

Operation STORNOWAY

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1. INTRODUCTION AND BACKGROUND

1.1 Dr Hugh O'Neill was the Forensic Medical Adviser for Norfolk Constabulary between 1991 and 2003.

Section 40 1.2 During October 1993 a number of female officers made allegations against (...) alleging that during their recruitment medical examinations they were indecently assaulted by him. (...)

Section 31

Section 40 1.3 The matter was referred to (...). The allegations were not criminally investigated however it was agreed that female recruits would in future be offered the services of a female doctor and that if this was not requested (...) would use chaperones during the examinations. (...)

Section 31
Section 38

Section 40 1.4 It is alleged that (...) were informed of this outcome and warned that they could be sued for slander should they repeat the allegations that had been made against (...).

Section 44

Section 40 1.5 During November 2002 a new set of allegations were made by female recruits against (...). He was suspended and an investigation, Operation Parrott followed. At the conclusion of the investigation a file was submitted to the Crown Prosecution Service who made the decision to take no further action. (...)

Section 31

Section 40 1.6 (...)

Section 40 1.7 In July 2014 two adult females, (...), made allegations that, whilst they were children they were both subjected to rape and acts of gross indecency by (...). An investigation was launched, Operation Salt, and he was subsequently convicted and sentenced to twelve years imprisonment. The allegations regarding the female police officers and some other females were re-investigated and he was sentenced to a further three years imprisonment consecutive to his earlier sentence.

Section 44

1.8 Norfolk Constabulary requested that the investigations into the 1993 and 2002 allegations were reviewed, following concerns over these investigations, being raised by the female officers. A review was carried out by Essex Police and a recommendation was made that an investigation should take place.

1.9 A referral was made to the Independent Police Complaints Commission who determined that the mode of investigation should be local. The Appropriate Authority is Detective Superintendent Katie Elliott, Head of Professional Standards for Norfolk and Suffolk Constabularies.

1.10 Essex Police took on the investigation – Operation Stornoway and on 6 June 2016 I was appointed to lead the investigation.

Section 40 1.11 (...).

2 TERMS OF REFERENCE

2.1 Terms of reference were agreed between Essex Police and Norfolk Constabulary, a full copy of which can be found in Appendix A.

2.2 The specific points to be covered by the investigation were:

To investigate whether the 1993 and 2002/3 enquiries were conducted in a way that met the standard operating practice of the time. This includes speaking to the victims and key people involved in the earlier investigations.

Section 40
Section 38

The investigation will seek to identify why the case papers relating to the 1993 investigation were retained by (...) and later destroyed.

The investigation will seek to ascertain why the 1993 investigation was abruptly ended without any explanation.

The investigation will investigate the circumstances of and the reasons for officers being told to keep quiet.

The investigation will seek to identify why not all of the victim accounts were given to the expert medical adviser for opinion in 2003.

The investigation will seek to identify whether more detailed CPS advice was ever provided and the content of this.

The investigation will ascertain why chaperones were not consistently put in place following the 1993 investigation.

Section 40
Section 31

The investigation will seek to establish the reasons why (...) was recruited to work alongside (...).

2.3 The terms of reference include ensuring the confidentiality of the victims and using pseudonyms in this report. This has subsequently been discussed with Detective Superintendent Elliott and it has been agreed that to ensure effective comprehension of the report that the submission to Norfolk Constabulary will contain actual names. It will then be the responsibility of Norfolk Constabulary to anonymise it prior to any further circulation.

3 METHODOLOGY

- 3.1 During the investigation I was supported by a Detective Sergeant who acted as my deputy, and an Enquiry Team consisting of two Detective Constables and an Investigation Officer. The investigation was supported by the use of HOLMES, which was particularly beneficial and allowed the investigation to access data contained within the Operation Salt database.
- 3.2 Another Investigation Officer performed the role of Document Reader/Receiver and also assisted with some of the interviews. Additional support was provided by a HOLMES Indexer and an Analyst. Appendix C sets out the HOLMES statistics for Operation Stornoway.
- 3.3 The investigation was provided with material that was still available from Operation Parrott and investigators subsequently visited Norfolk Police Headquarters to ensure that we were in possession of all relevant material from Operation Salt. A copy of an Investigator's workbook was copied which significantly contained the name of an officer who had an involvement in the 1993 investigation, previously unknown to this investigation.
- 3.4 *Section 40* The first major task of the investigation was to interview all of the female officers who were victims of (...) and gather evidence from them regarding how their allegations were investigated. A witness strategy was developed with the aim of providing support to these officers and former officers and also ensuring that they were kept updated with the progress of the investigation.
- 3.5 During this phase a number of new victims were identified, statements were taken from them and forwarded to Norfolk Constabulary for further investigation. Some previous victims expressed concerns regarding how they were dealt with during the Operation Salt investigation. This is not within the terms of reference for this investigation; however a section of this report will highlight these concerns so that lessons may be learnt.

3.6 Priority was also afforded to those officers who were believed to have been involved in the previous investigations who were likely to be in a position to prove or disprove any suggestions of wrong doing or corruption.

3.7 A decision was later made to, where possible; focus on enquiries regarding the 1993 investigation before moving on to 2002. The decision was made as there was a distinct difference between the alleged failings in each investigation and that different personnel in the main were involved. A flexible approach was however required, for example witness availability meant that some staff had to revert to the 2002 investigations during this time.

Section 31

3.8 Early contact was made with the Crown Prosecution Service and a lawyer (...) was briefed and provided advice to the investigation.

Section 40

3.9 A decision was made to interview (...) regarding the 1993 investigation. Whilst plans and arrangements were being made to expedite these interviews some of the team re-focused on the 2002 investigation.

3.10 A number of witnesses seen during our investigation have previously made statements in 2002 and 2014. References that appear in this report will relate to statements made to Operation Stornoway. The attached bundle in the main contains Operation Stornoway statements, however in some cases statements made in 1993 or 2002 are included in order to provide clarity.

3.11 Similarly many of the witnesses have changed their surnames since making their complaints. These witnesses will initially be referred to by the names they had at the time of the complaints, with their current names in brackets. Thereafter their current names will be used, unless specific reference is being made to a document under their former name.

Section 40

3.12 I would wish to acknowledge the assistance that has been provided to the investigation by the victims of (...). They have been at the heart of our investigation and it is our hope that the extent of the Operation Stornoway investigation will provide some answers to the many questions the victims have had over the past years.

4 1993

Initial Complaints

- Section 40* 4.1 During October 1993 a number of female recruits made allegations (...) regarding (...) indecently assaulting them during their medical examinations.
- Section 40* 4.2 (...).
- Section 31* 4.3 (...).
- Section 40* 4.4 (...).
- Section 44* 4.5 (...).
- Section 31*
- Section 40* 4.6 In summary the other witnesses made complaints regarding (...); manner, (...).
- Section 38*
- Section 40* 4.7 (...).
- Section 44*
- Section 31*
- Section 40* 4.8 On 22 October 1993 (...). It is likely having seen the evidence of (...) that other statements had already been faxed through (...).
- Section 31*
- Section 38*
- Section 40* 4.9 It is also apparent that other statements were taken by other officers. (...).
- Section 31*
- Section 40* 4.10 Subsequent enquiries prior to Operation Stornoway referred to below revealed that the statements were destroyed some years later. (...). This was subsequently handed to the Operation Parrott investigation in 2002. It has also been identified that the following victims made statements in 1993 and these are referred to in the 2002 investigation below. (...).
- Section 44*
- Section 40* 4.11 It was unclear what actions were instigated, however on 2 November 1993 a further victim (...) made a statement (...).
- Section 44*
- Section 31*
- Section 38*

Section 40 4.12 (...).
Section 31
Section 38 4.13 (...).

Outcome of Investigation and warnings to staff.

Section 31 4.14 During 1993 police recruits from Norfolk, following their induction course at Police Headquarters, attended their initial training (...).

Section 40 4.15 (...).
Section 44
Section 31
Section 38

Section 40 4.16 (...).
Section 44 4.17 (...).
Section 31 4.18 (...).

Section 40 4.19 (...).
Section 31

Section 40 4.20 (...).
Section 31
Section 38

Section 40 4.21 (...).
Section 31

Section 40 4.22 (...).
Section 44
Section 31

Section 40 4.23 (...).
Section 31
Section 38

Section 40 4.24 Given that it is now twenty three years since these allegations were made it is not surprising that memories are vague. It is apparent from what recollections people have, that they were told that no action would be taken against (...) and that chaperones would be used for future examinations. Some clearly believed that they could be sued in the event that they repeated the allegations.

Section 40
Section 38 (...) Letter

Section 40 4.25 A letter dated 15 November 1993, which was only twenty-four days after (...) report, was sent to (...).
Section 31
Section 38

4.26 A copy of this letter can be found in the bundle of supporting material. I will however mention some extracts. It refers to *a recent internal investigation which was carried out following receipt of a complaint from female recruits that the medical examination carried out by you had been conducted in an insensitive and uncaring way.*

Section 40 4.27 Later the letter states *I am aware that the issues have been fully discussed (...).*
Section 31

Section 38 4.28 The letter then addresses the resolution regarding the use of chaperones or using a female doctor.

Section 40 4.29 The letter concludes (...).
Section 31

Section 38 4.30 (...).

Filing of Papers

Section 40 4.31 One of the specific terms of reference is to identify why the case papers relating to the 1993 investigation were retained by (...) and later destroyed. This is something that was revealed during the previous investigations. (...)
Section 31
Section 38

Section 40 4.32 (...).
Section 31

Section 40 4.33 (...).
Section 38

Section 40
Section 31 4.34 (...). At the conclusion of the matter, the papers were filed within the Complaints Department, (PSD).

Section 40
Section 31
Section 38 4.35 (...).

Section 40
Section 31 4.36 (...).

Section 40
Section 31 4.37 (...).

Section 40 4.38 It may be significant that his description of the thickness of the bundle of papers infers that the volume of documents had grown from the twelve pages originally sent (...).

Section 40
Section 31
Section 38 4.39 The only evidence to remotely infer that (...) retained the papers in his drawer comes from (...) prepared statement (...).

Section 40
Section 31
Section 38 4.40 In all probability (...) the papers being initially filed with PSD until 1995. Thereafter they appear to have been retained (...) until (...) 1997 (...), after which they were probably destroyed. It is possible that (...) retained a copy of some of the papers as well, which were shredded (...).

4.41 The retention policy in force at this time was Standing Order 121 which was published in July 1987. This has been reviewed but does not cover the category of material gathered in 1993, so does not assist the investigation.

Chaperones

Section 40 4.42 It seems that one of the outcomes of the 1993 investigation was the recommendation that female recruits would be examined by a female doctor or would be provided with a chaperone in the event that (...) conducted the medical.

Section 40 4.43 (...) compiled a report (...) recommending that chaperones should be present during
Section 38 medical examinations of female recruits and that also some guidance should be introduced regarding what the medical should consist of.

Section 40 4.44 (...).

Section 31 4.45 (...).

4.46 (...).

Section 40 4.47 (...) Unity Medical Services (...). The company provided occupational health services to Norfolk Constabulary. (...).

Section 40 4.48 (...).

Section 31

Section 40 4.49 (...).

Section 31

Section 40 4.50 (...).

Section 31

4.51 (...).

Section 40 4.52 It seems that initially the recommendation to use a female doctor or provide a chaperone was implemented, but during the passage of time, the policy lapsed and by 1997 had fizzled out completely. This enabled (...) to regain control of the female medicals and be able to conduct them alone.

Section 40 4.53 It is also understood that after the 1993 allegations, (...), that (...) was asked to clarify
Section 31 what a medical should consist of. Norfolk Constabulary provided candidates with
Section 38 guidance which outlined the assessment process and it is understood that (...) was asked to write the section referring to medical examinations. We have not ascertained who requested him to prepare this guidance and whether its contents were approved.

4.54 The guidance includes the following

Males

The medical will consist of a full body examination and where possible the reasons for the relevant examination will be explained. You will be examined in underclothes. The examination is comprehensive and will include examination of genitalia and anus (where deemed appropriate).

Females

The medical will consist of a full body examination and where possible the reasons for the relevant examination will be explained. You will be examined in underclothes. The examination is comprehensive and will include examination of breasts, genitalia and anus. (where deemed appropriate).

Section 40 4.55 The guidance also refers to the Deputy Force Medical Officer (...) undertaking medicals when (...) was not available. It states that candidates can also request a nurse to be present during the examination.

Section 40 4.56 Given the allegations of indecent assault, (...), it seems incredible that (...) was able to legitimise (...) crimes both in the past and in the future. His guidance was a licence to commit indecent assaults on females.

Section 38

4.57 This investigation has attempted to identify what if any national guidance regarding police recruit medicals was available in 1993; however the earliest guidance that has been found is the Home Office Circular 7/98. This guidance states that it is a revision of Home Office Circular 9/95.

Section 40 **Warning to (...)**

Section 40 4.58 (...).

Section 31 4.59 (...).

Section 38

Section 40 4.60 (...).

Section 31

Section 40 (...)

Section 44

Section 40 4.61 This report makes a number of references to the serious allegations made (...) and the failings in how they were investigated. Concern is expressed later in the report

Section 44

regarding her evidence not being disclosed to experts and to the General Medical Council. (GMC) following the 2002 investigation.

4.62 Given what seem to be significant failings, her evidence will be considered at this part of the report to enable the reader to be able to put into context the comments that follow regarding how her allegations were handled.

Section 40
Section 44
Section 31
Section 38

4.63 (...).

Section 40
Section 44
Section 31

4.64 (...).

Section 40
Section 44

4.65 (...)

Section 40
Section 31

4.66 (...) *'would have a medical examination after they had joined as part of their induction period. These medicals took place (...) by Dr Hugh O'Neill (...) in a group'.*

Section 40
Section 44
Section 31

4.67 (...).

4.68 (...).

Section 40
Section 31

4.69 (...).

Section 40
Section 44
Section 31

4.70 (...).

4.71 (...).

4.72 (...).

Section 40
Section 31

4.73 (...) not surprising that (...) reached this decision when considering which offences should be charged. However there is little doubt in my mind that she was a victim (...), and that there was no justification in her evidence not being properly considered both in 1993 and 2002.

Section 40

(...)

- Section 40**
Section 31
Section 38
- 4.74 Officers from Operation Stornoway visited (...) at (...). He was questioned regarding the 1993 investigation. (...).
- 4.75 (...).
- 4.76 He was also questioned regarding any social connections that he had (...).
- Section 40**
Section 31
- 4.77 (...). The investigation has not discovered any evidence of any other connections between (...) and any of these officers. (...).
- Section 40**
Section 31
- 4.78 (...).
- Section 40**
Section 38
- (...)
- Section 40**
Section 31
Section 38
- 4.79 (...) was interviewed as a witness and provided a witness statement to the investigation. (...).
- Section 40**
Section 31
Section 38
- 4.80 (...).
- 4.81 (...).
- Section 40**
Section 44
Section 31
Section 38
- 4.82 Officers from Operation Stornoway revealed to him the contents of (...) report and also to the warnings given to (...).
- Section 40**
Section 31
Section 38
- 4.83 (...).
- 4.84 (...).
- 4.85 (...).
- 4.86 (...).
- Section 40**
Section 31
- 4.87 (...).

Section 40 4.88 (...).
Section 31 4.89 (...).
Section 38

4.90 The author accepts that this is the case in police misconduct proceedings but this was not such a case, albeit the principles could still apply.

Failings

Section 40 4.91 The terms of reference include investigating whether the 1993 enquiry was conducted in a way that met the standard operating practice of the time. During 1993 I (...) consider that had these events occurred in Essex that someone of similar rank to me would have been appointed to lead what could only be considered to be a force critical incident.¹ Although the phrase was introduced post 1993, it nonetheless applies to this case which deserved to be managed accordingly.

4.92 I would have expected to report directly to either the Head of CID or Head of Professional Standards and that there would be executive oversight from a Chief Officer acting as the Gold Commander.

Section 40 4.93 Upon receipt of (...) report I would have initiated the following urgent actions:

Section 40 4.94 I would have recommended that (...) be suspended, to enable a criminal investigation to take place and to also safeguard further potential victims. I would have also ensured that the allegations were brought to the notice of the appropriate regulatory body.

4.95 The victims who had already made statements would be re-interviewed to ensure that any evidence of recent complaint to corroborate the allegations was gathered.

4.96 The victims who had not made statements would be seen as a matter of urgency to ensure that their evidence was obtained.

¹ A critical incident is defined as: any incident where the effectiveness of the police response is likely to have a significant impact on the confidence of the victim, their family and/or the community

- Section 40**
Section 44
Section 31
- 4.97 I would have been particularly concerned regarding (...). The report infers that she may have been subjected to a serious sexual assault. (...) . I would have ensured that she was supported and that a statement was taken from her.
- Section 40**
Section 44
Section 31
- 4.98 Within the report there is a reference to (...). This would have alarmed me and I would have ensured that she was interviewed by a trained interviewer. Guidance regarding Achieving Best Evidence from Vulnerable People and Children had been in existence since 1992²
- Section 40**
Section 44
- 4.99 Despite being seen during the 2002 investigation, (...) was never asked to make a statement until twenty one years after the offences were committed (...). She was finally asked to provide a statement to Operation Salt in 2014.
- Section 40**
Section 44
- 4.100 Had this action to see (...) been completed in 2002, it would have in all probability identified that (...) had also been subjected to a serious sexual assault by (...). The allegations by (...) never came to light for a further nine years, until the Operation Parrott investigation in 2002 and not until 2014, (...) which was twenty one years later in 2014.
- Section 40**
Section 31
Section 44
- 4.101 Enquiries would have also been initiated with other (...) to establish whether they were also victims. Norfolk Constabulary had a duty of care regarding all of their staff (...).
- Section 40**
- 4.102 Similar enquiries would have been conducted with other (...) female staff that had undergone medicals with (...).
- Section 40**
- 4.103 The report also contained a reference to what were serious concerns regarding the conduct of another doctor, (...) undertaking medical examinations. I would have certainly enquired further regarding this, but nothing whatsoever was followed up.
- Section 40**
- 4.104 Given the evidence that would have been obtained, there would have been very strong grounds to arrest (...) on suspicion of indecent assault.

² The Home Office and The Department of Health, 1992. **Achieving Best Evidence** in Criminal Proceedings: Guidance for Vulnerable or Intimidated Witnesses, Including Children

4.105 I would have recorded each allegation as a criminal offence.

4.106 I would have had early contact with the CPS to apprise them of the allegations and obtain some initial advice. Based upon my knowledge of the evidence now, I would consider that had this been presented in 1993 that there would have been a good prospect of conviction, had these allegations been prosecuted.

4.107 I am convinced that the Chief Officers in Essex at that time would have insisted that a criminal investigation was immediately commenced. I cannot envisage that any cursory or fact finding investigation would have taken place.

Section 40
Section 44

4.108 Following an analysis of the evidence and having consulted the Crown Prosecution Service I made the decision that for whatever reason, the allegations were deliberately not properly investigated and suspected that offences of misconduct in a public office and conspiracy to pervert the course of justice may have been committed. Extensive enquiries had not established any reason for failing to properly investigate these extremely serious allegations. In particular references to (...) being victims appear to have been completely overlooked as were references to internal examinations.

Section 40

4.109 Whilst it is accepted that some actions were taken following the receipt of (...) report it appeared that these actions were completely superficial given the seriousness of the allegations.

Section 40

4.110 Enquiries have not established any reason for (...), being warned that they could be sued in the event that they discussed the allegations against (...).

Section 40
Section 38

4.111 Accordingly I decided that (...) would be invited to voluntarily attend criminal interviews under caution, and that upon their conclusion any further misconduct issues will be addressed.

4.112 The IPCC Statutory Guidance requires that retired police officers are treated the same as serving officers during investigations into misconduct allegations. The IPCC Statutory Guidance states that *'Conduct matters relating to the conduct of a person who since the time of the conduct has stopped being a person serving with the police must be handled in the same way under the Police Reform Act 2002 as any other*

conduct matter. However, the appropriate authority will not be required to determine whether disciplinary proceedings should be brought against that person whose conduct is the subject matter of a report'. (Regulation 27, Police (Complaints and Misconduct) Regulations 2012).

Section 40
Section 31
Section 38 4.113 A severity assessment was completed and it was deemed that had the officers still been serving that their failures in performance were assessed as being Gross Misconduct. (...).

Section 40
Section 38 4.114 The allegations against (...) are detailed below in the Conclusions and Findings section, but can be summarised as:
Failure to conduct a proper investigation,
Threatening staff with legal action if they discussed the allegations,
Failure to properly brief (...),
Concern regarding social connections between investigating officers and (...).

Interviews

Section 40
Section 31
Section 38 4.115 (...)was voluntarily interviewed at (...) on 17 November 2016. (...).
4.116 (...).
4.117 (...).

Section 40
Section 44
Section 31 4.118 (...).

Section 40
Section 31
Section 38 4.119 (...).
4.120 (...).
4.121 (...) was voluntarily interviewed at (...) on 21 November 2016. (...).
4.122 (...).
4.123 (...).

Section 40
Section 31
Section 38 4.124 There were gaps in the detail of the report that required further investigation. It was apparent that not all the accounts from the female officers had been obtained. (...).

Section 40 4.125 (...).

Section 31 4.126 (...).

Section 38 4.127 (...).

4.128 (...).

Section 40 4.129 (...).

Section 44

Section 31

Section 38

Section 40 4.130 (...).

Section 31 4.131 (...).

Section 38

Section 40 4.132 (...).

Section 31

Section 40 4.133 (...).

Section 31 4.134 (...).

Section 38

4.135 (...).

Analysis of Interviews

Section 40 4.136 There are inconsistencies between the accounts provided by (...), which is perhaps
Section 38 unsurprising given the twenty three years that have passed since the allegations were made in 1993.

4.137 Notwithstanding who made the decision I believe that a cursory investigation into the allegations was conducted. Whether or not the purpose of this was to establish if a criminal investigation should commence, no such investigation ensued and significant evidence which was available was not gathered.

Section 40 4.138 (...)

Section 31

Section 38

- Section 40**
Section 31
Section 38
- 4.139 (...). I am concerned that notwithstanding his experience (...), that he believed that he could interview (...) without having to caution him. This is a clear breach of the Police and Criminal Evidence Act 1984³.
- Section 40**
Section 44
Section 31
Section 38
- 4.140 The outcome of this interview appears to have satisfied any concerns that a criminal investigation was necessary. The only investigation seems to have been very superficial and failed to gather significant evidence that was available. Two particularly significant witnesses were not properly interviewed. (...).
- Section 40**
Section 44
- 4.141 Of similar concern is the fact that possible references (...) of an indecent assault were not followed up. I am disappointed that all of the female (...) were not spoken to, in order to check that nothing untoward had happened during their medicals. Had this line of enquiry been pursued then undoubtedly evidence would have been gathered (...).
- Section 40**
Section 31
Section 38
- 4.142 (...). It is concerning that fact finding enquiries weren't conducted with other female staff to ascertain the extent of the allegations.
- 4.143 Whilst the cursory investigation was taking place no effort seems to have been made to secure evidence, including evidence of first complaint, in case a criminal investigation ensued.
- Section 40**
Section 38
- 4.144 Whilst it is unclear whose recommendation it was for female recruits to be either examined by a female doctor or provided with a chaperone, the recommendation appears to have been communicated to some of the victims and was re-iterated in the (...) letter to (...).
- Section 40**
Section 31
Section 38
- 4.145 (...).
- Section 40**
Section 31
Section 38
- 4.146 It appears from the letter reference that (...) was involved in the drafting of the letter and (...).

³ 1985 Codes of Practice Detention, Treatment and Questioning 10(a) 10.1

Section 40
Section 44
Section 31
Section 38

4.147 (...) it is apparent that (...) received a similar update and warning from someone.

Section 40
Section 31
Section 38

4.148 (...).

Section 40

4.149 I find it surprising (...).

4.150 The evidence gathered by Operation Stornoway was forwarded to the Appropriate Authority, Detective Superintendent Katie Elliott on 3 January 2017 in order for her to determine whether there was any indication of a criminal offence and if so to forward the evidence to the CPS. Having reviewed the evidence she directed that the matter should be referred to the CPS.

CPS Decision

Section 40
Section 38

4.151 On 23 March 2017 the CPS notified me that they concluded there was insufficient evidence to provide a realistic prospect of conviction on charges of Misconduct in a Public Office or Perverting the Course of Justice against (...). Accordingly they advised that there should be no further action in this matter.

4.152 Following consideration of this advice, on the same day, the subjects of the investigation and the victims were informed of this decision. The victims regarding the 1993 offences were informed of their right to review the CPS decision.

Conclusion and Findings – Misconduct

4.153 In order to reach conclusions it was necessary for me to analyse and evaluate the evidence. Where I have needed to make factual findings I have applied the “balance of probabilities” standard of proof. In deciding whether something is more likely than not to have occurred, I have had regard to all of the available evidence and the weight to be attached to it.

4.154 Since this case was one subject to special requirements I am required only to form an opinion about whether there is a case to answer for misconduct or gross

misconduct for each subject. In doing so I will not reach findings of fact that would be conclusive of misconduct or gross misconduct which may take place, these findings should be left for any subsequent misconduct hearing or meeting.

4.155 In coming to these conclusions I accept the prejudice caused to the officers under investigation by the passage of time since the allegations were made in 1993 and the absence of the majority of records that may have been created twenty-four years ago.

4.156 In deciding whether something is more likely than not to have occurred, I have had regard to all of the available evidence and the weight to be attached to it. I have set out my conclusions for the appropriate authority.

Section 40
Section 38 4.157 The severity assessment identified possible failings in performance standards relating to honesty and integrity, and duties and responsibilities (...)

Section 40
Section 38 4.158 The aspects concerning the alleged conduct at the time (...) were summarised as:

Section 40 1) In 1993 allegations regarding the Force medical Examiner (...) indecently assaulting female staff during medicals were not properly investigated

2) The allegations do not appear to have been regarded or recorded as crimes.

3) A report was submitted to you clearly recording that at least eight female staff had made allegations and five of these had made statements which were submitted with the report.

4) The allegations were not properly investigated and staff were later threatened with legal action if the allegations were further discussed.

Section 40
Section 38 5) It is understood that (...) to speak with four of the victims and warned them not to discuss the matter with anyone and told them the matter was closed. They were warned that they would be prosecuted for slander if they did discuss it.

6) Key witnesses and further victims were not identified and statements were not obtained.

Section 40
Section 31
Section 38 7) (...).

Section 40 8) Concern has been raised by a number of witnesses regarding social connections between investigating officers and (...).

Section 40 Additionally with regard to (...) it is alleged
Section 38

Section 40 9) (...).
Section 31

4.159 Allegations 1, 2, 3 and 6 relate to the failure to conduct a proper investigation into the allegations.

4.160 It is apparent a decision was made to conduct a fact finding investigation which was entirely superficial and neglected to gather available evidence. Notwithstanding that I consider the decision to conduct a fact finding investigation to be seriously flawed, it is abundantly apparent that it failed to achieve what was intended.

Section 40 4.161 As a consequence (...) evaded a criminal investigation and in all probability, arrest and prosecution.

Section 40 4.162 It seems that to different degrees (...) considered the allegations. (...).
Section 31
Section 38

Section 40 4.163 It is not possible twenty-four years later to say with any certainty what role the former (...)
Section 38 (...) had regarding any decision making. However given (...) it is my view that (...) should have known that a criminal investigation was required.

Section 40 4.164 The passage of time and the absence of records make it difficult to assess
Section 38 responsibility for the serious failure to launch a criminal investigation. Therefore in reaching an opinion I attach weight to the account provided by (...). This is without doubt the clearest explanation regarding what took place in 1993 and contrasts markedly to the responses (...).

Section 40 4.165 It is my opinion that had (...) still been serving officers, a reasonable misconduct
Section 38 panel or meeting properly directed could find that on the balance of probabilities they failed to be diligent in the exercise of their duties and responsibilities and did not

carry out their duties and obligations to the best of their ability. It is therefore my opinion that there is a case to answer for failures regarding duties and responsibilities in respect of (...).

Section 40 4.166 It is my opinion that this is misconduct. In reaching this opinion I have considered the failure to launch a criminal investigation to be a major failing, however given the passage of time and the absence of records I do not consider how this could now be deemed as gross misconduct. For this reason it is my opinion that this potential failing would not now justify dismissal, had (...) officers still been serving and the recommendation is, therefore, one of misconduct only.

Section 40 4.167 Allegation 4 and 5 relate to staff being warned not to discuss the matter and threatened that (...) would instigate legal action if they did.

Section 40
Section 44
Section 31
Section 38 4.168 Whilst there is no question regarding the truthfulness of (...), there is no corroboration (...) issued the warning. There is some corroboration that a small number of (...) were similarly warned, however the source of who delivered this warning cannot be identified.

4.169 It is the my opinion on the basis of the evidence available, that a reasonable misconduct panel or meeting properly directed could not find on the balance of probabilities that there had been a Breach of the Standards of Professional Behaviour and so there is no case to answer had the retired officers still been serving

Section 40
Section 38 4.170 Allegation 7 relates to the letter drafted for the (...) signature.

Section 40
Section 31
Section 38 4.171 (...). It is apparent from the letter reference, (...), that he did have a role in drafting the letter. I am also satisfied on the balance of probabilities with the evidence provided by (...).

Section 40
Section 38 4.172 The former (...) has responsibility for any letter that he signs. There are no records to prove or disprove what (...) was told. It is my opinion on the basis of the evidence available, that a reasonable misconduct panel or meeting properly directed could not find on the balance of probabilities that there had been a Breach of the Standards of

Professional Behaviour and so there is no case to answer had either (...) still been serving.

Section 40
Section 38

4.173 Allegation 8 relates to improper social connections between (...) and (...) Norfolk police officers. There is no evidence to substantiate any allegation regarding honesty and integrity. Whilst I consider that it was wrong not to pursue a criminal investigation, there is no evidence to indicate that this decision was made to protect (...) or for some other improper reason. No evidence has been found to indicate that there were any social connections between (...) and any of the officers who investigated him.

4.174 It is my opinion on the basis of the evidence available, that a reasonable misconduct panel or meeting properly directed could not find on the balance of probabilities that there had been a Breach of the Standards of Professional Behaviour and so there is no case to answer had the officers still been serving.

Section 40
Section 38

4.175 Allegation 9 relates to (...) warning (...) that she may be indecently assaulted during her medical examination.

Section 40
Section 31
Section 38

4.176 (...).

Section 40
Section 31

4.177 (...). The first record of this being the statement (...) made twenty - two years after the event. Whilst on the balance of probabilities (...), the passage of time between when the incident occurred and when she reported it seriously weakens the allegation.

4.178 I do not consider that this allegation has been proved. It is my opinion on the basis of the evidence available, that a reasonable misconduct panel or meeting properly directed could not find on the balance of probabilities that there had been a Breach of the Standards of Professional Behaviour and so there is no case to answer had the officer still been serving.

Section 40
Section 44
Section 31

4.179 My overarching conclusion is that the 1993 victims were badly let down by the superficial investigation and their evidence was not properly gathered and no criminal investigation ensued. These failings were then compounded by the 2002 investigation. All of the victims both in 1993 and 2002 were extremely vulnerable. (...). It is understandable that they did not want to create any problems (...). There is no doubt that (...) took advantage of their vulnerability.

5 2002 Operation Parrott

Initial actions and policies

- Section 40**
Section 44
Section 31
Section 38
- 5.1 On 7 November 2002 (...) received a call from another (...) stating that one of (...) female officers, (...) was alleging that she had undergone *two bizarre medicals* with (...). He also stated that he had heard that (...) also experienced (...) during a medical.
- Section 40**
Section 31
Section 38
- 5.2 (...) commenced a (...) log where (...) recorded (...) actions. (...)
- Section 40**
Section 44
Section 31
- 5.3 (...) officers recalled receiving a letter telling them that that *the medical will be a full body examination and could include an internal examination.*
- Section 40**
Section 44
Section 31
- 5.4 (...).
- Section 40**
Section 38
- 5.5 (...) was briefed and he instructed that the earlier allegations should be researched and that an urgent case conference should be convened. In the meantime (...) undertook to make contact with the Force Medical Officer in Devon and Cornwall to establish what the extent of medical examinations should be
- 5.6 A case conference was arranged for 15 November 2002. The log records many relevant actions that were undertaken in the interim period. These included gaining knowledge of the 1993 investigation.
- Section 40**
Section 31
Section 38
- 5.7 The attendees at the case conference were not detailed in the log, but it is apparent that the conference was tape recorded. (...). The following actions are recorded on the log.

- Section 40**
Section 38
- 5.8 Decisions taken: *Matter should be dealt with as a criminal investigation at this stage. (...) should be suspended from his FMO and police surgeon role as soon as possible –(...) to liaise in order to agree the most appropriate wording. (...) to inform (...) of suspension from P/S role (...) to inform complainants. (...) to inform GMC Fitness to Practice Directorate.*
- Section 40**
Section 31
- 5.9 (...).
- 5.10 The initial assessment and planning appears to be satisfactory. The critical nature of the allegations seems to have been fully appreciated.
- Section 40**
Section 31
Section 38
- 5.11 It was agreed the matter would be dealt with on 18 November 2002 and on that date there is an entry from (...) stating that (...) will be (...) for the enquiry. (...).
- Section 40**
Section 31
Section 38
- 5.12 From reading the early (...) entries it seems that emphasis was put on ascertaining what the norm was for conducting medical examinations. (...) states *not at this early stage to pro-actively seek evidence of conduct from other officers/staff who may have been examined by (...) or to re-interview complainants from previous enquiry.* The rationale for this is recorded as *These enquiries may be deemed appropriate in the future but the immediate focus will be to investigate complaints (...) and unless enquiries necessary for this purpose they will not be actioned at this time. To be reviewed on a regular basis.*
- Section 40**
Section 38
- 5.13 Whilst I accept that this decision was subject to regular review I find it surprising that attempts to identify further victims were not pursued as a priority. In particular I would have prioritised contacting the victims from 1993 in order to inform them of the new investigation and ascertain what evidence they had. This should have been seen as an asset for the new investigation but appears to have been viewed as a liability. Had this been actioned (...) would have quickly learnt that the allegations (...) was investigating were identical to those reported in 1993.
- Section 40**
Section 31
Section 38
- 5.14 (...).

5.15 In every investigation it is the responsibility of (...) to prove or disprove the allegations. However it is usual to prioritise those lines of enquiry that will prove the allegations, without disregarding those actions that might disprove the allegations.

5.16 Having reviewed the policy decisions in Operation Parrott it appears that the priority was to disprove the allegations. It is my opinion, having reviewed the early policy decision, that a very negative stance was adopted by the decision makers at the beginning of the investigation.

Section 31 5.17 (...) 22 November 2002 states *to seek guidance from the executive on the policy of revisiting or investigating previous allegations.* The rationale for this was *Officers who were previous complainants have indicated they wish for previous allegations to be re-investigated. This is not within the initial remit of this enquiry and cannot be managed with the existing resources*

5.18 I consider that it was inevitable that the previous victims would learn of the new investigation and quite rightly demand that their allegations be re-investigated. I have already expressed my concern that this line of enquiry was not pursued from the outset although I note the reference to the availability of resources may have been a factor. That said it should not have been a constraint on investigating the allegations thoroughly and professionally.

5.19 Unsurprisingly a decision was made to re-visit the previous victims and seek advice from the CPS regarding whether their evidence could be used in support of the new investigation. Whilst I consider early contact with the CPS to be good practice, their ultimate advice to gather evidence from the previous victims seems to me to be blatantly obvious.

Section 40
Section 31
Section 38 5.20 (...) provided accounts to Operation Stornoway first as witness and later as a subject of investigation. (...).

Section 40
Section 31 5.21 (...). The responsibility for the investigation lay with the investigating officer in accordance with national policy and practice.

Section 40
Section 31
Section 38 5.22 (...).

- Section 40**
Section 31
Section 38
- 5.23 Enquiries have also been made (...) suggested that we retrieve (...) minutes for 2002 and 2003, and requests were made to Norfolk to provide these, however they are no longer available.

Resources

- Section 40**
Section 31
Section 38
- 5.24 (...) records in the (...) log that (...) will be part of the enquiry team.
- 5.25 In (...) records: *To try and identify other staff including a supervisor to assist enquiry although it is accepted that the force is under severe pressure in all areas and that additional staff will probably not be available.* The reason for the decision was recorded as *It is desirable that additional staff are put onto enquiry to expedite the investigation and provide additional supervisory support to enquiry team officers.*
- Section 40**
Section 31
Section 38
- 5.26 Subsequent (...) decisions regarding staff, (...) were recorded. It seems that from 2 December 2002 the following staff were engaged on this investigation:
(...)
- Section 40**
Section 31
- 5.27 (...).

Investigation

- Section 40**
- 5.28 A decision was made to obtain statements from female officers who had recently been examined by (...) as well as contacting other female officers who had been examined by (...). The purpose of this was to enable a comparison to be made between how each doctor conducted the medicals.
- Section 31**
- 5.29 (...) deal with the method by which information regarding the nature of the investigation should be communicated within the force in order to allay concerns and provide the opportunity to speak to someone about concerns. It was decided to communicate this via the female police supervisory network. Whilst it is apparent that some new victims were identified as a result of this, not all of the victims came

forward, as some were only traced by Operation Salt in 2014 and some by this current investigation.

5.30 In hindsight a wider circulation may have been more successful in tracing victims and one may legitimately ask why Operation Salt and Operation Stornoway were able to trace victims apparently missed in 2002.

5.31 Between 25 November and 20 December 2002 statements were taken from female officers regarding their medical examinations. Some of these officers expressed no concerns regarding the nature of the examinations.

Section 40 5.32 Statements were also obtained from Forensic Medical Examiners employed by the police forces of Essex, Suffolk and Cambridgeshire to assess and compare how they conducted medical examinations for police recruits. It is fair to say that there was a wide disparity between how they conducted these examinations and it was therefore necessary to seek the opinion of two experts (...). See below.

Victims

Section 40 5.33 (...). It was also submitted to the CPS. (...) no further action was being against (...).

Section 31 5.34 (...). It was also submitted to the CPS. (...) no further action being taken.

Section 40 5.35 (...) statement was amongst those submitted to the expert witnesses. It was also submitted to the CPS. (...) CPS was taking no further action in the matter.

Section 44
Section 31
Section 38 5.36 (...) statement was amongst those submitted to the expert witnesses. It was also submitted to the CPS. (...) CPS was taking no further action in the matter.

Section 40 5.37 (...) statement was not amongst those submitted to the expert witnesses (...).

Section 44
Section 31 5.38 (...).

5.39 (...) statement was submitted to the CPS, (...) never updated regarding the outcome.

Section 40 5.40 (...) statement was submitted to the CPS (...) informed that no further action would be taken.
Section 31

- Section 40*
Section 44
Section 31
Section 38
- 5.41 (...). Her statement was forwarded to both experts and also the CPS. (...) informing her that no further action would be taken. (...).
- Section 40*
Section 44
Section 31
- 5.42 (...) statement was forwarded to both experts and also to the CPS. (...) no evidence of being updated about the decision in 2003 to take no further action.
- Section 40*
Section 44
Section 31
- 5.43 (...) does not remember receiving any update. (...) statement was forwarded to both the experts and also to the CPS.
- 5.44 (...). The statement was forwarded to both experts and to the CPS. (...) updated by telephone that no further action was being taken.
- 5.45 (...). It was not forwarded to either of the experts although it was taken before the submission of other statements to the experts. It was part of the submission to the CPS. (...) updated by someone that no further action was being taken.
- 5.46 (...). Her evidence was not considered (...) and was not submitted to the CPS. (...) she received no further updates regarding the investigation.
- 5.47 (...). The statement was amongst those forwarded to the experts but was not originally submitted to the CPS. (...), the CPS (...) letter dated 7 April 2003, queried whether (...) had been provided with all of the statements. (...) specifically notes that (...) has not received the statement of (...).
- Section 40*
Section 44
Section 38
- 5.48 (...) replied to the letter on 23 April 2003 and encloses the statement (...) as well as confirming that there are no other statements missing from the file.
- Section 40*
Section 44
Section 31
Section 38
- 5.49 (...). Her statement was not forwarded to the expert witnesses and does not appear on the witness list containing those statements sent to the CPS. However it is understood that her statement was attached to the report (...). This report was exhibited by Operation Parrott in 2002 so in all probability it was seen by the CPS, (...).
- Section 40*
Section 44
Section 31
- 5.50 (...) provided a statement (...) was not contacted by the Operation Parrott investigation and consequently her evidence was not provided to either of the experts or the CPS.

- Section 40**
Section 44
Section 31
- 5.51 (...) was not contacted by the Operation Parrott investigation and consequently her evidence was not provided to either of the experts or the CPS.
- Section 40**
Section 44
Section 31
- 5.52 (...). No statement was taken and she heard nothing further regarding the investigation. It was only during the Operation Salt investigation when she was able to make a statement detailing being indecently assaulted, twenty-one years previously. Despite the delay the CPS obviously found that her evidence was sufficiently compelling to include her evidence within the indictment against (...).
- Section 40**
- 5.53 The following victims first made their disclosures during the Operation Salt investigation.
- Section 40**
Section 44
Section 31
- 5.54 (...).
- Section 40**
Section 44
Section 31
Section 38
- 5.55 (...).
- Section 40**
Section 44
Section 31
- 5.56 (...).
- 5.57 (...) allegations were recorded but were not provided to either of the experts or the CPS. She did not receive any updates
- 5.58 (...).
- 5.59 (...).
- 5.60 (...).
- 5.61 The following victims made statements for the first time during this investigation in 2016. Their allegations have been forwarded to Norfolk Constabulary.
- Section 40**
Section 44
Section 31
- 5.62 (...) were included as possible victims in the Operation Parrott policy log dated 11 November 2002, but not contacted by them.
- 5.63 For a variety of reasons the evidence of a further thirteen potential victims was not included in the 2002 investigation and not considered by the expert witnesses or CPS.

- Section 40*
Section 44
Section 31
- 5.64 (...). This was correctly recognised as the first complaint from outside the police service. The importance of the complaint was noted (...) and is contrasted with the earlier reluctance to widen the investigations scope to previous complaints from within the police service.

Crime Complaints

- 5.65 During Operation Salt the Crime Reporting system was checked for 1993 (CRIS) and also the system for 2002 (CIS). There was no trace of any of the victim's complaints being recorded. Checks were also made to ensure there were no 'ghost reports' created to preserve anonymity but this also resulted in no trace. It can therefore be concluded that no crime complaints were recorded for either 1993 or 2002. This was rectified by Operation Salt who recorded all the allegations in accordance with the National Crime Recording Standards in 2014.
- 5.66 Given that no decision was made to conduct a criminal investigation in 1993 it is not surprising that the matters were not recorded as crimes. The 2002 investigation was a criminal investigation and the allegations should most definitely have been recorded as crimes.

Investigators

- Section 40** 5.67 (...).
Section 31 5.68 (...)
- Section 40** 5.69 (...).
Section 31 5.70 (...).
Section 38 5.71 (...) was seconded to Operation Parrott. (...).
 5.72 (...) identified to Operation Stornoway as an officer who should be seen as a priority believing that (...) may be able to provide evidence that would assist our investigation. (...).
 5.73 (...) was tasked to obtain statements from the victims (...).
- Section 40** 5.74 (...) tasked to attend the GMC in London to gain information regarding the
Section 38 requirement for a police medical examination.
- Section 40** 5.75 (...).
Section 31 5.76 (...).
Section 38 5.77 (...).
- Section 40** **Interviews with (...)**
- Section 40** 5.78 The (...) records (...) making contact with the CPS and (...) records a decision
Section 31 made on 12 December 2002 to provide an advice file to the CPS prior to any
Section 38 interview with (...). It is unclear whether this was requested by the CPS solicitor, (...) or whether it was a police decision.
- Section 40** 5.79 (...) recorded on the same day states *If interview is required this to take place*
Section 31 *at Lowestoft Police Station. It is not deemed appropriate to interview (...) at a Norfolk*
Police Station given that he is a Norfolk FMO.
- Section 40** 5.80 (...) appears to have some doubts as to whether an interview would be required. I
Section 38 find this particularly concerning, given the number of allegations which were known by this time. It is hard to imagine any circumstances that would justify no

interview taking place and is in my mind another example of the negativity that has previously been mentioned.

Section 40
Section 31

5.81 A decision was made to interview and was arranged for 23 December 2002. No (...) is recorded regarding the reasons why (...) was not arrested. In my mind the seriousness of the allegations provided reasonable suspicion that he had committed arrestable offences which would normally have resulted in an arrest. The fact that this course of action was not taken should at the very least been the subject of a policy decision in order to explain the rationale and justify it.

Section 31

5.82 (...) refers to a decision to seek expert evidence which is dated 23 December 2002. This is the same date as the interview, but it is not clear whether the decision was made before or after the interview. Whenever the decision was made I find it difficult to comprehend why the interview was not scheduled until after the evidence was available.

Section 40
Section 31

5.83 (...) refers to pre interview disclosure and states (...) *via his solicitor (...) to be provided with full copies of complainants statements together with medical references prior to the interview.* The reason is recorded as *to enable (...) to comment on allegations with all relevant information available to him.*

Section 40

5.84 The provision of a bundle of witness statements to persons being interviewed under caution in my experience is very unusual; in fact I have difficulty thinking of an example of when this may have been done in a criminal investigation. Again in my mind this adds to the negativity within the investigative strategy and raises concerns as to why (...) appears to have been treated differently to how suspects are normally dealt with.

Section 40
Section 31

5.85 Appendix B is a table comparing which statements were provided to (...)

Section 40
Section 44

5.86 The following statements from victims were disclosed to (...)

- Section 40**
Section 38 5.87 The interview with (...) took place at Lowestoft Police station between 1300 and 1620 hours on Monday 23 December 2002. The interview was conducted by (...), the solicitor representing (...) was also present.
- Section 40**
Section 44 5.88 All of the above accounts were put to (...) with the exception of (...). Additionally the accounts from (...) were put to him, despite not previously being disclosed. The statement of (...) was not disclosed and neither was he questioned about it.
- Section 40**
Section 38 5.89 It is unusual for (...) to conduct an interview, particularly when officers with more recent experience of interviews were available to be deployed. Once again it appears to me for whatever reason that (...) was being treated differently to other suspects.
- Section 40**
Section 31
Section 38 5.90 (...). The fact that a police officer may have had a drink with an FME on police premises is perfectly acceptable, however if this had involved (...) should have declared a conflict of interest and not become involved in the interview.
- Section 40**
Section 31
Section 38 5.91 Having read the transcripts; the conduct of the interview appears to me to be at times farcical. (...).
- Section 40** 5.92 (...) has reviewed the interview transcripts and his report raises concerns regarding the following matters:
Disclosure of complete victim statements to the defendant and his solicitor prior to interview.
Verification bias – the interviewers were initially looking for inferences and later looking for confirmation that the actions of (...) were standard/normal medical examination procedures.
Lack of challenges particularly in relation to areas of uniformity between complainants or even the similarity of the previous allegations in 1993 where a similar Modus Operandi was described.
- Section 40**
Section 31
Section 38 5.93 Between 1705 and 1718 hours on 11 March 2003 (...) was re-interviewed by (...). During this extremely short interview the allegations made (...) were put to him (...). No mention was made of the expert evidence that had been obtained subsequent to the first interview in December. It also seems unusual for (...) to conduct the interview alone, notwithstanding it was tape recorded and that it was permitted to

take place in a solicitor's office. This further endorses the unprofessional and unusual manner by which the suspect interviews were conducted.

Expert Evidence

5.94 It is apparent that a decision was made to obtain evidence from Medical Examiners from other forces to compare how police recruit medicals were conducted and statements were taken from FME's in Essex, Cambridgeshire and Suffolk. These statements detailed vastly differing approaches to the examinations and in particular whether or not there was a need to remove any clothing.

5.95 Home Office Circular 7/98 was intended to bring up to date the Guidelines on Medical Standards of Entry to the Police Service, replacing HOC 9/95. The guidance does not include any requirement for intimate examinations. The closest reference to this being under the section heading Genito Urinary that states *Chronic urinary disorders – Reject and to consider carefully any significant disorder of the reproductive system.*

Section 31
Section 40 5.96 (...) dated 23 December 2002 refers to seeking further expert medical opinion from the Institute of Expert Witnesses. Although it is not completely clear whether the institute recommended them, two experts were subsequently identified. (...).

Section 40
Section 31 5.97 (...) report refers to complainants, non-complainants, other FME's and also the first interview of (...).

Section 40
Section 44 5.98 (...) makes reference to the following victims in (...) report:
(...)

Section 40 5.99 See also Appendix B the table comparing which statements were provided to (...).

Section 40 5.100 (...) concludes in (...) report dated 13 February 2003 that although (...) has concerns regarding the conduct of (...) that it would be extremely difficult to establish that it was indecent. (...) noted that (...) level of communicating with those being examined was inadequate.

- Section 40**
Section 44
- 5.101 (...) made a further statement on 5 October 2016 where (...) reviewed further statements that were available in 2003 but not referred to (...). These were the statements of :
(...)
- Section 40**
Section 44
- 5.102 (...) confirmed that (...) had not previously seen these statements. The statement of (...) was of particular concern. (...) considered the allegations of an internal examination were in a different category from those (...) reviewed in 2003 and clearly *worthy of legal interpretation*.
- Section 40**
Section 44
Section 38
- 5.103 (...) produced a report regarding the examination of these additional complainants in the same style as (...) adopted in 2003. With regard to (...) states that this would not be a routine examination and that such an examination should have been with her consent and in the presence of a chaperone. (...) found it *very hard to justify the examination and even more, the way it was done*.
- Section 40**
- 5.104 (...) was asked to clarify what (...) meant by the phrase *worthy of legal interpretation*. (...) stated (...) was referring to what a lawyer's perspective would be, and would be up to a lawyer to decide what is criminal and what is not. As an expert witness (...) could only pass comment on the medical aspects, not the law.
- Section 40**
Section 44
- 5.105 (...) made two statements to the 2002 investigation and commented on the statements of:
(...)
- Section 40**
Section 38
- 5.106 In summary (...) considered that (...) failed to explain fully and adequately his purpose in conducting certain aspects of his examinations that would normally be considered to be of an intimate nature. *He did not undertake examinations of the chest that were consistent with his statement, as these were primarily related to a cardiac assessment. (...). In general, communication and consent were inadequately addressed. Therefore, in the absence of a clear rationale behind these examinations, they represented an unnecessary intrusion on the dignity and autonomy of the subjects concerned.*
- Section 40**
- 5.107 (...) opinion was that a routine pre-employment medical does not involve a breast examination unless clinically indicated. The nature of the examinations described

raised serious questions of professional conduct. They were certainly inappropriate on both clinical and personal grounds, amounting, possibly to indecency.

- Section 40** 5.108 The CPS advice did not refer to (...) evidence.
- Section 40** 5.109 As part of Operation Stornoway (...) was supplied with the statements that were not
Section 44 submitted to (...) in 2003:
(...)
- Section 40** 5.110 (...) raised concerns regarding all of these examinations with the exception of (...).
Section 44 With regard to the statement (...) raised additional concerns and concluded the examination was totally out of order and unnecessary for a pre-employment medical. There was no question in (...) mind that this was a sexual assault.
- Section 40** 5.111 (...) considered that it demonstrated (...) that (...) was clearly deriving sexual
Section 44 satisfaction from an unnecessary breast examination.
- Section 40** 5.112 (...) considered that the additional statements reinforced (...) opinion that (...) stated
Section 44 in 2003. Furthermore (...) considered the examinations were unnecessary and had no clinical value.

Liaison with the Crown Prosecution Service

- Section 40** 5.113 (...).
- Section 40** 5.114 The (...) for Operation Parrott details numerous contacts with (...) during that
Section 31 investigation.
- Section 40** 5.115 (...) 22/11/2002: CPS (...) stated that it is by no means certain that the details of the
Section 31 previous complaint could not be seen as prima facie evidence for substantive
Section 38 charges or in support of any new complaints. Therefore the details will be relevant to this enquiry. It will therefore be necessary to establish details of the previous complaint in accordance with (...). Reason for decision: To ensure that all possible evidence is obtained and properly evaluated.

5.116 It appears that upon receipt of this advice a decision was made to include the 1993 victims into this investigation.

Section 40
Section 31 5.117 (...) 12/12/2002: *To provide an advice file to CPS (...) prior to any interview with (...). Reason for decision: To seek agreement from CPS on future course of action to ensure person is seen to be independently assessed and supported.*

Section 40 5.118 This file appears to be the first submission to the CPS. I have already acknowledged that it is good practice to consult with the CPS at the earliest opportunity; however I cannot see any circumstances which would have led to (...) not being interviewed.

Section 40
Section 31
Section 38 5.119 (...) 22/01/2003: (...) *she will continue to complete the four outstanding actions but to return to enquiry full time when expert medical opinion is received in order to prepare full file for CPS and to deal with witnesses. Reason for decision: all necessary work requiring full time attention (...) has been completed. Once all evidence is received there will be a need for her to prepare file and to manage the information exchange with witnesses/complainants when decision re proceedings are made.*

Section 40
Section 31 5.120 (...) 04/03/2003 *File to be submitted to CPS (...) by Friday 14th March 2003.....as soon as all relevant information has been obtained which is expected to be by the above date.*

Section 31 5.121 (...) 06/03/2003: *Target date for file to be submitted to CPS changed to Wednesday 12th March 2003.*

Section 40
Section 44 5.122 This decision was made prior to the further interview of (...) on 11 March 2003 where the allegations regarding (...) were put to him.

Section 40
Section 38 5.123 On 11 March 2003 (...) writes the following note to (...) (CPS) enclosing the advice file concerning (...). The note explains that the second interview (transcript) will be available next week and states *I am confident you have all the information to hand, which will enable you to make a decision.* This would appear to be the second file submitted to the CPS.

- Section 40**
Section 31
Section 38
- 5.124 It is noted that (...) records that (...) will prepare a full file for submission to the CPS whilst in her note she refers to it as an advice file. Although this is a discrepancy it is in all probability insignificant.
- Section 40**
Section 38
- 5.125 On 7 April 2003 a letter from (...); refers to a telephone conversation and two files concerning this investigation. It states *my overall conclusion is that there is insufficient evidence to provide a realistic prospect of convicting (...) of offences of indecent assault. Whilst in the main there is no dispute as to the actions of (...) there is considerable difficulty in establishing the 'touchings' were accompanied by the necessary intention in order to provide that they were indecent...*
- Section 40**
- 5.126 (...) acknowledges the sensitivities regarding the complainants and requests that the file is returned to him in order to provide more detailed advice setting out his conclusions in respect of each of the complainants.
- Section 40**
Section 44
- 5.127 The letter concludes with a paragraph seeking confirmation that all of the complainant statements were submitted noting that there was no statement from (...).
- Section 40**
- 5.128 Overall it is apparent from the letter that (...) relied on the opinions of the expert witness (...) regarding the difficulties faced in proving that the actions of (...) amounted to an indecent assault.
- Section 40**
Section 44
Section 38
- 5.129 On 23 April 2003 (...) replies to this letter apparently attaching the file, the documentary exhibits and the statement of (...). He refers to (...) suggestion to provide more detailed advice in respect of individual complainants. There is no indication that this was ever provided or chased up. (...).
- Section 40**
- 5.130 No reference was made to the fact that the CPS had not apparently attached much weight to the evidence of (...). Similarly no thought regarding appealing the CPS decision appears to have been made.
- Section 40**
Section 31
- 5.131 (...). He provides evidence of the 2003 file regarding (...) bearing the reference (...) being destroyed on 15 May 2011 as per normal archive practice. This investigation has been provided with a copy of the file recovered by Norfolk Police file which in the

absence of any evidence or information to the contrary is assumed to be a true copy of what was submitted to the CPS.

Section 40 5.132 On 20 September 2016 (...) provided a statement to this investigation. (...).
Section 44

Section 31 5.133 (...).

Handling of CPS Decision

Section 40 5.134 Following receipt of the letter from (...) dated 7 April 2003 (...) sent a memorandum
Section 38 (...) on the same date. (...) apparently attached the CPS letter and other relevant papers in order to provide the background of the investigation prior to a case conference set for Wednesday 9 April 2003.

Section 40 5.135 The memorandum was submitted via (...) who noted on it *No major surprises*
Section 38 *here.....*

Section 40 5.136 A case conference was on 9 April 2003 chaired by (...); this was in effect (...) with
Section 31 various representatives of the force in attendance. In summary the meeting decided
Section 38 that the services of (...) would no longer be required and set out a plan regarding informing him and others of the decision. Decisions were also made regarding communicating the CPS decision to the victims and actions were set out to first inform them by telephone and then by letter.

Section 40 5.137 At the conclusion of the meeting (...) thanked everyone for their commitment and
Section 38 professional investigation. The minutes also record (...) praising *the role of (...) who had been a stalwart throughout the whole period and had compiled the file.*

General Medical Council (GMC)

Section 40 5.138 The (...) includes an action dated 15 November 2002 for (...) to inform GMC Fitness
Section 31 to Practice Directorate. There is a second reference to the GMC on 18 November by
Section 38 (...). *GMC re (...). Gave her precis of allegations. She asked for brief details to be confirmed in writing.*

- Section 40**
Section 31
Section 38
- 5.139 On 19 November 2002 (...) wrote to (...) as requested confirming the allegations. This letter states (...) *women police officers have made complaints regarding the Police Recruitment Medical examinations undertaken by (...), approximately 12 months ago, prior to them joining the police service.*
- Section 40**
Section 44
Section 31
Section 38
- 5.140 Operation Salt recovered a file of papers from the GMC entitled 'GMC Papers re the Preliminary Procedures Committee concerning (...) dated 10/09/03' The GMC Papers contained the statements of (...).
- Section 40**
Section 31
Section 38
- 5.141 (...) 30 December 2002 written by (...) states;
To provide the GMC with a progress report of the investigation as requested by them by way of a Case Conference arranged for 7/01/03 and to provide them with all relevant information to enable them to make a professional judgement on any interim action they may wish to take.
Reason
To ensure that all relevant information is shared with the GMC so the public interest issues can be considered by them.
- Section 40**
- 5.142 This is the only entry relating to the referral of (...) to the GMC. The policy clearly states the investigation will provide them with all relevant information.
- Section 40**
Section 38
- 5.143 On 21 January 2003 (...) sent a letter to the GMC enclosing four transcripts of interview with (...). Part of the letter reads *please find additional papers that consist of four written tape transcript of interview with (...).* This indicates the GMC had already received some documents by 21st January.
- Section 40**
Section 31
Section 38
- 5.144 It can be concluded that the witness statements were therefore given to the GMC after 12 December 2002 but before 21 January 2003. It is most likely that statements were delivered by (...) on 7 January 2003 at the GMC case conference referred to by (...).
- Section 40**
Section 44
- 5.145 Enquiries with the GMC have confirmed that they were provided with the majority of the victim's statements, with the exception of those made by (...), whose statement was not obtained until 10 March 2003, the other statements were all available on 21 January 2003.

5.146 The statements that were submitted went through a screening process in accordance with GMC procedures at that time. Many of the allegations were excluded due to the 'Five year rule' that limited the time allegations of misconduct could be made. Only allegations that concerned events within five years of making the allegation were able to be referred to the Preliminary Procedures Committee.

Section 40
Section 44
Section 31
Section 38 5.147 It is of some concern that once again the evidence provided by (...) has not been submitted to the GMC, (...).

Section 40
Section 38 5.148 On 10 April 2003 (...) wrote a letter to (...), Fitness to Practice Directorate of the GMC. He refers to an earlier letter he sent dated 29 January 2003 and informs her of the CPS decision and the reasons behind it. He also repeats some of the concerns noted by the expert witness (...).

Section 40
Section 31
Section 38 5.149 On 22 September 2003 (...) from the Conduct Case Presentation Section of the GMC wrote to (...) informing him of the Council's decision to issue a warning to (...). The letter refers to allegations regarding the examination (...).

Section 40
Section 44 5.150 Enquiries by Operation Stornoway have refuted the allegation that only four statements were submitted to the GMC. In fact the majority of victim's statements were considered by the GMC. It remains unclear why the statements of (...), were not included in the submission to the GMC.

Section 40
Section 44 5.151 Further enquiries were made with the GMC in an effort to establish whether the outcome regarding (...) would have been any different had all the evidence been submitted to them. Given the numerous and substantial changes to GMC procedures they are unable to speculate on whether the decision to only provide advice to (...) would have been in any way altered. They do however point out that three of the statements would have been excluded under the five year rule, but that the allegations made (...), would have been considered.

Section 40
Section 44
Section 31
Section 38 5.152 (...).

Failings

- Section 40**
Section 38
- 5.153 Following my assessment of the Operation Parrott investigation I concluded that it would be necessary to formally interview the following to seek explanations for what on the face of it were serious failings: (...).
- Section 40**
Section 44
- 5.154 The failings were summarised as:
The subjects failed to conduct an appropriate investigation in 2002 in relation to the allegations of sexual assault and inappropriate behaviour by (...).
The subjects failed to identify victims and witnesses.
The subjects failed to supply the expert witnesses with all the available evidence.
The subjects failed to provide the GMC with all the available evidence.
The subjects failed to provide the CPS with all the available evidence.
The subjects failed to make consideration of the (...) circumstances of (...) and the possibility of sexual offending or the safeguarding of potential victims.
The subjects failed to instigate an investigation into the failings of the 1993 investigation.
- Section 40**
Section 31
Section 38
- 5.155 A severity assessment was completed and it was deemed that their failures in performance were assessed as being Gross Misconduct. (...).
- Section 40**
Section 44
Section 38
- 5.156 Following the receipt of responses from (...), the status of (...) was reviewed. It was deemed that he was also responsible for failures in performance regarding:
Not ensuring that existing victims and witnesses were identified.
Not considering the (...) circumstances of (...) and the possibility of sexual offending or risk to potential victims.
Not instigating an investigation into the failings of the 1993 investigation.
These were assessed as being Gross Misconduct.

5.157 As has been stated previously The IPCC Statutory Guidance requires that retired police officers are treated the same as serving officers during investigations into misconduct allegations.

Section 40

5.158 The terms of reference include investigating whether the 2002 enquiry was conducted in a way that met the standard operating practice of the time. During 2002 I was the (...) of Essex Police and it is from this background and experience that I have assessed Operation Parrott.

5.159 The critical nature of the allegations appears to have been properly identified at the outset and a criminal investigation was rightly launched. However the extent and thoroughness of the investigations raises serious concerns as do the small number of resources deployed on it.

Section 40

5.160 The initial emphasis seems to have been to ascertain what a police recruit medical should consist of as well as dip sampling a number of former recruits to ascertain how their medicals were conducted. My opinion is that the emphasis was on disproving the allegations rather than proving them. Despite it being known at a very early stage that previous similar allegations had been made against (...) in 1993, there was a noticeable reluctance to widen the investigation and secure what can only be described as important evidence to the detriment of (...).

**Section 40
Section 44
Section 31**

5.161 (...) was contacted and provided a copy of (...) 1993 report which contained the names of eight potential victims. Some but not all of these were eventually seen during the Operation Parrott investigation. Some statements were taken, but significantly no statement was taken from (...). No further enquiries were made with her former (...) colleagues (...).

Section 40

5.162 Although many victims for a variety of reasons did not have the opportunity to provide their evidence, Operation Parrott did gather evidence regarding allegations of indecent assault against (...). Additionally evidence was gathered from other FME's which identified significant variations regarding how medicals were conducted.

**Section 40
Section 38**

5.163 (...) appears to have been treated differently to how suspects of such offences would normally be dealt with. It was decided to submit an advice file to the CPS before any

interview with (...) was conducted. No reason is documented regarding the reasons why (...) was not arrested. Prior to the interview copies of statements made by victims and other witnesses were disclosed to him. The interviewers were (...), which I consider unusual, and the quality of the interview was below standard. (...) conducted a second interview at a solicitor's office lasting just thirteen minutes. Again I consider it unusual for such an interview with a suspect to take place at a solicitor's office.

Section 40
Section 31 5.164 It was apparent that expert evidence would be required, but this was only sought after the first interview with (...).

Section 40
Section 44 5.165 The expert witnesses, (...) were not provided with all of the evidence that was available, or became available whilst they were providing their evidence. Most significantly evidence was obtained from (...) was indecently assaulted by (...) when he conducted an internal examination.

Section 40
Section 44
Section 31 5.166 (...). The experts have now seen this statement and state that had they been provided with this during 2003 that it would have significantly altered the conclusion that they reached.

Section 31 5.167 (...) there is no justification for her evidence not being submitted to the expert witnesses. Furthermore there is no policy decision detailing why this evidence and that of some other victims was not submitted.

Section 40
Section 44
Section 31 5.168 A further file was submitted to the CPS including the expert evidence. The copy of the file that I have seen includes the statement of (...). The CPS (...) relied heavily on the evidence of (...) and decided that there was insufficient evidence to prosecute (...); however (...) had not been able to comment on (...) evidence. It now seems apparent that the CPS decision may have been different had (...) been able to provide an opinion regarding her.

Section 40 5.169 At the outset of the investigation the GMC were informed that there were two allegations against (...). However this investigation has proved that they were subsequently provided with the majority of victims statements, though questions

remain as to why four statements and (...) second police interview were not submitted to the GMC.

5.170 The disparity and inconsistencies regarding what statements were disclosed pre interview, submitted to the experts, the CPS and the GMC indicates an investigation that was poorly organised and managed.

Section 40
Section 38

5.171 The serious deficiencies in the investigation into the 1993 allegations were obviously apparent to (...). Despite this, for whatever reason, nothing was done to investigate these failings.

Section 40
Section 44

5.172 Similarly no action appears to have been taken regarding safeguarding females outside of Norfolk Constabulary who have been at risk from (...). It is accepted that the GMC were alerted but nothing was done to ensure that females (...), were safeguarded.

Misconduct Interviews / Responses

Section 40
Section 38

(...)

Section 40
Section 31
Section 38

- 5.173 (...).
- 5.174 (...).
- 5.175 (...).
- 5.176 (...).
- 5.177 (...).
- 5.178 (...).
- 5.179 (...).
- 5.180 (...).
- 5.181 (...).
- 5.182 (...).
- 5.183 (...).
- 5.184 (...).

Section 40
Section 44
Section 31

5.185 (...).

Section 40 5.186 (...).
Section 31

Section 40 5.187 (...).
Section 44
Section 31

Section 40 5.188 (...).
Section 44
Section 31
Section 38

Section 40 5.189 (...)
Section 31

Section 40 5.190 (...).
Section 31

Section 40 5.191 (...).
Section 31 5.192 (...).
Section 38

Section 40 5.193 (...).
Section 44
Section 31
Section 38

Section 40 5.194 (...).
Section 44
Section 31

Section 40 5.195 (...).
Section 31
Section 38

Section 40 5.196 (...).
Section 31

Section 40 5.197 (...).
Section 31 5.198 (...)
Section 38 5.199 (...).
5.200 (...).
5.201 (...).
5.202 (...).

Section 40 5.203 (...).
Section 31

Section 40 (...)
Section 38

Section 40 5.204 (...).
Section 31
Section 38
Section 40 5.205 (...).
Section 31

Section 40 5.206 (...).
Section 31 5.207 (...).
Section 38 5.208 (...).
5.209 (...).

Section 40 5.210 (...).
Section 44
Section 31
Section 38

Section 40 5.211 (...).
Section 31 5.212 (...).
Section 38

Section 40 5.213 (...).
Section 44
Section 31
Section 38

Section 40 5.214 (...),
Section 31
Section 38

Section 40 5.215 (...).
Section 31 5.216 (...).
5.217 (...).
5.218 (...).

Section 40 5.219 (...).
Section 31 5.220 (...).
Section 38 5.221 (...).
5.222 (...).

Section 40 5.223 (...).
Section 31

Section 40 5.224 (...).
Section 31
Section 38

Section 40 5.225 The initial decision not to obtain evidence from the 1993 victims was originally
Section 31 recorded (...) and appears to have been made by (...).
Section 38

Section 40 5.226 (...).
Section 31 5.227 (...).
Section 38 5.228 (...).
5.229 (...).

Section 40 5.230 (...).
Section 44
Section 31
Section 38

Section 40 5.231 (...).
Section 31
Section 38

Section 40 5.232 (...).
Section 31

Section 40 5.233 (...).
Section 31
Section 38

Section 40 5.234 (...).
Section 44
Section 31

Section 40 5.235 (...).
Section 31 5.236 (...).
Section 38 5.237 (...).
5.238 (...).

Section 40 (...)
Section 38

Section 40 5.239 (...).
Section 31
Section 38

Section 40 5.240 (...).
Section 31

Section 40 5.241 (...).
Section 31
Section 38

Section 40 5.242 (...).
Section 44
Section 31
Section 38

Section 40 5.243 (...).
Section 31 5.244 (...).
Section 38 5.245 (...).

Section 40 5.246 (...).
Section 44
Section 38

Section 40 5.247 (...).
Section 38

Section 40 5.248 (...).
Section 31 5.249 (...).
Section 38

Section 40 5.250 (...).

Section 40 5.251 (...).
Section 31
Section 38

Section 40 (...)
Section 38

Section 40 5.252 (...).
Section 31
Section 38

Section 40 5.253 (...).
Section 38

Section 40 5.254 (...).
Section 31 5.255 (...).
Section 38 5.256 (...).
5.257 (...).
5.258 (...).

Section 40 5.259 (...).
Section 44
Section 31
Section 38

Section 31 5.260 (...).

- Section 40* 5.261 (...).
Section 31 5.262 (...).
Section 38 5.263 (...).
 5.264 (...).
 5.265 (...).
 5.266 (...).
 5.267 (...).
 5.268 (...).

Analysis of Interviews / Responses

- Section 40* 5.269 Being retired officers (...) were under any duty or obligation to respond to the
Section 38 allegations; however they all clearly expressed a desire to assist the investigation. They were hindered by the absence of the majority of the Operation Parrott material, which is no longer available and the fact that we were asking them to account for an investigation that took place over fourteen years ago.
- 5.270 I would wish to place on record my appreciation to all three retired officers for the assistance that they have provided to Operation Stornoway.
- Section 40* 5.271 (...).
Section 31
Section 38
- Section 40* 5.272 It is considered that (...) involvement at the beginning of the investigation and at the
Section 31 conclusion is consistent (...). The request to see the (...) is entirely consistent with
Section 38 the strategic oversight that was required. (...).
- Section 40* 5.273 (...). Given the decision that was made not to arrest (...) it is questioned why the
Section 31 expert evidence was not obtained before the interview. It does appear that there was
Section 38 a desire to conclude the investigation quickly and in hindsight this may have contributed to some of the failings.
- Section 40* 5.274 (...). It seems surprising that there would have been any problem tracing a former
Section 44 police officer.
Section 31
Section 38

- Section 40**
Section 44
Section 31
- 5.275 He challenges whether in fact it is accurate that there were significant discrepancies between the material provided to each expert witness. The statements of (...) were not supplied to either (...) did not receive the statement (...).
- Section 40**
Section 44
Section 31
- 5.276 Operation Stornoway requested a further report from both experts to establish whether the additional evidence would change their opinion. (...). We interpret that phrase as meaning that a lawyer should consider whether it amounts to a sexual assault as it was clearly an unnecessary examination.
- Section 40**
Section 44
Section 31
Section 38
- 5.277 (...).
- Section 40**
Section 31
Section 38
- 5.278 (...), what is disclosed and the manner of the disclosure is very much an operational decision for (...). It is accepted that disclosure of the victim's evidence may have been necessary in order to obtain an account from (...), however it seems highly unusual to provide copies of their statements containing their names.
- Section 40**
- 5.279 The only explanation that has been given regarding the decision to interview (...) as a voluntary attender rather than arrest him is that it was the CPS who advised this. Once again it is my opinion that this was an operational decision for (...). There is no explanation as to why the interview was conducted before the receipt of the expert evidence. In fact it was only commissioned after the interview and was never put to (...).
- 5.280 Following service of the notice of investigation further evidence was obtained from the GMC that explained why they had only referred to receiving four witness statements. It is now clear that they had been supplied with the majority of the victim's statements as well as the interviews which were conducted in December 2002. The GMC have now confirmed that they did not receive a further four statements or the final interview transcript.
- Section 40**
- 5.281 The decision only to warn (...) was based on four of the cases which met the criteria to be forwarded to the Preliminary Proceedings Committee (PPC). The final decision was also directly based on the CPS decision to take no further action and the GMC

report cites the opinion given by the expert, (...), which we know was not based on all the victim's accounts.

Section 40
Section 44
Section 31 5.282 The cases considered by the PPC involved (...). These cases had similarities as they involved (full) medical examinations of healthy women rather than an individual presenting with an injury or a condition, (...). Additionally, in interview (...) gave explanations of the necessity for these examinations (...). The other three victim statements which were not passed to the GMC would have been time barred.

Section 40
Section 44 5.283 The GMC states that on the evidence now provided it is arguable that the issues raised (...) would have been referred to the PPC and they may have been asked to consider some further allegations. It is accepted that it is not now possible to determine what the outcome would have been had this occurred

Section 40
Section 44 5.284 It is also accepted that the evidence of (...) was submitted to the CPS. Analysis received following the service of the investigation notice confirms this.

Section 40
Section 44 5.285 The Operation Stornoway investigation has always been concerned about the reliability of (...) evidence, given the time that has elapsed since his involvement and the sheer volume of other cases that he has advised on. Similarly this report has already commented on the deficiencies in the evidence provided by (...). Notwithstanding those deficiencies it is still considered that it should have been provided to the experts.

Section 40 5.286 Many of the victims of (...) were concerned that social connections between (...) police officers and (...) led to their allegations not being properly investigated. As already reported, this investigation has found no evidence whatsoever to support that there were any social connections.

Section 40
Section 38 5.287 (...) and could have recommended or instigated an investigation regarding the failures of the 1993 investigation. (...) was similarly aware of the apparent failings and it is accepted that he could also have launched an investigation.

Section 40
Section 31
Section 38 5.288 (...).

- Section 40**
Section 31
Section 38
- 5.289 (...) there is no clear view as to who the person in day to day charge of the investigation was. It therefore seems likely that this was the case in 2002 as well and that there was no leadership. Traditionally I would expect that (...) has this leadership responsibility, (...).
- Section 40**
Section 31
Section 38
- 5.290 (...). I do accept that the investigation was under resourced and had no structure; however (...) must be accountable for this.
- Section 40**
Section 38
- 5.291 An (...) can pass responsibility for aspects of the investigation to other junior staff, but remains accountable for what transpires. It is my view that (...) should have done more to obtain additional resources. Furthermore responsibility for the structure of the investigation rests firmly with (...). He should have set up a structure that enabled him to ensure that the enquiry team were properly supervised.
- Section 40**
Section 31
Section 38
- 5.292 In the event that he considered that the resourcing was having an adverse impact on the investigation, he should have recorded this in his policy file noting that he was not being properly supported (...). There is one (...) recorded regarding resources but this does not reflect what he is asserting now.
- Section 40**
Section 38
- 5.293 The structure should have enabled supervision (...) and provide quality assurance of her submission of evidence to the CPS and whoever was responsible for the submissions to the experts. The fact that not all of the statements were submitted to the experts should have been picked up either upon submission or when the expert's evidence was received. It should have been blatantly obvious that some evidence was missing. In the absence of a nominated supervisor responsibility for this must remain with (...).
- Section 40**
Section 38
- 5.294 I accept that this was one of a number of investigations (...) was involved in at this time, however it is not unusual for (...) to have responsibility for a number of investigations. In these circumstances, effective management and supervision is essential for each investigation.

- Section 40**
Section 31
Section 38
- 5.295 (...). Whilst it can be seen (...) that (...) was involved in the decisions at the beginning and end of the investigation, my strong view is that (...) must be both accountable and responsible for the decision making during an investigation.
- Section 40**
Section 38
- 5.296 It is also apparent that the roles (...) were to some extent shared, including the responsibility for supervising staff. This resulted in their being no one person in charge. This was compounded by their being no one appointed as the first line supervisor. This lack of structure is in my view a recipe for disaster. No one had ownership of the investigation and the enquiry team had no single person to report to, or be supervised by.
- Section 40**
Section 31
Section 38
- 5.297 It is accepted that the provision of resources is the responsibility of the (...), but I would have expected to have seen this challenged within the policy file if the (...) was dissatisfied with the level of resources, particularly if it was hindering the effective and efficient progress of the investigation.
- Section 40**
Section 44
Section 38
- 5.298 (...) it was unnecessary to submit (...) statement to the expert witnesses as it was already apparent that her allegations amounted to indecent assault. Given the seriousness of the assault I cannot agree that this should not have been part of the submission.
- Section 40**
- 5.299 I can understand the rationale for wanting the experts to consider the explanations proffered by (...), but I would still have expected him to have been challenged with the expert's opinion.
- Section 40**
Section 31
Section 38
- 5.300 (...) is clear that it was to a supervisory officer. I think it can be inferred that it was to either (...) seem to have had any supervisory involvement over than action allocation. In her view (...) was in charge of the investigation.
- Section 40**
Section 31
- 5.301 (...).
- Section 40**
Section 38
- 5.302 In investigations led by an (...) it is usual, certainly within Essex Police for a Case Officer to be appointed, who has responsibility for file submission and usually the submission of evidence to expert witnesses. On some documents they may be

referred to as the Officer in case, albeit the person leading the investigation will be (...).

Section 40
Section 31
Section 38 5.303 It was understood by Operation Stornoway that (...) undertook the role of Officer in case / Case Officer during Operation Parrott. (...) accompanied (...) at meetings with the CPS, (...).

Section 40
Section 38 5.304 Other than these functions normally being the role of the Case Officer / Officer in case there is no evidence to prove that (...) was responsible for any failing regarding the conduct of the investigation, the preparation of evidence for review by the expert witnesses or the submission of evidence to the GMC. The only failing that (...) may be responsible for concerns the incomplete file submitted to the CPS, notwithstanding that it was checked by a supervisor.

Section 40
Section 44 5.305 This failing has been reviewed. There were three parts to this.

- I. The absence of a statement from (...), which was identified by the CPS and quickly rectified.
- II. The possible absence of a statement (...). This was the recollection of CPS (...), however given the passage of time this cannot be relied upon particularly as there are references to her in the witness list and summary.
- III. The absence of statements from (...). Whilst these were omitted, this was a consequence of the failure to identify all of the victims rather than a failure to submit all of the available evidence.

Section 40
Section 38 5.306 Additionally the absence of any supervision or supervisory structure mitigates (...) role completely. For these reasons the severity of the allegations was re-assessed and in consultation with the appropriate authority, it was decided, apart from the incomplete CPS file, to withdraw the allegations against (...). The allegation regarding the CPS file was re-assessed as misconduct.

Section 40
Section 31
Section 38 5.307 Former (...) at the time of Operation Parrott. (...).
5.308 (...).
5.309 (...).
5.310 (...).

Section 40
Section 31
Section 38 5.311 (...). The minutes of Police Authority meetings during this period have been checked but there is no reference to Operation Parrott.

Section 40
Section 31
Section 38 5.312 (...).

Conclusions and Findings

Section 40
Section 44 5.313 Operation Stornoway has identified significant concerns and failings both in 1993 and 2002 that have resulted in major consequences for the victims of (...). Had the 1993 allegations been properly investigated it is likely that this would have led at the very least to his dismissal as the Force Medical Examiner and would have safeguarded future female recruits from the assaults and ordeal that they have had to endure. One can only speculate whether appropriate police action in 1993 would have safeguarded (...).

5.314 This report has highlighted significant failings regarding the 2002/2003 investigation – Operation Parrott.

Section 40
Section 31
Section 38 5.315 (...) the following allegations:

1. The subjects failed to conduct an appropriate investigation in 2002 in relation to the allegations of sexual assault and inappropriate behaviour by (...).
2. The subjects failed to identify victims and witnesses.
3. The subjects failed to supply the expert witnesses with all the available evidence.
4. The subjects failed to provide the GMC with all the available evidence.
5. The subjects failed to provide the CPS with all the available evidence.
6. The subjects failed to make consideration (...) and the possibility of sexual offending or the safeguarding of potential victims.
7. The subjects failed to instigate an investigation into the failings of the 1993 investigation.
8. Concern was also raised regarding social connections between (...) and (...).

Section 40

Section 40
Section 44

Section 40
Section 38

Section 40
Section 31
Section 38

5.316 (...).

5.317 In order to reach conclusions it was necessary for me to analyse and evaluate the evidence. Where I have needed to make factual findings I have applied the “balance of probabilities” standard of proof. In deciding whether something is more likely than not to have occurred, I have had regard to all of the available evidence and the weight to be attached to it.

5.318 Since this case was one subject to special requirements I am required only to form an opinion about whether there is a case to answer for misconduct or gross misconduct for each subject. In doing so I will not reach findings of fact that would be conclusive of misconduct or gross misconduct which may take place, these findings should be left for any subsequent misconduct hearing or meeting.

5.319 In coming to these conclusions I accept the prejudice caused to the officers under investigation by the passage of time since the allegations were made in 2002 and the absence of a significant amount of material that may have been created fourteen years ago.

5.320 In deciding whether there is a case to answer I have had regard to all of the available evidence and the weight to be attached to it. I have set out my conclusions for the appropriate authority.

Section 40
Section 31
Section 38

5.321 (...).

5.322 (...).

Section 40
Section 31
Section 38

5.323 By referring to (...) as the Officer in case, infers that (...) would be responsible for the content of the file and generally the case management. This would normally involve the submission of evidence to experts and other reports on behalf of (...).

Section 40
Section 38

5.324 It is my opinion on the basis of the evidence available, that a reasonable misconduct panel or meeting properly directed could not find on the balance of probabilities that there had been a Breach of the Standards of Professional Behaviour and so there is no case to answer regarding any allegation (...).

Section 40
Section 31
Section 38

5.325 I have considered the position of (...). Whilst it is accepted that he was not working full time on Operation Parrott (...), in my opinion, makes him responsible for the investigation and the tactical decisions that were made.

5.326 Given this, it is reasonable to expect him to have conducted a proper and thorough investigation, taking into account his responsibilities towards the victims and the reputation of the force. By being an integral party in a poor investigation I consider that he has a case to answer for failing to act with due diligence whilst exercising his duties and responsibilities whilst dealing with these allegations.

Section 40
Section 31
Section 38

5.327 I do not accept that the involvement of (...). He should therefore have been responsible for leading the investigation and making the tactical decisions. He should have been the controlling mind of the investigation.

Section 40
Section 38

5.328 If this was not the case it should have been clarified in the policy file. He (...) would no doubt have recorded any concerns he had regarding his role. It is apparent that (...) was not as involved as expected (...).

Section 40
Section 31
Section 38

5.329 I have considered (...). Notwithstanding the presence of a (...) I consider that (...) is similarly responsible for conducting a proper and thorough investigation, taking into account his responsibilities towards the victims and the reputation of the force. By being an integral party in a poor investigation I consider that he has a case to answer for failing to act with due diligence whilst exercising his duties and responsibilities whilst dealing with these allegations.

Section 40
Section 31
Section 38

5.330 Given the involvement of (...), I would have expected (...) to be advising (...). Conversely it seems that (...) was more hands on than being the (...). He clearly had dealings with the CPS and GMC; he interviewed (...) and also obtained a witness statement.

Section 40
Section 31
Section 38

5.331 I have also considered the role of (...), who was the (...) at the time, (...) and would not normally extend to the day to day running of the operation.

Section 40
Section 31
Section 38

5.332 The decision whether to include the 1993 victims in the Operation Parrott investigation, is primarily a tactical issue, however given the likely impact on the

force, it is considered that it is a decision that (...) should be party to. Any decision regarding whether to investigate the failures of the 1993 investigation is a strategic decision as is the responsibility for ensuring that other persons were safeguarded.

Section 40
Section 38

5.333 I consider that (...) has a case to answer for failing to act with due diligence whilst exercising his duties and responsibilities whilst dealing with these allegations.

Section 40
Section 38

5.334 Allegation 1 relates to failures in the investigation into the criminal allegations made by the victims and concerns (...). This is considered to be a general allegation proved by a number of more specific allegations that in my opinion indicate a case to answer regarding duties and responsibilities.

5.335 In response to the allegations made in 2002 and in contrast to 1993, a criminal investigation ensued. Operation Stornoway has been hindered by the fact that the majority of the material generated by Operation Parrott is no longer available. It is accepted that the absence of this material has also been a significant constraint regarding the responses and interviews provided by the subjects of the investigation.

5.336 Although Operation Parrott was treated as a criminal investigation the allegations were not made subject of a crime complaint and not recorded under Home Office Counting rules. I have noted my opinion that the emphasis at the beginning of the investigation appears to be on disproving the allegations rather than proving them.

Section 40
Section 31
Section 38

5.337 Following almost nine months of investigation I am unable to say who was in charge of Operation Parrott. On the balance of probabilities I believe that the role was shared between (...). I consider the absence of clear leadership is integral to all of the failings.

5.338 The absence of clear command was exacerbated by the absence of any first line supervision for the enquiry team. There was no structure to the investigation.

Section 40

5.339 Failings have also been identified regarding the conduct of interviews, and how differently (...) appeared to have been treated compared with other suspects. The question as to why he was not arrested remains unanswered.

- Section 40**
Section 31
Section 38
- 5.340 The passage of time and the absence of records make it difficult to assess responsibility for the poor investigation that in my opinion was conducted into the 2002 allegations. In reaching an opinion I attached weight to the (...) log recorded (...).
- Section 40**
Section 38
- 5.341 In view of the opinion that I have expressed that (...) were both in charge of the day to day running of the investigation I assess that responsibility for the overall failures in the investigation rests with (...) have a case to answer for failing to act with due diligence whilst exercising his duties and responsibilities whilst dealing with these allegations.
- Section 40**
Section 38
- 5.342 Allegation 2 specifically relates to attempts to trace victims and also includes (...). The existence of the previous allegations reported in 1993 was soon apparent, yet despite this there was an obvious reluctance to widen the investigation to include the previous victims. This policy is recorded by (...).
- Section 40**
- 5.343 The inclusion of the 1993 victims could only add weight to the 2002 investigation and it is beyond me why the advice of the CPS needed to be obtained to reverse the decision not to include them. Even then despite the investigation being provided with (...) report of the earlier investigation, a number of the 1993 victims were still not included. The records of the majority of medical examinations conducted by (...) in Norfolk Constabulary were available and these could easily have been used to identify further victims.
- Section 40**
Section 38
- 5.344 The passage of time and the absence of records make it difficult to assess responsibility for the failure to identify witnesses and victims. Operation Stornoway has identified up to thirteen further victims who could have been identified had Operation Parrott been more thorough. In reaching an opinion I attached weight to the policy log recorded by (...), their responses to questions and what the outcome of our search for victims.
- Section 40**
Section 38
- 5.345 In view of the opinion that I have expressed that (...) were (...) in charge of the day to day running of the investigation I assess that responsibility for the failures in identifying all of the victims and potential witnesses rests with (...) have a case to answer for failing to act with due diligence whilst exercising his duties and responsibilities whilst dealing with these allegations.

- Section 40**
Section 31
Section 38
- 5.346 (...) have at the very least approved the terms of reference. The absence of this document does not assist me in understanding the parameters of the investigation. (...), made by (...) refers to seeking guidance from the executive on the policy of revisiting or investigating previous allegations.
- Section 40**
Section 31
Section 38
- 5.347 (...) made at the same time confirms that following a meeting between (...) that this approach will be adopted. There is no evidence available to corroborate in any way the allegations made against (...) that he curtailed the investigation. It is my opinion on the basis of the evidence available, that he is not responsible for the failure to identify all of the victims and potential witnesses and does not have a case to answer.
- Section 40**
- 5.348 Allegation 3 concerns the provision of evidence to the expert witnesses. It is apparent how much the CPS relied on the evidence of (...). There is no doubt that both expert witnesses were provided with different packages of evidence to review. No reason has been put forward to explain this. The fact that the CPS made no mention of the evidence provided by (...) was never challenged.
- 5.349 No one accepts responsibility for who was responsible for submitting evidence to the expert witnesses or who checked it. Similarly nobody accepts; responsibility for checking the expert evidence once it was received, or the failure to identify that some witness evidence had not been considered.
- Section 40**
Section 44
- 5.350 It is accepted that the evidence (...) presented difficulties but this should not have prevented the experts receiving her evidence. It was for the CPS to consider the strength of her evidence once the experts had presumably expressed their concerns regarding the justification for this examination.
- Section 40**
Section 38
- 5.351 In reaching an opinion I attach weight to the evidence of (...) and the witnesses (...). I am of the opinion that the evidence of both experts would have been to the detriment of (...) had they been provided with all of the available evidence.
- Section 40**
Section 38
- 5.352 In view of the opinion that I have expressed that (...) in charge of the day to day running of the investigation I assess that responsibility for the failures in providing the expert witnesses with all of the relevant evidence rests with (...) have a case to answer.

5.353 Allegation 4 relates to the provision of evidence to the GMC. At the outset of the investigation it appeared that only four of the victim's statement had been provided to them. Subsequent enquires clarified the situation and confirmed that they had in fact received the majority, but not all of the evidence.

Section 40
Section 44
Section 31
Section 38

5.354 Four other statements and the final interview, including the evidence of (...), were not provided to them. They state that three of these allegations, including those made by (...), would have been screened out by their 'five year limit' process. The one statement that would have been included was (...) statement. (...). The absence of this statement may have impacted on their decision to issue a warning to (...).

Section 40
Section 44
Section 38

5.355 As stated previously, it is accepted that it is not now possible to determine what the outcome would have been had (...) statement been submitted. Although the consequences of this failure cannot be determined, in view of the opinion that I have expressed that (...) were (...) in charge of the day to day running of the investigation I assess that responsibility for the failures in providing the GMC with all of the relevant evidence rests with (...) are accountable.

Section 40
Section 38

5.356 Taking into account my conclusions regarding the failures of (...) to; conduct an appropriate investigation, to identify victims and witnesses, to supply the expert witnesses and the GMC with all the available evidence. I consider that had (...) still been serving officers, a reasonable misconduct panel or meeting properly directed could find that on the balance of probabilities they failed to be diligent in the exercise of their duties and responsibilities and did not carry out their duties and obligations to the best of their ability. It is therefore my opinion that there is a case to answer for failures regarding duties and responsibilities in respect of (...).

5.357 The investigating officer believes that this amounts to misconduct rather than gross misconduct as it is considered there is insufficient evidence upon which a reasonable tribunal could find a breach of the standards of behaviour so serious as to justify dismissal. In reaching this view I have considered the passage of time that has elapsed and the overall organisational failings which cannot be attributed to any one individual.

Section 40
Section 44
Section 31
Section 38

5.358 Allegation 5 relates to the failure to provide all of the evidence to the CPS. (...). On the balance of probabilities I am satisfied that it was provided. There were four

statements that should have been provided which were omitted but three of these victims from 1993 had not been identified by Operation Parrott so were not available. This was a consequence of the failure to identify victims and witnesses. The fourth, a statement from (...) was omitted but this was rectified once the CPS requested it.

Section 40
Section 31
Section 38

5.359 (...).

Section 40
Section 44
Section 38

5.360 In any case I am not convinced that the CPS was not provided with the vast majority of the available evidence. Any omission such as the evidence of (...) was quickly rectified and was insignificant. It is my opinion on the basis of the evidence available, that a reasonable misconduct panel or meeting properly directed could not find on the balance of probabilities that there had been a Breach of the Standards of Professional Behaviour and so there is no case to answer regarding either (...).

Section 40
Section 44

5.361 Allegation 6 relates to the failure to safeguard potential victims of (...). It was also reasonable to have concerns regarding other females that (...) came into contact with in the course of his social and professional life; however there is nothing to show that this was considered.

5.362 Whilst it is accepted that the concept of safeguarding has changed significantly within the police service since 2002, the fact remains that Police officers have always had to consider risk and have a duty of care.

Section 40
Section 31
Section 38

5.363 Although this is considered to be a strategic issue and therefore the responsibility of the (...). They were also experienced (...) officers and should have taken this into account. There is nothing in the policy log to indicate that this was a consideration of any of the subjects.

Section 40
Section 44
Section 31
Section 38

5.364 (...) suggests that the concluding (...) meeting was held amongst other things, to consider the risk to the general public. He now asserts that reference to the general public does not exclude (...). Operation Stornoway is only in possession of a document that sets out the actions arising from this meeting. There is no reference to the risk to the public let alone any reference to risk to (...).

- Section 40**
Section 38
- 5.365 I am of the opinion (...) have has a case to answer regarding the allegation that they failed to safeguard potential victims of (...).
- Section 40**
Section 38
- 5.366 I consider that had (...) still been serving officers, a reasonable misconduct panel or meeting properly directed could find that on the balance of probabilities they failed to be diligent in the exercise of their duties and responsibilities and did not carry out their duties and obligations to the best of their ability. It is therefore my opinion that there is a case to answer for failures regarding duties and responsibilities in respect of all three subjects.
- Section 40**
Section 44
Section 31
- 5.367 I have spoken with the (...) for Operation Salt, (...). I am unable to speculate whether they could have been prevented or detected by any police intervention in 2002. (...).
- 5.368 The investigating officer believes that this amounts to misconduct rather than gross misconduct as it is considered there is insufficient evidence upon which a reasonable tribunal could find a breach of the standards of behaviour so serious as to justify dismissal. In reaching this view I have considered the passage of time that has elapsed and the overall organisational failings which cannot be attributed to any one individual.
- 5.369 Allegation 7 relates to the failure to instigate an investigation into the failings of the 1993 investigation.
- Section 40**
Section 38
- 5.370 The inadequacies of the 1993 investigation became apparent (...) had the opportunity, authority and responsibility to instigate an investigation into the failings of that investigation. What they learnt must have been a concern to them. It is reasonable to expect them to have conducted a proper and thorough investigation, taking into account their responsibilities towards the victims and the reputation of the force.
- Section 40**
Section 31
Section 38
- 5.371 (...). On the balance of probabilities I am of the opinion that neither (...) nor (...) were briefed about this.
- Section 40**
Section 38
- 5.372 I consider that there is a case to answer for (...). Given the involvement of (...) officers I do not consider that (...) has a case to answer.

- Section 40**
Section 38
- 5.373 I consider that had (...) still been serving officers, a reasonable misconduct panel or meeting properly directed could find that on the balance of probabilities they failed to be diligent in the exercise of their duties and responsibilities and did not carry out their duties and obligations to the best of their ability. It is therefore my opinion that there is a case to answer for failures regarding duties and responsibilities in respect of (...).
- 5.374 The investigating officer believes that this amounts to misconduct rather than gross misconduct as it is considered there is insufficient evidence upon which a reasonable tribunal could find a breach of the standards of behaviour so serious as to justify dismissal. In reaching this view I have considered the passage of time that has elapsed and the overall organisational failings which cannot be attributed to any one individual.
- Section 40**
Section 38
- 5.375 Allegation 8 relates to the suggestion that (...) and other (...) officers had a social relationship with (...). There is no evidence whatsoever to substantiate this allegation and is not proven
- Section 40**
- 5.376 There is no evidence to substantiate any allegation regarding honesty and integrity. There is no evidence to indicate that any failures were in order to protect (...) or for some other improper reason. No evidence has been found to indicate that there were any social connections between (...) and any of the officers who investigated him.
- Section 40**
Section 38
- 5.377 It is my opinion on the basis of the evidence available, that a reasonable misconduct panel or meeting properly directed could not find on the balance of probabilities that there had been a Breach of the Standards of Professional Behaviour and so there is no case to answer regarding any allegation that (...) or any other investigating officer had any improper relationship with (...).

Section 40 6 (...)

Section 40 6.1 A section of the terms of reference refer (...).
Section 31

Section 40 6.2 On 18 May 2016 Mr Simon Bailey, the Chief Constable of Norfolk Constabulary met with a number of the victims of (...) and it was during this meeting that (...) raised (...) concerns.

Section 40 6.3 (...).
Section 31

6.4 (...).

Section 40 6.5 The terms of reference required the investigation to establish the reasons why (...) was recruited to work alongside (...)
Section 31

Section 40 6.6 (...) was originally contracted to Norfolk Constabulary as a Police Forensic Medical Adviser and examiner until 1997 when Unity Medical Services took over the Occupational Health services in the form of providing doctors and nurses. This resulted in (...) being offered a contract to work directly for Unity Medical Services, (...). Thereafter he continued to perform the FMA/ FME role on a subcontract basis.

Section 40 6.7 (...).
Section 31

Section 40 6.8 (...).
Section 31
Section 38

Section 40 6.9 (...).
Section 31

6.10 (...).

7 Operation Salt

- Section 40* 7.1 Operation Salt was the 2014 investigation dealing with the child abuse allegations and also the offences against the female officers. At the conclusion of these proceedings (...) was sentenced to a total of fifteen years imprisonment.
- Section 40*
Section 44
Section 31 7.2 Thirteen of the counts on the indictment related to allegations made by female police officers (...). The CPS lawyer (...) advised on which allegations should or should not be indicted. (...).
- 7.3 Unsurprisingly those victims who were not included on the indictment were concerned as to why that decision had been made. Many have indicated that had their evidence been recorded properly at the time they made their complaint then their evidence would have been more impactful, particularly as a number of victims had to make further statements many years after they had first made their allegations.
- 7.4 Operation Salt is not within the terms of reference for Operation Stornoway It was a well-run investigation that secured an excellent result at court. However whilst being seen by Operation Stornoway some of the victims have raised legitimate concerns regarding how they were managed by Operation Salt, which will be summarised specifically to learn lessons for the future.
- 7.5 It must be noted that victims also expressed very positive comments regarding Operation Salt. The negative criticism of Operation Salt fell into two main themes: poor communication and welfare, although in fairness an almost equal number of victims were extremely positive regarding these themes.
- Section 40*
Section 44 7.6 The most frequently voiced criticism was being dealt with as a police officer and not as a victim; (...) clearly stated this specific criticism in their statement. The individual concerns regarding this criticism were not always the same; and some persons did not specify an example as to why they stated they personally felt like they had been dealt with as a police officer and not a victim. Of those persons who expanded on this criticism; their experiences included: having to write their own Victim Personal

Statement; providing a statement whilst in their workplace; having a meeting whilst in their workplace and being provided with no or only limited welfare.

- 7.7 There were numerous examples provided as to why the level of communication with the victims was perceived not to be adequate. The examples included: not being aware of previous investigations until attending the trial; discovering the 1993 investigation was not investigated properly until hearing details in court; not being prepared that personal statements would be read out at court; and receiving 'round robin' texts by way of an update rather than a personalised message or telephone call.

Section 40

(...)

Head of Operation Stornoway

Essex & Kent Police Serious Crime Directorate

27 April 2017

Section 40**Local Investigation into Investigations by Norfolk Constabulary in 1993 and 2002 of abuse perpetrated by (...)****Operation Stornoway****Terms of Reference****1. Background****Section 40**

1.1 Operation Salt was commissioned by (...) in 2014 to investigate allegations of sexual assault by (...) against a number of police officers.

Section 40

1.2 (...) has pleaded guilty to 13 indictments relating to the examination of police officers and recruits whilst he performed the role of Force Medical Adviser.

Section 40

1.3 (...) has been sentenced to three years imprisonment following his guilty pleas to indecent assaults committed against thirteen women. The time is to be served consecutively to his existing 12 year sentence which relates to non-recent child sex offences.

Section 40

1.4 (...) was previously engaged by Norfolk Constabulary as a Force Medical Adviser. He was subject of investigations by Norfolk Constabulary concerning allegations of sexual assault made by members of staff in 1993 and 2002/2003.

1.5 During the course of the recent investigation, concerns have been raised in relation to the handling of the allegations made in 1993 and 2002/3.

1.6 These circumstances were referred to the IPCC on 13.08.2014 and the IPCC decided that the case should be subject of a local investigation.

Section 40

1.7 To ensure transparency and independence, (...) asked Essex Police to assist with the first stage of the local investigation. Terms of reference were agreed and a review of all available material has been conducted by (...), Head of Major Crime Review for Kent and Essex Police.

Section 40

1.8 (...) report has been provided to Norfolk Constabulary and, as a result of this, a decision has been taken by (...) to commission the next stage of the investigation into the handling of the 1993 and 2002/3 reports.

1.9 This investigation had been pended until the conclusion of the criminal court case relating to these offences in order that it does not prejudice the outcome.

1.10 Now that the court case has concluded this investigation can be pursued in order to find answers to the questions that have been raised.

Section 40

1.11 Norfolk Constabulary has not been made aware of any public complaints concerning its handling of the allegations made against (...).⁴

Section 40**2. Phase 1: Scoping Review, (...) Conclusions**

⁴ As per the Police Reform Act 2002

- Section 40**
Section 31
Section 38
- 2.1 The purpose of Phase 1 was to assist (...) in deciding if a criminal and/or conduct investigation concerning the handling of the allegations made against (...) by serving and/or former Norfolk Constabulary police officers or staff is necessary, or alternatively whether there is a need for a detailed learning review.
- 2.2 The review drew a number of conclusions including the following points:
- 2.2.1 The review supports the intention to seek answers from the key people involved in the earlier investigations...to provide answers to victims, a number of whom appear to have reached the conclusion that there was a cover up or the matter was hushed up
- 2.2.2 The review identified evidence to suggest that the 1993 enquiry was truncated prematurely and that a warning was given to victims not to speak about the matter to anyone or face prosecution themselves.
- Section 40**
Section 38
- 2.2.3 The review found that the papers for the 1993 enquiry were stored in the (...) desk until his retirement. This is different practice from that which was used in other cases.
- Section 40**
Section 44
- 2.2.4 A (...) victim, was not seen in the 1993 enquiry. Had she been seen, then other (...) victims would have been identified.
- Section 40**
- 2.2.5 Although it was recommended, no chaperone was introduced in (...) examinations post 1993.
- 2.2.6 A criminal investigation was launched in 2002. Based on the documentary evidence available for the review, it was concluded that there appear to be some inadequacies with the 2002/3 investigation. However the review recognises that absence from the provided material does not automatically prove its non-existence.
- Section 40**
- 2.2.7 (...) concludes: For all the reasons set out above, and in the description of the events preceding this section of the report, I am of the view that an investigation of the handling of the allegations made against (...) by serving and former police officers and staff is both appropriate and necessary.

3. Investigation terms of reference

- 3.1 This investigation will be carried out in accordance with the Code of Ethics, The Police Reform Act 2002, The Police (Complaints and Misconduct) Regulations 2012 and the IPCC Statutory Guidance to the Police Service on the Handling of Complaints, 2015.
- Section 40**
- 3.2 The purpose of this investigation is to establish the facts in respect of the two investigations carried out by Norfolk Constabulary into reports of sexual offences made by police officers against (...) in 1993 and 2002/3.⁵ It will assess all relevant and available evidence objectively and thoroughly taking full account of the perspectives of all parties involved.
- 3.3 Where applicable the investigation will seek to answer whether anyone subject to the investigation has a case to answer for any criminal offences, misconduct, gross misconduct or unsatisfactory performance.

⁵ IPCC Statutory Guidance to the Police Service on the handling of complaints, May 2015, para 9.2

3.4 It is also important to learn from the experiences of the past in order to improve the investigation of such cases and the service provided to victims in the future. The investigation will review practise in 1993 and 2002 in order that Norfolk Constabulary can ensure that current processes and policy are robust and fit for purpose. The investigation will report on any lessons that can be learned from these events.

3.5 Specific points to be covered by the investigation:

3.5.1 To investigate whether the 1993 and 2002/3 enquiries were conducted in a way that met the standard operating practice of the time. This includes speaking to the victims and key people involved in the earlier investigations.

Section 40
Section 38

3.5.2 The investigation will seek to identify why the case papers relating to the 1993 investigation were retained by (...) and later destroyed.

3.5.3 The investigation will seek to ascertain why the 1993 investigation was abruptly ended without any explanation.

3.5.4 The investigation will investigate the circumstances of and the reasons for officers being told to keep quiet.

3.5.5 The investigation will seek to identify why not all of the victim accounts were given to the expert medical adviser for opinion in 2003.

3.5.6 The investigation will seek to identify whether more detailed CPS advice was ever provided and the content of this.

3.5.7 The investigation will ascertain why chaperones were not consistently put in place following the 1993 investigation.

Section 40
Section 31
Section 38

3.5.8 The investigation will seek to establish the reasons why (...) was recruited to work alongside (...).

3.5.8(i) (...).

3.5.8(ii) (...)

3.6 There may be further questions that are raised by the victims that the Appropriate Authority may request be added to these terms of reference. These may either require a specific response to an individual or be addressed as part of the overall investigation.

3.7 The investigating officers will ensure that the confidentiality of the victims is maintained at all times including the use of pseudonyms in the report.

3.8 Updates as to the progress of the investigation will be made to Detective Superintendent Katie Elliott, Head of Norfolk and Suffolk PSD.

3.9 The final report should be submitted to Detective Superintendent Elliott in order that appropriate authority decisions can be made as per Paragraph 24, Schedule 3, Police Reform Act 2002.

4. Cost, Resources and Facilities

Section 40 4.1 The investigation will be led by (...), who has experience as a senior detective from Essex Constabulary together with additional specialist Essex Constabulary staff as required.

4.2 The costs incurred by Essex Police in conducting this investigation (such as [officers pay] overtime, expenses, professional fees) shall be met by Norfolk Constabulary. The size of the investigation team and time scales are to be agreed with Norfolk Constabulary. Any significant additional expenditure above staffing costs will be subject to advance approval by Norfolk Constabulary.

4.2 The reasonable legal costs the Investigating Officer and/or Essex Police incurs in connection with Operation Stornoway (to include any legal proceedings and/or claims) that may arise in connection with this investigation will be met by Norfolk Constabulary.

4.3 Norfolk Constabulary shall provide suitable office accommodation and facilities for the IO and team as necessary.

5. Indemnity

5.1 Norfolk Constabulary indemnifies the Chief Constable of Essex Police his staff and officers against all liability, claims, fees, costs, damages and expenses reasonably incurred or arising by reason of Operation Salt.

6. Media

6.1 Any media shall be dealt with by Norfolk Constabulary.

Signed.....

Signed.....

Section 40 (...)

Essex Police

Date

Section 40
Section 44
Section 31
Section 38

Comparison Table showing disclosure of victim's statements.

Section 31

Appendix C

HOLMES Statistics