaints were motivated by money and the type a TV and radio personality attracted.*" This closely reflects the short summary written by DC1 on the MG3A. It is clear that CPS were not provided with a detailed account of Savile's interview. However, the basis of the final decision by CPS was confirmed in the written MG3 response on 26<sup>th</sup> October 2009 as "*...on applying the evidential test in the absence of statements from victims, there is clearly insufficient evidence to charge the suspect with any criminal offence.*"

## **7. Contact with other Forces & Agencies**

7.1 It is evident from the commencement of the investigation that the SIO was conscious of the need to advise relevant agencies and Police forces of the enquiry regarding Savile but he was also aware of the possibility of information leaks.

The following is a summary of contact made with other agencies/forces:

### **Barnardo's**

7.2 On 17th May 2007, contact was made with the head office of Barnardo's requesting information on the Duncroft home and if there was a list of records that would have been available to police. On 21st May DC1 disclosed to the principle officer in the Policy and Standards team that Surrey Police had received an historic allegation that an offence took place in the home between 1977 and 1979. Police disclosed the names of the two residents concerned.

7.3 On 3rd July 2007 Barnardo's report that there are no recorded reports of sexual abuse by either staff or visitors to Duncroft on Ms A and Ms B.

7.4 On 17th December 2007 DS8 and DC1 visited Barnardo's for an initial meeting to agree what next steps could be taken and who would be responsible for arranging disclosure of files and the viewing of them. During the meeting it was disclosed that Jimmy Savile was the alleged offender. Barnardo's disclosed that they believed there to be about 30 additional girls resident during the period under investigation. On 19<sup>th</sup> December the first list of names of residents was emailed to DC1.

7.5 On 20<sup>th</sup> December 2007 Barnardo's principle officer advised Surrey Police that Making Connections were aware that Jimmy Savile was the alleged subject of the investigation due to a telephone conversation between Ms A and Making Connections on 19<sup>th</sup> September 2007. Ms A had not disclosed the identity of the suspect; however, she acknowledged his name when staff members had guessed from the description she gave. Barnardo's were advised of their responsibility to keep the identity of the suspect from becoming too widely known.

7.6 On 19<sup>th</sup> February 2008 the same officers visited Barnardo's again to review their files. The scope of this review was to examine historic paper files in relation to Duncroft from January 1977 to June 1979 (the time period covering Ms A and Ms B's attendance), specifically to examine lists of staff, residents and visitors and any information relating to the named persons and alleged offender. The files available at that time at Barnardo's head office were made available to police.

7.7 It should be noted that subsequent enquiries in 2012 have ascertained that Barnardo's hold archive records at Liverpool University. These records have now been collated and reviewed by Surrey Police at Barnardo's Head Office and relate to papers stored on the history of Duncroft back to 1949. With the exception of one bundle of documents, none of these archived records related to the period when Barnardo's managed the home. The one bundle that does relate to the relevant time period has been reviewed and assessed as not of significance to the investigation.

## Surrey Children's Services

7.8 The Surrey Police crime report indicates that a discussion took place between DI3 and a senior manager at Surrey Children's Services on or around 20<sup>th</sup> November 2007 to brief them on the circumstances known in the investigation thus far. This is confirmed by emails between DI3 and another manager at Surrey Children's Services. This email exchange indicates that there may have been telephone contact prior to this date however there is no record of this.

7.9 On 6<sup>th</sup> December 2007 DI3 informs a different senior manager that Police do not want to hold a senior strategy meeting for the reasons described in the investigation policy book. It is recorded in DI3's electronic diary that this manager from Children's Services expressed concern that Leeds Police (West Yorkshire) had not been informed. Savile owned a property in Leeds at the time.

7.10 The next contact with Children's Services was on 10<sup>th</sup> June 2008 when a Professionals Meeting was held between DCI4, DI3 and a Senior Manager from Children's Services. Actions from this meeting included the Children's Services manager contacting her counterpart / LADO (Local Authority Designated Officer) in West Yorkshire to advise them of the situation.

7.11 This was followed up with a further meeting on 6<sup>th</sup> August 2008. Significant from this meeting was an update that the LADO in Leeds had no trace of Savile and had no concerns and jointly DI3 and the senior manager from Children's Services had agreed there were no grounds to disclose the details of the allegations to either the Stoke Mandeville Charity or the Jimmy Savile Charitable Trust. This is the last recorded formal contact with Children's Services.

## Charities/Charity Commission

7.12 Research was carried out with the Charities Commission on 22<sup>nd</sup> November 2007 to establish what charities Savile had connections with. A response was received indicating that Savile only had connection with two charities; the Jimmy Savile Charitable Trust and The Jimmy Savile Stoke Mandeville Hospital Trust. This action was repeated in July 2008 and the result

was the same. It is not clear why this action was conducted twice. No disclosure was made to the Charities Commission regarding our investigation or Savile's suspected involvement.

7.13 During a professional's meeting with Children's Services on 10<sup>th</sup> June 2008 a decision was made that no disclosures regarding the investigation would be made to the two charities that Savile was a trustee. The grounds for this decision were that it was unlikely that Savile would have access to children in his role as a trustee.

7.14 Following correspondence between Surrey Police and Savile he was interviewed under caution at Stoke Mandeville Hospital. Present at this interview was a male nominated as a friend by Savile, a trustee of the Stoke Mandeville Charitable Trust. There is no information that indicates this Trust is directly involved in the managerial structure of the hospital so it is reasonable to state that the management of the hospital were not informed of the allegations. It is not known if the friend of Savile divulged any details of the investigations to the hospital management or the Charitable Trust.

### INI Checks

7.15 On 20<sup>th</sup> July 2007 an Impact Nominal Index (INI) check was carried out on James Savile as well as a PNC check. INI checks are a means for all 43 forces to establish if any other force holds intelligence or information on a particular individual. DC1 submitted the request for a search of Savile against Sussex Police and Metropolitan Police Service. Had this just been kept to these two Forces then there may have been information 'missed'. As it was, Surrey Police Data Bureau has confirmed that for all INI checks they routinely disregarded such requests for specific forces and instead undertook a national search. They also disregarded any specific business areas, such a Child Protection, and again searched against all business areas to ensure that all available information was captured. On 22nd July 2007 the INI results indicated that no other force held any information on Savile. The PNC check was no trace.

7.16 Without any further method of assessing whether a force held information it was reasonable for the investigation team at the time to draw

the conclusion that Savile had not been the subject of any previous allegations and the Surrey investigation was limited to the four women who had come forward. It is now known that Savile had been investigated by the Metropolitan Police Service in the 1980's and again in 2003 as referenced in the recent 'Giving Victims a Voice' publication.

### Sussex Police

7.17 On 10<sup>th</sup> April 2008 Surrey Police received contact from Sussex Police following an INI check undertaken by them. This related to an historic allegation of sexual assault they were investigating. Surrey responded and provided Sussex with the details of the investigation to date. In return Sussex faxed a copy of their crime report concerning an allegation of sexual assault by Savile on an adult female in Worthing in 1970. It was apparent that the victim did not wish to pursue a prosecution and their investigation was not progressing. The details of this allegation were subsequently brought to the attention of Surrey Crown Prosecution Service by Surrey Police for consideration alongside the Surrey allegations and evidence.

### West Yorkshire Police

7.18 On 29th April 2008 Surrey Police sent an email to West Yorkshire Police advising them of the investigation into Savile. This was sent via the anti-corruption team in Surrey to West Yorkshire anti-corruption. There was no suggestion that Surrey were in receipt of any information or intelligence that there were any corruption issues at West Yorkshire, or that Savile had any contact or relationships with West Yorkshire officers. The reason for advising West Yorkshire via Professional Standards Department appears to be Surrey's concern that the investigation remained confidential and the SIO (DCI4) had a background in anti-corruption and therefore knew that this was a secure route to pass information and gather any intelligence that they had that would not have been disclosed from an INI check.

7.19 An intelligence report was received from West Yorkshire Police indicating that the only records they held were of Savile as a victim of theft of his spectacles in November 2007.

7.20 It is of note that Surrey Police did not advise West Yorkshire Police of our interest in Savile until almost a year after the investigation commenced and five months after Children's Services expressed their concern that this had not been done. This should have been done sooner. The reason for informing West Yorkshire Police was that Savile was a resident of Leeds rather than a suspect in any offences in the West Yorkshire Police area.

7.21 On 13th May 2008 DCI4 and DI3 held a meeting and a decision was made to send a report to West Yorkshire at the conclusion of Surrey's investigation. It is believed the intended purpose was to inform them of the nature of the investigation for their records as he was a resident. However there is no record of any contact with West Yorkshire Police being made at the conclusion of the investigation.

7.22 On 2nd June 2009 DI3 sent a letter via recorded delivery to Savile at his address in Leeds. This is the date on the letter so the exact delivery date cannot be confirmed.

7.23 An entry on the crime report indicates that Savile made contact with DI3 the following day. Savile was advised of the allegation made against him and agreed to meet officers when he was next visiting Stoke Mandeville or Broadmoor hospital.

7.24 On 3rd June 2009 DI3 contacted DCI11 from West Yorkshire CPPU and updated her as to the progress of the investigation. This was to be confirmed in writing by email. They agreed that if Savile was to be interviewed in Leeds then West Yorkshire Police would support the interview with a member of staff.

7.25 On 8th June 2009 Surrey Police received a phone call from Inspector 5 from West Yorkshire Police. He stated that he was the Force Incident Manager based in the control room. He was spoken to directly by Surrey Control Room Inspector12. It is recorded that Inspector 5 states that he was known personally to Savile and had been told by Savile that he had lost the letter that was sent to him by DI3. Inspector 5 then passed a telephone number to Inspector12 advising that Savile can be contacted and possibly seen tomorrow at Stoke Mandeville Hospital.

7.26 The call from Inspector 5 initiated Inspector 12 to contact DI3 via email. Inspector 12 outlined the conversation with Inspector5 and made reference to the fact that he was known personally to Savile and that Savile gets many of these complaints.

7.27 On 10th June DI3 contacts DCI11 by email and sends her the intelligence reports regarding the progress of the investigation as agreed on 3<sup>rd</sup> June. In the email DI3 also makes reference to the call received from Inspector 5. DI3 states *"...there may be nothing in this but if there have been other allegations against him then they should really be recorded to build up an intelligence picture"*.

7.28 The same day DCI11 replies and states that she has brought the matter to the attention of the Head of Inspector 5's department in relation to the telephone call he made on behalf of Savile. DCI11 also stated that the Head of Crime in West Yorkshire Police was also notified of the Savile investigation so the command team may be briefed.

7.29 When Savile was interviewed by Surrey Police on 1st October 2009 he made various comments about knowing senior police officers from Leeds and seeing them socially. He stated that he gets a number of letters from people trying to blackmail him and he gives these to the police as a matter of course. He also commented on how he deals with these with his legal team as it was a hazard of being a well-known celebrity. He gave the impression that he was often harassed by people with an ulterior motive. Savile named an Inspector and stated that officers come to his home and have tea. Savile also stated that the officers read and destroyed the letters. If one of the letters concerned him then he could have it forensically examined as a 'favour' if he needed. Savile was questioned if any of these allegations or blackmail letters were investigated by West Yorkshire Police and he responded that they were kept for a short time by the police in case something happened to him.

7.30 One of the Surrey Police interviewing officers has been spoken to regarding the disclosures made by Savile who stated that as far as they can remember they did not advise supervising officers of these disclosures made about West Yorkshire officers. It is unknown whether or not this was because of the context of how it was said in the interview that meant they felt it was insignificant or whether it was a simple oversight.

7.31 For completeness it would have been good practice to debrief the interview afterwards and details of the content passed to West Yorkshire Police for their reference.

#### Other Forces

7.33 Following receipt of the allegation from Dorset Police on 11<sup>th</sup> May 2007 they were advised that Surrey Police would take primacy and be commencing an investigation on 13<sup>th</sup> May 2007.

7.34 On 20<sup>th</sup> May 2008 it was disclosed to police that Ms F was assaulted by Savile in the grounds of Stoke Mandeville hospital. The victim Ms F was a member of a girls' choir in Bedfordshire. DC1 then made contact with Bedfordshire Police and obtained details of their Child Protection Team. There is no record if they were contacted and advised about this investigation. The crime report states that the details were obtained if required.

7.35 Thames Valley Police, as the force where an assault took place should have been notified. Notes from the North Surrey Gold Group meeting held on 2<sup>nd</sup> June 2008 clearly state that any offences disclosed as having taken place outside of Surrey should remain with the Public Protection team on Northern Division and the host force should be informed and agreement sought. There is no evidence that Thames Valley Police were advised of the allegation made by Ms F.

#### Other Agencies

7.36 On 26<sup>th</sup> November 2007 the Investigation policy log was commenced and early entries make reference to contacting other agencies. Policy decision 2 is that no other agency would be informed of the identity of the suspect (Savile). This entry does acknowledge that Children's Services had already been informed at a senior level. It is clear that the rationale for this decision was the concern that the investigation would generate significant media interest and therefore any leaks to the media could cause the victims additional distress and potentially jeopardise the investigation.

7.37 During a professionals meeting on 10<sup>th</sup> June 2008, Surrey Children's Services took an action to advise the LADO (Local Authority Designated Officer) in West Yorkshire of the investigation into Savile. At a further meeting on 6<sup>th</sup>

August Children's Services confirmed they have contacted the Leeds LADO and that they held no information on Savile.

7.38 It is known that Jimmy Savile had contact with many vulnerable people over a number of decades, both adults and children. It is clear from notes and the policy log that the SIO had concerns over safeguarding any potential future victims. When undertaking an investigation such as this Surrey Police would have had the opportunity to disclose to a wide range of organisations that were known to be linked to Savile. Obvious ones include Stoke Mandeville Hospital, Broadmoor Hospital and the BBC amongst others.

7.39 However a balance must be considered between the priority requirement to safeguard children, the information security and integrity of the investigation and the rights of the individual concerned. The information known to the investigation team was that there were no other allegations that had been made to other forces about Savile. The other residents of Duncroft between 1977 and 1979 had not indicated they had been victims of assault and the incidents that had been reported were, albeit serious, at the lower end of indecent assault/sexual assault offences. With the benefit of hindsight and knowledge of the enormity of Savile's offending now more clear this has given a different perspective to the scale of the assaults. This was not known to the investigation team at the time. The Article 8 Rights of Savile would have been a serious consideration when assessing who should have the nature of the allegations disclosed to them to safeguard any future victims. There is no clear guidance on which parties in a case such as this should be involved in information sharing. Based on the information and evidence known, in particular, with no connections with the BBC from the allegations Surrey Police received, it is right that there was limited disclosure to other agencies or bodies, in particular the BBC or other places that he was known to have worked. The disclosure and information sharing that did take place with Barnardos, Surrey Children Services and West Yorkshire Police was appropriate.

7.40 It has been highlighted that Thames Valley Police should have been informed. Had they been it would have been reasonable to conclude that the NHS Trust responsible for Stoke Mandeville Hospital would have also subsequently been informed.

## Victim Support Agencies

7.41 When Surrey Police visited Ms A in response to the initial allegation on 21st May 2007, she stated she had not received after care from Barnardo's and would be looking to contact them in relation to this. As a result, DC1 sent a letter to her on 3rd August to provide details of 'Making Connections' (an after care team for Barnardo's children) and advice on how best to make contact.

7.42 There is no documentation to suggest that after care was offered to any other victims/witnesses during the course of the investigation, or that any further agencies were contacted.

7.43 In an investigation into historic sexual abuse there must always be due consideration to a victim centred approach that dictates the offer of external support for victims. It is an obvious omission in this case.

## Summary

7.44 West Yorkshire Police should have been contacted at the commencement of the investigation. This should ideally have been at a senior level. The purpose of this contact would be for information sharing about a 'celebrity' that was a resident in Leeds that may have an impact for local police as well as to further inform any safeguarding issues for Surrey Police.

7.45 Thames Valley Police should have been notified when the allegation regarding the assault on Ms F came to light. This could have been via PSD or at a senior level to maintain the integrity of the investigation. This was also a requirement from the Gold Group meeting dated 2<sup>nd</sup> June 2008. It is not clear why this was not undertaken.

7.46 Bedfordshire Police were contacted to establish a point of contact if needed but there is no evidence to suggest that any details were subsequently passed to them even though Ms F came from that area at the time of the offence. It should be noted of course that it is not usual practice to advise another Force that we are investigating an offence that has a victim that resides with them and therefore this is only a point of comment and should not be seen as a missed opportunity.

## **8. National Guidance & Policy**

8.1 In conjunction with the Major Crime Review Team an assessment of the investigation's compliance with Force policy and procedure and national guidance has taken place.

8.2 The following paragraphs provide comment on the key aspects of an investigative process into a complex historic sexual abuse allegation.

### Victim strategy

8.3 All the victims / witnesses appear to have been managed appropriately and in accordance with policy and procedure extant at the time - ACPO (Centrex) Guidance on Investigating Serious Sexual Offences (2005).

8.4 It is evident that the SIO/DSIO were mindful of risks associated with 'trawling' for victims / witnesses. Appropriate policy entries were made reflecting this. The SIO/DSIO adopted a process of 'witness networking' to identify witnesses rather than simply contact all previous residents and staff or utilise a media appeal. This is good practice identified within The Investigation of Historic Institutional Abuse (2002).

8.5 Potential victims that were named by a third party were approached via a letter in the first instance. Information provided by Surrey Police was basic and simply invited the recipient to call DC1. From these letters all the subsequent contact with victims and witnesses was carefully managed and recorded to ensure the integrity of the process (as outlined in paragraph 3.7). The investigation team had prepared a script for officers receiving any new information from victims and witnesses so that there would be consistency around the recording of initial information which is good practice.

8.6 Accounts from potential victims and witnesses were first obtained at an initial meeting in the form of notes. This is good practice and shows officers were acting in accordance with the Ministry of Justice "Achieving Best Evidence in Criminal Proceedings – Guidance on interviewing victims and witnesses and guidance on using special measures", which states "*any initial questioning should be intended to elicit a brief account of what is alleged to*

*have taken place; a more detailed account should not be pursued at this stage but should be left until the formal interview takes place."*

8.7 Potential victims and witnesses were asked whether they would consent to their interview being audio recorded or whether they preferred a statement to be recorded. The investigation does not appear to have given consideration to victims or significant witnesses being 'intimidated victims / significant witnesses' in accordance with Achieving Best Evidence in Criminal proceedings: Guidance on Interviewing Victims and Witnesses and Using Special Measures (2007). That said the SIO/DSIO was mindful of capturing the fullest information and did use audio recording (if consent was given). All interviews with potential victims and witnesses were properly planned and appropriate records maintained.

8.8 It is apparent that there was good use of the social networking site 'Friends Re-united' as it became clear that some residents of Duncroft School had connected on the site. Often in current-day investigations the use of social media as a source of information and evidence is overlooked. This would have been even more so back in 2007/8 and it is of note as good practice for now and in particular back then. DC1 made a basic post on the site in May 2008 to connect with former residents inviting them to contact her. Eight former residents responded resulting in two new complaints in Ms C and Ms D.

8.9 At the conclusion of the investigation all victims / witnesses were notified promptly following the CPS decision that there was insufficient evidence to charge Savile with any criminal offences.

#### Suspect strategy

8.10 Within the North Surrey Gold Group minutes and subsequent policy on 18<sup>th</sup> August 2008 it is recorded that Savile was 'suspected' of committing a sexual offence which could lead to questions about why he was not arrested. This decision seems to have been made after receiving CPS advice that there would be no further action taken so there was no need to arrest. This review supports the decision to interview Savile. It was right that he was given the opportunity to hear the allegations made against him, even where the victims had decided not to support a police prosecution and have the opportunity to respond to those allegations.

8.11 Savile was invited to attend an interview out of custody. It was not good practice to conduct an interview after caution in the grounds of a hospital even though it was in a private office for Savile. Appropriate arrangements should have been made with Thames Valley Police to use a police station if the interview had to take place in Buckinghamshire. It is accepted of course that he may well then have refused to cooperate and this would have left the investigation team in a difficult position as it was clear that arresting Savile was unlikely to be justifiable under the Police And Criminal Evidence 1984 with the knowledge that there was unlikely to be a prosecution. Therefore the opportunity to capture the account under caution would have been lost.

8.12 There was no pre-disclosure as Savile elected to be interviewed without contacting a legal adviser or having a legal adviser present (although Surrey Police presume pre disclosure was considered when planning for the interview). There are two letters that were sent to Savile by recorded delivery inviting him to make contact with police and he was also spoken to by DI3. The letters contain only very basic information and do not outline any of the alleged offences. The basic content of the conversation between DI3 and Savile is recorded in his notebook and on the crime report.

8.13 Savile's friend who accompanied Savile during interview is recorded as being a trustee member of Stoke Mandeville Hospital. There is no record as to whether this male's status was checked by the interviewing officers. It is not clear whether the interviewing officers had assessed Savile to be mentally vulnerable and therefore requiring an Appropriate Adult. It would seem that Savile had arranged that this male attend as his Appropriate Adult. This does give the impression that Savile was dictating not only where the interview would take place but also who would be present in order to maintain an element of control on his behalf.

8.14 The probative value of the interview is limited. The allegations made by Ms B, Ms F and Ms D were put to Savile. His account was not challenged and the process was one of advising him of the nature of the allegations and capturing his response in a legally evidential format. This is complying with the direction given by the Senior Crown Prosecutor that Savile should be updated with the details of the allegation and the outcome that there would be no further action. Contained within the interview are statements made by Savile

that could have been further investigated to challenge him at a later date but fundamentally he gave no alibi or made any admissions. The content of the interview has been reviewed and is best described as 'perfunctory'. This should be taken in light of the investigation team's knowledge of the advice, now given twice by CPS at this point, that the outcome would not be any form of prosecution.

### Information Relating to Other Offences

8.15 It is also not clear whether any research was carried with the Metropolitan Police Service (MPS) during the course of the investigations. During the time of the allegation and up until 2000, Staines came under the jurisdiction of the MPS and would have been the local police station to Duncroft School. It would have perhaps assisted the investigation if there were police records that would have put some further context into Duncroft School and the residents.

### MAPPA / Potentially Dangerous Person (PDP)

8.16 Consideration has been given as to whether Savile's alleged activities should have prompted agencies to review whether he should have been subject to some form of Risk Management Plan or designated as a Potentially Dangerous Person.

8.17 MAPPA Guidance Version 2.0 (Oct 2007) states:

*A PDP is a person who has not been convicted or cautioned for any offence placing them in one of the three MAPPA categories but whose behaviour gives reasonable grounds for believing that there is a present likelihood of them committing an offence or offences that will cause serious harm.*

*MAPPA legislation does not provide the lawful authority for exchanging information on non-MAPPA persons. However many police forces have taken steps to agree local protocols with partner agencies for providing risk assessment and management of these individuals outside of MAPPA.*

*Anyone thinking about proposing a person as a PDP (must be made to a Superintendent) should ask themselves the question, 'What is the added benefit*

*of having this person as a PDP?’ and formulating a draft risk management / action plan.*

*Consideration in any action plan should be given to some of the following:*

- *Information sharing*
- *Disclosure to 3<sup>rd</sup> parties*
- *Review of unsuccessful criminal investigations*
- *Applying for a SOPO or other restrictive order.*

8.18 At the time of this investigation the use of PDPs was new to the police service and in 2008 there was a lack of clarity and guidance on the process and outcomes. While in hindsight Savile appears to have fitted the MAPPA definition of a PDP it would have been un-realistic to propose him as a PDP due to the lower level (albeit serious) and historic nature of the sexual offences alleged and the fact that at the time of the Surrey Police investigations there was only one other complaint of historic sexual assault known which had been reported to Sussex Police and subsequently filed.

8.19 However it would seem that Surrey Police was applying some of the risk management principles advocated in the MAPPA guidance. Some information sharing had taken place with Surrey Children’s Services who are one of the responsible authorities detailed in MAPPA Guidance.

#### Investigation / Record Management

8.20 The investigation was recorded primarily on the Surrey Police crime recording system. There is a comprehensive free text that provides the reader with a good account of the progress of the investigation and has been invaluable in undertaking this report.

8.21 A policy book was maintained by DI3 that explains the rationale for a series of decisions. It is clear and has been commented on that some of these policies were not acted upon. Additionally there are good notebook entries by DI3 that assist in understanding the timeline of events. On a more formal point the SIO of an investigation should ensure that policy entries made by the DSIO are counter-signed. This did not take place.

8.22 In September 2007 a decision was made to record all of the investigation documents onto HOLMES (document management only). This was a good decision and was managed by the Major Crime Team (MCT). However no further documents were registered on HOLMES after July 2008. It would seem that once DC1 had collected the papers from the MCT to prepare the Advice File for the CPS the use of the HOLMES account ceased. This is not good practice as it has led to there being an incomplete record. This would have prevented the expeditious linking to any other force HOLMES databases relating to enquiries into Savile. The account has been updated with subsequent records and documents that have been uncovered as part of the research for this report.

## **9.0 Press contact and coverage**

9.1 During the life of the investigation between May 2007 and October 2009 there were no media enquiries made to Surrey Police. 'If asked' lines were prepared from the outset in the event that there were. The investigation team were careful about information security within Surrey Police as well as sharing this information with external agencies. This is evidenced by the decision to share information with West Yorkshire Police via Anti-Corruption Units to minimise opportunities for information to be 'leaked' to the media.

9.2 It was early December 2011 that Surrey Police's media department were contacted by Mark Williams-Thomas stating he was advising on a Newsnight programme that was due to run a programme on Savile and sexual abuse. This was followed by contact from the producer Meirion Jones requesting Surrey Police comment. Press lines were given and contact made with CPS with the charging decision MG3 to assist them with their media response.

9.3 These lines were: *"In 2007 Surrey Police received a historic allegation of indecent assault which is alleged to have occurred at a children's home in Staines during the 1970's. The allegation was investigated by police but no further action was taken against the individual."*

9.4 If asked about identity: *"In line with national policy Surrey Police does not disclose the names of people under investigation unless they are charged"*.

9.5 In January and into early February 2012 numerous contacts were received from newspapers seeking clarity as news items were running about the BBC 'pulling' the Newsnight programme. Again press lines were given.

9.6 During August and September 2012 there were requests received for further information with press lines given culminating at the end of September with the breaking story about Savile and the forthcoming Exposure programme in a small number of the national newspapers.

9.7 In the days immediately before the showing of the ITV Exposure documentary on 3<sup>rd</sup> October 2012 there were calls received from a very wide range of media outlets asking for interviews and statements. Surrey Police's lines were repeated with the addition of: *"The matter was referred to the Crown Prosecution Service for a charging decision who advised there was insufficient evidence to take any further action."*

9.8 From 4<sup>th</sup> October 2012 through to the end of that month there was a high demand from the media for information on the investigation. Some of the particular issues that were raised are:

- Mark Williams-Thomas seeking clarification on an alleged 700 page dossier on the investigation into Operation Arundel. Surrey Police have no knowledge of such a dossier and replied that it was likely to be the court bundle.
- Who Surrey Police checked with during the investigation. Surrey Police replied with an outline of INI checks and the link with Sussex Police.
- The Mail on Sunday having contact with Ms D who claimed to have a letter from DC1 stating that the investigation was ended because of Savile's ill-health. Surrey Police were able to confirm that this letter was a fake.
- The Daily Telegraph having contact with Ms F who stated that she was willing to support a prosecution at the time of reporting to police. Subsequently Ms F's signed statement was shown to her where it states that she was unwilling to support police or court action. She accepted this and that her memory was incorrect about how she felt at the time.

9.9 In summary, there was very limited contact with the production team working on the story that was originally due to be shown on Newsnight. Since then there has been the extensive media interest in Savile and the BBC that has demanded considerable police resource to manage.

9.10 Surrey Police have made contact with DI3, the now retired Detective Inspector and DSIO for this investigation. He had been contacted in October 2012 by ITN and Panorama who were seeking to involve him in programmes about the investigation and Savile. DI3 has declined that offer and given a limited statement about the investigation. He remains concerned over on-going media interest in him that is unwelcome.

## **10. Early reviews of the investigation and findings**

10.1 In December 2011 Surrey Police media relations office were contacted by Mark Williams Thomas. He stated that he was working on a Newsnight production which would be running a programme in the next week on children allegedly abused by Jimmy Savile. Williams Thomas stated that he understood that Surrey Police interviewed Savile in 2009 and that the CPS did not prosecute as Savile was too old.

10.2 Surrey Police flagged this enquiry to the CPS who advised they had no record of any letters sent to any victims or a record of the decision not to prosecute. At that time the papers for the police investigation had been archived and sent for storage.

10.3 As a consequence, at the request of DCI13 (then the Deputy Head of Public Protection) DI14 was tasked to urgently review the papers regarding Op Ornament and establish if there were copies of the letters sent to victims and a copy of the written decision by the CPS not to prosecute on an MG3.

10.4 Copies of letters sent to victims were recovered that stated that the reason there would be no prosecution was due to insufficient evidence. There was no reference in any letter to the age of Savile.

10.5 There was no written record that CPS had considered the public interest test and the MG3 written decision by the CPS Senior Prosecutor made no mention of this.

10.6 DI14 passed this information to DCI13 and the media relations department who subsequently passed it to the CPS who had not been able to locate any papers regarding this investigation.

10.7 In September 2012 a producer from ITV contacted the Surrey Police media relations department stating that they were running a documentary on allegations against Savile. DI14 was contacted by Detective Chief Superintendent 15 and asked to again conduct a second review and provide a short report regarding the standard of the investigation.

## **11 Areas of Learning**

11.1 The following are identified issues:

### **Length of time to conduct the investigation**

11.2 The investigation was undertaken by officers from within the North Surrey Public Protection Unit who also maintained a workload at the same time. The consequence of this is that a 'sensitive and critical' enquiry that had obvious high profile consequences took 29 months to complete. The investigation of historic offences will naturally take longer as there is the need to trace victims and witnesses from information that may well be out of date. Being unable to focus solely on this will have exaggerated this delay. The case officer DC1 was put in a difficult situation in managing this and her usual workload. It is accepted that the Force, and at the time the North Surrey Division would have needed to balance limited trained resource with the requirement to meet the demands of 'daily' business. However, greater emphasis and support should have been available to deal with this investigation. Although not explicitly stated anywhere it is easy to see from an objective point of view that the 'early' CPS advice being "*...no case to proceed*" would have had a bearing on the priority given to the investigation compared with the need to deal with investigations into serious offending against

children that were proceeding to a prosecution and other safeguarding demands.

#### No contact with staff at Duncroft

11.3 On 5<sup>th</sup> June 2008 there is a policy decision not to contact any staff at Duncroft that has already been commented on. It is fair to say that Barnardos were able to confirm that there were no reports made by staff about any abuse or anything untoward about the visits by Savile. It is acknowledged that staff should have been traced and spoken to in order to ascertain what they knew. DI3 has clearly considered this but with the benefit of hindsight has made an error in this policy. From the current enquiry being undertaken into the activity of Savile at Duncroft it is clear that these enquiries would have provided a richer context to what was going on.

#### No liaison with Thames Valley Police over the allegation of indecent assault at Stoke Mandeville

11.4 At the North Surrey Gold Group meeting on 2<sup>nd</sup> June 2008 a decision was made that any offences committed in another force area would be investigated by Surrey Police and the host force informed and agreement sought. In the case of the allegation of indecent assault on Ms F outside Stoke Mandeville Hospital this did not take place. In turn this would have provided the opportunity for Thames Valley Police to make contact with the relevant Children's Services for the area. The issue therefore is the missed opportunity for information sharing and potential safeguarding of future victims.

11.5 What is not known is whether, at the age of 81 years as he was at the time of the investigation, there were any on-going safeguarding concerns. Nevertheless this is an error in not informing Thames Valley Police.

#### Absence of a victim-centred approach

11.6 Offences of historic sexual abuse will have an obvious profound impact on the victims. It is well documented that coming forward to police will often cause victims further stress. This was itself evidenced in this investigation by Ms B who refused to be involved in any prosecution in order to protect herself and her family and was clearly distressed by Ms A's original report that implicated her as a victim. Other than the referral for Ms A to the Barnardo's

support service there is an absence of signposting others to organisations that could provide support if needed.

#### Potential failure of the police service to information share

11.7 The Metropolitan Police Service has subsequently confirmed that they undertook an investigation into Savile in the 1980's and again in 2003. This did not feature on the return from the INI check conducted by Surrey Police in 2007 that covered all forces.

11.8 It is unknown what this investigation uncovered and how relevant it would have been to the Surrey Police investigation. There is obvious concern that this may well have impacted on the decision making and breadth of the investigation that was carried out in 2007/8. The use and effectiveness of the INI and information held by other forces on individuals is worthy of further scrutiny and has been raised by ACC Kirkby with the present MPS Operation Yewtree leadership and the ACPO lead for Child Protection matters.

11.9 It is acknowledged that ACPO, under the leadership of CC Mike Barton have commissioned a review of PND with set terms of reference that relate to the effectiveness of the system for police information sharing.

#### Disclosure to other victims

11.10 During the course of writing this report it has become clear that there is potential criticism of the decision made not to tell each of the victims and witnesses about each other.

11.11 It is evident from the peer review and advice provided by the SIO from a previous successful high profile prosecution for historic offences that careful consideration was given to how to approach and manage the victims and witnesses. These 'lessons learnt' are in accordance with the current NPIA (2009) Guidance on Investigating Child Abuse and Safeguarding Children that advises on an '*intelligence or evidence-led means of identifying witnesses*'.

11.12 The issue of whether each of the parties involved should be told of the others existence is complex. DI3 notes on 3rd June 2008 in his notebook that "*...the victims (Ms F, Ms B & female in Sussex) will not be told there are other victims. Obtain advice from CPS first.*" It is not usual practice to advise other

potential victims and witnesses of each other's existence in order to prevent potential contamination or discussion between them about the content of their evidence in cases of a sexual nature. Any of these points has the potential to undermine their credibility and ultimately a prosecution. It may also be the case that a prosecution decision is made some point in the future to separate the cases at court with separate trials.

11.13 It is known that DI3 met with CPS on 15th July 2008. It is not known if sharing witness/victim details was discussed at all. However there was no disclosure to each of the victims and witnesses of the existence of each other and no subsequent review of this issue with an explanatory rationale.

11.14 The potential negative effect of this is that an 'individual' victim or witness is more likely (as was the case in this investigation) to not wish to support a prosecution and face court 'alone' against a well-known celebrity. Knowledge of 'mutual support' from other victims and witnesses would be of benefit in encouraging them to support police and a prosecution by attending court. It is acknowledged that it would have been beneficial to review this decision as the investigation progressed.

11.15 Nevertheless, the current NPIA (2009) Guidance on Investigating Child Abuse and Safeguarding Children comments on the issues of future collusion and undermining of the credibility and strength of evidence from each person. The advice leans towards SIO's avoiding this where possible. This current review has led to consideration about the inappropriate focus on a victim or witnesses credibility in a prosecution rather than a defendant's. It is understood that ACPO will be working with CPS to review guidance to police in this area.

### Governance

11.16 It is clear from the Gold Group meeting minutes that DCI4 was to be the Senior Investigating Officer. It has been commented on about the actual professional relationship between the SIO and the D/SIO. Best practice dictates that the SIO takes strategic leadership and control of an investigation and provides oversight for the investigation team. Evidence of this is lacking in this investigation and may have impacted on the holistic oversight of the progress and some of the decisions made.

11.17 When senior officers were made aware of the investigation it is clear that it was recognised as significant and the decision made to hold a Gold Group chaired by the Divisional Commander Chief Superintendent 7. Whilst it is not formally documented that this investigation was a 'critical incident' the very nature of holding Gold Groups for senior strategic oversight recognises the impact of the investigation and is therefore appropriate. However these should have continued throughout the life of the investigation to ensure sufficient resource and direction was given to it.

11.18 Following the interview of Savile and final CPS advice, other than a telephone briefing to Detective Superintendent 9, there was no senior officer debrief of the interview and investigation. It would have been good practice to undertake this and make an assessment of whether there was any further action required by Surrey Police prior to closing the investigation and advising the victims.