

“Mistakes were made.”

HMIC’s review into allegations and intelligence material concerning Jimmy Savile between 1964 and 2012

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Contents

1. Introduction	3
2. Executive summary	5
Emerging issues.....	10
3. Background	11
4. Reported allegations prior to Operation Yewtree	12
5. The Metropolitan Police Service	19
The 1964 MPS ledger	19
The 1998 MPS anonymous letter.....	20
The 2003 MPS report.....	23
6. Surrey Police	24
7. Sussex Police	29
8. Police intelligence systems	32
MOPI	32
PND.....	34
Could Savile’s pattern of offending have been identified earlier?	36
Conclusions.....	38
9. Considering the cases together	40
10. West Yorkshire Police	43
11. The Police Service – The wider picture	45
An increase in historical child abuse allegations.....	45
Switching the focus – Duncroft School.....	45
Managing another Operation Yewtree	47
Using 21 st century technology	47
12. The Criminal Justice System – The wider picture	49
The non-reporting of criminal allegations	49
The denial of child abuse	51
The police response to allegations of child abuse	53
Children and the criminal justice system.....	54
The cult of celebrity	56
13. The position today	57
14. Recommendations	61

1. Introduction

- 1.1 By letter dated 7 November 2012, the Home Secretary formally commissioned Her Majesty's Inspectorate of Constabulary (HMIC) to conduct a review to assess the police knowledge of and response to the historical allegations made against the late Sir Jimmy Savile and related individuals and potentially into other similar allegations against other individuals.
- 1.2 In particular, the Home Secretary asked that this review should explicitly concentrate on establishing: which police forces received reports and/or allegations in respect of Savile and related individuals prior to the launch of Operation Yewtree (5 October 2012); and, with regard to those forces, the extent to which those allegations were robustly investigated and if there were any police failings in so doing.
- 1.3 Thereafter, the Home Secretary commissioned HMIC to identify the wider lessons to be learned both from the specific historical investigations by forces into allegations against Savile and related individuals, and from what has emerged as a result of Operation Yewtree undertaken by the Metropolitan Police Service (MPS) and the National Society for the Prevention of Cruelty to Children (NSPCC).¹ These wider lessons were to be assessed in the light of any relevant historical, environmental and cultural context that was identified as having a bearing on the decisions taken then in respect of those allegations.
- 1.4 Finally, the Home Secretary commissioned HMIC to make any necessary recommendations in relation to its findings when considered alongside current practice.
- 1.5 This report sets out our response to the Home Secretary's commission insofar as it is appropriate to publish it at this stage in the light of current and potentially future enquiries and proceedings against individuals who would otherwise be considered in the category of "related" or "other" individuals.
- 1.6 We have considered in detail the way in which the three forces which investigated allegations against Savile in his lifetime dealt with their enquiries. We have then gone on to consider whether a different response would have been achieved if those forces had acted in concert. Our review has also identified issues around the management of police information which we set out

¹ The report regarding Operation Yewtree entitled *Giving Victims a Voice* was published on 11 January 2013.

in section 8. We have then considered our findings in the wider police and criminal justice system contexts.

- 1.7 We have considered how best to refer to the status of the allegations of those who have reported them. There appears to be a general acceptance that Savile was a prolific sex offender and a paedophile, although he was never convicted of any offence during his lifetime. Although mindful of that fact, we have nevertheless taken the decision to refer to his “crimes” rather than his “alleged crimes” in this review. We recognise, of course, that the allegations made against him have not been and will never be tested in a criminal law court, but the substantial number of victims who have come forward, unknown to one another for the most part we suspect, is indicative of a pattern of criminal behaviour by Savile that overwhelmingly suggests, if alive, he would have many cases to answer.

2. Executive summary

- 2.1 On 3 October 2012, ITV broadcast a television programme in which five women made allegations of sexual abuse against Savile between 1968 and 1974. As a result, the MPS invited any individual who wished to make a similar allegation of sexual abuse against Savile to come forward, in order to know the full extent of his criminal conduct.
- 2.2 The joint MPS and the NSPCC report following Operation Yewtree states that approximately 600 people came forward to provide information, of whom about 450 made specific allegations against Savile. Of those victims, the MPS considered 214 allegations to be crimes that were capable of being recorded against Savile at the time of their commission.
- 2.3 We have conducted enquiries of all 43 police forces in England and Wales. The results are stark. As far as their records disclose, only five allegations of sexual assault were made against Savile to a police force between 1955 and 2009.
- 2.4 In accordance with the Home Secretary's commission, we have liaised with Her Majesty's Inspectorate of Constabulary for Scotland (HMICS). Five victims from Scotland came forward to Operation Yewtree. In the processing of allegations that the MPS has undertaken since the publication of *Giving Victims a Voice*, a further two cases have been classified as crimes. HMICS has advised us that the Association of Chief Police Officers in Scotland has co-ordinated a search of archive records held by Scottish forces and that no further historic records have been found beyond the seven victims uncovered as a result of Operation Yewtree.
- 2.5 We have also contacted the States of Jersey Police in accordance with the Home Secretary's wishes. *Giving Victims a Voice* stated that five victims came forward from the Island.
- 2.6 In 2009, the States of Jersey Police interviewed a victim as part of a broader and more complex historical child abuse enquiry centred on a Jersey care home. He indicated that he was sexually assaulted by Savile. However, the States of Jersey Police's enquiries did not lead to any charge against Savile, following legal advice. Jersey, along with other Crown Dependencies, did not have direct access to the IMPACT Nominal Index (INI) at that time, and consequently investigating officers on Jersey were unable readily to check intelligence databases which were available to the police forces in England and Wales.
- 2.7 The MPS has traced two further historical intelligence entries concerning Savile.

2.8 Therefore, in total, we have considered seven incidents – two based solely on intelligence records and five based on complaints made by Savile’s victims. In summary, they are:

- 1 an entry on an intelligence ledger held by the MPS Paedophile Unit from approximately 1964 (the 1964 MPS ledger);
- 2 a computerised record of an anonymous letter received by the MPS in 1998 (the 1998 MPS anonymous letter);
- 3 a 2003 MPS crime report based on the complaint of a victim who stated that Savile had indecently assaulted her in the 1970s (the 2003 MPS report);
- 4 a 2007 Surrey crime report based on the complaints of **three victims** who stated that Savile had indecently assaulted them in the 1970s and 1980s (the 2007 Surrey report); and
- 5 a 2008 Sussex crime report based on the complaint of a victim who stated that Savile had indecently assaulted her in 1970 (the 2008 Sussex report).

2.9 It is difficult to assess the significance of the 1964 MPS ledger, given that so little is known of its provenance. However, its existence suggests that, by 1964, Savile was known to MPS officers investigating sexual offences against children. We have not found evidence to suggest that any investigation was carried out as a result of that intelligence. The 1964 MPS ledger is not recorded on INI or the Police National Database (PND).

2.10 The 1998 MPS anonymous letter was uncorroborated intelligence. Although the record was processed and handled, it was never properly investigated despite apparent lines of enquiry: for instance, there is reference in the report to the fact that Savile changed his telephone number as a result of a blackmail attempt. A line of enquiry should have been established to identify whether this assertion was genuine and, if so, whether it pointed the way to further enquiries. The way in which the record was classified prevented it being made available to other forces until 2011.

2.11 The 2003 victim was content to provide a witness statement but said that she did not wish to support a prosecution. However, the victim crucially added that she would reconsider her position if other victims were subsequently identified. The investigating officers decided to retain the details of the allegation and place it in the MPS General Registry, without interviewing Savile. The associated Crime Recording Information System record was marked “restricted”, seemingly because of Savile’s celebrity status. This prevented later officers from identifying a potential pattern in Savile’s behaviour which may have been relevant to their enquiry.

2.12 The 2007 Surrey crime report was created as a result of three complaints and the matters were investigated. Details were made available via the INI to other law enforcement bodies.

- 2.13 The 2008 Sussex crime report was created as a result of a complaint and the matter was investigated. Details were made available via INI to other law enforcement bodies.
- 2.14 The presence of the INI entry allowed Sussex Police to learn that Savile was being investigated elsewhere. As a result, investigating officers from the two forces were put in touch with each other.
- 2.15 In 2007, when Surrey Police conducted its INI check, the 1998 MPS anonymous letter and the 2003 MPS report could have been made available. We are confident that if the Surrey investigating officers had been made aware of these previous reports, the investigation would have been scaled up accordingly.
- 2.16 The reason why Surrey Police was unable to benefit from these reports lies with the MPS: neither report was uploaded to INI as a consequence of its decisions to restrict access to the respective records held locally.
- 2.17 We consider the failure to connect the various allegations was critical to the eventual outcome of the investigations. There was intelligence available of four separate investigations which was never linked together and, because of that failure to “join the dots”, there was a failure to understand the potential depth of Savile’s criminality. As a result, it is clear from our analysis that the potential for further investigation and a prosecution of Savile was missed.
- 2.18 It is impossible to state categorically that a prosecution would have resulted, if all these links (including the MPS intelligence) had been made known, not only to all the investigating teams but also to the Crown Prosecution Service (CPS). However, it is clear to us that the case against Savile would have been better informed and made more compelling if the various strands had been brought together in one investigation and submitted to the CPS for advice as a whole.
- 2.19 The knowledge that these were not isolated incidents but possibly criminal assaults within a pattern of systematic offending is likely to have enabled the CPS to consider the case in a different light; it may have presented additional opportunities in which to strengthen a combined case against Savile.
- 2.20 A recurring theme was the isolation that each victim felt as a result of believing that she was Savile’s only victim. At the heart of the matter in these cases lies the decision of the police not to inform victims that others like them existed.
- 2.21 The policy decision of the Surrey Police not to inform each of the victims that others existed was correct initially but should have been reviewed as the investigations proceeded and should have been reversed when it was clear that little harm to any eventual prosecution would have ensued by telling each victim that others existed.

- 2.22 As the police force area in which Savile principally lived throughout his life, West Yorkshire Police should also have received details of: the 1964 ledger; the 1998 anonymous letter; and the 2003 MPS report. West Yorkshire Police was not able initially to retrieve any of these records. In the light of the issues uncovered, HMIC has been determined to understand the relationship between West Yorkshire Police and Savile, but HMIC does not have the statutory authority to investigate these matters. The Chief Constable of West Yorkshire has now referred these matters to the Independent Police Complaints Commission and we await its conclusions.
- 2.23 Regarding intelligence, we are able to conclude that, when the Guidance on the Management of Police Information (MOPI) is followed, the system works as intended. However, our review has highlighted concerns: we are not sufficiently assured that implementation has matched expectations due to the discretion afforded to individual Chief Officers in following MOPI, nor are we sufficiently confident that the guidance is being given full effect in all forces.
- 2.24 We are sufficiently concerned about information management and its wider effect on records contained on PND that we will examine and test this area as part of our Child Sexual Abuse and Sexual Exploitation Review which we are undertaking later in 2013.
- 2.25 We come then to answer the question: could similar failures happen again because of the way in which intelligence is handled in practice today, notwithstanding that we now have the benefit of PND and a long established MOPI doctrine. Coupled with the fact that any intelligence system is inevitably fallible to some extent, the inconsistencies in approach that the forces have taken mean that there is a distinct possibility that such failures could be repeated.
- 2.26 Recent data from forces and voluntary organisations demonstrate that there is a pronounced “Yewtree Effect”. Since Operation Yewtree started, there appears to have been over a 100% increase in the reporting of historical child abuse generally.
- 2.27 Operation Yewtree represented a unique style of operation, but the response from the public raises issues about how the police should respond to allegations of sexual offending following the death of the alleged perpetrator.

Recommendation 1

The College of Policing should issue guidelines to all forces about how to deal with investigations of child abuse following the death of the alleged perpetrator.

- 2.28 We have very serious concerns about the number of victims who felt unable to come forward at the time the assaults were committed to report Savile to the

police. The very low rate of reporting by those who are sexually abused needs to be addressed.

Recommendation 2

In view of the current low reporting rate, the police service and the College of Policing should establish ways to encourage the reporting of sexual crimes, creating a culture and operating practices that do not contain perverse incentives to the detriment of victims and the public.

Recommendation 3

We consider that a system of mandatory reporting should be examined whereby those who, in the course of their professional duties, become aware of information or evidence that a child is or has been the victim of abuse should be under a legal obligation to notify their concerns to others.

- 2.29 We are encouraged by the extent to which all agencies engaged in looking after the welfare of children specifically and the criminal justice system generally have developed guidance, practice and procedures better to allow child victims of sexual abuse to come forward and to feel more at ease. We are also encouraged by the increasing recognition that no single agency alone has the key to resolving the issues that surround the protection of children from sexual abuse; a multi-agency approach has to be the better way of seeking to address effectively the many issues that confront those who are responsible for the welfare of the child involved.
- 2.30 However, the creation and promulgation of hundreds of pages of guidance counts for nothing if there is a failure to implement it on a day-to-day basis at the right level – the level at which potential child victims of sexual abuse come into contact with those in authority who are in a position to help.
- 2.31 There has been progress throughout the police service with regard to the handling of intelligence material, but it is clear that information management practices have some way to go before forces have satisfactorily adopted and implemented MOPI. Similarly, whilst all those responsible for the welfare of children and adults are better informed and better guided than they were 58 years ago when Savile began his programme of systematic abuse, we have doubts about the efficacy of the practical adoption of the numerous policy statements that, today, govern the way in which all relevant practitioners should undertake their duties.

Recommendation 4

Each agency which has a role to play in safeguarding arrangements for children and vulnerable adults should ensure they comply with relevant policies; there must be regular and systematic checks to ensure that those policies are being properly and fully put into practice.

Recommendation 5

All relevant Inspectorates should ensure that their inspection regimes and programmes are designed to report on how well these policies are being applied at a local level.

- 2.32 Our concern is heightened because many of Savile's victims were children in vulnerable settings. It appears to us that those victims, who are in the greatest need of the protection of the criminal justice system, are often the ones who have the greatest difficulty in accessing that protection because of the procedures and practices that have been adopted by the various agencies over the years: a cultural mistrust of a child's evidence; the need for corroboration; and the failure fully to implement policies that are designed to prevent or detect offending.

Emerging issues

- 2.33 Our review has also indicated other areas of concern. We are not in a position to reach any definitive conclusions in these areas yet, but we intend to undertake further work as part of our Child Sexual Abuse and Sexual Exploitation Review which we are undertaking later in 2013. These areas include whether the police service needs to reassess:

- 1 the management of historical child and adult sexual abuse allegations;
- 2 the management of victims concerned about their isolation and thereafter their reluctance to support further police and prosecutorial action;
- 3 the apparent cultural resistance to challenging wrong-doing by people in the public eye and the support that is provided to officers engaged in related investigations;
- 4 MOPI so that it covers the uploading of records (such as those found on the Home Office Large Major Enquiry System) onto PND;
- 5 the extent to which MOPI is being implemented; and
- 6 the management of intelligence arising from 21st century technological advances.

3. Background

- 3.1 On 3 October 2012, ITV broadcast a television programme² in which five women made allegations of sexual abuse against Savile between 1968 and 1974. As a result, the MPS invited any individual who wished to make a similar allegation of sexual abuse against Savile to come forward, in order to know the full extent of his criminal conduct.
- 3.2 The MPS and the NSPCC report following Operation Yewtree states that approximately 600 people came forward to provide information, of whom about 450 made specific allegations against Savile.³ Of those victims, the MPS considered 214 allegations⁴ to be crimes that were capable of being recorded against Savile at the time of their commission. The MPS has not indicated how many of the remaining 150 people made allegations against “Savile and related” individuals or against “other” individuals.
- 3.3 We understand that the MPS is continuing to evaluate the victims’ allegations and it is likely that the number of those which are classified as crimes will rise.
- 3.4 Of the 214 crimes which the MPS has currently recorded, 32 have been classified as rape. Four of these crimes involved a victim who was under 10 years of age at the time and a further 12 crimes involved a victim who was between 10 and under 16 years of age. A further 13 crimes have been classified as “assault by penetration”, with four victims being under 10 years of age and a further seven being between 10 and under 16 years of age.⁵ Assault by penetration became a specific offence under sections 2, 6 and 9 of the Sexual Offences Act 2003, although prior to that Act’s commencement, the same actions were classified as indecent assaults under the Sexual Offences Act 1956.
- 3.5 This report concentrates on what we know and sets out our conclusions based on the records which we have found. We recognise that we will never be able comprehensively to establish the totality of Savile’s offending. This report deals with those forces in which investigations into Savile’s behaviour were undertaken. Whatever shortcomings have been identified in the way these forces dealt with the matters brought to their attention, at least they undertook enquiries. Our greater concern lies in the omissions of others.

² “Exposure: The Other Side of Jimmy Savile.”

³ *Giving Victims a Voice*, MPS, 11 January 2013, paragraph 7.3.

⁴ *Op cit*, paragraph 7.3.

⁵ *Op cit*, paragraph 7.14, figure 4.

4. Reported allegations prior to Operation Yewtree

- 4.1 There is ample evidence available to show that sexual abuse is one of the most difficult types of crime for victims to report to those in authority at the time of its commission. The victims are often young and have a sense of shame about what has happened to them – frequently induced by the perpetrators themselves.⁶
- 4.2 As a result, allegations of sexual abuse are often made some considerable time (often years) after the abuse has occurred and at a time when, for whatever reason, the victim feels better able or feels the need then to come forward.
- 4.3 The police, the criminal justice agencies generally and those who support victims of sexual abuse are very familiar with the fact that many such crimes are “historical” by the time they are first reported.
- 4.4 In recent years, those agencies have reappraised their approaches to dealing with historical sexual abuse cases. The fact that the crime is reported a considerable period after its commission is not, of itself, seen as a factor that casts doubt upon the truthfulness of the victim, who often will have taken years to summon up the courage to report what occurred in their past to a person in authority.⁷
- 4.5 It is against this backdrop that the 214 allegations of sexual abuse made against Savile should be viewed. We have conducted enquiries of all 43 police forces in England and Wales. The results are stark. As far as their records disclose, only five allegations of sexual assault were made against Savile to a police force between 1955⁸ and 2009.⁹
- 4.6 However, we have concerns about the extent to which victims may have tried to report their allegations to the police prior to Operation Yewtree and, for

⁶ *Op cit*, paragraph 8.13 sets out some common reasons given by victims for non-reporting. It is important to understand why victims do not report matters to the police at the time the offence is committed and whether they consider that matters have since improved to such an extent that they consider that they would now report their allegations more quickly. To assist in this analysis, we have commissioned the NSPCC to undertake research with a group of victims. We shall include the results of that work in our report on Child Rape and Child Sexual Exploitation later in 2013.

⁷ See, for example, the CPS Legal Guidance: *Safeguarding Children and Victims and Witnesses* in which Crown Prosecutors are advised that: “[t]here is nothing that intrinsically prevents a prosecution merely because the incident dates from a much earlier time”.

⁸ The year of the earliest allegation reported under Operation Yewtree: *Giving Victims a Voice*, MPS, 11 January 2013, paragraph 7.5.

⁹ The year of the last allegation reported under Operation Yewtree: *Op cit*, paragraph 7.5.

whatever reason, were not treated as they should have been. Eight victims have so far come forward to indicate that this was the case: four reported their complaints to the MPS; and one victim each reported his or her complaint to Cheshire Constabulary; Merseyside Police;¹⁰ the then Royal Ulster Constabulary; and West Yorkshire Police. We have been able to uncover the details of two of these earlier attempts at reporting Savile.

- 4.7 In 1963, in Cheshire, a male victim reported an allegation of rape by Savile to his local police officer the day after it occurred but was told to “forget about it” and “move on”. The officer did not make a report of the allegation and, consequently, an investigation was not undertaken. The second incident involved the MPS when a man attended Vine Street police station in London to report that his girlfriend had been assaulted at a recording of the BBC television programme: *Top of the Pops*. He was told that he “could be arrested for making such allegations” and sent on his way, presumably without a report being taken.
- 4.8 Because of the way in which both victims were dealt with, there are no records available in the police forces concerned. It leads us to the conclusion, however, that we will never be certain of the number of victims who tried to report Savile to the police before Operation Yewtree started.
- 4.9 In accordance with the Home Secretary’s commission, we have liaised with HMICS. Five victims from Scotland came forward to Operation Yewtree. In the processing of allegations that the MPS has undertaken since the publication of *Giving Victims a Voice*, a further two cases have been classified as crimes. HMICS has advised us that the Association of Chief Police Officers in Scotland has co-ordinated a search of archive records held by Scottish forces and that no further historic records have been found beyond the seven victims uncovered as a result of Operation Yewtree.
- 4.10 We have also contacted the States of Jersey Police in accordance with the Home Secretary’s wishes. *Giving Victims a Voice* stated that five victims came forward from the Island.¹¹
- 4.11 In 2009, the States of Jersey Police interviewed a victim as part of a broader and more complex historical child abuse enquiry centred on a Jersey care home. He indicated that he was sexually assaulted by Savile. However, the States of Jersey Police’s enquiries did not lead to any charge against Savile, following legal advice. Jersey, along with other Crown Dependencies, did not

¹⁰ Following initial publication of HMIC’s report (12 March 2013), Merseyside Police confirmed that no crimes took place in their force area, and that this complaint was referred on appropriately.

¹¹ *Op cit*, paragraphs 7.13 and 7.14.

have direct access to the INI¹² at that time, and consequently investigating officers on Jersey were unable readily to check intelligence databases which were available to the police forces in England and Wales.

- 4.12 In the MPS report, reference is made to a seventh potential victim who came forward before the start of Operation Yewtree and who alleged that, in the 1980s, she had been assaulted by Savile in his camper van in a BBC car park.¹³ Despite extensive efforts, the MPS has not been able to trace any police file relating to that report.
- 4.13 The MPS has traced two further historical intelligence entries concerning Savile which we consider in detail, later in this report.¹⁴
- 4.14 Therefore, in total, we have considered seven incidents – two based solely on intelligence records and five based on complaints made by Savile’s victims. In summary, they are:
- 1 an entry on an intelligence ledger held by the MPS Paedophile Unit from approximately 1964 (the 1964 MPS ledger);
 - 2 a computerised record of an anonymous letter received by the MPS in 1998 (the 1998 MPS anonymous letter);
 - 3 a 2003 MPS crime report based on the complaint of the victim who stated that Savile had indecently assaulted her in the 1970s (the 2003 MPS report);
 - 4 a 2007 Surrey crime report based on the complaints of **three victims** who stated that Savile had indecently assaulted them in the 1970s and 1980s (the 2007 Surrey report); and
 - 5 a 2008 Sussex crime report based on the complaint of a victim who stated that Savile had indecently assaulted her in 1970 (the 2008 Sussex report).
- 4.15 We were immediately concerned about the very low number of actual reports. If correct, it means that over 96% of victims whose allegations would have been recorded as crimes did not go to the police at the time they were assaulted or were otherwise the victims of Savile’s crimes. Nationally, only 15% of female victims of the most serious sexual offences say that they reported the incident

¹² The IMPACT Nominal Index was an interim solution that identified which force held information relating to an individual and flagged the presence of records in another force area, allowing enquiries to be made. It was operational as a system between December 2005 and June 2011 when it was replaced by PND. Its predecessor was the National Nominal Index which was abandoned after trials in three police forces.

¹³ *Op cit*, paragraph 6.2.

¹⁴ Paragraphs 5.1 – 5.17.

to the police, although 57% indicate that they told someone else about what happened to them.¹⁵

- 4.16 Of course, as that last statistic indicates, formally reporting criminal allegations to the police is only one avenue available to a victim. Particularly with regard to child victims, we consider it to be entirely possible that they or their guardians or carers approached other agencies (both statutory and voluntary) associated with supporting victims of sexual abuse.¹⁶ As a result, we approached the following organisations to find out whether they had any records of allegations made against Savile during this period.

Barnardo's: Barnardo's is one of the UK's leading children's charities, working directly with over 200,000 children, young people and their families every year. Barnardo's runs over 800 vital projects across the UK, including counselling for children who have been abused, fostering and adoption services, vocational training and disability inclusion groups. Barnardo's Making Connections service works with adults who were in Barnardo's care as children or who were placed for adoption by Barnardo's. Its core purpose is to provide access to records for adults seeking information about their past, and, where follow-up is required, help with tracing and intermediary work is offered.

Help for Adult Victims of Child Abuse: HAVOC is a voluntary organisation established to provide help, support and guidance to adult victims of child abuse.

National Association for People Abused in Childhood: NAPAC is a registered charity whose primary mission is to support adults who were abused in childhood. It does this through the provision of a national free-phone support line, letter and email answering service. It also runs support groups.

NSPCC/ChildLine: The NSPCC is the only major UK charity solely focused on preventing the abuse of children. The charity works directly with vulnerable children and families across 40 locations in the UK, provides consultancy and training services to professionals and organisations, and has two UK-wide helpline services. The NSPCC helpline provides advice and assistance to adults concerned for the welfare of children, and ChildLine provides confidential support to children in danger or distress.

- 4.17 Each organisation confirmed that it does not hold any record indicating that it was approached by an individual to report an allegation of sexual abuse against Savile.

¹⁵ *An overview of sexual offending in England and Wales*, Ministry of Justice, Home Office and the Office for National Statistics, 10 January 2013, page 17.

¹⁶ *Giving Victims a Voice* states that: "[t]he NSPCC Helpline was contacted by many people who had previously reported their concerns and wished to alert the authorities again". *Giving Victims a Voice*, MPS, 11 January 2013, paragraph 8.13.

- 4.18 We have considered the possibility that, for whatever reason, those police forces to which reports may have been made at the time have since lost, destroyed or rendered inaccessible any record of those reports.
- 4.19 Our analysis of the way in which forces retained and communicated information or intelligence during the time when Savile was assaulting his victims has to be set against the accepted procedures of the time.
- 4.20 There were never any charges brought against Savile. As a result, any force to which a complaint was made at the time would have retained that information, at best, under the category of what we now describe as “intelligence”. The retention of intelligence material was uncoordinated nationally. Before the days of instantaneous record creation and retention, intelligence systems were paper-based and retained at a local or force level by collators.
- 4.21 The collators recorded and evaluated the information they received and decided how it should be treated. Intelligence that was specific to an individual, particular business or address was owned by the collator’s office in the area where that person resided, or where the business or address was located. If the intelligence related to an individual outside the area in which the report was received, the collator recorded the information, retained it in a chronological log and forwarded the details to the area “owning” the primary record, while creating a local “reference card”, indicating where the intelligence had been sent.
- 4.22 When it became apparent to a collator or investigator that a person “owned” by them was criminally active in, or frequented, another police area, he or she would inform that second police area so that a decision might be made locally whether to brief staff about the potential risk posed by the subject.
- 4.23 Savile travelled extensively and retained properties in a variety of locations at different times. However, his main residence throughout the duration of his offending and until his death was in Leeds, part of the West Yorkshire police area. Therefore, any intelligence created in another part of West Yorkshire or in another police force in England or Wales should have been forwarded to, and received by, the collator for the part of Leeds in which Savile lived. That collator would have been under a duty to maintain, review and actively manage the intelligence record.
- 4.24 The collator system suffered from a number of weaknesses: the records could only be searched manually, one at a time; it relied on individuals to decide whether a piece of information was entered onto the paper-based system; and it relied on the transfer of records between forces if the suspect lived outside the police force area where the information was acquired and the intelligence created.

- 4.25 The computerisation of intelligence records across police forces, which began in the 1980s, improved consistency and access but, because each force had its own system, it did not provide a national picture. Computerisation, closely followed by the Data Protection Act 1998, required each force to address the issue of “back record conversion”. Each force made judgments about which of the collators’ paper records were entered onto its force’s computer system. Similarly, each force decided how best to deal with its paper-based records – the options including retention and disposal.
- 4.26 This varied approach to capturing and utilising intelligence continued throughout the 1980s and 1990s until action was taken to address concerns expressed by the Audit Commission in 1993.¹⁷ As a result, in 2004, the National Intelligence Model was introduced. It helped to standardise how the police service uses intelligence. In addition, during the 1990s, specific measures were introduced to ensure that intelligence regarding child protection matters was better preserved, collated and shared between forces, with added momentum being given to this by the coming into force of the Sexual Offenders Act 1997.¹⁸ However, by the time that such improvements were embedded across forces, Savile’s offending seems to have fallen away. We say this on the basis that ten victims came forward under Operation Yewtree to say that Savile committed crimes after 1990.¹⁹ We cannot say, however, that these were the only crimes that Savile committed after that date.
- 4.27 After 2000, more substantial and more rapid steps were taken to ensure that systems were put in place to create, retain and circulate intelligence information. These systems were radically overhauled as a result of the Bichard Inquiry,²⁰ established following the failure of local police forces to ensure that relevant information was exchanged regarding Ian Huntley who was convicted of the murders of Jessica Chapman and Holly Wells in December 2003. We examine the current systems in place to retain and share police information later in this report.²¹
- 4.28 Notwithstanding the progress made since 2000, in the earlier days of Savile’s offending, any intelligence records or records of complaints that did not progress to a charge may have been lost or destroyed in the process of converting paper-based records to computerised ones, or possibly retained in such a way that it prevented their retrieval and operational value being realised, since the time they were created. And we further acknowledge the possibility

¹⁷ *Helping with Enquiries. Tackling Crime Effectively*, Audit Commission, 4 November 1993.

¹⁸ This Act created the Sex Offenders Register.

¹⁹ *Giving Victims a Voice*, MPS, 11 January 2013, paragraph 7.14, figure 5.

²⁰ *The Bichard Inquiry Report*, House of Commons, HC653, June 2004.

²¹ Section 8.

that, for whatever reason, some reports by victims were not taken seriously and disregarded as soon as they were made and before a report was created.

- 4.29 We conclude, therefore, that, despite the observation in the joint MPS and NSPCC report that many victims reporting the crimes against them were doing so “to...the authorities again”²² (we take “authorities” to include the police), there are no reliable police records to show that any more than five victims came forward in England and Wales and reported the crimes against them by Savile before the start of Operation Yewtree.²³
- 4.30 If any individual is able to provide specific information about when he or she reported or tried to report a crime by Savile to the police, we shall readily look into the question why that information has not been retained.
- 4.31 However, at this juncture, we are able to state that the 43 police forces of England and Wales have identified seven instances only when allegations were made of sexual abuse against Savile, with five being the subject of police investigation since 2003.
- 4.32 Three forces in England and Wales told us that they received complaints against Savile of sexual assault before the start of Operation Yewtree: the MPS; Surrey Police; and Sussex Police.
- 4.33** Our understanding of the detail of what happened in respect of the Surrey and Sussex cases has been greatly helped by a number of reports which have been published in advance of ours: *Report into Operation Ornament*,²⁴ *A Review into Operation Baseball*²⁵ (and its summary);²⁶ and, *In the matter of the late Jimmy Savile*.²⁷ We are particularly grateful to the Chief Constables of Surrey and Sussex, and to the Director of Public Prosecutions (DPP), for their help. We are also grateful for the assistance of Commander Spindler and his team at the MPS who oversaw Operation Yewtree.

²² *Giving Victims a Voice*, MPS, 11 January 2013, paragraph 8.13.

²³ The seventh report (*Giving Victims a Voice*, MPS, 11 January 2013, paragraph 6.2, and paragraph 4.12 of this report) may well have been destroyed bearing in mind the summary we have set out regarding how intelligence information was stored at the time such a report would have been made.

²⁴ Published by Surrey Police, 11 January 2013 and available at: www.surrey.police.uk/Portals/0/pdf/operation_ornament_report_11.01.2013.pdf

²⁵ Unpublished report into the 2008 investigation of an allegation of historic sexual assault against James Wilson Vincent Savile by Sussex Police.

²⁶ *Report into the 2008 allegation of sexual assault made against James Vincent Savile*, Sussex Police.

²⁷ Published by the Director of Public Prosecutions, 11 January 2013 and available at: www.cps.gov.uk/news/assets/uploads/files/savile_report.pdf

5. The Metropolitan Police Service

The 1964 MPS ledger

- 5.1 The MPS has discovered an intelligence record held by its Paedophile Unit, dating from approximately 1964. The record reads as follows:

“BATTERSEA BRIDGE ROAD, (WA) – 4 older girls & youth named [name] (? Homosexual) live at – Jimmy SAVILLE (sic) well known disc jockey frequents – used by absconders from DUNCROFT APP SCHOOL”

A second entry on the page opposite reads:

“DUNCROFT APP SCHOOL – Absconders – Vice Ring. [Name]living on (sic) immoral earnings of [names of two females identified as DUNCROFT girls].

2 yrs imp.

[Name]...Charged with [name] as above, also further charged with harbouring [female’s name] – failed to appear...on 20/10/64 having estreated his bail & thought to be in Holland.

[Name], [address]. At CCC (Central Criminal Court) on 5/11/1964. Charged with living on (sic) earnings & procuring [two female names]. Found NOT GUILTY. No connection with [name and name] above, but all DUNCROFT girls.

The address (sic) used by [name and name] were [address given].

All men were coloured.

[Name of female] (ex-Duncroft) introduced the girls to the men concerned.”

- 5.2 We have not seen evidence to suggest that any investigation was carried out as a result of that intelligence.
- 5.3 It is difficult to assess the significance of the 1964 MPS ledger, given that so little is known of its provenance. However, its existence suggests that, by 1964, Savile was known to MPS officers investigating sexual offences against children.
- 5.4 The second series of entries in the 1964 MPS ledger is the first known reference to Duncroft School²⁸ and we develop our concerns about the school later in this review.²⁹

²⁸ Duncroft School was located in Staines, Surrey. It was established as an approved school in 1949 under the administration of the National Association for Mental Health. In 1972, it became a community home and it closed in 1980. The management of Duncroft became the responsibility of Barnado’s in 1976. Duncroft School re-opened in 1982 under a different administrative regime. At the time the 1964 MPS ledger was created, the School was under the MPS force area. Boundary changes in 1999-2000 meant that, thereafter, the School became part of Surrey Police force area.

- 5.5 It is understandable that enquiries have not revealed the creator of the 1964 MPS ledger. Given that the next reported allegation against Savile was over 30 years later, it is unlikely that much could have been made of the previous information, even if had been made available, but nonetheless it would have provided useful background information to those officers who dealt with the 2003 allegation.
- 5.6 The 1964 MPS ledger is not recorded on INI or PND.³⁰ This is consistent with our understanding that the existence of the ledger only became known at the start of Operation Yewtree in 2012.
- 5.7 The circumstances of the recovery of the 1964 MPS ledger suggest that it had not been reviewed for a substantial period. It is almost certain that the details contained in the ledger were not transferred onto later digital recording systems which the police service began to introduce in the 1980s to retain intelligence information.³¹ As a result, those who later searched the more modern intelligence systems would not have been alerted to the ledger's existence as it remained in hard copy form only, and indeed appears to have been archived.
- 5.8 We have considered whether the MPS had an opportunity to intervene and halt Savile's offending in the 1960s. We cannot say for certain, but on the basis of what we know now, there appears to have been, at the very least, an opportunity to investigate his behaviour then, although it is impossible to say whether such an investigation would have led to Savile's prosecution.

The 1998 MPS anonymous letter

- 5.9 A second computerised record is the reproduction of an anonymous letter dated 13 July 1998 and addressed to the Vice Squad/Unit at New Scotland Yard, London. We set it out in full here:

"I supply here information which if looked into by one of your officers will yield a secret life not unlike that of [name].

I can not (sic) give you my name as I am too closely involved and do not wish to be in the limelight and have the finger pointed at myself. If you think this is not a genuine letter, then it is your loss.

²⁹ Paragraphs 11.5 – 11.9.

³⁰ PND is an IT system which allows the police service to share access and search local force information on a national basis. It provides forces with immediate access to up-to-date information drawn from local crime, custody, intelligence, child abuse and domestic abuse systems. PND was released in two phases: the first release was in June 2011 and only allowed a search under the "person" field; the second release was in May 2012 and allowed a wider search, including a search of information contained in the "events" field.

³¹ The MPS computerised its records in 1994.

The image that JIMMY SAVILE has tried to portray over the years is someone who is deeply concerned with his fellow man; however, the thrust of this is entirely the opposite. His fund-raising activities are not out of altruistic motives, but purely for selfish advancement and an easy living. He has slimed his way in wherever possible. He has tried to hide his homosexuality, which in any event is an open secret with those who know; but did you know that he is also a deeply committed paedophile, and involved in buggery with young children.

An incident that happened some years ago (not that long) was when he was involved with a young 'rent boy'. This rent boy followed him to [place]. JIMMY SAVILE foolishly gave this rent boy his Leeds telephone number [set out in the text] which he has now subsequently changed; this was because he was having threatening calls from this rent boy, who was going to go to the press and expose him for his paedophilia, if he did not give him more money. I know at the time he was extremely angry and frightened. How it ended, I really do not know. What can not (sic) be acceptable and must be stopped is JIMMY SAVILE's paedophilia. I know he has pornography, but do not know which of his houses it is in. Regularly, he runs for the 'Life' charity in Roundhay Park in Leeds, he would say 'Now I've had a run, I feel like some bum'. And would then later in the evening go where the rent boys hang out.

He thinks he is untouchable because of the people he mixes with, and again I know from personal experience, that they find him amusing and the butt of many jokes. There are many more things I could tell you, but they are trivial in comparison to the main issue.

sickened. (sic) Please, do not let him get away with this perversion and that he feels immune because of the people he mixes with. There are too many of his perverted type around – don't let him continue to think he is untouchable, or that his secret is too well hidden. [Name] made a mistake, - don't let JIMMY SAVILE get away with it either.

When JIMMY SAVILE fails, and sooner or later he will, a lot of well-known personalities and past politicians are going to fall with him.

I have done my duty, my conscience is clear, you have the power, time, and resources at Scotland Yard to wheedle him out, and expose him for what he really is.

If you think this is a hoax, or a crank letter, think again. It is not I who suffer if you do nothing, but the children."

5.10 The 1998 MPS anonymous letter was uncorroborated intelligence. The letter was converted into an intelligence record and graded as an "untested source", the reliability of which could not be gauged. Dissemination was permitted within the originating force or agency only.

5.11 In the light of what is now known, the 1998 MPS anonymous letter makes distressing reading. Its detail provided the police with an opportunity to pursue enquiries that might have confirmed its veracity.

- 5.12 The intelligence is endorsed with the information that the content had been forwarded to the police in Leeds, West Yorkshire. This means that Savile's local police force would have been in possession of information to suggest that Savile was the victim of blackmail and that he had changed his home telephone number as a result. His local force would also have been made aware of the allegation that Savile was a paedophile.
- 5.13 We would expect that, as a result, West Yorkshire Police would have created an intelligence file about Savile (if one did not already exist) so that local officers might evaluate the incoming intelligence from the MPS, alongside any locally known information, and take a decision how best to proceed. We set out West Yorkshire Police's role with regard to Savile in section 10 of this report.
- 5.14 The intelligence was also passed to the MPS Organised Crime Group Paedophilia Unit but there is no record of any subsequent enquiries being undertaken.
- 5.15 Thereafter, the MPS took a potentially critical discretionary decision to classify this intelligence as "sensitive" because of Savile's celebrity status and because there were allegations of blackmail and paedophilia. This categorisation meant that the intelligence was not readily available in a search. It required any police officer, inside or outside the MPS, who was researching Savile, to make a specific request of the Intelligence Bureau and demonstrate why the search was necessary before details would be disclosed.
- 5.16 This remained the case until 2011 when the report was reclassified so that it might be shared more widely. Details of the 1998 MPS anonymous letter were made more readily accessible on PND in May 2012.
- 5.17 We have concluded that there were three lapses in respect of the 1998 record:
- 1 although the record was processed and handled, it was never properly investigated: for instance, there is reference in the report to the fact that Savile changed his telephone number as a result of a blackmail attempt. A line of enquiry should have been established to identify if this assertion was genuine and, if so, whether it pointed the way to further enquiries;
 - 2 the way in which the record was classified prevented it being made available to other forces until 2011 – the year that Savile died; and
 - 3 there is no specific audit trail identifying with whom in West Yorkshire Police the intelligence was shared, and apparently no understanding about which force should take the lead in pursuing any further enquiries. As a result, we are unable to resolve that issue.

The 2003 MPS report

- 5.18 In 2003, a woman came forward to allege that she had been sexually assaulted by Savile in 1973 when she was 15 years of age at a recording of the BBC television programme: *Top of the Pops*. She said that Savile put his hand over her bottom. She told him to stop and moved away. He followed her and repeated the act. When she told him to stop again, Savile said: "I thought that's what you came here for". She was content to provide a witness statement but said that she did not wish to support a prosecution. However, the victim crucially added that she would reconsider her position if other victims were subsequently identified. This became a recurring characteristic of later investigations as well.
- 5.19 The investigating officers decided to retain the details of the allegation and place it in the MPS General Registry, without interviewing Savile. There the matter rested.
- 5.20 The associated Crime Recording Information System record was marked "restricted", seemingly because of Savile's celebrity status. This classification was to have a profound effect – it rendered the record invisible to the investigating officers in Surrey when they carried out their INI check in 2007 following a separate allegation made to them about Savile. This prevented those later officers from identifying a potential pattern in Savile's behaviour which may have been relevant to their enquiry.³²
- 5.21 It also prevented any possibility that the 2003 victim could be told that another allegation had been made against Savile with a view to finding out whether that caused her to change her mind about further assisting the police with a view to mounting a prosecution in respect of her allegation.
- 5.22 The cumulative effect of the way in which the earlier intelligence was classified also meant that, when the 2003 victim came forward, the investigating officers did not have the benefit of the 1964 MPS ledger or the 1998 MPS anonymous letter. It is understandable that they would not have known of the 1964 MPS ledger, given that it was only found in 2012. However, the restrictions placed on the 1998 anonymous MPS letter had the effect of preventing it from being apparent to the 2003 investigating officers. If they had known of this record, a different investigative approach may have been adopted.

³² Paragraph 8.19.

6. Surrey Police

- 6.1 In May 2007, a witness came forward, following media coverage of Savile, to report that she had been a resident at Duncroft School during the 1970s when she saw Savile indecently assault a fellow pupil by placing her hand on his groin.
- 6.2 A Detective Constable in Surrey Police received the report and conducted initial enquiries. The Detective Inspector in the Public Protection Department of Surrey Police quite properly began an investigation, acting as the Senior Investigating Officer (SIO).
- 6.3 In July 2007, the investigating officers checked INI and the Police National Computer (PNC).³³ The PNC indicated that there was “no trace”, meaning that Savile was “not known or wanted” by any police force. This in turn meant that Savile did not have any convictions or cautions recorded against him and that he was not being sought for arrest or interview. The fact that Surrey Police had created a record locally, thereby allowing it to go on INI, and had cloaked Savile’s details, which is not unusual practice, meant that when Savile was later searched for on INI by Sussex officers, the Surrey officers were alerted and contact was made between the two sets of investigators.
- 6.4 In November 2007, the victim (A) was identified and interviewed. She was annoyed that the witness had reported the matter to the police, but she confirmed the essence of the witness’ account, namely, that Savile had placed her hand on his groin.
- 6.5 The victim did not wish to take the matter further and asked the police not to contact her again.
- 6.6 However, the SIO was not content to leave the matter there. In order to gather further information, the Detective Constable wrote to 21 former Duncroft pupils who had been at the school at the same time as the victim to see if any of them might be able to shed light on what occurred there. Contact was made with two further victims.
- 6.7 The first of these victims (B) had been a member of a choir invited to perform at Stoke Mandeville Hospital in Buckinghamshire in about 1973. As she was boarding the bus to leave, Savile asked her for a kiss. She anticipated a peck on her cheek but Savile kissed her on the lips and placed his tongue in her

³³ The PNC is a national police IT system which records, amongst other things, convictions and wanted persons.

mouth. When spoken to by the police in 2008, she agreed to make a statement but in it she said that she did not support further police action and that she did not wish to attend court.

- 6.8 After the police had seen victim (B), Sussex police officers contacted their Surrey counterparts in April 2008 and advised them they were dealing with a report of sexual abuse by Savile. The investigating officers in Surrey obtained a copy of the Sussex crime report but, on the basis they had been informed that the Sussex victim was reluctant to support further action, they saw little merit in any further cooperation.
- 6.9 The second victim (C) came forward in July 2008 as a result of the letter sent to former Duncroft pupils. She described how Savile encouraged her and other pupils to comb his hair and massage his shoulders. She reported that, on one occasion, he asked her to perform oral sex on him. There is some confusion over dates and ages, but it would appear that, at the relevant time, the victim was over 16. Subsequent legal advice confirmed that an offence had not been committed because the victim was over the age of consent and, in the face of her refusal, Savile had not assaulted her nor had he committed an offence under the Indecency with Children Act 1960.³⁴
- 6.10 This was a difficult enquiry for the following reasons:
- 1 first contact in May 2007 came from a witness, who identified victim (A). She confirmed the facts reported but declined to cooperate as a witness;
 - 2 victim (B) was initially identified by a witness – her sister – who again, when traced, expressed a keen desire not to see the matter taken forward; and
 - 3 the third victim (C) was not the victim of an act or any incitement to commit an act that constituted a criminal offence.
- 6.11 The investigating officers undertook an intelligence search. They did not find anything. By 2007, the 1998 MPS anonymous letter and the 2003 MPS report could have been made available.
- 6.12 Surrey Police continued its enquiries and actively engaged with the CPS. Surrey Police also included a copy of the Sussex Police crime report in the papers which it submitted to the CPS. Although the CPS reviewing lawyer did not consider it necessary, the Surrey investigating officers made the decision to interview Savile under caution. That interview took place on 1 October 2009 at Stoke Mandeville Hospital in the presence of a man whom Savile had requested to be there. As far as we are aware, that man was not Savile’s legal representative. The allegations were put to Savile and he denied them all.

³⁴ *In the matter of the late Jimmy Savile*, CPS, 11 January 2013, paragraphs 207-209.

However, in the course of that interview, Savile indicated that he had been the subject of previous allegations and that he had “a collection of senior police persons” in Leeds, West Yorkshire (where he lived) “who come to see me socially”. He later said that they “come round and drink tea”. He stated that he gave them “all my weirdo letters, and they take them back to the station”. In a later section of the interview, Savile went on to say that “they don’t keep them very long they pass them round the office”.

- 6.13 We have identified shortcomings in the way in which Surrey Police dealt with these matters, and they are reflected in the review which the force has published into its handling of the Savile cases.³⁵ We do, however, recognise that Surrey officers repeatedly passed information to West Yorkshire Police in a timely, accurate and auditable manner.
- 6.14 We agree with the findings set out in the Surrey Police review that the length of time the investigation took (29 months³⁶) was too long. The reason, at least in part, lies in the decision to allocate the enquiry to a Child Abuse Investigator, who was also responsible for current child abuse investigations. For understandable reasons, the immediacy of current investigations usually displaces enquires regarding historical matters.³⁷ Surrey Police is satisfied that the delay did not alienate the witness; however, we consider that a six month delay between contacting the victim on the telephone and approaching her in person was unreasonable and carried the risk that the victim would remain reluctant to assist the police further.
- 6.15 In addition to relying on the findings of the Surrey Police internal review, we have visited the force on several occasions, spoken to members of the Operation Ornament team and reviewed source documents.
- 6.16 We set out below the issues which we consider were not addressed fully or properly in the course of Surrey Police’s investigation:
- 1 during the course of the interview, Savile made a number of assertions about his whereabouts at the relevant times and the number of occasions he had visited Duncroft School. These assertions were never checked; if they had been, Savile may have been shown to have lied;
 - 2 Savile’s assertions about his closeness with senior West Yorkshire police officers and their involvement with him; these clearly suggested that police officers in West Yorkshire may have been inappropriately close to Savile and these integrity issues should have been immediately reported to senior officers and investigated by West Yorkshire Police. Although

³⁵ *Report into Operation Ornament*, Surrey Police, 11 January 2013.

³⁶ *Op cit*, paragraph 11.2.

³⁷ Paragraphs 11.1 – 11.4.

Surrey Police did not inform West Yorkshire Police about the content of Savile's interview, it did inform West Yorkshire Police about the matters which we have set out in section 10;

- 3 Savile was not at any time arrested and his interview took place at premises of his choosing, at the time of his choosing, and in the presence of an individual of his choosing. The way in which the interview was arranged was Savile-led rather than police-led;
- 4 the lack of challenge by the Surrey officers to Savile's assertions in interview made the interview ineffective;
- 5 those responsible for the management of Stoke Mandeville Hospital were not informed that Savile was interviewed on the hospital's premises;
- 6 more importantly, the hospital's management team was not advised of the allegations made against Savile that were the subject of that interview under caution. They should have been because they involved serious issues concerning the protection of children which were especially pertinent in the context of the work of Stoke Mandeville Hospital;
- 7 Stoke Mandeville Hospital is in Buckinghamshire, part of the Thames Valley Police force area; that force was not informed about the interview or about the allegations made against Savile. It should have been;
- 8 by regarding each victim in isolation, Surrey Police did not alert victims to the existence of each other – and therein presented themselves with an insurmountable obstacle. The three victims all expressed a reluctance to attend court, and that was seen as a significant barrier to a prosecution. As the DPP found: “[i]t would have been proper to give each...the reassurance of knowing she was not alone.”;³⁸
- 9 the management of these historic allegations within the local Public Protection Unit (PPU) which was dealing with current cases at the same time caused inordinate delays and substantial resourcing issues;
- 10 having correctly identified the allegations as amounting to a critical incident that could have had significant ramifications for the force, the SIO identified a requirement for more resources and a separation from the PPU; the group established to oversee the enquiry should have been more active in supporting the SIO in moving the enquiry forward in a timely fashion; and
- 11 seeking the advice of a previous SIO who had investigated a number of high profile paedophile enquiries involving celebrities was good practice; too much weight, however, was put on that advice, without reviewing it in the light of developments as the enquiry proceeded, which may have led to an overly-cautious approach.

³⁸ *In the matter of the late Jimmy Savile*, CPS, 11 January 2013, paragraph 270. We consider this issue further at paragraph 9.8 – 9.11.

- 6.17 Having completed their enquiries, the Surrey investigating officers consulted the CPS and a decision was taken not to charge Savile with any offence on the basis of insufficient evidence.
- 6.18 In May 2007, after the complaint was received concerning Savile, Surrey Police officers created a local record that included Savile's details as a suspect which went on to INI. Sussex police officers were therefore able to learn of the ongoing Surrey Police investigation when they checked INI in 2008. We are satisfied that Surrey Police officers handled and recorded the crime details correctly.

7. Sussex Police

- 7.1 In March 2008, a victim contacted Sussex Police and reported that she had been indecently assaulted by Savile in 1970 when she was aged 22. Following an exchange of correspondence some years earlier, she said that Savile had had her collected from her home address without warning and driven to his caravan in Worthing, where the assault took place. She was pushed down on the bed on her back; Savile was lying next to her and started to touch her breasts over her clothes. He then took hold of one of her hands and placed it on his groin and moved her hand up and down on his penis. The victim pulled her hand away.
- 7.2 In 2007, she wrote to *The Sun* newspaper. Shortly afterwards, she was visited by a journalist who advised her to contact the police. At that time, she did not do so. The journalist visited the victim again in March 2008 and again encouraged her to go to the police, suggesting that the information may be relevant to other police enquiries concerning Savile. Later the same day, the victim contacted Sussex Police.
- 7.3 Two police officers visited the victim, listened to her complaint and advised her of the options available. The next day, the victim contacted the police officers and, in her subsequent witness statement, she explained that she did not wish any further police action to be taken, because: the incident had happened a long time previously; she did not have access to the information required by the police; and she did not want to dwell on what had occurred.
- 7.4 On 15 March 2008, the investigating officer conducted an INI check and was contacted by a Surrey Detective Constable who advised that she was investigating an historical child abuse crime in which Savile was named as a suspect. Both officers appear to have alerted each other to the reluctance of their respective victims and both decided that neither was able to support the other. As a result, opportunities for mutual support were lost. A copy of the Sussex crime report was faxed to the Surrey officers.
- 7.5 Following a review by a Detective Chief Inspector, the crime report was finalised in April 2008 on the basis that, without the support of the victim, coupled with her unwillingness to attend court, there was no prospect of a conviction and therefore further police activity was not required. In support of his decision, the reviewing officer relied on the fact that it was an historical allegation with little or no corroboration and that the complainant had only reported the matter to the police at the instigation of a journalist.
- 7.6 The 2008 Sussex crime report was created and made available via INI to other law enforcement bodies.

- 7.7 In October 2012, *The Sun* journalist contacted Sussex Police and alleged that the victim had been trying to contact the police officers who dealt with her in 2008 because she now wished her allegation to be re-investigated, on the basis that she had been pressurised into not pursuing the case at the time of the original complaint.
- 7.8 A Detective Inspector visited the victim shortly afterward and established that the victim was satisfied with the way the original complaint had been handled at the time she made it and that she had come forward once more only as a result of the publicity associated with Operation Yewtree. At this time, the victim was offered further support by specialist officers.
- 7.9 The Chief Constable of Sussex has conducted a review of his officers' investigation, in light of Operation Yewtree, and will make a summary of his findings available to any person who asks for a copy.³⁹
- 7.10 We set out the main issues that we have identified:
- 1 as the DPP has commented, one of the most disturbing details of this matter concerns the initial engagement when the victim recounted details of the crime to the police officer attending her home address. In the notes on the crime report, the investigating officer demonstrated a regrettable lack of understanding concerning the law and practice in relation to sexual offences.⁴⁰ The officer stated that corroboration would be required and then detailed the intrusion into her personal life that would follow. If a more open and balanced approach had been adopted at the time of the initial report, the victim may have been willing to support further investigation and possible prosecution. Investigating officers seem to have anticipated significant difficulties but not how these difficulties might have been overcome;
 - 2 having identified the Surrey investigation via INI, there ought to have been closer liaison to assess whether, through mutual support, one investigation could have assisted the other;
 - 3 when "finalising" the crime, the officers initially tried to suggest that a crime had not taken place, rather than record the fact that the victim declined to support a prosecution. That was not accepted by more senior officers and the file was then marked: "complainant declines to prosecute". The suspect was not interviewed so that he might explain his side of the story and it is unclear why not; and
 - 4 the decision to finalise a crime with "complainant declines to prosecute", without speaking to the suspect, is neither usual nor good police practice.

³⁹ *Report into the 2008 allegation of sexual assault made against James Vincent Savile*, Sussex Police.

⁴⁰ *In the matter of the late Jimmy Savile*, CPS, 11 January 2013, paragraph 38.

- 7.11 The crime report is now uploaded on PND but its details are not available to view by other forces.⁴¹
- 7.12 Sussex Police replaced its crime recording system in 2008 and made a conscious decision to prioritise more recent data for inclusion on PND. As Sussex Police is yet to release certain records for wider sharing, the details of the offence by Savile remain invisible to forces nationally. This raises a more general question whether other similar patterns of paedophile behaviour (outside the current arrangements for managing known sex offenders under the Multi-Agency Public Protection Arrangements⁴²) are not being identified as such because the relevant reports from some forces are not accessible to others in a timely fashion.

⁴¹ An operator searching PND is unable to view a record until the force confirms the release of information. A search against a matching record produces the message: "Access Denied".

⁴² The Violent Sex Offender Register (ViSOR) is a UK-wide system used to store and share information and intelligence on those individuals who have been identified as posing a risk of serious harm to the public. ViSOR is designed to facilitate the work of Multi-Agency Public Protection Arrangements by assisting cooperative working between the three "responsible Authorities" (police, probation and prison services) in their joint management of individuals who pose a risk of serious harm.

8. Police intelligence systems

- 8.1 The way in which the police service collates, retains and shares information about potential offenders is vital to its effectiveness.

MOPI

- 8.2 In 2005, the Home Secretary issued a statutory Code of Practice on the Management of Police Information⁴³ and, in 2006, the Association of Chief Police Officers (ACPO) published MOPI⁴⁴ which was revised in 2010 by the National Policing Improvement Agency (NPIA).
- 8.3 MOPI has put a framework in place to improve the way forces collect, record, evaluate, review and improve the quality of information. The overarching objective of the programme and aligned guidance is to contribute to enhanced public safety, by improving the ability of the police service properly to manage and share operational information within a nationally consistent framework.
- 8.4 MOPI required each Chief Officer to show “regard” to the associated Code of Practice. Since then, in subsequent revisions of that Guidance, Chief Officers have been “afforded the flexibility to decide on the scale of implementation for each standard contained within the MOPI Guidance, based on the individual structure, resources, priority, risk and the local needs of each force”.⁴⁵ We consider this to be a potential weakness to MOPI’s full implementation as it appears to revert back to the position which the Bichard Inquiry identified, namely, that: “[e]ach of the 43 forces [is able to produce] its own set of local guidance and directions to give effect to ACPO’s (and others) national guidance.”⁴⁶
- 8.5 The 43 police forces in England and Wales signed off their status of MOPI completion in December 2010.⁴⁷

⁴³ Under sections 39 and 39A of the Police Act 1996 and sections 28, 28A, 73 and 73A of the Police Act 1997.

⁴⁴ For the sake of completeness, as part of the police programme to consolidate guidance into an on-line resource of Authorised Professional Practice (APP), the content of MOPI 2010 was incorporated into APP information management that was published in October 2012. As APP is not yet in the public domain, MOPI 2010 continues to exist as a stand-alone guidance document pending the launch of an APP website by the College of Policing in 2013.

⁴⁵ *Guidance on the Management of Police Information*, NPIA, 2010, 2nd edition, page 8.

⁴⁶ *The Bichard Inquiry Report*, House of Commons, HC653, June 2004, paragraph 3.81.

⁴⁷ Nine forces, however, stated that they “still had work to do” to achieve completion of their local implementation plans.

- 8.6 MOPI recommended that forces review their records from April 2006 and categorise them to ensure a consistent approach to information management across forces. We acknowledge that many forces conducted a local process to identify and categorise their high risk offenders. This assumes a particular level of importance when the information is shared between forces as it enables each force to grade information in the same way and attribute to it the same level of importance.
- 8.7 Although MOPI applied to all police information created after April 2006, mechanisms existed to deal with information that pre-dated its introduction. If a person came to police attention after that date, but there was information about him or her that pre-dated April 2006, the guidance advised that a triggered review should take place that encompassed all known previous related records, thereby ensuring historical (including paper) records were incorporated in the review. This is potentially a resource-intensive procedure.
- 8.8 One of the main reasons for the introduction of MOPI was to address this very issue and one of its objectives was to cause seemingly innocuous pieces of information to be gathered, collated and assessed in order to build a more comprehensive picture of what might be more sinister behaviour, offending or trends.
- 8.9 MOPI prioritises information according to risk; as a result, information which indicates children or vulnerable adults are at risk should receive high priority.
- 8.10 The intelligence that forces acquired about Savile preceded the completion of MOPI's local implementation and PND. PND's predecessor was INI. INI never held any physical records; rather it referred the enquirer to the police force where a relevant record was held and provided an associated reference number indicating which of the Information and Communication Technology (ICT) systems held the record of interest.
- 8.11 All forces have five core ICT systems.⁴⁸ Some are integrated; some are stand-alone. Data from these systems are supplied to PND. In this way, intelligence from one police force can be accessed by and shared with another force.
- 8.12 Differing approaches to MOPI may lead to different outcomes as to the handling, reviewing, quality and retention of records. If police forces have not sustained their level of MOPI adoption or their alignment to its principles since declaring their completion of its implementation in December 2010, there are adverse implications for the effectiveness of PND. Although considerable improvements have been achieved in the retention and sharing of information, any dilution of forces' commitment to managing information correctly has wider

⁴⁸ These cover: child abuse, domestic violence, custody, crime and intelligence.

implications when considered in light of the national intelligence picture and PND.

- 8.13 HMIC has a duty to monitor police forces' compliance with the Code.⁴⁹ Our findings in this review and those that are emerging have reinforced the need for HMIC to ensure that the Child Sexual Assault and Sexual Exploitation Review places particular emphasis on information management.

PND

- 8.14 PND was launched in June 2011⁵⁰ and is the host for copies of records which are created, managed and owned by police forces and other law enforcement agencies. It is a powerful policing tool, having in excess of 1.8 billion records. It provides a mechanism to facilitate the sharing of local data across force boundaries and to record matching capabilities. It also provides a platform to host copies of records locally held. Nationally inconsistent and locally based information management practices potentially frustrate the integrity of the collective information picture.
- 8.15 It is important to appreciate the relationship between MOPI and PND. MOPI is the guidance provided to the police service which specifies the way in which information they acquire should be handled in terms of record creation; retention; access by others; and deletion. PND does not create any records of its own: it serves to house those records created by police forces in accordance with MOPI. The quality of information supplied to PND from forces therefore has a direct consequence on PND's ability to match and identify critical intelligence links. The prompt and regular download of forces' material on to PND underpins its effectiveness.
- 8.16 We recognise that it is simply not possible to put every piece of data on PND immediately and the comprehensive uploading of all forces' data is an on-going process. However, we are concerned by the evidence we have seen that shows the difference in the progress of forces in updating their data on PND. Some forces have capability for automatic data uploads; some are progressing towards automation, but are manually uploading data monthly; some have loaded data to a specific date and have not refreshed or updated subsequent changes to it; and others have yet to load significant amounts of data. This inconsistency of approach confirms our view that the police service generally is

⁴⁹ Code of Practice on the Management of Police Information, 2005, paragraph 1.3.1.

⁵⁰ PND should not be confused with the PNC which holds details of convictions and wanted persons, amongst other things. Therefore, details of a person suspected of having committed or having been arrested for an offence but not convicted would be on PND, provided it is captured in a local record. If the person were convicted, details of the conviction would also feature on PNC.

not yet in a position to be able to interrogate one of its main databases and be confident that the search results are comprehensive. This raises the possibility that a suspect's inclusion on PND may have little to do with his or her alleged offending and far more to do with the ability of local forces to supply records for inclusion on PND and ensuring they are updated.

- 8.17 If relevant, the enquirer would have to contact the force concerned to establish if there was further information held outside the records which were on PND.
- 8.18 The IT transformation enabling access to a nationally comprehensive and consistent record set across police forces has not yet been fulfilled. Although a few forces can load information onto PND automatically, the majority are not yet in a position to do so. Although progress has been made in the last two years since forces starting loading data for inclusion on PND,⁵¹ the operation of a slick, accurate and comprehensive information system remains elusive. As a result, a suspect against whom allegations are made in one police force area may have his or her details put on PND, whereas if that person were alleged to have committed an identical offence in another police force area, his or her details would not be entered onto PND.
- 8.19 Retrieving records from PND requires skill and determination. We ran a simulated search of PND in February 2013 to ascertain what we would find. Using Savile's surname alone, 19,741 potential matches were found. However, these included, for example, references to "Savile Row". With more specific search criteria (Savile's full name and his date of birth), 15 items were retrieved of which 14 were exact matches. The 1998 MPS anonymous letter and the 2003 MPS report were not part of those records. However, in searching a different field, by using Savile's surname alone, the 1998 MPS anonymous letter was located. But the 2003 MPS report could only be identified by searching against the exact local crime reference number. Conducting an intelligence search is by no means simple or straightforward.
- 8.20 We conclude that, when MOPI is followed, the system works as intended. However, we are not sufficiently assured that implementation has matched expectations due to the discretion afforded to individual Chief Officers in following MOPI, nor are we sufficiently confident that the guidance is being given full effect in all forces.
- 8.21 We are sufficiently concerned about information management and its wider effect on records contained on PND that we will examine and test this area later in 2013 as part of our Child Sexual Abuse and Sexual Exploitation Review.

⁵¹ Forces started loading data for inclusion on PND on 7 May 2010.

Could Savile's pattern of offending have been identified earlier?

- 8.22 In considering the way in which intelligence gathering and retention has developed, we have asked ourselves two questions: first, was the prevailing guidance regarding the creation and retention of intelligence material followed at the relevant time; and, secondly, could similar failures happen again because of the way in which intelligence is handled in practice today, notwithstanding that we now have the benefit of PND and a long-established MOPI doctrine.
- 8.23 The substantial difficulty we face in answering the first of these questions is that, at all relevant times, the three forces where the intelligence was created and the investigations were conducted were all able to adopt local guidance in deciding what to do with the material in question. It is, therefore, not possible to assess whether the way in which the material was handled at the time was correct.
- 8.24 The analysis of intelligence processes and products has proved difficult. The backdrop has been one of substantial and (since 2000) continuous change. We have sought to assess whether the police service made the best use of the intelligence it had, and to identify, at least to some degree, why so little was known in the first place.
- 8.25 We have considered whether the MPS had an opportunity to intervene and halt Savile's offending in the 1960s. We cannot say for certain, but on the basis of what we know now, there appears to have been, at the very least, an opportunity to investigate his behaviour then, although it is impossible to say whether such an investigation would have led to Savile's prosecution.
- 8.26 There is no trace of any records between 1964 and 1998. This means that: either records were not created because there were no allegations forthcoming at the time; or those which did exist have been destroyed or deleted in the process of converting paper-based records to computerised ones; or those which exist are retained in such a way as to prevent knowledge of their existence or their retrieval.
- 8.27 The 1998 MPS anonymous letter was marked as "sensitive" because of Savile's celebrity status and because there were allegations of blackmail and paedophilia. This categorisation meant that the intelligence was not readily available to be searched by later investigating officers.
- 8.28 It is unclear whether the MPS officers who dealt with the 2003 allegation were aware of the 1998 MPS anonymous letter. They could have been, given that it was recorded on the MPS internal intelligence system. If processes had worked as they ought, even if the 1998 MPS anonymous letter had not been researched when it was first received, it certainly should have been investigated in 2003.

- 8.29 In 2007, when Surrey Police conducted its INI check, the 1998 MPS anonymous letter and the 2003 MPS report could have been made available. We are confident that if the Surrey investigating officers had been made aware of this material, the investigation would have been scaled up accordingly.
- 8.30 The reason why Surrey Police was unable to benefit from these reports lies with the MPS: neither report was uploaded to INI as a consequence of the MPS' decisions to restrict access to the respective records held locally.⁵²
- 8.31 Details of the Surrey Police record were included in its INI data. The presence of the INI entry allowed Sussex Police to learn that Savile was being investigated elsewhere. As a result, investigating officers from the two forces were put in touch with each other – although they then failed to capitalise on their combined knowledge.
- 8.32 In summary, it appears to us that, whatever may have been the outcome of an investigation into the 1964 ledger, a further opportunity to investigate Savile's behaviour existed in 1998. According to Operation Yewtree, four victims have come forward to say that Savile committed crimes against them after 1998.⁵³
- 8.33 In the course of our review, we have uncovered some related issues which, although we do not consider that they would have had any effect on subsequent matters, are worthy of mention.
- 8.34 In reviewing the INI logs, we discovered that the first search in Surrey for "Jimmy Savile" was carried out by an INI auditor. In itself, this is not wrong, but the INI system is configured in such a way that only other auditors would have sight of that previous enquiry. If a subsequent enquiry were undertaken by an individual who was not an auditor, the previous search would not be made known to him or her, once again limiting the opportunity to see any linked enquiries. We understand that Surrey Police used an auditor to conduct the search in order to protect the confidentiality of the enquiry but we draw attention to the inherent risks that follow from such an approach.
- 8.35 We have been able to confirm that not a single other national search for "Jimmy Savile" was undertaken on INI. This supports our conclusion that, between December 2005 and June 2011, forces did not receive any intelligence or allegations concerning Savile.
- 8.36 PND does not readily have the capability to make available the same level of information about who has made enquiries of the database. We are unable,

⁵² In February 2013, the only way to identify the 2003 MPS crime record on PND was by searching on the exact crime reference number. All logical search contexts relating to Savile's personal details did not identify the record.

⁵³ *Giving Victims a Voice*, MPS, 11 January 2013, paragraph 7.14, figure 5.

therefore, to find out whether other police officers have searched for “Jimmy Savile” or for other relevant details on PND.

Conclusions

- 8.37 Knowledge of the intelligence acquired about Savile since 1964 should have been available to the investigating officers so that they (and Savile’s victims) could know that they were not alone.
- 8.38 Notwithstanding the seemingly low level of reports to the police, it is difficult to reconcile the paucity of intelligence in the police intelligence systems with the knowledge that we now have that Savile was a serial sexual offender for over 50 years.
- 8.39 The anomaly is compounded by the fact that six reports were received during Operation Yewtree from former police officers who said they were aware of Savile’s behaviour and that it was known to be a cause of concern. Of those six officers, two referred to investigations regarding Savile.
- 8.40 It is therefore clear that, since 1964 and on more than one occasion, police forces knew or suspected that Savile was a sexual offender. We have not been able to establish, however, whether any police operations were undertaken as a result of that knowledge or suspicion. Given the passage of time, that information may have been irretrievably lost; or it may exist in police information archives (paper records, pocket note books, paper-based intelligence records); or it may reside in the memories of former police officers who have long since retired.
- 8.41 We have concluded that whatever paper-based records did exist were most likely weeded out and destroyed as part of the conversion process whereby existing paper records were transferred to electronic records as police intelligence systems evolved from the manual collator records of the 1970s and 1980s through to today’s electronic systems aligned to PND.
- 8.42 One might have expected a markedly different picture from different forces. In particular, given that Savile lived there for most of his life, we had anticipated West Yorkshire Police would be able to access information about Savile on local systems that were not available to other forces. They were not initially able to do so. We develop our concerns further at section 10 of this report.
- 8.43 The Bichard Inquiry alerted forces to the failures of intelligence sharing in 2004.⁵⁴ ACPO and the Home Office responded with the introduction of MOPI,

⁵⁴ *The Bichard Inquiry Report*, House of Commons, HC653, June 2004.

INI and eventually PND. It is a matter of some concern that, in 2007, in the post-Bichard era, the failures of the past may still have been repeated. There are 43 separate forces in England and Wales – each, in effect, an autonomous body. With autonomy comes the ability to create systems, structures and processes and the ability to undertake enquiries in different ways. As a result, opportunities to maximise the wider benefits which flow from ensuring a comprehensive intelligence picture may still be being lost.

- 8.44 We are concerned that, notwithstanding the progress that has been made in uploading data onto PND, police information concerning risk around children and vulnerable adults may not be being shared and used in the manner anticipated by the Bichard Inquiry, and that, for whatever reason, some forces are not uploading the relevant records to PND.
- 8.45 If the public is to be protected in an appropriate manner, they must be able to have confidence that information is being shared effectively by police forces across England and Wales, and PND is the vehicle designed and intended to do just that.
- 8.46 We come then to answer the question: could similar failures happen again because of the way in which intelligence is handled in practice today, notwithstanding that we now have the benefit of PND and a long established MOPI doctrine. Coupled with the fact that any intelligence system is inevitably fallible to some extent, the inconsistencies in approach that the forces have taken mean that there is a distinct possibility that such failures could be repeated.

9. Considering the cases together

- 9.1 Savile was not charged with any crime. We respectfully agree with the DPP who has concluded that there were no insurmountable barriers to a prosecution being undertaken.⁵⁵ And so the question remains: why was there not a single charge laid against Savile. The DPP answers this in part and points toward the failure of the Sussex and Surrey investigations (the DPP was unaware of the MPS 2003 investigation) to work together with the CPS to “build” the cases.⁵⁶
- 9.2 When we add the 1998 MPS anonymous letter and the 2003 MPS report, we consider the failure to connect the various allegations was critical to the eventual outcome of the investigations. There was intelligence available of four separate investigations which was never linked together and, because of that failure to “join the dots”, there was a failure to understand the potential depth of Savile’s criminality. As a result, it is clear from our analysis – and from that of the DPP⁵⁷ – that the potential for further investigation and a prosecution of Savile was missed.
- 9.3 We have concluded that, if the MPS had permitted access to its 2003 record to other forces generally, the following actions may have been undertaken:
- 1 the Surrey investigating officers would have made contact with their MPS counterparts and advised them of their enquiries into Savile;
 - 2 the MPS would have made further contact with the 2003 victim who may then have been inclined to support a prosecution, given that other victims had come forward; and
 - 3 the Surrey investigating officers would have referred to the offence of 2003 in their report to the CPS, arguably strengthening the case for a prosecution.
- 9.4 There was, of course, interaction between Surrey and Sussex police officers but the investigating officers in Sussex appeared to have gained the impression that the Surrey investigation was not likely to result in anything substantial and to have failed to identify the potential support that one investigation might offer the other.
- 9.5 It is impossible to state categorically that a prosecution would have resulted, if all these links (including the MPS intelligence) had been made known, not only to all the investigating teams but also to the CPS. However, it is clear to us that

⁵⁵ *In the Matter of the late Jimmy Savile*, CPS, 11 January 2013, paragraph 271.

⁵⁶ *Op cit*, paragraph 261.

⁵⁷ *Op cit*, paragraphs 264-271.

the case against Savile would have been better informed and made more compelling if the various strands had been brought together in one investigation and submitted to the CPS for advice as a whole.

- 9.6 The knowledge that these were not isolated incidents but possibly criminal assaults within a pattern of systematic offending is likely to have enabled the CPS to consider the case in a different light; it may have presented additional opportunities in which to strengthen a combined case against Savile.
- 9.7 But, in addition, we have considered why Surrey and Sussex Police failed to develop their respective cases to the point of charging Savile, even without knowledge of the 1964 MPS ledger, the 1998 MPS anonymous letter, and the 2003 MPS report. We conclude that neither investigation appeared to be able to move beyond the reluctance of victims to support a prosecution. That reluctance was based on the following: Savile was a well-known media personality and one might have presumed this gave him access to wealth and power; the events complained of had occurred many years earlier; and the absence of knowing that each victim was not alone. The possibility that there would be strength in numbers was denied each individual victim. Each of these explanations reinforces the importance of the first meeting between the victim and the investigating officer. Whether by reason of delays in maintaining contact (Surrey) or presenting the victim with a list of hurdles (Sussex), little was done to engender the confidence that might have allowed the witness to support a prosecution.
- 9.8 A recurring theme was the isolation that each victim felt as a result of believing that she was Savile's only victim. At the heart of the matter in these cases lies the decision of the police not to inform victims that others like them existed. The investigating officers were met by the reluctance of "their" victim to be the sole voice to stand against Savile and Surrey Police took a policy decision not to inform the victims that they were not alone. The initial rationale behind not allowing one victim to know that there is a second etc. is grounded in good legal principle – the danger of contamination and collusion is significant in the early stages of any enquiry and keeping victims at arms' length is essential to prevent any later defence argument that the victims had somehow "got together" to fabricate their evidence.
- 9.9 However, the reason for such an approach needs constantly to be kept under review. Here, there was no suggestion that the victims knew one another. Therefore, after the victims' initial witness statements had been taken, it is difficult to understand how the dangers that come from knowledge of others could have been realised. The mere fact that victim A is told that victim B exists does not present any realistic opportunity for collusion. In any event, after the initial witness statement was taken, any attempt to embellish it would have been readily seen, especially where that embellishment was designed to bring the accounts of two victims closer together.

- 9.10 We have concluded, therefore, that that policy decision was correct initially but should have been reviewed as the investigations proceeded and should have been reversed when it was clear that little harm to any eventual prosecution would have ensued by telling each victim that others existed.
- 9.11 As a result, we consider that the cautious approach adopted by Surrey Police of preventing victims knowing of each other's existence was pivotal in ensuring that their initial reluctance was never overcome.
- 9.12 The reversal of that policy decision is only one factor that might have provided individual victims with the courage to allow their allegations to go forward. The way in which the criminal justice system now treats victims of sexual offences and children has radically improved and we go on to assess those changes in paragraphs 12.28 – 12.36 of this review. It would clearly have been helpful if the investigating officers had explained to the victims the ways in which their concerns about giving evidence in court and the attendant publicity would, in all likelihood, have been addressed by the judge.
- 9.13 We are satisfied that, if this combination of issues had been properly dealt with, the individual victims would certainly have been in possession of the correct facts about how matters might proceed, and that it is possible that they would have agreed to give evidence against Savile.
- 9.14 Despite best efforts to promote confidence in the investigation and the broader criminal justice system, one might find that a victim or witness remains reluctant to support prosecutorial action. There are measures that can be adopted in order to mitigate the effects of a reluctant victim or witness and they were detailed in the DPP's report.^{58 59}

⁵⁸ *Op cit*, CPS, 11 January 2013, paragraph 238.

⁵⁹ See also the Special Measures outlined in the Youth Justice and Criminal Evidence Act 1999, Part II, Chapter I

10. West Yorkshire Police

10.1 On 9 November 2012, we asked all forces in England and Wales to provide us with any information they held on Savile and “related others”. West Yorkshire Police sent a return to us on 21 December 2012 in which it stated that it did not have any intelligence reports relating to Savile but that it had one information report relating to him from Surrey Police from 11 June 2009. In addition, the force stated that it had two further reports: first, a report by Savile of lost property (a pair of spectacles lost or stolen) dated 7 June 2011; and, secondly, a report of his sudden death on 29 October 2011.

10.2 As the police force area in which Savile principally lived throughout his life, West Yorkshire Police should also have received details of: the 1964 MPS ledger; the 1998 MPS anonymous letter; and the 2003 MPS report.

10.3 In addition, we have a copy of the Surrey SIO’s formal policy notebook in which the following entry is included:

“WEDNESDAY 9/7/08

15:15 Called Acting DCI [name] West Yorkshire. Agreed that we will send the information on a 5x5 to him and he will make sure it is put on their systems in a confidential way that is searchable.

10.4 And a further entry:

“Wednesday 3/6/09

This afternoon I called DCI [A] at West Yorkshire Police child protection unit. I appraised A of the investigation and said I would send A the intelligence. A gave me A’s e-mail address as [name]@West Yorkshire.pnn.police.uk. A said that as we were going to interview him in our own area A would not send one of A’s officers but if that changed and we interview in West Yorks to let A know.”

10.5 Initially, West Yorkshire Police was not able to retrieve any of these records, although the 1964 MPS ledger and the 2003 MPS report were not made available to it.

10.6 In the course of our review, we have identified the following issues:

- 1 when Savile apparently lost a letter from Surrey Police about arrangements for his interview, a West Yorkshire police officer rang Surrey Police to provide them with a telephone number as a means of contacting Savile;
- 2 in that interview, Savile made reference to occasions when West Yorkshire police officers had assisted him and he said he passed any “weirdo” letters sent to him on to West Yorkshire police officers;

- 3 at the time of writing, over 40 victims who came forward in Operation Yewtree came from West Yorkshire;
- 4 two former West Yorkshire officers and a relative of a West Yorkshire officer came forward stating that they had been aware of concerns regarding Savile's contact with young girls;
- 5 a short search of the internet reveals that there are newspaper reports indicating Savile was interviewed by West Yorkshire Police in 1958; that he was scheduled to appear in court regarding allegations that he was in some way involved in the sexual abuse of young girls; and
- 6 Savile's assertion that he met "a collection of senior police officers" socially to whom he gave any letters that made allegations against him.

10.7 Correspondence was exchanged between HMIC and West Yorkshire Police as a result of which an officer from HMIC visited West Yorkshire. West Yorkshire Police has informed us that it has established a Gold Group and an SIO-led enquiry into issues relating to Savile which will produce a public-facing report at the end of March 2013.

10.8 On 12 February 2013, West Yorkshire Police informed us that it now believed that it had received a letter from the MPS in 1998 but enquiries were continuing in an effort to identify the material; that it had found four further crime reports in which Savile was named as a victim; and that it had also found a West Yorkshire Police control room report expressing concern for Savile's welfare.

10.9 In the light of the issues uncovered, HMIC has been determined to understand the relationship between West Yorkshire Police and Savile, but HMIC does not have the statutory authority to investigate these matters.⁶⁰ The Chief Constable of West Yorkshire has now referred these matters to the Independent Police Complaints Commission and we await its conclusions.

⁶⁰ HMIC was established by virtue of section 54, Police Act 1996, and was not given the authority to conduct specific investigations.

11. The Police Service – The wider picture

An increase in historical child abuse allegations

- 11.1 Recent data from forces and voluntary organisations demonstrate that there is a pronounced “Yewtree Effect”. Since Operation Yewtree started, there appears to have been over a 100% increase in the reporting of historical child abuse generally. NAPAC reports that, between 5 October and mid-November 2012, there were approximately 8,000 call attempts to their Support Line, whereas in the corresponding period in 2011 the figure was 2,500. The NSPCC reports that, between October 2012 and January 2013, there has been a 200% increase in public contacts, equating to 1,699 advice and referral calls. HAVOC has also seen a sharp increase in members joining the online forums and people seeking help.
- 11.2 The reality is that police forces cannot do everything to the same level all the time. Choices have to be made by those in command about where to devote their resources, with the primary responsibility of all those taking such hard decisions to ensure that the public whom they serve are kept safe today.
- 11.3 But there is a further danger with historical allegations of child abuse. Savile committed his crimes for over 50 years; so might other serial sex offenders. This means that the allegations of sexual abuse by one of the first victims coming forward 25 years later might be treated as historical, while the reality is that the serial sex offender remains at large, still committing sexual abuse at the time of the complaint. Without investigating historical allegations of sexual abuse, the police are not able to assess the contemporary threat, yet such allegations appear not to pose the same danger as an allegation of sexual abuse by a complainant who might immediately attend a police station after the crime is committed.
- 11.4 This dilemma is not easy to resolve: we set out the issue here because there is evidence that there is a substantial rise in the number of historical sexual abuse allegations now being made. Relegating their consideration just because they appear to be historical might allow a serial offender to continue his systematic pattern of abuse in the way that Savile did.

Switching the focus – Duncroft School

- 11.5 As a result of Operation Yewtree, we now know that Savile committed offences in a broad range of settings but there was clearly an institutional bias since a significant number of offences were committed at Duncroft School, Broadmoor Hospital and Stoke Mandeville Hospital. However, given that it appears that the victims at the latter two locations did not report matters to the police prior to

Operation Yewtree, these instances of institutional child abuse would never have been known to the police.

- 11.6 The same cannot be said of Duncroft School. The police had evidence of sexual abuse involving pupils of Duncroft School in the 1964 MPS ledger. The MPS lost sight of this intelligence from around that time until 2012. The next occasion Duncroft became known to the police in the context of Savile was in 2007 when the Surrey investigation started. The majority of the victims and witnesses in the Surrey investigations were former Duncroft pupils.
- 11.7 We have considered whether the Surrey investigating officers recognised that they were dealing with a case of institutional child abuse. Since 2002, police forces have had guidance about how to handle historical child abuse cases in an institutional setting.⁶¹ There is no evidence that they recognised the facts before them as evidence of historic institutional child abuse. They do not appear to have made a declaration that it was; they did not convene an Overarching Policy Group as the guidance suggested they should do; they did not take any action to secure all the school files as the guidance suggested. The Surrey officers appear to have sought to deal with the matters before them on a victim-by-victim basis, without recognising the common thread between them was Duncroft School. This is supported by Surrey's review of how the force dealt with the Savile cases⁶² in which they highlight the policy decision taken to seek details of the school's pupils in the period 1977-1979, rather than considering that the abuse might have occurred over a longer period.
- 11.8 We have concluded that there was sufficient intelligence available, allied to sufficient concerns, for the investigation to have been managed under the 2002 guidance. This would have led to a more structured approach, and increased the chances of a successful prosecution. It is encouraging to note that, following their internal review and without prompting by any other party, Surrey Police has begun a re-investigation of past complaints, recognising the importance of the institutional setting, and consequently adopting additional lines of enquiry.
- 11.9 It is not always helpful to consider these matters in hindsight. Nonetheless, we are satisfied that there were a sufficient number of complaints and intelligence where the common theme (apart from Savile) was the school which the victims attended to have caused officers investigating the individual victims' complaints to undertake a broader and more detailed investigation into the connecting factor of Duncroft School. It seems as though Duncroft School was at the centre of Savile's criminal behaviour: his visits there allowed him to identify potential victims and he went on to abuse them. The 1964 MPS ledger (if it had been

⁶¹ *The SIO Handbook – The Investigation of Historical Institutional Child Abuse*, ACPO, 2002. The guidance is now set out in *Part II Guidance on Investigation of Child Abuse and Safeguarding Children*, ACPO, 2009.

⁶² *Report into Operation Ornament*, Surrey Police, 11 January 2013, paragraph 3.2.

known about earlier) would have provided additional evidence to suggest that the school was the common factor for a variety of serious sexual offending and we would have expected an investigating officer to have applied the relevant guidance and focus his or her attention on the institution as well as on the victims themselves.

Managing another Operation Yewtree

11.10 We recognise the positive response from the MPS to the ACPO request for support in early October 2012. This followed the ITV documentary on Savile that generated the considerable victim response. We are grateful too for the support of Operation Yewtree in providing assistance and data to our review team.

11.11 Operation Yewtree represented a unique style of operation, but the response from the public raises issues about how the police should respond to allegations of sexual offending following the death of the alleged perpetrator, if any similar circumstances were to arise in the future.

11.12 In particular:

- 1 should there be a national policy regarding how allegations following the death of the alleged perpetrator are recorded and investigated, particularly those that are made soon after the death, as there are implications for subsequent legal proceedings?
- 2 should a similar operation be repeated or should matters be immediately referred to the appropriate individual force?
- 3 how should such an operation be funded?
- 4 is it appropriate to accept a victim's uncorroborated account as being confirmation that the deceased committed the offence?
- 5 how should the police seek to balance the needs of victims and the interests of the family of the deceased?
- 6 how should crime reports be recorded?
- 7 should there be a national media strategy?

11.13 We consider these are matters in respect of which guidance should be formulated and promulgated across the 43 forces.

Using 21st century technology

11.14 There are clearly potential benefits of open source intelligence (typically web-based news). There is a welter of media reports about Savile. Whilst many are vague and are of little potential benefit, some from reputable sources contain verifiable detail that could prove of considerable use to an investigator. In

today's technological age, the police service has more sources of information than ever before.

- 11.15 National and local newspapers (both in hard copy form and in their on-line editions) have reported allegations about Savile dating back as far as 1958 – when it is claimed he was interviewed under caution by West Yorkshire Police – and 1971 – when it is alleged that Savile was “involved” with a 15 year old girl who later committed suicide.
- 11.16 Such allegations in the media, coupled with the material available on the internet, provide the police with a useful source of intelligence. In an age when substantial amounts of information are available at the press of a single button on a computer, we understand why forces might be reluctant to recognise the potential of the internet as a source of intelligence. We are, of course, aware that, in some categories of offending, and in some specific circumstances, the internet is used to discern intelligence. However, we have found a disconnection between that which is known to forces and that which is available on the internet via reputable sources. Further work is required to explore whether or not the potential intelligence is being appropriately harvested and used to promote public safety.

12. The Criminal Justice System – The wider picture

- 12.1 A number of broader themes have emerged both from the way in which the reported allegations against Savile were dealt with and from the continuing analysis of Operation Yewtree.

The non-reporting of criminal allegations

- 12.2 The issue of the non-reporting of crime is not new.⁶³ We do not make any apology for repeating the statistics that we have given earlier: only 15% of female victims of the most serious sexual offences say that they reported the incident to the police.⁶⁴ We have serious concerns about the number of victims who felt unable to come forward at the time the assaults were committed to report Savile to the police. We recognise the level of overall attrition in the criminal justice system from the point when a crime is committed to the moment of sentence after trial in a court. The particular area of concern which has emerged from Operation Yewtree concerns the gulf between the number of crimes committed and their reporting to the police.
- 12.3 We also repeat the telling statistic that, generally, a further 57% of females indicated that they told someone else about what happened to them rather than the police.⁶⁵
- 12.4 We consider that there are two aspects to this issue: the reporting of allegations of sexual abuse by the victim, him or herself; and the reporting of such allegations by those who come to know of them because the victim told them.
- 12.5 We are clear that action must be taken to create a more positive environment in which victims feel at ease in coming forward and reporting what has happened to them to the police. We have cited earlier⁶⁶ the details of two incidents where a victim and a victim's boyfriend tried to report Savile to the police, but were ignored. Victims of crimes should feel able to come forward to those who are charged with protecting them and not be made to feel a burden, or untruthful.

⁶³ For example, the most recent Crime Survey (year ending September 2011) indicates that, although there were 733,000 burglaries, only 515,289 were recorded by the police as crimes – an attrition rate of over 29%.

⁶⁴ *An overview of sexual offending in England and Wales*, Ministry of Justice, Home Office and the Office for National Statistics, 10 January 2013, page 17.

⁶⁵ *Op cit*.

⁶⁶ Paragraph 4.7.

- 12.6 We consider this to be key in persuading more victims of sexual abuse to come forward. Although considerable progress has been made, if victims have more confidence that their allegations would be taken seriously and that they would be treated with compassion, more would go directly to the police. We look forward to learning of the research that we have commissioned the NSPCC to undertake regarding why victims do not report what has happened to them to the police.⁶⁷ We recognise that any increase in the volume of reporting may appear as though crime rates are increasing. However, we consider that the greater benefit to the public at large lies with more victims of sexual abuse coming forward.
- 12.7 Accordingly, in view of the current low reporting rate, the police service should examine ways to encourage the reporting of sexual crimes and ensure that performance regimes do not supersede the needs of victims. A similar approach was adopted in the 1990s in an attempt to secure an increase in the number of crime reports relating to incidents of racially motivated offences with some success.
- 12.8 We believe that such a requirement on the police service would begin the cultural change that is necessary to create an environment in which victims of sexual abuse might feel more able to report the crimes that have been committed on them directly to the police.
- 12.9 But we accept that, for whatever reason, there will always be instances in which the victim does not feel able to tell the police what has happened but does confide in others, such as health professionals. In addition, we recognise that, in those cases where there may be a pattern of sustained abuse, there are often behavioural changes that may alert those trained to recognise such signs. The issue then arises about what, if any, obligation should be placed on those third parties to notify others that they suspect that someone whom they know may have been the victim of sexual abuse.
- 12.10 Generally speaking, at least in England and Wales since 1967, any legal obligation on an individual to report a recordable offence to the police has been removed,⁶⁸ except in limited circumstances.⁶⁹
- 12.11 The position is different in Northern Ireland where the failure to report information about an arrestable offence is a criminal offence.⁷⁰ It is also

⁶⁷ See footnote 6.

⁶⁸ Section 1, Criminal Law Act 1967 effectively abolished the offence of misprision (the failure to report knowledge of a felony to the authorities) on the abolition of the distinction between “felonies” and “misdemeanours”, except with regard to the offence of treason.

⁶⁹ For example, section 330, Proceeds of Crime Act 2002.

⁷⁰ Section 5, Criminal Justice Act (Northern Ireland) 1967.

interesting to record that every State in the United States of America, all bar one Australian state⁷¹ and all bar one state in Canada⁷² have adopted some form of mandatory reporting requirements where there are allegations of child abuse or neglect.⁷³

- 12.12 We are aware that the issue of mandatory reporting has been considered⁷⁴ and rejected before, in favour of strong guidance emanating from individual agencies and professional bodies. But guidance does not carry the weight of a legal requirement with associated legal penalties. Further, in delegating the responsibility to advise practitioners and others who might be made aware of potential child abuse, the individual pieces of guidance may not necessarily be identical.⁷⁵ As a result, the threshold for reporting is often based on different levels of perceived harm, thereby potentially leading to inconsistencies in application.
- 12.13 We recognise the difficulties that introducing mandatory reporting might bring (such as levels of reporting that leave the agencies dealing with the reports unable effectively to cope). However, we consider that the time has come to assess again whether a requirement to report their concerns to the appropriate authority should be introduced on those who, in their professional lives, are made aware of facts that reasonably lead them to the conclusion that a child may be the subject of abuse. That authority may not necessarily have to be, in the first instance, the police, if it was thought that there were a more appropriate individual to whom to report the matter, for example, a Local Authority Designated Officer.

The denial of child abuse

- 12.14 In those instances when a complaint is made, we have gone on to consider the stages through which a victim (and, in the case of the allegations against Savile, a child victim) has to go, from the time he or she reports the allegation through

⁷¹ Western Australia.

⁷² Yukon Territory.

⁷³ For example, in New South Wales, Australia, a person who, in the course of his or her professional work or other paid employment delivers health care, welfare, education, children's services, residential services or law enforcement, wholly or partly, to children (or a person who holds a management position in an organisation with regard to the above) has reasonable grounds to suspect that a child is at risk of significant harm and those grounds arise during the course of or from the person's work is required to report his or her concerns to the police. This includes physical abuse; sexual abuse; emotional/psychological abuse: sections 23 and 27, Children and Young Persons (Care and Protection) Act 1998 (NSW).

⁷⁴ For example, see *The Victoria Climbié Inquiry (chairman Lord Laming)*, Cmnd 5730, January 2003, recommendation 98: whenever social services receive a referral which may constitute a criminal offence against a child, they must inform the police at the earliest opportunity.

⁷⁵ See: *Child Abuse Law and Policy across Boundaries*, Hoyano and Keenan, OUP, 2007, chapter 5, page 445.

to giving evidence in court at the trial of the accused. We have also considered whether, historically, the way in which the criminal justice system has operated has acted as an impediment to the successful prosecution of these crimes.

- 12.15 Reflecting on the system from the 1950s onwards necessarily carries with it the danger of judging the law, practices and procedures then in force against the knowledge we have and the practices and procedures we adopt now. Such comparisons are unhelpful. The purpose of reviewing the historical, environmental and cultural context is to try to explain in part why so many crimes were committed without the authorities being made aware of them.
- 12.16 Taking first the nature of the allegations themselves, society generally has moved considerably in its realisation that the sexual abuse of children did and does occur. In the 1950s and 1960s, the idea that such crimes were committed seemed a step too far for many. As a result, when such allegations by a child were made, they tended to be disregarded as flights of fancy or, worse, delusion. Coupled with the fact that the concept of children having “rights” had not yet been fully established at that time, it is at least understandable, although unacceptable, why a child making an allegation of sexual abuse by Savile may not have been believed.
- 12.17 The absence of belief in such complaints leads to the child deciding not to mention again what occurred and so a culture of “suffering in silence” easily developed.
- 12.18 It appears that generally the idea of child abuse did not really reach the public’s consciousness until the death of Maria Colwell in 1973 and the subsequent public enquiry report.⁷⁶ From then on, recognition that child abuse did take place was manifest in the number of public enquiries which took place in the years that followed.⁷⁷
- 12.19 However, even then, the nature of the abuse investigated centred less on individual serial child abusers and more on the specific repeated abuse of a single child, often in a familial environment, or on abuse in the context of institutions established to care for the very children who were then abused. Such was the level of public awareness of the scale of potential abuse that the House of Commons Home Affairs Committee began its Report into: *[t]he conduct of investigations into past cases of abuse in children’s homes*⁷⁸ by

⁷⁶ *Committee of Inquiry into the Care and Supervision Provided in Relation to Maria Colwell* (chairman TG Field-Fisher), HMSO, London, 1974.

⁷⁷ For example, *Choosing with Care* (chairman N Warner, HMSO, London (1992); *People like Us* (chairman Sir William Utting), HMSO, London 1997; *Lost in Care* (chairman Sir Ronald Waterhouse), HMSO, London (2000). These three enquiries alone (devoted only to considering the abuse of children in care) made 314 recommendations that sought to prevent future instances of child abuse.

⁷⁸ HC 836-1, 22 October 2002.

stating that, in the period between 1997 and 2002, 34 of the 43 police forces in England and Wales had been involved in investigations of child abuse in children's homes and other institutions.⁷⁹

12.20 From the 1950s to the 2000s, therefore, it is clear that slowly the idea that child abuse took place was accepted. But it is telling that the Home Affairs Committee went on immediately to state that all the police investigations referred to related to historical abuse, some of which had occurred decades previously.⁸⁰

12.21 Against this backdrop, the victims of Savile's sexual assaults were very likely to see themselves as isolated and unlikely to be believed. Consequently, it is understandable why they did not take their complaints to any person in authority, including a police officer.

The police response to allegations of child abuse

12.22 The next critical stage in the criminal justice process, in respect of those victims who do summon up the courage to report what has happened to them to the police, centres on the police response.

12.23 When Savile started his offending in 1955, and up until the end of the 1980s, the police did not have any specialist training in dealing with child victims of sexual abuse. Child victims were, in the main, dealt with by women's departments and then juvenile bureaux. Although there was extensive detective training during this period, it did not include dealing with victims of child sexual abuse.

12.24 At the end of the 1980s, and in particular after the Children Act 1989 came into force, most police forces set up specialist child abuse departments, the members of which received training in dealing with sexual abuse and in joint agency working.

12.25 Lord Laming, in his report following the death of Victoria Climbié,⁸¹ made a series of recommendations designed to strengthen the agencies' response to child protection. As a result of his recommendations, most police forces ensured that only qualified detectives were deployed in Child Protection Units and they improved the quality of response to child protection issues.

12.26 Nevertheless, as our findings have shown, there is more work to be done to improve the quality of investigations and the management of intelligence

⁷⁹ *Op cit*, paragraph 1.

⁸⁰ *Op cit*, paragraph 1.

⁸¹ *The Victoria Climbié Inquiry (chairman Lord Laming)*, Cmnd 5730, January 2003.

information and we are pleased that a programme of work is currently being developed by the College of Policing and ACPO to address these issues.

Children and the criminal justice system

- 12.27 In addition, the criminal law and the criminal justice system were very different in the 1950s. At the start of Savile's crimes (1955), the position of children as witnesses was in marked contrast to their position today, more so when the crime alleged was a sexual offence.
- 12.28 Children under the age of 14 years⁸² were allowed to give evidence, either under oath or unsworn.⁸³ However, a person could not be convicted in law on the unsworn evidence of a child alone.⁸⁴ Even in a case where the child gave sworn evidence, there was a common law rule of practice that required the trial judge to give a warning to the jury about the dangers of convicting the accused on the uncorroborated evidence of a child on the basis that: "children are more susceptible to the influence of third persons, and may allow their imagination to run away with them".⁸⁵ The requirement for such corroboration has been repealed.⁸⁶ But the reality is that, for the first 33 years of Savile's crimes (and certainly after his decade of peak offending),⁸⁷ the law in practice required any allegation made by a child to be corroborated.
- 12.29 The rationale for such a requirement in respect of the evidence of a child encapsulates the way in which children were regarded by the criminal justice system at that time and up until 1988 – people whose word alone could not be taken at face value.
- 12.30 Further, in terms of sexual offences, the position was made more problematic by the general requirement for juries hearing all such allegations to be warned of the danger of convicting an accused on the basis of uncorroborated testimony – no matter the age of the complainant.⁸⁸ And statute had decreed that the unsworn evidence of a child could not in law amount to corroboration of

⁸² Section 107, Children and Young Persons Act 1933.

⁸³ Section 38(1), Children and Young Persons Act 1933.

⁸⁴ Section 38, Children and Young Persons Act 1933.

⁸⁵ See Cross on Evidence (1990) reporting the case of R v Dossi (1918) 13 Cr App Rep 158 at 161.

⁸⁶ Section 34, Criminal Justice Act 1988.

⁸⁷ *Giving Victims a Voice*, MPS, 11 January 2013, paragraph 7.14, figure 5.

⁸⁸ R v Jones (1925) 19 Cr App Rep 40

other unsworn evidence.⁸⁹ Both these rules had a significant practical effect on the likelihood of securing convictions in respect of sexual offences.

- 12.31 Coupling these two practical requirements together necessarily meant that those responsible for deciding whether to charge an individual with a sexual offence on a child – where that child was the only witness or where a second child was the only other witness to the assault – were required to bear in mind that at trial the judge would have to give the jury two separate warnings about the danger of convicting the accused in the absence of corroboration.
- 12.32 Before a prosecution would be started, additional evidence had to be obtained when the victim was a child that would not necessarily be sought if the victim had been an adult. These legal obstacles inevitably and understandably filtered down through the criminal justice system. It is little wonder why prosecutions of such allegations were rare, especially where the accused maintained a complete denial that anything untoward had taken place.
- 12.33 And, if the courts and prosecutors were reluctant to deal with these cases, it is equally understandable that the police became reluctant to spend time investigating allegations that were unlikely to result in a decision to prosecute.
- 12.34 The approach of the law itself, the criminal justice system and those who operate within it towards child witnesses has changed substantially since the days of Savile's first crimes.
- 12.35 The welter of guidance now available to investigators and prosecutors regarding how best to approach child witnesses and secure their evidence reflects the increased determination of the police, prosecutors and the courts to take seriously children's allegations of crime.⁹⁰
- 12.36 The developments towards the end of the 20th century focusing on how to help child witnesses to give their best evidence in court⁹¹ lead to two important underlying propositions: first, that the criminal justice system has shed its view that child witnesses are inherently unreliable; and, secondly, that child witnesses should have available to them special arrangements so that they might relay their accounts fully and confidently to a jury.
- 12.37 However, it remains clear that considerable further work needs to be undertaken to secure the position of children in the criminal justice system. The most recent joint inspection report on the experience of young victims and

⁸⁹ Proviso to section 38, Children and Young Persons Act 1933. The requirement was abolished by section 32, Criminal Justice and Public Order Act 1994.

⁹⁰ For example, *Achieving Best Evidence in Criminal Proceedings*, Ministry of Justice, 2011.

⁹¹ For example, sections 16-33, Youth Justice and Criminal Evidence Act 1999.

witnesses in the criminal justice system⁹² does not paint an encouraging picture. We are clear that, despite the regular and frequent publication of inspection reports on these matters, action to improve the position at a local level has been limited.⁹³ We develop this theme later in this report.⁹⁴

The cult of celebrity

- 12.38 It is absolutely clear to us as a result of this review that one of the reasons why allegations were not made at the time or investigations were not conducted as they might have been centres on Savile's status. He was a well-known national celebrity, praised for his substantial fund-raising efforts, and a household name to many. That fact alone allowed him access to institutions in a way that those without celebrity status would have been denied.
- 12.39 We wonder, as a result, whether those responsible for investigating potential criminal offences had a different approach to dealing with allegations against those in the public eye. There might well have been the thought that, in order to charge a man such as Savile, there had to be that extra piece of evidence; that piece of evidence that had to be conclusive; that second or third witness to the crime – just to be sure that bringing proceedings against him was justified.
- 12.40 In the course of the Sussex enquiry, it seems clear that the investigating officers had Savile's status in their minds when they spoke to the victims. The DPP's report cites the fact that the victim in Sussex was told: how difficult it would be for a prosecution to take place because Savile was a "big celebrity"; that Savile would have the best lawyers because he had plenty of money and that his lawyers would make "mincemeat" of her; and that she would be publicly branded a liar and that her name would be all over the papers, particularly if she lost the case.⁹⁵
- 12.41 We also note that the 2003 MPS report was marked "restricted", seemingly as a direct consequence of Savile's status.
- 12.42 Perhaps in the days when the cult of celebrity held the public's attention more raptly, the quest for justice for Savile's victims was made that little more difficult by those whose duty it was to protect the vulnerable in our society.

⁹² Criminal Justice Joint Inspection by Her Majesty's Crown Prosecution Service Inspectorate (HMCPSI) and HMIC published in February 2012.

⁹³ Of the 17 recommendations that were made in an earlier report of 2009, the Joint Inspection team found in 2012 that only one had been fully achieved and with regard to only two others has "significant progress" been made.

⁹⁴ Paragraph 13.13.

⁹⁵ *In the matter of the late Jimmy Savile*, CPS, 11 January 2013, paragraph 39.

13. The position today

- 13.1 We have reflected on whether the lessons arising from the mistakes of the past have been learned to such an extent that, were an individual to embark on a similar pattern of abuse today, he or she would be reported to the police, arrested, charged and effectively dealt with by the criminal justice system immediately after the first allegation was made.
- 13.2 We are encouraged by the extent to which all agencies engaged in looking after the welfare of children specifically and in the criminal justice system generally have developed guidance, practice and procedures better to allow child victims of sexual abuse to come forward and to feel more at ease. We are also encouraged by the increasing recognition that no single agency alone has the key to resolving the issues that surround the protection of children from sexual abuse; a multi-agency approach has to be the better way of seeking to address effectively the many issues that confront those who are responsible for the welfare of the child involved.
- 13.3 As far as the law is concerned, there have been a number of statutes enacted that seek to place the rights and welfare of the child at the centre of society's approach to their wellbeing. From the Children Act 1989 through to the Children Act 2004 and the creation of a Children's Commissioner; from the adoption by the United Kingdom in 1991 of the 1989 United Nations Convention on the Rights of the Child to the Human Rights Act 1998; Parliament has embarked on a path that provides greater statutory protection for children than was ever the case when Savile assaulted his first victim in Manchester in 1955.⁹⁶
- 13.4 It is encouraging to note that dealing effectively with child abuse is not seen solely as a "criminal justice" matter.⁹⁷ Copious guidance has been issued and updated to those who deal with children directly: *Every Child Matters* (2004); *Working Together* (1991) (updated 1999) was later replaced with *Working Together to Safeguard Children* (2006) and then by revised guidance in 2010 with further revised guidance anticipated in 2013 (Department for Children, Schools and Families); the NPIA issued guidance on *Investigating Child Abuse and Safeguarding Children* in 2009, replacing that issued by ACPO in 2005, and subsumed specific guidance on *The Investigation of Historic Institutional Child*

⁹⁶ *Giving Victims a Voice*, MPS, 11 January 2013, paragraph 7.5.

⁹⁷ Indeed, eight Inspectorates have combined their resources to produce a number of reports in the area of safeguarding children which demonstrate the breadth of the agencies which have an interest in this area: Her Majesty's Inspectorate of Education, Children's Services and Skills; Healthcare Commission; Commission for Social Care Inspection; HMIC; HMCPSI; Her Majesty's Inspectorate of Court Administration; Her Majesty's Inspectorate of Prisons; Her Majesty's Inspectorate of Probation.

Abuse issued in 2002 by ACPO; the Home Office and the Department of Health jointly published inter-agency guidance on *Complex Child Abuse Enquiries – inter-agency issues* in 2002. There has been guidance issued by the Ministry of Justice on *Achieving Best Evidence in Criminal Proceedings* (2011); and by the Home Office, Department of Health and the Attorney General’s Office on the *Provision of therapy for child witnesses prior to a criminal trial* (2001).

- 13.5 Special measures are now routinely provided for witnesses under the age of 18 by virtue of the Youth Evidence and Criminal Justice Act 1999 and the courts have recognised the need for special arrangements for dealing with cases involving child witnesses.⁹⁸
- 13.6 Inter-agency working has developed substantially since the 1950s. Area Review Committees gave way to non-statutory Area Child Protection Committees first seen in the 1990s which, in turn, have given way to the statutorily-based Local Children Safeguarding Boards, the core membership of which is set out in the Children Act 2004. A duty now exists on the police and the Probation Service to establish joint arrangements for the assessment and management of those offenders who present a risk of serious harm to the public⁹⁹ and, as a result, there are now Multi-Agency Public Protection Arrangements and Panels in all forces.
- 13.7 We recognise too that resources have been devoted to extensive training programmes across all the relevant agencies to promote better awareness of how to deal with allegations of child abuse, both current and historical. This, of course, has to be an on-going process as experienced and trained staff leave or move on in their respective Services to be replaced by those who come fresh to the challenges that dealing with allegations of child abuse pose.
- 13.8 And to measure progress in adopting this welter of guidance, the various relevant Inspectorates have not been slow in publishing numerous reports on the progress of the affected agencies.¹⁰⁰
- 13.9 But there is further work to do.

⁹⁸ R v Malicki [2009] EWCA 365: “cases involving such young complainants must be fast-tracked. The proper administration of justice requires it.”

⁹⁹ Section 67 and 68, Criminal Justice and Court Services Act 2000.

¹⁰⁰ 1998: Child Witnesses – HMCPSI. 1999: Child Protection – thematic review – HMIC. 2002: Chief Inspectors’ Report on Arrangements to Safeguard Children – first report by eight Inspectorates. 2005: Chief Inspectors’ Report on Arrangements to Safeguard Children – second report by eight Inspectorates. 2005: Child Protection – thematic inspection report – HMIC. 2005: Safeguarding Children – HMCPSI. 2008: Chief Inspectors’ Report on Arrangements to Safeguard Children – third report by eight Inspectorates. 2008: Safeguarding Children: A Second Review – HMCPSI.

13.10 The creation and promulgation of hundreds of pages of guidance counts for nothing if there is a failure to implement it on a day-to-day basis at the right level – the level at which potential child victims of sexual abuse come into contact with those in authority who are in a position to help.

13.11 We recognise that experience and development will always require guidance to be kept under review to ensure that it reflects prevailing best practice.¹⁰¹ However, we are concerned about the extent of the implementation of the guidance available. Whilst all those responsible for the welfare of children and adults are better informed than they were 58 years ago when Savile began his programme of systematic abuse, we have doubts about the efficacy of the practical adoption of the numerous policy statements that, today, govern the way in which all relevant practitioners should undertake their duties.

13.12 The following quotes from Inspection or Enquiry reports demonstrate why:

“Some agencies, particularly in the justice system, have not yet sufficiently reflected upon what safeguarding means for their work and ensured that policy commitments to safeguarding are fully embedded in practice”: *Chief Inspectors’ Report on Arrangements to Safeguard Children 2005*.

“Policy commitments to safeguarding were not always reflected in practice and some agencies, especially in the justice system, did not give sufficient priority to safeguarding children”: *Chief Inspectors’ Report on Arrangements to Safeguard Children 2008*.

“One of the main challenges is to ensure that leaders of local services effectively translate policy, legislation and guidance into day-to-day practice on the frontline of every service”: *The Protection of Children in England: a Progress Report 2009*.

“We are concerned to find that there has been only limited progress in addressing the majority of recommendations made in the [2009 report into the experience of victims and witnesses in the criminal justice system]...we have found that the experience of young victims and witnesses is affected by the shortcomings in the system overall....young people are left to flounder”: *Joint Inspection Report on the experience of young victims and witnesses in the criminal justice system 2012*.

13.13 And our findings in respect of the handling of information by Sussex Police after the implementation of MOPI reflect how a failure to put policy into practice may have a detrimental effect on subsequent investigations.

13.14 The key to the successful delivery of inter-agency working in the area of child protection and handling allegations of child abuse is now the translation of

¹⁰¹ See, for example, *The Munro Review of Child Protection: Final Report 2011*, Executive Summary, paragraph 7.

policy into practice, and an overarching review across all relevant agencies, identifying where further work needs to be done, should, in our judgment, be undertaken.

- 13.15 There has been progress throughout the police service with regard to the handling of intelligence material, but it is clear that information management practices have some way to go before forces have satisfactorily adopted and implemented MOPI.
- 13.16 Our concern is heightened because many of Savile's victims were children in vulnerable settings. It appears to us that those victims, who are in the greatest need of the protection of the criminal justice system, are often the ones who have the greatest difficulty in accessing that protection because of the procedures and practices that have been adopted by the various agencies over the years: a cultural mistrust of a child's evidence; the need for corroboration; the failure fully to implement policies that are designed to prevent or detect offending.
- 13.17 Some may argue that: "the best is the enemy of the good" and that we should be content with the substantial progress made to date, accepting that individual human error will always mean that some "slip through the net". But we believe that, in the area of child protection, if even one child becomes a victim of sexual abuse because of a single failure of a single individual to do what is now required of them, the system has let down that child. The pursuit of nothing less than excellence in policy and delivery should be the goal of all those engaged in child protection: every single child deserves nothing less.

14. Recommendations

- 14.1 We have considered how best to reflect the findings of our review in recommendations. We have already set out the areas that we intend to pursue further in our review of Child Rape and Child Sexual Exploitation later in 2013.¹⁰²
- 14.2 We do not consider that we can or should base police service-wide recommendations on our findings about the way in which two pieces of intelligence and five reports of crime were handled in three forces. Individual police forces will undoubtedly consider our findings and take appropriate action to ensure that any failings we have identified cannot be repeated in their areas.
- 14.3 Accordingly, mindful of our work later in 2013, we have decided to make the following general recommendations based on this review.

Recommendation 1

The College of Policing should issue guidelines to all forces about how to deal with investigations of child abuse following the death of the alleged perpetrator.

Recommendation 2

In view of the current low reporting rate, the police service and the College of Policing should establish ways to encourage the reporting of sexual crimes, creating a culture and operating practices that do not contain perverse incentives to the detriment of victims and the public.

Recommendation 3

We consider that a system of mandatory reporting should be examined whereby those who, in the course of their professional duties, become aware of information or evidence that a child is or has been the victim of abuse should be under a legal obligation to notify their concerns to others.

Recommendation 4

Each agency which has a role to play in safeguarding arrangements for children and vulnerable adults should ensure they comply with relevant policies; there must be regular and systematic checks to ensure that those policies are being properly and fully put into practice.

Recommendation 5

All relevant Inspectorates should ensure that their inspection regimes and programmes are designed to report on how well these policies are being applied at a local level.

¹⁰² See paragraph 2.33.