

# DS A

An investigation into alleged mishandling of  
information by DS A.

Independent Investigation  
Final Report

IPCC Reference: 2014/025228

## Contents

Introduction .....	3
Terms of reference .....	3
Subjects to the investigation.....	4
Chronological summary of events .....	5
Disclosures made by Ms A.....	5
Interview and account provided by DS A .....	13
Disclosures made by Prisoner A .....	17
Interview and account provided by DS A .....	30
Policies and Procedures.....	32
Home Office Counting Rules 2002.....	32
NYP National Intelligence Model (NIM) procedure document (2005) and the NIM Minimum Standards (2004).....	33
Codes of Practice on the Management of Police Information (July 2005).....	34
ACPO (2006) Guidance on the Management of Police Information (MOPI) (as revised in the 2010 version) .....	34
NYP Force Policy – Submission of Intelligence Information.....	35
Conclusions.....	36
Were DS A’s actions following Ms A’s disclosures in accordance with national and force policy on crime recording and intelligence handling? .....	37
Was the handling of intelligence by DS A following disclosures made to him by Prisoner A appropriate and did he comply with national and force policies? .....	43
Was the evidence and related material gathered during the Prisoner A investigation handled and stored appropriately?.....	46
Recommendations in respect of DS A .....	47

## Introduction

1. On 9 November 2012 Her Majesty's Inspector of Constabulary (HMIC) wrote to all police forces in England and Wales asking that they disclose any information they may hold regarding offending by the late Jimmy Savile and asked them to explain to what extent this had been investigated. A further request was made by HMIC to North Yorkshire Police (NYP) on 14 February 2014, asking that they carry out checks of their systems for any information regarding the late Peter Jaconelli. As a consequence of these requests, NYP conducted a further series of checks and internal investigations to ascertain what information they may have had regarding Savile or Jaconelli.
2. It was during this process that DS A, the subject officer of this investigation, was asked for and produced several 'officer reports' to assist NYP's internal investigation. These reports indicated that in May 2002, DS A had received disclosures from a Ms A regarding Jimmy Savile. The content of the self reporting suggested that Ms A had provided information to the officer concerning sexual offending by Savile upon a 15 year old female friend of Ms A.
3. DS A also reported that during a series of interviews with convicted prisoner 'Prisoner A' in 2008 and 2009, he had been supplied with information by Prisoner A regarding Peter Jaconelli. The information supplied to DS A indicated that Jaconelli may have been involved in paedophile activity, firearms and [REDACTED].
4. NYP was unable to locate any intelligence or crime reports appertaining to the disclosures by Prisoner A. On 3 April 2014, NYP referred the matter to the IPCC and an independent investigation was commenced.

## Terms of reference

5. The terms of reference for the investigation were to investigate:
  - a) *The circumstances of the disclosures made by Ms A to DS A regarding sexual*

*abuse by Jimmy Savile and his response to those disclosures.*

- b) *To determine whether DS A's response to these disclosures was in accordance with national and force policies on crime recording, intelligence handling and dealing with victims of sexual abuse.*
- c) *To investigate the circumstances of the disclosures made to DS A regarding Peter Jaconelli and others, during prison visits to HMP [REDACTED] on 4 December 2008 and 29 January 2009.*
- d) *To determine whether the intelligence gathered during these visits was handled in an appropriate way and complied with national and force policy.*
- e) *To determine whether the evidence and related material gathered by DS A was handled and stored in an appropriate manner.*

To identify whether any subject of the investigation may have committed a criminal offence and, if appropriate, send a copy of the investigation report to the Director of Public Prosecutions (DPP) for him to decide whether criminal proceedings are to be brought.

To identify whether any subject of the investigation may have breached their standards of professional behaviour. If such a breach may have occurred, to determine whether that breach amounts to misconduct or gross misconduct and whether there is a case to answer.

To consider and report on whether there is organisational learning, including:

- whether any change in policy or practice would help to prevent a recurrence of the event, incident or conduct investigated;
- whether the incident highlights any good practice that should be disseminated.

## Subjects to the investigation

6. DS A is the subject of this investigation. The officer voluntarily reported to NYP his involvement with Ms A and her disclosures to him regarding Savile. He also reported his contact with Prisoner A and disclosures made to him by Prisoner A

regarding Jaconelli and other matters. Due to the content of this self reporting, DS A was served with a notice of investigation under Regulation 16, Police (Complaints and Misconduct) Regulations 2012, on 23 June 2014 notifying him that he was under investigation. He was later interviewed by IPCC investigators and provided a full account of his actions. DS A is an experienced officer who has served with NYP throughout his career. There is nothing relevant in his disciplinary records that impacts upon this investigation.

## Chronological summary of events

### Disclosures made by Ms A

7. In May of 2002, DS A was a Detective Constable (DC A) based at Scarborough CID. At this time he was working on 'Operation ████████' – a lengthy investigation into ongoing and historical sexual abuse of young females in the Scarborough area. The operation was in its early days and had yet to develop into the larger HOLMES (Home Office Large Major Enquiry System), based enquiry that it was later to become. Therefore, at this time DC A was for the most part working alone. His immediate line managers were DS B and DI C.
8. Due to a lack of surviving documents and the fact that the enquiry was not yet being managed using HOLMES, it cannot be ascertained how or when Ms A came to feature in the Operation ████████ enquiry. What is certain is that on 21 May 2002, DC A visited Ms A at her home address in the Scarborough area to obtain an evidential witness statement in respect of a complaint which is unrelated to this investigation. Ms A was 37 years old at this time. During this meeting between DC A and Ms A, disclosures were made by her regarding Jimmy Savile. IPCC investigators recovered the written statement obtained from Ms A by DC A along with the hand written notes that he made at the time. Additionally, a number of 'major incident books' used daily by DC A whilst

attached to Operation ██████ have been recovered and examined. There is no record of the disclosures made regarding Savile in any of these documents.

9. The only other record of the visit is an electronic 'action' generated by the HOLMES computer system directing DC A to take a statement from her. There is nothing on the action which refers to Jimmy Savile. The action is dated as being generated and resulted on the same day – 16 August 2002 but records that DC A obtained the statement from Ms A on 21 May 2002. This date (16 August 2002) is shortly after Operation ██████ moved away from being a paper based enquiry and began being managed using HOLMES. It provides evidence that all enquiries carried out prior to HOLMES were retrospectively recorded on HOLMES around August 2002 and that before then, everything generated by the enquiry was managed by the individuals who were working on it and not by a computerised management system.
10. DC A visited and spoke to Ms A alone and there were no other persons present at the house at that time to support or otherwise the accounts later provided by DS A and Ms A.
11. The first records of this and other visits to speak to Ms A appear in three separate reports prepared by DS A in 2014 in response to requests from NYP who were at that time conducting an internal investigation prior to referring the matter to the IPCC. The first of these reports was prepared by DS A on 23 January 2014 following an approach by Ms B of the force's legal services department. Ms B was aware of DS A's work on Operation ██████ and asked if he had any knowledge of Savile or Jaconelli. The second was prepared by the officer after he was approached by D/Supt D on 23 March 2014 and asked to provide a further report explaining his knowledge of events. The third report was prepared by DS A on 20 April 2014 following a request by DI E of NYP's Professional Standards Department.
12. In the report to Ms B, DS A made reference to obtaining a witness statement from Ms A. He stated, *'Whilst obtaining this information from Ms A, she informed*

*me that she had visited the home of Jimmy Savile...She informed me that she had been 16 years of age at the time and that she had been to his flat in Scarborough with a younger friend.’ The report went on to say that, ‘Ms A went on to inform me that at the time she had been to Savile’s flat she was in company with a female friend who was under 16 years at the time and that Savile had engaged in some sort of sexual activity with her friend. She refused to give me any further details of her friend until she had obtained her friend’s consent to disclose details to me. I subsequently received information from Ms A that she had contacted her friend and that she did not wish to make any complaint or even to discuss the matter with me. I was not provided with the details of her friend. This information was recorded on the Operation ██████████ HOLMES system.’*

13. In the report made to D/Supt D, DS A wrote *‘Whilst taking statements from Ms A, her previous sexual involvements were discussed and she (Ms A), disclosed to me that she had been ‘touched’ by Jimmy Savile.’* The report went on to say, *‘She stated that she and her friend were invited to Savile’s flat and he had touched them both – particularly her friend.’* DS A wrote that the friend of Ms A was 15 years old at the time but he was never told of her identity and a complaint was never received.
14. The report outlined what historical information DS A had relating to Savile. He stated, *‘It was common knowledge that Jimmy Savile had an interest in young girls. He was referred to as a paedophile in conversation but no evidence was ever offered to support such an allegation.’* He went on to report, *‘No person that I spoke with throughout this enquiry (Operation ██████████), made any allegation or purported to have any information beyond rumour and gossip against Savile...other than the aforementioned account from Ms A...’*
15. In the report provided to DI E, DS A wrote, *‘...she (Ms A), also disclosed that she had been involved in sexual activity with Jimmy Savile.’* The report stated Ms A had been 16 years old and consenting at the time but she had been at Savile’s flat with a younger female friend who had been 15 years old. He wrote, *‘Sexual*



She discussed with him their earlier conversations about Jimmy Savile and DC A asked why [REDACTED]. The officer wrote in his report to Ms B, *'Ms A now claimed that she had been alone and in fact was underage when she had been to Savile's flat...I gave Ms A the option to make a formal statement with regards to her involvement with Savile and she refused to do so, stating that she did not want to become involved.'*

21. In his report to DI E (20 April 2014), DS A wrote of the meeting with Ms A in 2011, *'I discussed Savile with her and reminded Ms A of her original account to me several years earlier in which she stated she had been 16 years of age and, although whatever had happened had been consensual, she hadn't actually said that anything had happened to her, but instead her friend was the victim.'* The report states that Ms A told him she had lied to him in 2002 and she had in fact been alone with Savile and was 15 years old at the time. The report says, *'I asked her if she now wanted to make a formal complaint about what had happened with Savile and she refused to do so.'*
22. When commenting on whether he had reported any of the meetings contemporaneously, DS A reported to DI E, *'I have recently seen my statement notes relating to Ms A and I saw no mention of Savile. As Ms A was not making a formal complaint, it is likely that I would not have made a written note amongst the statement notes as it would not have formed a part of the actual statement. I believe that I would have written something with regards to this matter but I am unable to confirm this and I have no record of this in my possession. I will add that no intelligence submissions would have been made at that time.'*
23. No record of the meeting with Ms A in 2011 was made at the time. The only record that existed prior to the referral to the IPCC is from DS A's own officer reports, prepared and submitted in 2014.
24. DS A did not submit either a crime report or an intelligence report in connection with what he was told by Ms A in 2011. The previously mentioned statement from DI G provides evidence that no such reports were submitted by the officer.

25. Following this meeting with Ms A, there has been no further contact between her and DS A.
26. A number of officers involved with Operation ██████ provided statements to NYP prior to the matter being declared an independent IPCC investigation.
27. DI C was formerly a DI at Scarborough CID and had supervisory responsibility for DC A in May of 2002. He provided an account to the IPCC on 4 May 2014 in which he states, *'I am certain that Jimmy Savile was not named in the enquiry, certainly not to me. Had he been so I would have instructed enquiries to have been undertaken depending on the evidence. I would also have discussed any such development involving a high profile figure with (a senior officer) due to the possible media attention etc.'*
28. D/Supt H is a former Detective Superintendent who was the Detective Inspector in charge of Operation ██████ in late 2002. He provided a written account to NYP on 1 May 2014, in which he stated, *'As the senior investigating officer I was not aware of any reports of sexual abuse made by Ms A in respect of Jimmy Savile when she was sixteen years old. I cannot recall any information concerning Jimmy Savile within the HOLMES record. The investigation (Operation ██████) treated all reports of sexual assault with sensitivity and with diligence. Any report of abuse concerning Jimmy Savile would have been investigated as it would have been for any other suspect. Where sexual abuse was reported but the victim was unwilling to make a complaint then a decision would have been made on how that information was managed.'*
29. DS B was a Detective Sergeant with line manager responsibility for DC A in 2002. He provided a statement to the IPCC on 30 November 2014.
30. DS B explained his understanding of how NYP dealt with victims of sexual abuse in 2002. He stated, *'Although practices are now commonplace within the Police service that victims of sexual offences should be interviewed by specially trained officers, and in selected 'rape suites' to ensure the best possible and safe environment, it was not unusual for experienced officers, such as DC A, to see*

*victims at their home addresses or any other given address of location, often at the request of the victim themselves.’ He further stated, ‘It was both common and accepted that a male officer was suitable to see a female victim, if it was appropriate and the victim was happy with that, alone or otherwise. Quite often the victim trusted an individual officer, regardless of their gender, and sought that officer out.’*

31. DS B recalled DC A telling him of his contact with Ms A. He stated, *‘She told DC A that she and a ‘friend’ had gone to Jimmy Saville’s flat in Scarborough. She said that nothing happened to her and was quite specific about this. She said that her ‘friend’ went off into another room with Saville, leaving her alone (in whatever part of the flat she had been left). DC A told me that Ms A told him that the ‘friend’ had made no disclosures to her of any misappropriation between herself and Mr Saville, and that this ‘friend’ would not speak to the Police. I believe that Ms A said she, and her friend, were about 15 at this time in their lives.’*
32. He added, *‘My instruction to DC A would have been to record this information, which he did, to brief the SIO (Senior Investigating Officer) and DSIO (Deputy Senior Investigating Officer), which he did. The matter with regards to his not submitting a separate Intelligence report... is only relevant with hindsight. All we had by way of information was that two girls went to his flat and nothing happened.’*
33. DS I was DC A’s immediate supervisor at the time he visited Ms A in 2011. He provided a statement to IPCC investigators on 30 September 2014 in which he said that whilst he did not recall the name of Ms A, he did remember a brief conversation around this time with DC A regarding Jimmy Saville.
34. The officer stated, *‘He told me that he had been contacted by her in response to [REDACTED] [REDACTED] soon after the death of Jimmy Saville....My recollection was that she wanted help in avoiding the [REDACTED] [REDACTED] her. DC A told me that during the previous allegation, Saville had been mentioned but not in any specific allegation just very generally that her friend of hers had been abused by him but*

*she refused to name the person or provide any details. He told me that there were still no specific allegations made by Ms A.'*

35. On 3 April 2014 specially trained officers from NYP's 'Protecting Vulnerable Persons Unit' interviewed Ms A regarding the Savile disclosures. This interview was arranged prior to the referral to the IPCC and carried out on the actual day that the referral was made. The interview was video recorded in accordance with the Achieving Best Evidence (ABE) guidelines.
36. In the interview, Ms A described how she was introduced to Savile by her then boyfriend when she was 16 or 17 years old. She stated that she had visited Savile at his flat in Scarborough alone and alleged that on a number of these visits she had been sexually assaulted by him. This took place over a period of 2 or 3 years, always at Savile's flat.
37. She went on to say that the only person that she had ever told about Jimmy Savile was DC A who she had spoken to when he was taking a statement from her regarding another matter. She was asked what she had told him about Savile. She said, *'I don't think I told him much. I just think I told him that summat had happened with him and what if I wanted to make, oh what did I say to him? What would happen if I wanted to just pursue somebody? I can't remember how I put it but I told him it was Jimmy Savile and I don't think, I didn't tell him what had happened. I just told him that summat happened and I says what would happen if I wanted to pursue that and I'm pretty sure that he told me because it was so high profile that the media would get hold of it so I said, 'Oh no. I didn't want any of that. I don't want my life turning upside down.'*
38. She was asked if she would have pursued it if the press had not been mentioned. She said that she would have just *'sat on it and thought about it.'*
39. Ms A was asked if she had mentioned to DC A that it was an allegation of a sexual nature. She said, *'I don't think that I did.'* She spoke very highly of DS A saying, *'...he said it was up to me, if I wanted to tell him I could. I found him to be a very good police officer actually because he would sit for hours and tell me I*

*could take my time, I could get in touch with him whenever I wanted if I had any problems...he would get back to me you know, and to me that's what you need – someone that has got the time to spend with you.'*

40. Ms A was not asked about and did not mention in her interview with the police, the visits that DS A said he made to see her after the initial disclosures she made concerning Savile. She made no mention of the visit days later when she is said to have told him her unidentified friend did not wish to make a complaint or speak to him. Neither was she asked about the reported visit by DC A to see her after Savile's death. These are important omissions and evidential areas that Ms A should have been given an opportunity to comment on.
41. The IPCC made contact with Ms A to discuss a further interview with her to address these matters. Ms A is fully supportive of DS A and believes that she was dealt with appropriately by him throughout their discussions about Savile. Because of her wish to 'move on' with her life, she has declined to be interviewed again and will not comment further on what she has already said in her interview of April 2014.

### **Interview and account provided by DS A**

42. DS A was interviewed by IPCC investigators on 19 August 2014. The interview was conducted under a misconduct caution and the officer answered all questions put to him.
43. DS A said that he had become aware of rumour, speculation and gossip concerning Savile and his preference for young females in the late 1980's when working in uniform at Scarborough. However, the only specific information that he was aware of regarding Savile was that which Ms A had provided him with in 2002.
44. He explained that in 2002 there was no designated unit that dealt with victims of sexual abuse and that these types of investigations were routinely investigated

by CID. He did acknowledge that it was recognised good practice for a female officer to be present if possible when dealing with female victims. However, he had dealt with 'dozens' of female complainants during his time on Operation [REDACTED] and routinely asked them if they were comfortable talking to a male officer. He had done so with Ms A who had been happy to speak with him directly. His said that his rapport with her had already proven to be effective as at the time of her disclosures concerning Savile, he had successfully obtained a statement from her regarding an unrelated serious sexual offence. This was he said, a complaint that he had supported her with and worked hard to bring to a successful conclusion and conviction at court.

45. The officer said that towards the end of his statement notes with Ms A, he had asked her if there was anything else that she wished to discuss. He said, *'I believe that that was the introduction to her then saying, "Oh, I've been to Jimmy Savile's." "She didn't want to discuss a great deal more than that at that time. It was literally, "I've been to Jimmy Savile's flat" She described the flat to me, which seemed very plausible. She said that it was like a shrine to his mother, the way that it was decorated and she introduced the 15 year old friend that had been with her and then got very distant about wanting to discuss what had happened until she'd spoken to her 15 year old friend, or her friend.'*
46. He was asked what he had understood Ms A to be saying to him. He said, *'In the context of what we'd just discussed and what we were discussing, I assumed that there had been some sort of sexual contact with Jimmy Savile. Exactly what had gone on there, she didn't say.... She didn't disclose what had actually happened, so I don't recall whether I actually asked if it was consensual or not.'*
47. DS A was reminded that in his previous officer reports he had said that both Ms A and a 15 year old friend had been 'touched' by Savile. He said, *'As I say, the touching side of it, is when I wrote that report, that's incorrect because no touching was actually mentioned. I've assumed that it was touching.'* He was asked why he had made this assumption and said, *'Just with the way Ms A is. When we're talking about anything sexual, then it will have been something*

*sexual. There will have been contact but, I don't know. When I wrote the first report to D/Supt D, I'd been interviewed for 4 hours at York about it, driven back to Scarborough and was doing a night shift under instruction to get an officer's report in that night and that's what I've typed and submitted it by email that night without proof reading and checking. I'm not trying to mislead anyone with that report and I'm certainly not trying to mislead you now. Touching wasn't mentioned and why I've put it in that report I honestly can't say. I've assumed that it was touching and whilst I'm typing away during the middle of the night I put that in.'*

48. The officer maintained throughout the interview Ms A did not make any complaint of sexual assault to him and she told him she was 16 years old at the time. He said, *'Clearly because of what she had said I was expecting that we would get a formal complaint from her friend, of something having happened with Savile at that time when she was 15. I thought that was likely. Which would be corroborated by Ms A'*. He told investigators that he told his line manager DS B about his conversation with Ms A. When asked what he had said, he replied, *'That we may have a complaint against Savile. I explained to him what had been said. That she was 16 at the time but her 15 year old friend, something had happened sexually, presumably, but she wouldn't say what it was but she was going to get in touch with her friend and get back to me if her friend wanted to talk to us, which I'm hoping was going to be in the next couple of days. DS B was always a bit of a glory hunter. He thought that it was great. He wanted Savile in the enquiry if we could or some celebrity in the enquiry.'*
49. DS A went onto explain that when he revisited Ms A a couple of days later, she said that her 15 year old friend did not wish to speak to him and refused to give him her details. He said that due to a lack of any complaint and no specifics about what may or may not have happened, he did not record a crime. Neither did he submit an intelligence report regarding the information
50. He was asked why he had not submitted an intelligence report and said, *'If you asked me that question if I had received a similar report today, knowing what we*

*do about Jimmy Savile, then obviously yes. But in 2002, no. Bearing in mind that I was anticipating in two days time getting a formal complaint. So putting an intel feed in to say that something may or may not have happened and someone's been to Jimmy Savile's flat didn't seem worthy of doing it. The next point is; Did I, after I had the report that she didn't want to speak to me? No I didn't. Because again, what would I put in an intel feed? I had no idea what was alleged to have happened.*

51. He described how, after Savile's death he had been contacted by Ms A and had visited her to give advice [REDACTED]. It was at this time he reminded her of their earlier conversations regarding Savile and she had told him, *'Oh well I lied. There wasn't a friend. It was just me.'* DS A stated that Ms A had told him that whilst she had lied about a friend being present, she, (Ms A), had been 16 years at the time. Investigators challenged him on this, reminding him that in his own self reporting he had said that Ms A had told him during this second meeting she was 15 years old. He said, *'I don't believe that she did. I'm pretty sure and if that's in my report, I apologise. I'm pretty sure that she maintained that she was 16... Why I've put 15 in there, I don't know. Whether I've got confused when I was writing that report because it was a 15 year old girl who was with her friend? I'm pretty sure that she persisted that she was 16. But I cannot remember 100% exactly what she said.'*
52. DS A stated that he reported the meeting with Ms A to his then supervisor, DS I.
53. DS A stated that he did not have access to any documents or material when he had been asked to submit reports regarding Savile in 2014 and therefore they were all prepared from his own recollection, from memory and that is why there were discrepancies and mistakes. He further stated that he had not tried to mislead anybody and would have liked to have simply said in the reports that he could not remember the ages.
54. It was suggested to him that by telling Ms A she may have the press on her doorstep; it might have deterred her from making a complaint against Savile. He said, *'Absolutely not. And that's her words. I have never said 'you'll have the*

*press on your doorstep.' I think that is her saying that as a result of what happened later when she did have the press on her doorstep.... There's no way that I would say anything to put her off because to have had Savile in that enquiry would have been, I was going to say quite an achievement, but it would have been significant.'*

### Disclosures made by Prisoner A

55. On 23 November 2008, Mr A visited Filey police station and spoke with DS B and DC A. He reported that he had been visited by two people who had told him that they were private investigators and wanted to recover cine film that had been stolen during a burglary years earlier by Mr A's brother Prisoner A. They told him that the film had been hidden in the loft of Mr A's house and that it contained paedophile material. Mr A had not believed the visitors, told them to leave and was now reporting the matter to the police. An intelligence report was submitted by DS B and both officers began an investigation into the matter.
56. Prisoner A is a convicted sex offender who at that time was serving a lengthy custodial sentence. As a consequence of the information provided by Mr A, DS B and DC A visited Prisoner A at HMP [REDACTED] on 4 December 2008 and carried out an intelligence interview with him regarding the incident at his brother's house.
57. During the interview, Prisoner A told the officers that during the 1970s he had had been involved with a burglary in the Scarborough area during which he had stolen photographs and cine film containing paedophile material. Later enquiries by the officers failed to identify any evidence to substantiate these claims and there is no corresponding report of such a burglary.
58. During the same interview, Prisoner A went on to disclose to the officers, detailed information regarding paedophile activity by other persons. He told them about sexual abuse of young children that had allegedly taken place in the Midlands area by named paedophiles based in Birmingham. He indicated that the people responsible had also abused children in other parts of the UK and in

France. Prisoner A told the officers that he had detailed [REDACTED] [REDACTED] that he would be able to provide them with at a later date.

59. He specifically named Scarborough businessman Peter Jaconelli as being a person who had befriended him when he was a teenager living in the Scarborough area. Prisoner A claimed that Jaconelli was a receiver of stolen property in Scarborough and during the 1970's had casually employed him to carry out odd jobs. These included driving vehicles to transport and deliver 'goods' for him.
60. The officers were told that in 1972 or 1973, Jaconelli asked him to drive a van from Scarborough to Cleethorpes and deliver the contents of the van to unidentified men who were to meet him there. He did not know what the contents of the van were.
61. Prisoner A told the officers that he did as he was asked and met three men at the seafront at Cleethorpes. He sat in the van whilst these men unloaded a number of bin liners from the back of the van and began to take them away and out of his sight. It was during this process that Prisoner A said he saw one of the bin liners fall to the floor, split and what he believed to be [REDACTED]. The bag was taken away by the men with no further comment he returned the van to Scarborough where he was paid by Jaconelli for his assistance.
62. Prisoner A told the officers of another occasion when he had been asked to drive a vehicle belonging to Jaconelli. Whilst doing so, he said that he had found a loaded hand gun taped underneath the dashboard of the vehicle. He replaced the gun and did not mention the find to anyone else.
63. He also said that he had, on a number of occasions, driven unnamed 'associates of Jaconelli to addresses in the Leeds and Wakefield areas of West Yorkshire. He said that the purpose of this was for them to attend paedophile parties at the addresses. He told the officers that young boys would be picked up off the street, drugged and taken to the addresses to be sexually abused. However, he could not identify the addresses, had never witnessed any paedophile activity

and could not say how he knew this had taken place, but said that '*he just knew.*'

64. Prisoner A also provided the officers with intelligence [REDACTED] [REDACTED] [REDACTED] [REDACTED].
65. The interview with Prisoner A was recorded by DS B and DC A in their 'major incident note book.' These documents have been examined by IPCC investigators and found to contain handwritten details of the information disclosed by Prisoner A.
66. Following the interview with Prisoner A, DC A prepared and submitted an officer's report which outlined what they had been told by him. IPCC investigators have examined emails sent by DC A and recovered a copy of this report. The emails provide evidence that the 'officer's report' was sent from DC A to DS B who then forwarded it to their line manager, DI J on 10 December 2008. Email evidence shows that on 15 December 2008, DI J forwarded the report to DCI K who directed that a further prison visit should be carried out with Prisoner A and then a case meeting should be arranged to agree terms of reference and who should deal with the investigation.
67. On 29 January 2009 DC A and his colleague DC L interviewed Prisoner A at HMP [REDACTED]. It is not clear why DC L took the place of DS B on this visit.
68. The purpose of this visit was to question Prisoner A further about his earlier disclosures in an effort to establish the credibility of the intelligence and assist with the investigation. No new information was provided by Prisoner A but additional detail regarding earlier disclosures was provided to the officers.
69. The interview was again recorded in the form of 'major incident note books'. IPCC investigators have recovered and examined the note books of DC A and DC L. They are found to contain a written summary of the interview with Prisoner A.
70. Following the visit to see Prisoner A, DC A prepared a typed summary of what he had told them in the interview. Again, email evidence identified by the IPCC

shows that this report was sent by DC A to his line manager DS B who in turn forwarded it to DCI K on 3 February 2009. DS B told DCI K that a second prison visit to see Prisoner A had now been conducted and the information provided by him was '*quite alarming.*' DS B added, '*We are now in a position to have a meeting and discuss progression.*' Acting DCI M was copied into this email.

71. On 5 February 2009 DCI M sent an email to D/Supt N, extending an invitation for him to attend and chair a meeting regarding the information from Prisoner A. The invitation was accepted that same day.
72. The CID Duty Diary belonging to D/Supt N has been recovered and examined by IPCC investigators. There is an entry regarding Prisoner A dated Friday 9 January 2009. D/Supt N has indicates that he had a meeting or a discussion with DC A on that day at 1:10pm. The two page entry summarises the information that Prisoner A had given officers regarding Jaconelli and the sighting of [REDACTED]. The diary indicates that at 1:45pm that same day, D/Supt N spoke with DI O regarding the matter and directed that a further visit be made to interview Prisoner A to clarify the information he had already given to officers. A further report should then be provided for consideration.
73. On 26 February 2009 a meeting took place at Scarborough police station to discuss the information provided by Prisoner A. D/Supt N chaired the meeting. Also present was acting DCI M, DS B, DC L and DC A.
74. In advance of the meeting, DC A prepared an extensive 49 page electronic overhead presentation which he now presented to D/Supt N. A search of electronic records kept by DS A has identified this document which has been examined by IPCC investigators. The overhead presentation provides a comprehensive overview of the information given by Prisoner A, including Jaconelli and all enquiries that had been carried out by DS B and DC A to that point. The final slide indicates that DC A was seeking a discussion and action plan to take the investigation forward.
75. Records of this meeting can be found in the major incident note books of DC L

and DS B. DC L wrote, *'He's happy for us to have the envelope.'* DS B recorded that nine separate 'actions' were decided upon at the meeting. These included taking possession of the [REDACTED] that had been promised by Prisoner A during the prison visits and to contact the Force's Major Crime Unit to liaise with them regarding [REDACTED].

76. The CID Duty Diary of DCI M has been recovered and examined by IPCC investigators. He had recorded the meeting, and detailed the actions set by D/Supt N.
77. The CID Duty Diary of D/Supt N recorded the meeting and detailed ten actions that were to be conducted by the officers. These are consistent with those listed by DS B.
78. Following the meeting with D/Supt N, DS B and DC A were left with 'ownership' of the investigation and had clear instructions (in the form of an action plan set out by D/Supt N), to progress with enquiries and try to establish whether the information provided by Prisoner A could be verified.
79. D/Supt N provided a statement to the IPCC on 25 November 2014 in which he stated, *'Following the briefing by DC A...it was agreed that a further visit should be made to Prisoner A as a means of developing the information that had been provided to clarify its provenance and assess its credibility.'*
80. He further stated, *'Following the meeting I did not, at any time, consider myself to be in charge of the development of the intelligence. My involvement, as a Force and not an Area resource, was in a consultative capacity, hence my advice as to the actions to be progressed at that stage. Any decision with regard to the management of any investigation that may have emanated from the intelligence development would only have been taken by the Chief Superintendent responsible for the Force SIO's following a formal assessment of the skills, resources and experience required to lead the investigation. Until that stage was reached the process of developing the intelligence, to assess its credibility and establish its provenance, remained an Area responsibility.'*

81. On 13 March 2009, DS B sent an email to D/Supt N, providing him with an update and informing him that he and DC A had collected a number of files from the Force's Major Crime Unit at Knaresborough. These related to undetected historical sex offences in the North Yorkshire area, and [REDACTED]. These were all matters which were now being considered as having a potential connection with the information that had been provided by Prisoner A. The paperwork for these cases was included in the 'Prisoner A box file' which was in possession of DS B and DC A.
82. Emails between DS B and D/Supt N show that there were discussions regarding Prisoner A. These emails (seven in total between 13 March and 11 August 2009), mainly refer to the continuing efforts by DS B to recover the [REDACTED] from Prisoner A. There were no further meetings with D/Supt N regarding Prisoner A.
83. On 21 March 2009, D/Supt N became the SIO for a major investigation into a person who had gone missing three days earlier. On the same day, DC A was removed from his normal duties and placed on a murder enquiry (Operation [REDACTED]), which was being run from York police station. The effect of this was that he now no longer had any involvement in the investigation and surrounding enquiries in respect of the Prisoner A information. This responsibility remained with DS B.
84. Email evidence shows that in DC A's absence, DS B continued in his efforts to recover the [REDACTED] from Prisoner A. As the documents were in prison storage facilities, this was proving to be difficult. DS B retired on 9 September 2009. However, his last operational working day was on 13 August 2009. Two days before this, he sent an email to D/Supt N, informing him that attempts to recover the documents from Prisoner A were still ongoing, but due to his impending retirement, the case files would be with DC L and, (upon his return from Operation [REDACTED]), DC A.
85. On 13 October 2009 a third and final visit to interview Prisoner A at HMP

██████████ took place. By now, the promised ██████████ had been sent directly by Prisoner A to the police and DC L arranged a further interview to discuss them with hm. As DS B had now retired, DC A was released for one day from his duties on Operation ██████████ to assist DC L. The interview was recorded in the major incident notebook used by DC L which has been recovered and examined by IPCC investigators. The interview explores the supplied ██████████, seeking explanation from Prisoner A for each. There was no new information provided by Prisoner A regarding other matters.

86. Following this prison visit, DC A returned to his duties on Operation ██████████ and there was a period of approximately 10 months when little if any progress was made with the Prisoner A investigation and the case papers seem to have remained at Filey CID.
87. In August 2010, DC A finally returned from Operation ██████████ (following a period of almost one and a half years), and resumed duties on the Scarborough CID Priority Crime Team. At this time, as DC A later said in interview, he re-discovered the Prisoner A paperwork which was in a box file on a desk top within the Filey CID office. The officer brought this to the attention of his then supervisor, DI O at Scarborough CID. DI O notified the new head of Major Crime, D/Supt H and arranged a meeting between him and DC A.
88. The meeting between D/Supt H and DC A took place on 11 October 2010 at Filey police station. DC A provided a comprehensive briefing to D/Supt H regarding all aspects of the Prisoner A disclosures. The officer used the presentation that he had previously shown to D/Supt N in February 2009. Additionally, DC A presented an additional twenty page PowerPoint presentation which provided information regarding the work carried out in respect of the sexual offence reports collected from the Major Crime Unit and ██████████. This PowerPoint presentation was located in the electronically stored files of DS A and examined by IPCC investigators. It is a thorough and comprehensive presentation of the information and enquiries completed at that time.

89. The meeting was recorded in the Duty Diary of D/Supt H which has been recovered and examined by IPCC investigators. He recorded that he met with DC A at Filey police station. The entry indicates that DC A briefed him on three areas – scenes of sexual assaults (1974-77), [REDACTED] and information from Prisoner A regarding [REDACTED]. D/Supt H noted a number of ‘actions’ to be carried out in respect of each of these areas. With regard to the information from Prisoner A, D/Supt H instructed, ‘*To attempt to verify the information further and pass any information/intelligence to West Midlands Police.*’
90. Following the meeting with D/Supt H, DC A returned to his duties on the Priority Crime Team at Scarborough. In addition to his duties on that team, he retained ownership of the Prisoner A investigation and began the process of compiling, assessing and considering the intelligence that had already been gathered.
91. Email records of DC A recovered by the IPCC show that on 16 December 2010 he created an intelligence folder which was passed to [REDACTED]. This folder provided details of [REDACTED] [REDACTED] [REDACTED] [REDACTED] which Prisoner A had provided the officers in 2008/2009. On 18 April 2011, DC A received a response from a [REDACTED] Officer to say that none of the information from Prisoner A could be corroborated and much of it was available from ‘open source’ material available when it had been provided by Prisoner A.
92. From this point, there was an apparent lengthy period of inactivity and none of the remaining information from Prisoner A was ever placed onto any kind of intelligence report, submitted to the Force Intelligence Unit or disseminated in an appropriate way to any of the forces who may have had an interest in it.
93. DC P of NYP provided a report to the IPCC on 30 July 2014. He stated that on 2 April 2014 he collected the ‘Prisoner A investigation box file’ from secure storage at Police HQ Newby Wiske and transported it to the Major Crime Unit at Harrogate where it was placed into secure storage.
94. On 20 June 2014 the ‘Prisoner A Investigation box file’ was examined at

Harrogate police station by an IPCC investigator. The box was found to contain a large number of assorted documents and paperwork which related to the Prisoner A investigation. Included in this was 22 intelligence research packs relating to historical sexual offending, [REDACTED], a number of intelligence research files for various sex offenders, a collection of 104 [REDACTED], an excel spreadsheet which itemised and detailed the [REDACTED], the green major incident books of DS B, DC A and DC L, an apparent interview plan for the interview with Prisoner A, six intelligence packs – including one for Prisoner A and a number of other assorted files and paperwork.

95. A number of officers (serving and retired) provided accounts to NYP prior to the matter being declared an independent IPCC investigation.
96. DI J was a line manager (Detective Inspector) for DS B and DC A at the time Prisoner A made the initial disclosures. DI J provided an account to NYP on 1 May 2014. He stated, *'I recall being informed of the existence of information re persons in Scarborough being involved in paedophile activities and specifically that [REDACTED]. I do not recall when I was told of this or to whom the information referred to, or even if any individual(s) was/were identified as a suspect(s)....I also recall that the information was passed up to more senior management but cannot recall who that was.'* He went on to say that he did not recall the outcome of these enquiries as they were still continuing when he left CID towards the end of 2008.
97. D/Supt N, (Retired Detective Superintendent) provided a brief account to NYP on 12 May 2014. He said, *'In relation to your query relating to Prisoner A, I can recall a conversation at Scarborough police station with DS B and DC A. I cannot recall the detail of the conversation but I will have made notes. I do not have possession of any such notes but I am making efforts to check if they are stored in any of my former offices.'* As previously mentioned, the recorded notes of D/Supt N (in the form of his CID Duty Diary) have been recovered and examined by IPCC investigators and his comments have been outlined in this

report.

98. In the subsequent statement that D/Supt N provided to the IPCC on 25 November 2014, he stated that he had assumed investigative responsibility for a major investigation on 21 March 2009 which he said, *'consumed virtually every moment of my duty time.'* This was an enquiry which he spent in excess of the next two years working on.
99. D/Supt N stated, *'Due to my extensive commitments on this investigation... I had no further involvement with the development of the intelligence relating to Prisoner A. I can definitively say that, as a result of my all-consuming responsibilities relating to the [REDACTED] investigation, that I had no formal responsibility for managing the matter. I also have no recollection of ever advising any of the officers to formally enter the intelligence on to the intelligence system as I had no reason to believe that this had not been done.'*
100. He further stated, *'Any involvement that I had with the Prisoner A matter was at the intelligence development stage and at no stage did I assume responsibility for that process as it was not my role, as a Force SIO at that time, to do so.'*
101. DCI M was the crime manager for the Scarborough area at the time of the Prisoner A disclosure. He provided an account to NYP on 30 April 2014 and stated, *'From recollection, D/Supt N had arranged a meeting with DS B across at the East Coast to discuss this disclosure and he set any further actions to be conducted that came from that meeting and retained overall investigative management.... I can only think that I was invited to attend as I was acting DCI at that time responsible for that area, although I did not have any involvement with the investigation prior to or subsequently after this meeting that I recall.'*
102. D/Supt H provided an account to NYP on 1 May 2014. His CID Duty Diary has been recovered and examined by IPCC investigators and found to contain an entry for Monday 11 October 2010 when he met with DC A to discuss the Prisoner A enquiry. D/Supt H recalls, *'I was asked by DC A to speak to him regarding material he held following prison visits to Prisoner A. When I met with*

*DC A he showed me the material which followed disclosures made by Prisoner A during prison visits in 2008/09...Included in this material was intelligence that Prisoner A, some years ago, had driven a van for a Peter Jaconelli from Scarborough to Cleethorpes. On arriving at the destination a bag was unloaded from the van and Prisoner A saw [REDACTED].’ D/Supt H went on to say, ‘Given the serious nature of the intelligence, and the length of time since the intelligence had been obtained, I asked if he had shown the material to anyone else. He stated that he had shown it to D/Supt N.’*

103. D/Supt H then explained that he had gone through the material with DC A and gave the following direction to the officer:

*‘1. The intelligence material, including the [REDACTED], should all be collected in one location with a record of the investigations that had been undertaken to corroborate it.*

*2. The material should be recorded on the NYP intelligence system....’*

*3. DC A should ensure that the other forces involved (in the case of Peter Jaconelli, this would be Lincolnshire Constabulary), should be made aware of the intelligence relating to their force areas...’*

104. D/Supt H provided a written statement to IPCC investigators on 7 November 2014 in which he restated his recollection of events as outlined in his earlier report to NYP. He has said that he only recalled having one meeting with DC A concerning the Prisoner A disclosures.

105. DC L provided a statement to the IPCC on 27 November 2014. He stated that he did provide some assistance and support for DC A and his investigation concerning Prisoner A. This was mainly to assist with interviews with Prisoner A which took place at HMP [REDACTED].

106. DC L stated that he recalled visiting Prisoner A with DC A on 29 January 2009 but could not recall why he had assisted DC A as it had been DS B who had been involved prior to this date. He recalled that Prisoner A disclosed, amongst other things, information regarding Peter Jaconelli and his interest in boys.

107. The officer also recalled being present when DC A presented a briefing to D/Supt N on 26 February 2009. He stated, *'In relation to who was given ownership and actions that were identified, I can't remember what was decided. I don't recall any specific actions that were given to myself.'*
108. DC L commented on DS B's retirement in 2009 and stated, *'I am not sure exactly who had responsibility of the Prisoner A enquiry after DS B retired or who was supervising the investigation,'*
109. He recalled assisting DC A with the visit to interview Prisoner A on 13 October 2009 saying, *'...I only went on the visit to accompany DC A, as I had been before and had knowledge of the investigation. I can't remember what was done with the information from this visit. I have no notes to assist me with this. I certainly don't recall completing any reports when we returned.'*
110. The officer further stated, *'I am aware that there was a file relating to the Prisoner A enquiry that was kept in the Filey office but I couldn't say exactly where it was stored in the office and I wasn't aware of the full contents. I can't explain why the box file was left on a desk in the office. I don't recall being given any specific instructions in relation to the investigation.'*
111. DS B provided a statement to the IPCC on 30 November 2014. His recollection of the events concerning the information provided by Prisoner A is consistent with the facts outlined in this report. He has stated that his last working day for NYP was 9 September 2009. DS B stated that following discussions with D/Supt N in August of 2009, it was agreed that because of his impending retirement, DC L (together with DC A), would conduct any further prison visits to interview Prisoner A. However, he was unable to personally brief DC L on the details of the investigation prior to his retirement.
112. DCI O commenced duties as a DI within Scarborough CID on 7 January 2009. As such he was a line manager for both DS B and DC A. He provided IPCC investigators with a statement on 5 November 2014 in which he explained how 'intelligence only' investigations were managed in 2009. He stated, *'My*

*recollection of such investigations is that they would in some instances be given an operation name and a file created on the 'q drive' (electronic server), giving restricted access to those involved in such an investigation. That would not apply to all investigations of that type, others may be contained within a box file or similar and held by individual officers. ....I would expect that a DS would have oversight of investigative progress. I am not able to comment on the management of the Prisoner A enquiry as I was not directly involved in it.'*

113. He recalls that a few weeks after his appointment as DI at Scarborough CID, he met with DS B and DC A to discuss matters in general. At this time, both officers notified him of the Prisoner A inquiry and the disclosures regarding Jaconelli. DCI O said, *'I was informed that a force SIO from major crime, either D/Supt N or D/Supt H had been updated and was supervising the investigation. I cannot say with any certainty whether this meeting was before or after a briefing that was given to D/Supt N.'* He stated, *'At no point did I have any direct involvement in supervising or managing the enquiry.'* and that he was unable to say who took over responsibility for the Prisoner A inquiry following DS B's retirement.
114. DCI O further stated that he was DC A's manager when he returned to divisional duties in August 2010, following a lengthy period working on a major investigation. He stated that he had noticed a change in the officer saying, *'...it was evident he was not the highly motivated officer that he had been prior to his abstraction (from divisional duties to work on a major incident). I have known DC A for over 20 years in a professional capacity and have always found him to be a very effective and highly motivated officer. It was clear when speaking to him that he was completely disillusioned during this time (his return to duties in August 2010).'*
115. The investigation carried out by DS B, DC A and others failed to find any evidence to support the claims made by Prisoner A. Whilst the IPCC have not conducted a re-investigation of the original carried out by the police following the disclosures by Prisoner A, it has had sight of and examined the investigation material. The investigations carried out by DS B, DC A and others involved

appear to be proportionate, extensive and complete. There is no suggestion that it has been anything other than this. This IPCC investigation has therefore examined how the intelligence provided by Prisoner A was dealt with and how the material gathered during the course of their investigation was handled.

### Interview and account provided by DS A

116. When interviewed by IPCC investigators on 19 August 2014, DS A said that Jimmy Savile was never mentioned by Prisoner A at any point. He also stated that he had never established any connection between Jimmy Savile and Peter Jaconelli during his subsequent enquiries.
117. He stated that although he had carried out prison visits to interview Prisoner A, DS B was in charge of the investigation up until his retirement in August 2009.
118. He stated that following the meeting with D/Supt N in February 2009, the decision was that the investigation would be run from Scarborough/Filey CID. There was no additional staffing or resources allocated.
119. DS A was asked how the material gathered during the course of the investigation had been stored. He said, *'Basically, I had a box file at Filey police station where I kept all of the material. We'd done PNC checks, historical checks on the computer, Prisoner A – his PNC records, his prison records. That sort of thing. So we started a file basically. It was started by myself and DS B.'*
120. He stated that whilst he was attached to Operation ██████████ (from March 2009 onwards), DS B retained possession of the material at Filey police station. He said that he was aware that DS B was actively working on the Prisoner A inquiry, but following his retirement in August of that year, he *'had no idea'* who had taken over responsibility for the investigation or what was happening with it.
121. When questioned about what he found in August 2010 following his return to Filey police station he said, that he rediscovered the Prisoner A box file apparently undisturbed on top of a desk in the CID office. He had found it virtually where he had left it when he left in March 2009. He reported his finding

to his then supervisor, DI O.

122. DS A said that he was not given any direction by D/Supt H at the time of briefing him in October 2010. However, he did accept that D/Supt H had told him to disseminate the intelligence, but this was at a later date following the briefing given to him.
123. Investigators asked him why he had not complied with the instruction to disseminate the intelligence from Prisoner A. He replied, *'We were always in the process of putting folders together. All the ██████████ that Prisoner A had, I was going through and basically there were ██████████ ██████████ and I was trying to analyse each one, each page and make a reference to West Midlands or West Yorkshire and they were going to be copied and in separate folders. That was work that was started....The idea was that once I had got the files done, there would be a visit, hand it over and say 'that's what we've got'.*
124. He was asked if that work had ever been done. He said, *'No.'* He went on to say, *'The Prisoner A enquiry was sat with me at Scarborough CID. (Post August 2010) I would dip into it if I had time to but I was very much on priority crime so it was more important dealing with shed burglaries and stuff. ██████████ retired and yeah, there was no interest.'*
125. DS A said that he had returned to Scarborough CID demotivated due to problems that he had with a previous supervisor. He said, *'One of the things with it from, I'm not going to into my personal circumstances, but at the end of the day I lost a lot of motivation. I'll put my hands up to that. And yep, those folders that ██████████ asked to go to different forces should have been done. It was always my intention to do it but it was just getting around to it with the other commitments that I had'*
126. It was suggested to the officer that the material regarding the Prisoner A investigation had not been stored appropriately. He said, *'I would say that I wasn't in charge of it for a year and a half. I came back and found it at Filey*

*police station, retrieved it, took it through to Scarborough police station into the CID office there. Scarborough police station has no storage facility for that sort of material. We have an exhibits store.....I couldn't use the exhibits store. It was stored in the CID office. There are key pad locks on the doors. In an ideal world it would probably be under lock and key due to the nature of the information in there.'*

127. The officer was asked to explain why he had not submitted any form of intelligence reporting in respect of the Prisoner A information. He said, *'When I got back to Scarborough you're talking what, two three years later. Didn't really think about putting an intel report in for it. D/Supt H asked me to put a package together for which I was in the process of the analysis of what is on every page (Prisoner A [REDACTED]). I obviously haven't completed it. The idea was that there would be a folder to West Yorkshire and they would be able to go through them and I didn't complete that. Lack of motivation, lack of time, lack of interest. I've since been involved in other murder investigations, tier 5 (interview advisor), Scarborough priority crime which was just everyday dealing with whatever was in the cells and it was just a load of.....Heavy workload and motivational issues.'*

## Policies and Procedures

### Home Office Counting Rules 2002

128. This document was created by the Association of Chief Police Officers (ACPO) and reflects the national crime recording standards of the day. It existed to promote greater consistency in the recording of crime and to encourage a more victim orientated approach to crime recording.

129. It directs that,

*'An incident will be recorded as a crime (notifiable offence) if:*

- a) The circumstances as reported amount to a crime defined by law; and*

b) *There is no credible evidence to the contrary*

*The test to be applied in respect of recording crime is that of the balance of probabilities: that is to say, is the incident more likely than not the result of a criminal act?'*

130. The document states,

*'Where it is suspected that a crime has been committed but:*

- *The alleged victim (or a person reasonably assumed to be acting on behalf of the victim) either declines to confirm that a crime has been committed; or*
- *The alleged victim cannot be traced ; or*
- *The incident is reported by a party other than the alleged victim (or a person reasonably assumed to be acting on behalf of the victim)*

*AND there is no evidence to suggest on the balance of probabilities that a crime has occurred, a crime should **not** be recorded, but a crime related incident should be registered.'*

131. No local policy for recording crime has been retained by NYP for the year 2002. For the purposes of this report, the Home Office Counting Rules are relied upon.

### **NYP National Intelligence Model (NIM) procedure document (2005) and the NIM Minimum Standards (2004)**

132. In 2000, ACPO commissioned the 'National Criminal Intelligence Service' to produce the 'National Intelligence Model' (NIM). This document is essentially a model used to drive intelligence led policing. Once produced, the NIM was subject to codes of practice and all forces in England and Wales were required to achieve minimum standards of compliance by November 2005. The NYP procedure document is based upon the requirements set out in the NIM codes of practice and NIM minimum standards. It outlines the minimum standards accepted and adopted by NYP on 1 April 2005.

133. Standard 12 of the NIM minimum standards states, *'Intelligence material must*

*be stored in a secure manner. Clear desk policies and secure file storage systems must be in place.'*

134. Standard 56 states, *'The timely recording, dissemination and subsequent management of information and data sources are crucial to the provision of a competent intelligence structure.'*
135. Standard 75 states, *'The national information/intelligence report (form 5x5x5) is the only system recognised nationwide for the recording, evaluation and dissemination of information into the intelligence system.'*

### **Codes of Practice on the Management of Police Information (July 2005)**

136. These codes came into effect nationally on 14 November 2005 and were introduced to ensure consistency between forces in the way information is managed.

Para. 1.1.1 states, *'Police forces have a duty to obtain and use a wide variety of information (including personal information), in order to discharge their responsibilities effectively.'* The code states that, *'Information should be recorded where it is considered that it is necessary for a police purpose.'* It defines *'police purposes'* as being:

- *Protecting life and property*
- *Preserving order*
- *Preventing the commission of offences*
- *Bringing offenders to justice, and*

*Any duty or responsibility of the police arising from common or statute law.*

### **ACPO (2006) Guidance on the Management of Police Information (MOPI) (as revised in the 2010 version)**

137. This document is derived from the ACPO (2005) codes of practice on the

management of police information.

138. The guidance provides instruction on how and when the national information/intelligence report (commonly referred to as a 5x5x5 report), should be used.

Para. 4.4.9 of the guidance states, *'Information for an intelligence purpose is recorded on the 5x5x5 information/intelligence report.'*

Para. 4.6.3 states, *'All staff are responsible for recording information for a policing purpose. Staff should record information in the appropriate format.'*

For the purpose of this guidance, information is any information that is required for a policing purpose. A policing purpose includes *'bringing offenders to justice and preventing the commission of offences.'*

139. Para. 5.3.3 deals specifically with the evaluation of intelligence concerning child abuse investigations. It states, *'Records of child abuse investigations are particularly sensitive because of the age of the victim and seriousness of the offending....In all cases the information must be linked to the suspect to identify patterns of repeat offending'*.

Para. 5.3.4 goes on to say, *'All information relating to threats to public safety should be recorded on a 5x5x5 because of the risk to the source and the public.'*

### **NYP Force Policy – Submission of Intelligence Information**

140. This force policy was implemented on 31 October 2006

Para. 2.2.4 of this policy states, *'All staff are individually responsible for the timely and accurate submission of intelligence information in order to support the NIM process.'*

141. Para. 2.3.4 directs that, *'Intelligence should be submitted if it is believed that the recording or dissemination of the intelligence material is likely to be of value in the interest of the prevention and detection of crime and disorder or the maintenance of community safety.'*

142. Para. 2.4.1 states, *'Police intelligence information should be collected reactively or proactively as part of routine operational and policing activities.'* It goes on to say that the types of intelligence to be recorded include any, *'incident/offence of a sexual nature, including USI (unlawful sexual intercourse), indecent assault/exposure and family protection issues'*.

## Conclusions

143. DC A visited Ms A on 21 May 2002 to obtain a complaint statement from her in respect of a serious sexual offence. He visited unaccompanied and there were no other persons present throughout the process of taking the statement and speaking with Ms A. This was not good practice and it left the officer exposed to the suggestion that Ms A did not make full and open disclosures about Savile because she was not interviewed appropriately by female officers.
144. D/Supt M is currently the head of NYP's PVP (Protecting Vulnerable Persons) department. On 6 November 2014 he provided evidence to the IPCC to say that in 2002, NYP had a designated team called the 'Family Protection Unit.' This was a department of detectives who were specially trained to deal with inter familial sexual abuse investigations. Offending which fell outside of this criteria (including many cases of rape and other serious sexual offences), were routinely dealt with by divisional CID departments, often by officers with little or no specialist training in these matters. It was, however, recognised good practice for female officers to be present when female victims were spoken to (unless they wished otherwise). This has now changed and forces now have specially trained officers that will provide support and take statements from victims of serious sexual abuse.
145. Available evidence indicates that Ms A was comfortable and happy to speak to DC A about her complaint of sexual abuse. She herself stated in her ABE interview on 3 April 2014, *'I found him (DC A) to be a very good police officer actually because he would sit for hours and tell me I could take my time.'* She has been consistent in her support of the officer throughout this investigation.

146. When interviewed, DS A explained that prior to taking the statement which led to the Savile disclosures being made, he had asked Ms A whether she was happy to speak to him and only proceeded when he was sure that she was. It is recognised that DC A supported Ms A to enable her to provide a lengthy evidential statement regarding an extremely sensitive matter. The officer continued to provide support for Ms A throughout the judicial process which concluded in her providing witness testimony at a Crown Court trial that resulted in a successful conviction.
147. These are not the actions of an officer who was seeking to avoid work or 'take the easy option'. He clearly invested a lot of time and effort supporting Ms A, a fact not only supported by her in her account but also in the high quality statement that he obtained from her. It is clear from the evidence gathered in this investigation, that DC A acted in good faith when dealing with Ms A. Whilst it was inappropriate and perhaps even a little naive for a sole male officer to interview a female victim of sexual abuse, it has to be recognised that in this particular case, it was a process that resulted in Ms A producing best evidence and having a positive contact with the police. The manner in which the police now deal with victims of sexual abuse has drastically changed since 2002 and it is extremely unlikely that a victim such as Ms A could be interviewed by the police in the same way

### **Were DS A's actions following Ms A's disclosures in accordance with national and force policy on crime recording and intelligence handling?**

148. The Home Office Counting Rules of 2002 provide guidance on this. They say that if the circumstances reported amount to a crime as defined by law and there is no credible evidence to the contrary, then a crime report should be recorded. Sexual contact involving a child 15 years of age by an adult can only be considered as amounting to a recordable criminal offence.
149. Where it is suspected that a crime has been committed but the person reporting declines to confirm that a crime has been committed or the victim cannot be

traced and there is no evidence to suggest (on the balance of probabilities), that a crime has occurred, a crime should not be recorded, but a crime related incident should be registered instead.

150. There are two additional sources of information that assist in determining whether a crime report should have been recorded. The first is the 'self reporting' of DS A who prepared three separate reports to assist with NYP's internal investigation prior to referral to the IPCC. In these reports, the officer is consistent throughout when he says that Ms A told him she was 16 years of age and consenting at the time of her contact with Savile. He is also consistent in saying that Ms A told him she was with an unnamed friend who was 15 years old at the time.
151. Throughout his reporting, DS A is clear that Ms A reported to him sexual contact between Savile and her 15 year old friend. He used wording such as, '*Savile had engaged in some form of sexual activity with her friend*', '*...he had touched them both – particularly her friend*' and '*sexual activity had occurred involving Savile and her younger friend.*' In his interview with the IPCC, the officer insisted that he had not been told by Ms A what had actually happened with Jimmy Savile and therefore did not know if any offences had been committed. He said that he had not been told that Savile had 'touched' anyone and that this was just an assumption made by him and mistakenly included in his reports. However, he was expecting to receive a formal complaint from Ms A's 15 year old friend shortly after their meeting.
152. In his reporting of his meeting with Ms A in 2011, he clearly stated that he had been told she (Ms A), '*had only been 15 years old at the time*' and '*was under age when she had been to Savile's flat.*'
153. When challenged, DS A again maintained that he was confused when preparing the reports and put Ms A's reported age down as 15 years when she had told him it was 16 years
154. The second source of information is that of Ms A who provided an account in

April 2014. In that account she said she did not believe she had told DS A what had happened with Savile and did not think that she had mentioned during her conversation with DC A, that the contact with Savile was of a sexual nature. It seems unlikely that this part of her recollection of events is accurate and complete. DS A has compiled three separate reports and, whilst he may dispute specific ages that were mentioned, what is clear is that he believed Ms A was reporting to him contact of a sexual nature involving Savile, herself and potentially a 15 year old girl. This is not disputed by the officer. What is disputed by DS A is that he was provided with sufficient information for him to believe that a sexual offence had been committed by Savile.

155. DS A's self reporting must be considered further when determining whether a crime report should have been submitted. If his accounts are to be relied upon, then it must be concluded that, based upon the information given to him by Ms A in 2002, he had grounds to believe that a crime may have been committed by Savile – the sexual assault upon a 15 year old girl. It is accepted that the information provided to him by Ms A was limited and vague. DS A stated both in his self reporting and then in interview with the IPCC, that he fully expected to receive a formal complaint from the 15 year friend within days. In fact, he revisited Ms A in an effort to identify who her 15 year old friend may be but was told that she did not wish to see the police and would not allow her details to be given to the officer. Whilst the officer certainly had reason to suspect an offence may have been committed, it had not been possible to trace the alleged victim, he had not been told of any specifics of what may or may not have happened and there was no independent evidence to indicate that an offence had indeed been committed. Ms A herself has stated that she did not tell the officer that it was an allegation of a sexual nature. Under these circumstances, the Home Office guidelines of the day direct that a crime report should not have been registered but that a 'crime related incident' should have been submitted instead. In this case, neither such report was submitted by the officer.

156. In 2011 when Ms A made further disclosures to DS A, there was perhaps a stronger case for submitting a crime report, as on this occasion the alleged

victim may well have been identified – Ms A herself. However, the detail of what he was told is far from clear. In Ms A's ABE interview she said she was 16 or 17 years old when Savile abused her and did not provide an account of the 2011 meeting with DC A or what she may have told the officer on that occasion. She has subsequently declined to engage with the IPCC investigation and therefore has not provided an account to explain what was said during this later contact with the officer. That leaves us with the self reporting of DS A. In these reports he has stated that he was told by Ms A she had been alone with Savile and was 15 years old. However, in interview he stated that he had made a mistake in typing that in his report as he had actually been told that she was 16 years old. This is consistent with the age that Ms A has said she was at the time. The only suggestion that Ms A may have been 15 years of age at the time comes from DC A's own self reporting. Additionally, there was a nine year gap between DC A having been given the initial account and then an admission by Ms A that she had misled him about a 'friend' being present. Given the change in the account it is perhaps not surprising that the officer was now unsure if the facts being reported were accurate or not.

157. It is noted that when DS A was asked to provide the three separate reports regarding Ms A's disclosures, he did not have the benefit of any notes made at the time and was relying upon his memory alone to recall events of 12 years earlier. This is particularly true when considering the request made of him by D/Supt D. DS A was asked to provide a written account that same day and during a night shift. For these reasons, the reliability and accuracy of his self reporting has to be questioned. DS A's reports appear to have been submitted with the clear intention of assisting NYP's internal investigation. There is no evidence that he has tried to hide or cover up his contacts with Ms A.
158. In 2011 there was a 'Protecting Vulnerable Persons' unit within NYP. This comprised of specialist officers trained in dealing with victims of sexual abuse and is the kind of team which was not available in 2002. Whilst there may have been uncertainty around the veracity of what exactly Ms A was reporting in 2011, a referral to this unit to enable them to approach and speak to Ms A would have

been sensible and appropriate.

159. This investigation has considered whether an intelligence report should have been submitted in respect of the disclosures made by Ms A. The submission of intelligence in 2002 was not yet formalised (The National Intelligence Model did not come into effect until 2005), but it was common practice for all police officers to submit intelligence reports. Whilst it is accepted that the submission of a crime report was not required In this case, an intelligence report most certainly should have been submitted.
160. At the time of Ms A's disclosures to DC A in 2002, it was 9 years prior to Savile's death. Whilst the exact nature of what had happened may not have been clear, what was certain is that Ms A was providing information that Savile had an interest in and may have been abusing children under the age of 16. It was not necessary to have been told the identity of the victim or the details of what had occurred – it was simply sufficient to have been told Savile may be involved in this type of sexual offending.
161. ACPO Guidance on the Management of Police Information (2006) deals specifically with the evaluation of intelligence concerning child abuse investigations. It states, '*Records of child abuse investigations are particularly sensitive because of the age of the victim and seriousness of the offending....In all cases the information must be linked to the suspect to identify patterns of repeat offending*'. The obvious point that can be taken from this is that if the intelligence is never submitted in the first place, no evaluation can ever take place, no sharing of information can ever happen and no patterns of offending will ever be linked to any individual. The potential consequences of this are clear and significant.
162. DS A said in his interview with the IPCC that during the 1980s he had heard 'rumour, speculation and gossip' concerning Jimmy Savile and his involvement with young girls but there had been no specific information. The information from Ms A, whilst not complete, was specific (both in 2002 and 2011), and clearly served a policing purpose.

163. The ACPO Guidance on the Management of Information 2006 (MOPI) provides advice on this. It states that, *'All staff are responsible for recording information for a policing purpose. Staff should record information in the appropriate format.'* It goes on to say that, *'Information for an intelligence purpose is recorded on the 5x5x5 information/intelligence report.'*
164. The failure to submit an intelligence report in 2002 was a missed opportunity. Had DC A done so, it would have allowed others to evaluate, develop and potentially act upon the intelligence. DS A himself recognised this in his interview and said that whilst at the time he did not believe the circumstances warranted an intelligence submission, he now recognises that he should have done so.
165. The failure to submit an intelligence report by DC A in 2002 may be viewed as a serious omission by the officer, especially when considered in the context of developments post Savile's death. However, it would be wrong to allow the benefit of hindsight to weigh too heavily when considering the officer's actions.
166. There is no evidence that DS A has acted dishonestly or tried to 'cover up' the facts of this case. In fact, if it were not for his own self-reporting, the disclosures from Ms A may never have come to light. Following the referral to the IPCC, he continued to assist the investigation – producing an officer's report in his formal interview that was new to the inquiry and could be considered as being self-incriminating for the officer (see reference D60). This has demonstrated a wish by the officer to be open, honest and transparent. It is also recognised that the officer has otherwise dealt with Ms A in an altogether professional and competent manner – providing support and guidance to ensure that an unrelated serious sexual was brought to a successful conclusion.
167. DS A was correct in not submitting a crime report regarding the disclosures from Ms A, but should have submitted a 'crime related incident and intelligence reports.' It is the view of this investigation that the officer has not deliberately avoided his duty or behaved in a seriously neglectful way. Rather, he has made a mistake which should be seen in the context of the good work that was done

by him and the otherwise impressive service he provided to Ms A.

**Was the handling of intelligence by DS A following disclosures made to him by Prisoner A appropriate and did he comply with national and force policies?**

168. When the initial information regarding Prisoner A was received in November of 2008, it is clear that DC A's immediate supervisor DS B assumed the role of lead officer and had control of the investigation. DC A was assisting with the enquiries. An intelligence report was submitted at this early stage by DS B, outlining the nature of the information that had been provided to them at this point.
169. There were no further intelligence reports submitted following the prison visits to speak with Prisoner A in December 2008 and January 2009, but DC A did prepare full and comprehensive reports summarising the information given by Prisoner A. It can be seen from the email evidence available that these reports were passed by DC A to DS B and in turn to senior officers. Following the briefing to D/Supt N in February 2009, the inquiry remained with them and both officers continued their investigation in an efficient and productive manner – making efforts to substantiate or otherwise the information provided by Prisoner A.
170. A number of events occurred following the briefing to D/Supt N that impacted severely on the effective management of the investigation and failure to submit intelligence.
171. In March 2009 both DC A and D/Supt N were assigned to long term inquiries away from their usual places of work. In DC A's case, this resulted in him being away from Filey CID for approximately one and a half years. At the point he left Filey police station, DS B was in charge of the Prisoner A inquiry and naturally DC A had no further involvement or responsibility.
172. In August of 2009, DS B retired from the police service and from this point onwards the Prisoner A inquiry appears to have 'drifted' with no individual

apparently taking responsibility for it. That said, it seems that most of the lines of enquiry that were necessary to investigate the Prisoner A information had in fact been completed (with the exception of a further prison visit to ask Prisoner A about [REDACTED] that he had provided after DS B's retirement).

173. When DS A returned to Filey/Scarborough CID in August 2010 and 'rediscovered' the Prisoner A material he did the correct thing and reported it to his immediate supervisors so that he could receive guidance on what to do with it.
174. The advice came from D/Supt H who at this point gave clear guidance to DC A that he should ensure the information from Prisoner A was recorded on NYP's intelligence systems, disseminate the intelligence to other forces and collect all the material gathered in one place with a record of what enquiries had been completed.
175. An examination of the Prisoner A investigation material by IPCC investigators has confirmed that DS A did begin the process of compiling intelligence folders that were to be given to each respective force which the intelligence impacted upon. However, with the exception of an intelligence folder provided to [REDACTED], DC A failed to complete this task and no intelligence regarding the information provided by Prisoner A was ever submitted by him or placed onto the force intelligence systems. In his defence, DS A said in interview that upon his return to Scarborough CID he was suffering with 'motivational issues' at the time which had impacted upon his work. This is supported by the evidence provided by DCI O. DS A acknowledged that he had been directed to submit the intelligence by D/Supt H; he should have completed the intelligence folders but had failed to do so.
176. The NIM minimum standards adopted by the force in April of 2005 states, '*The timely recording, dissemination and subsequent management of information and data sources are crucial to the provision of a competent intelligence structure.*'

177. NYP force policy regarding the submission of intelligence says, *'All staff are individually responsible for the timely and accurate submission of intelligence information in order to support the NIM process.'*
178. It is clear that intelligence reporting in respect of the information passed by Prisoner A should have been submitted into NYP's intelligence unit. This would have provided an audit trail showing how the information first came into the possession of the police. It would have also allowed it to be evaluated, assessed, developed in a structured way and if appropriate, acted upon.
179. During the early stages of the Prisoner A investigation, DS B had recorded the initial information in the form of a 5x5x5 intelligence report and additionally, DC A produced separate reports to inform and brief senior officers. This was proportionate and adequate at this very early stage as the information was actively being developed.
180. Whilst he was assigned duties on a major incident for a year and a half, it is accepted that DC A had no continued responsibility for submitting further intelligence reports.
181. It is unfortunate that following an initially thorough and competent investigation carried out by DS B and DC A, the Prisoner A inquiry was allowed to drift following the departure of both officers from division. The management of such intelligence gathering investigations which are not derived from a recorded criminal investigation or HOLMES led investigation must be effectively monitored by supervisors at a Basic Command Unit (BCU) level to ensure that important lines of enquiry and the opportunity for intelligence submissions are not missed. In this case, the loss of key members of staff directly involved in the investigation together with the failure by a succession of middle managers over a lengthy period of time, have resulted in a systemic failure which resulted in the Prisoner A inquiry remaining 'untouched' for a considerable period of time.
182. In the case of the Prisoner A investigation, the police inquiry concluded that it was not possible to substantiate any of the information provided by Prisoner A

and eventually there were no other lines of enquiry that could be continued. These findings did not negate the need for a full and comprehensive submission of the intelligence to ensure that future opportunities and potential links to other investigations are not missed.

183. The findings of this investigation are that the information provided by Prisoner A did serve a police purpose, D/Supt H gave clear and unambiguous direction to DS A that information should be recorded and the officer failed to do so. In fairness to all concerned, it is also recognised that DS A worked extremely hard on the Prisoner A investigation and developed the information from Prisoner A with an enthusiasm and determination that would be found lacking in many officers. It seems that DS A's performance in respect of reporting the intelligence is starkly at odds with his otherwise diligent and professional conduct.

### **Was the evidence and related material gathered during the Prisoner A investigation handled and stored appropriately?**

184. DS A returned to Filey CID in August 2010 to find the material that had been collected during the Prisoner A inquiry was in a box on top of a desk top in the CID office. This was clearly not appropriate and not in accordance with the NIM minimum standards which state, *'Intelligence material must be stored in a secure manner. Clear desk policies and secure file storage systems must be in place.'*
185. Given that DS A never had 'ownership' of the investigation until August 2010 and had been away from Filey CID for a year and a half prior to this, no criticism can be levelled at him for failing to ensure the material was stored appropriately.
186. It seems that due to the systemic failures that have already been outlined in this report, a succession of operational officers and middle managers have failed to apply and enforce the 'clear desk policy' that applies to all police offices. If the NIM minimum standards had been put into practice, then the material belonging to the Prisoner A investigation would have been discovered and stored securely.
187. As in all police stations, secure storage facilities were available at Filey police station. These could easily have been utilised to securely store the Prisoner A

box file, which contained sensitive information. It is recommended that NYP raise awareness amongst all staff with regards to the requirements of the NIM. A clear desk policy should be enforced by managers to ensure that intelligence product and information is stored appropriately.

### Recommendations in respect of DS A

188. On the basis of the evidence presented above, DS A does not have a case to answer for misconduct in respect of the disclosures made by Ms A.
189. On the basis of the evidence presented above, DS A does not have a case to answer for misconduct in respect of the disclosures made by Prisoner A.
190. There have, however, been failures by the officer. DS A failed to submit a crime related incident in respect of the disclosures by Ms A. He also failed to submit intelligence reporting in respect of the information he received from her.
191. There is no criticism of DS A for failing to submit intelligence reporting during the early stages of the Prisoner A inquiry, but he did fail to follow the direction given by D/Supt H in 2010 and disseminate the intelligence from Prisoner A in the latter stages of that inquiry. Evidence from the officer and DCI O suggests that there may have been 'motivational issues' that explain this failure.
192. DS A is an officer who has assisted the IPCC inquiry throughout. Whilst his performance in certain areas may be questioned, it is evident that he has also displayed qualities of tenacity whilst investigating serious matters.
193. North Yorkshire Police should consider whether there are grounds to deal with these matters using the Unsatisfactory Performance Procedures.
194. There has been no organisational learning for the force identified during this investigation.

Shaun Coleman

Lead Investigator, IPCC

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