

Seven previous sections of the Operation Midland Chapter have been redacted.

Operation Midland Conclusions

2.1.8.1 The decision to terminate the investigation was correct. It should have been taken much earlier. [REDACTED]
[REDACTED] Numerous errors were made in this Operation.

Principal Police Failings

2.1.8.2 Specifically:

- i) Believing 'Nick' at the outset of this investigation [REDACTED]
[REDACTED]
[REDACTED]
- ii) Causing 'Nick' to be interviewed by officers with no knowledge of 'Nick's' Wiltshire interviews or 'Nick's' blogs.
- iii) Failing to arrange a further interview, to deal with inconsistencies in October 2014 interviews, until January 2016.
- iv) Delaying visiting [REDACTED] [person A] for approximately six months.

- v) Failing to trace [REDACTED] [person D] until October 2015.
- vi) Failing to enquire of the CICA whether 'Nick' had made a claim.
- vii) Having learned that 'Nick' had made a claim, failed to ask the CICA for details of the claim.
- viii) Having learned that 'Nick' had made a claim, assisted 'Nick' to process his claim during the currency of this investigation.
- ix) [REDACTED]
[REDACTED]
[REDACTED]
- x) On 18/12/2014, making a public statement that:

'We believe that what 'Nick' is saying is credible and true'.
- xi) Failed to request a Review of this Operation at 24 hours, 7 days or 28 days and, thereafter, failed to request a thematic review by the Specialist Crime Review Group to specifically assess 'Nick's' credibility before applying for any search warrant.
- xii) Applying for search warrants when there were no reasonable

grounds to believe that an indictable offence had been committed.

xiii) Inaccurately, on the face of the warrant, stated:

'Person whose premises are authorised to be searched: Lord Leon Brittan' when, as a deceased person, Lord Brittan could not own property.

xiv) In the applications for the warrants, stating that:

'The victim in this investigation contacted Police in late 2014....'

When, in fact, 'Nick' first contacted MPS in 2012 before being referred to Wiltshire Police where he was interviewed at length in December 2012. Further it was the MPS who contacted 'Nick' in 2014.

xv) In the applications for the warrants, inaccurately stated that:

'Nick's' account had remained consistent and he is felt to be a credible witness who is telling the truth'.

xvi) Before the searches commenced, informing 'Nick', by his liaison officer, that the searches were about to commence.

- xvii) In the searches, property was seized which was not authorised by the warrant.
- xviii) Officers conducting a search in North Yorkshire conducted the search as if looking for bodies or body parts.
- xix) Lady Brittan was given no sufficient assurance that the search of her home was related to the suspected criminality of others.
- xx) Property seized in the searches was not copied and returned in timely manner and other property was retained for excessive periods.
- xxi) By confirming the locality of the searches the MPS contributed to the loss of anonymity of Lord Bramall, Lady Brittan and Harvey Proctor.
- xxii) Conducted this investigation in such a manner that the Assistant Commissioner felt obliged to postpone the interviews of Lord Bramall and Harvey Proctor on two occasions whilst a review took place.
- xxiii) Instructed a Consultant Psychologist to carry out an assessment of 'Nick's' credibility and failed to provide her with 'Nick's' Wiltshire interviews, his blogs or the videos of his MPS interviews.

- xxiv) Rejected the concerns of a well-regarded Consultant Psychologist, [REDACTED], describing his views as biased.
- xxv) Relied on the advice of the instructed Psychologist when she had advised that she had insufficient time to read all the MPS interviews.
- xxvi) Placed reliance on the views of 'Nick's' Counsellor without sufficiently evaluating her experience or qualifications.
- xxvii) In Lord Bramall's first interview, failed to disclose the location of the alleged crimes thus depriving him of the opportunity of specifying potential witnesses to rebut the allegations.
- xxviii) Having learned that every [REDACTED] had survived his schooling, and that no serious road traffic accident could be traced to the locality, failed to sufficiently assess the impact of this information on the investigation.
- xxix) In Gold Group Minutes of 20/05/2015, it is recorded that:

'The Group acknowledged that MPS Policy was that victims must be believed and relied on this policy to justify not [REDACTED]

[REDACTED]

xxx) [REDACTED]
[REDACTED]
[REDACTED]

xxxi) Having visited [REDACTED] [person A] failed to take immediate steps to trace [person D] and [person F] [REDACTED].

xxxii) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

xxxiii) On 11/06/2015 informed 'Nick' that Harvey Proctor was to be interviewed, thus ensuring further adverse publicity for Mr Proctor.

xxxiv) On 11/06/2015 caused DMC to publish that a man in his 60's [8] from Grantham was interviewed under caution, thus confirming information that Exaro had already received, thereby causing further adverse publicity for Mr Proctor.

xxxv) Caused two police officers to travel from England to Australia to interview a [REDACTED] who must necessarily have survived his childhood when [REDACTED] could have answered any questions by more

economical means.

xxxvi) [REDACTED]
[REDACTED]
[REDACTED]

xxxvii) Between March 2015 and December 2015, when a review was carried out, failed to forensically examine [REDACTED] recovered in searches, notwithstanding the fact that the [REDACTED] [REDACTED] [REDACTED] have since been found to have no evidential significance.

xxxviii) Conducting several hundred house to house enquiries, in December 2015 and January 2016, [REDACTED] [REDACTED] making a poor use of resources.

xxxix) The decision to trace Lord Bramall's ADC, on 24/11/2015, was unreasonably delayed. Lord Bramall having indicated that his ADC could vouch for his innocence on 31/07/2015.

xl) Upon receiving Professor [REDACTED] report, and upon receiving advice from the CPS, the investigation should have been terminated on 17/12/2015 and no further action brought against both suspects.

xli) When a decision was taken to discontinue against Lord Bramall on 14/01/2016, the same decision should have been taken in Harvey Proctors case. If 'Nick' could not be relied upon in the case of one suspect, on these facts, he could not be relied upon in the case of the other.

xlii) [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

xliii) Failing to interview [REDACTED] [person B] in connection with any disclosure that 'Nick' allegedly made to [them] [REDACTED]. On 03/11/2014 'Nick said, during interview, that he had told [person B] [REDACTED]. Police should have visited [them] [REDACTED] at an early stage of the investigation.

2.1.8.3 Having made these criticisms, I should also state that this was a well-resourced investigation with every possible investigative tool and support made available to the Midland team.

2.1.8.4 The principal cause of the many failures in this investigation was

poor judgement and a failure to accurately evaluate known facts and to react to them. A major contributing factor was the culture that 'victims' must be believed. [REDACTED]

2.1.8.5 The most significant error in this investigation was the decision to apply for search warrants coupled with formulating inaccurate statements which were placed before the District Judge. But for that decision, this investigation may well have been completed without the dreadful adverse consequences I have described. As the three senior officers now appreciate, [REDACTED]

[REDACTED] This, combined with other inaccuracies before the District Judge, and the failure to disclose several undermining factors, has caused me great concern. Two more junior officers made the statement and authorised the application. It was made clear at the outset, to all officers, that the purpose of this review was not to conduct disciplinary proceedings under a different guise and that the Commissioner wished to learn lessons with a view to improving investigative procedures in the future. It is essential that any investigation, disciplinary or other, is carried out according to law and with all appropriate safeguards being observed.

2.1.8.6 I wrote the paragraphs on 'Belief' in Chapter 1 some little time

ago, and observed *'that the policy of believing victims strikes at the very core of the criminal justice process'*. I have no doubt that the policy adversely affected the judgement of officers in this case. The DSU specifically refers to the policy affecting his judgement in relation to his 'credible and true' statement. I believe it affected the decision to delay visiting [REDACTED] [person A] because they believed 'Nick', and it affected decisions in relation to [REDACTED] [REDACTED]. Those who contend for the policy will assert that the officers misapplied the policy. The problem with enforcing an artificial belief in the truth of an allegation is that it deprives the officer of the ability to make an independent decision as to the veracity of what they are hearing. The SIO spent 17 hours, under direction, to 'believe' 'Nick' as she watched the ABE videos from beginning to end. If one policy decision results from this review I trust that the instruction to 'believe' a victim's account will cease.

2.1.8.7 [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

2.1.8.8 As matters stand I have no doubt that the District Judge was misled, and, had he known the true position, he would not have granted the applications. The gravity of a Judge being misled in such circumstances cannot be overstated. A rigorous investigation into the decision to apply for the warrants and the formulation of the statements must take place and be conducted by those with the appropriate investigative powers. Those adversely affected by the issuing of those warrants may feel that I can perform that function. Due process must be followed and I do not have, nor could I be given, those powers. Such investigation should be conducted by the IPCC. A number of questions remain unanswered in relation to the application for the warrants but those must await the service of the appropriate notices.

2.1.8.9 [REDACTED]

[REDACTED]

2.1.8.10 At the conclusion of my interview with the officers on 16-17 August 2016, I formed the view that, notwithstanding the many mistakes I have enumerated above, the officers had conducted this investigation in a conscientious manner and with propriety and honesty.