

# STATEMENT



## **Statement from ACC Paul Mills, Gold Commander, Operation Conifer**

I have been the Police Gold Commander for Operation Conifer and have set the strategic direction and oversight for the investigation.

On a daily basis, the investigation has been led by the Senior Investigating Officer Detective Superintendent Steve Kirby and his team.

My purpose today is to outline the key elements that relate to the investigation that are contained within the Summary Closure Report. Accordingly, I will look to set out:

- How the investigation commenced
- The policing duty to undertake an investigation in the case of a deceased person
- The allegations that have been received and how these have been proportionately investigated
- And finally, the investigative findings.

For those not familiar with the background to the Operation Conifer Investigation, it commenced in August 2015, further to a press statement released by the Independent Police Complaints Commission (IPCC) that announced that they were investigating the way that Wiltshire Police had allegedly dealt with a court case in 1994.

In the press release, the IPCC outlined that its investigation was directly linked to how Wiltshire Police had dealt with information, concerning an allegation that Sir Edward Heath may have been involved in child abuse related offences.

The IPCC press statement, released into the public domain for the first time the existence of an allegation relating to Sir Edward Heath.

Not in the public domain at that time was that four other police forces were also in the early stages of either scoping or undertaking investigations relating to allegations of child sexual abuse they had received made against Sir Edward Heath.

Set against this context, Wiltshire Police made the decision to make a public appeal on the same day as the IPCC, for anyone with information concerning Sir Edward Heath to come forward.

In the following two weeks, 118 people contacted Wiltshire Police, other police forces and other agencies providing information in response to the media appeal.

By the end of August 2015, 23 separate victim disclosures had been made against Sir Edward Heath spanning alleged offending locations covering 11 police forces.

Due to the extent and range of information received, a decision was made nationally by the police service that a consistent coordinated response was required to investigate the allegations that had been made.

As a result, Wiltshire Police was appointed to take the national investigative lead in relation to all existing and any new allegations made against Sir Edward Heath and the Operation Conifer investigation commenced.

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## **The policing duty to undertake an investigation**

During the course of the Operation Conifer investigation, there has been ongoing commentary in the media concerning the rationale for undertaking an investigation into a deceased person.

Accordingly, this is an important question to address.

As the Chief Constable touched upon, the College of Policing issued advice to all police forces in 2015 on this issue.

The advice sets out that there is a legal duty, under Article 3 of the European Convention on Human Rights for police forces to proportionately investigate criminal allegations made against deceased persons.

The advice states that the closer the alleged suspect is to the state and the more serious the allegations made against them are, then the greater the duty to investigate is.

In the case of Sir Edward Heath, due to his public prominence and the office that he held as Prime Minister, this was particularly relevant in relation to the decision to investigate the allegations made against him.

The Operation Conifer investigation has followed the College of Policing advice relating to the purpose of an investigation into a deceased person and has, throughout, focused on the following four key strategic objectives:

- Firstly - identifying and safeguarding children and vulnerable adults who may be at risk of abuse today.
- Secondly - Seeking to establish the facts concerning allegations of child abuse made against Sir Edward Heath through an objective and proportionate investigation.
- Thirdly – Identifying, and where possible bringing to justice, any living person who may have committed criminal offences relating to child abuse or any associated cover up
- Fourthly and importantly attempting to provide public confidence in the police response to the allegations that were made.

Throughout the investigation the starting point has always been to consider any current safeguarding issues and whether or not there were allegations made against suspects who were still living.

The fact that Sir Edward Heath died in 2005 ensured that there remained the realistic possibility that such risks may be present.

## **The allegations made against Sir Edward Heath**

During the course of the two year investigation, Operation Conifer received victim disclosures relating to 42 purported individuals.

Each disclosure alleged criminal offences had taken place where Sir Edward Heath was the named perpetrator.

The disclosures were made either:

- Directly by the victim
- Anonymously
- Or by a third party, either on behalf of the victim or without their knowledge.

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The disclosures made covered 14 different police force areas in the United Kingdom and the Channel Islands.

Nine disclosures were made prior to the IPCC and Wiltshire Police press releases in August 2015.

The remaining 33 disclosures were received during the course of the two year Operation Conifer investigation.

34 of the disclosures were made directly to police forces, whilst seven were made to the NSPCC and one was made to the Independent Inquiry into Child Abuse (IICSA).

During the investigation it became apparent that one person had made three separate disclosures to the Operation Conifer investigation purporting to be three different individuals.

Accordingly, the actual number of distinct people who made disclosures was concluded to be 40 and not 42.

The disclosed offences spanned from 1956 to 1992 and each was alleged to have occurred whilst Sir Edward Heath was a publicly elected member of parliament.

Two offences were alleged to have taken place during the time period 1970 to 1974 when he served as the prime minister.

The disclosures made against Sir Edward Heath related to alleged offences of child sexual abuse, physical abuse, and sexual abuse against an adult.

The level of seriousness of the child sexual abuse disclosures made included allegations of offences of rape and indecent assault against children.

## **The investigative response**

For each of the 42 disclosures that were alleged against Sir Edward Heath, a proportionate investigation has been undertaken.

This has been regardless of whether the disclosures were received by way of direct report, through a third party or anonymously.

The policing purpose in any investigation is to objectively gather facts and go where the evidence takes us and the approach adopted during the Operation Conifer investigation was no different.

The starting point for each disclosure was to attempt to obtain an account from the victim who had alleged abuse against Sir Edward Heath.

In 24 cases, the investigation was able to obtain a direct account from the victim.

In these cases a victim care plan was put in place which was tailored to each person's individual needs.

In the case of the other 18 disclosures, due to the fact that they had been made by a third party, anonymously or the victim declined to engage further with the investigation, it was not possible to gain a direct, more detailed account.

Regardless of whether a direct victim account could be obtained the initial approach of the investigation was to consider whether or not there were any living alleged offenders or wider safeguarding considerations.

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Once these considerations had been addressed, the focus of the investigation was to objectively and proportionately gather any available corroborative evidence, whilst also considering if there were any apparent identifiable evidential inconsistencies relating to the victim disclosure made.

Throughout the investigation, there was an attempt to ensure that all enquiries were proportionate, recognising that Sir Edward Heath was deceased and there was no prospect of an evidential file being prepared for the Crown Prosecution Service.

As part of this approach, an investigative proportionality matrix was developed to assist decision making and this led to a number of potential investigative lines of inquiry not being progressed as they were considered disproportionate.

This is in contrast to the additional reasonable lines of inquiry that would have been pursued had Sir Edward Heath been alive today.

The fact the allegations spanned across four decades meant that many of the investigative opportunities that would be available in a criminal investigation today, were not available.

Additionally, the passage of time between the date of the alleged offending and the subsequent report to the police meant that in certain instances people's recollections had deteriorated over time and potentially relevant documentary records had been routinely and lawfully destroyed.

The investigation team therefore had to focus on available evidential opportunities, which included interviewing individuals who knew Sir Edward Heath, reviewing physical records and identifying independent witnesses.

During the course of the investigation:

- 1580 investigative lines of inquiry were generated
- 1062 officer's reports were completed and
- 284 statements were taken or reviewed.

In addition to focusing on the availability of evidence to corroborate victim disclosures that had been made, the investigation also undertook wider proportionate inquiries which included, but were not limited to, speaking to the following:

- Close protection police officers who provided protection to Sir Edward Heath
- Government drivers who had driven him
- Members of his private office and personal staff who had provided support to him
- Other police forces and law enforcement agencies, to establish if they held any relevant information
- Enquiries with relevant government departments to establish if they held any relevant records, and
- A proportionate review of a small number of Sir Edward Heath's private papers held at the Bodleian Libraries was undertaken

At the end of the investigative process, Detective Superintendent Kirby has considered the available evidence and information gathered during the investigation and has concluded a finding in relation to each disclosure made.

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## The findings - Operation Conifer investigation outcome

Firstly, I wish to return to the opening comments made by the Chief Constable concerning the role of the police in a criminal investigation.

Mr Veale purposefully set out that the role of the police is to investigate the facts and follow the available evidence.

It is not for the police to make comment on the issue of innocence or guilt, as to do so would significantly go beyond the policing role and purpose.

Mr Veale also touched on the fact that the presumption of innocence until proven guilty is enshrined in our legal system and is a cornerstone of a just and fair society.

These factors are critical to the investigation into Sir Edward Heath, who as a deceased person:

- Firstly, has not had the opportunity to be interviewed by the police and to respond to the criminal allegations that have been made against him
- Secondly, it is national policy that the Crown Prosecution Service will not make a decision as to whether or not the threshold to charge is reached in cases where the suspect is deceased
- And finally, only a criminal court can make findings in relation to whether a person charged with offences is guilty or not guilty of offences alleged against them.

For each of these reasons, the Operation Conifer Summary Closure Report does not make any conclusions in respect of Sir Edward Heath's guilt or otherwise, in relation to the disclosures that have been made against him.

The national Operation Hydrant advice concerning the publication of findings does however leave it open to the police to conclude, if the suspect had been alive, whether or not they would have been interviewed under caution in order to establish an account.

We have adopted this advice as it appropriately reflects the policing role in an investigation and it transparently allows victims who have made disclosures, to understand what the next policing step would have been if Sir Edward Heath had been alive.

The Operation Conifer investigation developed a categorisation approach to conclude the outcome for each individual disclosure made.

A decision as to where each victim disclosure was concluded to sit within that categorisation was based upon an objective assessment by the Senior Investigating Officer of all the available evidence at the conclusion of the investigation.

To ensure a consistent approach, an independent panel of relevant Senior Investigating Officers from outside Wiltshire Police was commissioned to review the conclusions reached on the categorisation of victim disclosures.

## So what are our findings?

In the case of seven individual disclosures, if Sir Edward Heath had been alive today, it has been concluded that he would have been interviewed under caution in order to obtain his account in relation to the allegations made against him.

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It is important to state that in the case of one of these disclosures, the investigation has gathered information that potentially undermines the victim's account.

The offences where he would have been interviewed under caution are:

- One allegation of rape of a male under 16
- Three allegations of indecent assault on a male under 16
- Four allegations of indecent assault on a male under 14
- Two allegations of indecent assault on a male over 16.

The purpose of interviewing Sir Edward Heath under caution would have been to obtain his account in relation to the allegations made against him.

It is clearly inappropriate to speculate what his response would have been to the allegations put to him and no inference of guilt should be drawn by the decision to interview him.

His account would have been as important as other evidence gathered as part of the wider investigation and would have informed the next stages of the investigation strategy.

None of the victim disclosures in this category relate to the time when he was the serving Prime Minister.

In the case of 19 individual disclosures, it has been concluded that there is undermining information available, such that the threshold to interview under caution would not be met.

In relation to these disclosures it has been concluded that either:

- The alleged abuse could not have taken place in the manner and circumstances that were reported and / or
- There is information available at the conclusion of the investigation, that impact upon the credibility of the person making the disclosure.

In these cases the extent and type of undermining information was specific to each individual disclosure investigated.

In certain instances, the level of undermining evidence was significant; in others it was less so.

Some of the factors taken into account when considering these disclosures included:

- Whether the account could have physically taken place as reported
- Whether there were inconsistencies in relation to the timing or location of the alleged offending
- Whether there was the existence of third party material that contradicted the account given and
- Whether there was available witness evidence that contradicted the disclosure made by the victim.

In the case of two people who fall within this category, the Senior Investigating Officer has concluded that there is reason to suspect that the individuals may have attempted to intentionally mislead the police by alleging that they were abused by Sir Edward Heath.

In the case of one of these disclosures, a live criminal investigation remains ongoing.



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In the case of the other, a criminal investigation was undertaken and an individual was formally cautioned for an offence of wasting police time after they admitted that they had misled the investigation by making three disclosures, where they had purported to be three separate, different people.

In relation to the other disclosures made to Operation Conifer:

In the case of three disclosures, the persons reporting alleged abuse have subsequently concluded that they were genuinely mistaken in naming Sir Edward Heath as the perpetrator

In the case of ten disclosures, the alleged abuse was reported by a third party, and in the case of another three, the victim reported the alleged abuse anonymously.

In the case of these respective disclosures no findings have been concluded.

Additionally, during the course of the Operation Conifer investigation, three people were arrested in relation to offences concerning alleged non-recent child abuse.

Two were later released without charge and the third remains under investigation.

The relevant allegations were disclosed as a result of the Operation Conifer investigation, but the subsequent investigation confirmed that they were not directly related to Sir Edward Heath.

## **Conclusion**

As the Operation Conifer Gold Commander I am satisfied that, on behalf of the 14 police forces concerned, a proportionate investigation has taken place in line with national guidance into the allegations made against Sir Edward Heath.

Secondly, I am satisfied that each of the strategic objectives set at the start of the investigation has been completed.