

Summary of ' IN THE MATTER OF THE LATE JIMMY SAVILE' Report to the Director of Public Prosecutions by Alison Levitt QC, published 11<sup>th</sup> January 2013

*Note: This is a 129 page report much of which considers whether criminal justice procedures were followed. Readers interested in the detail of these considerations are encouraged to refer to the original report, of which this is only a brief summary. The Surrey Police review of the Operation Ornament by Detective Superintendent Savell was also published on January 11<sup>th</sup> 2013. The Savell report is also summarised in this series.*

Three allegations of sexual offending in the past by Jimmy Savile were made to Surrey Police in 2007 and 2008 (Operation Ornament) and one to Sussex Police in 2008. In October 2009, the Crown Prosecution Service (CPS) reviewing lawyer with responsibility for the cases advised that since none of the complainants was "prepared to support any police action" no prosecutions could be brought.

In light of the allegations emerging in October 2012 of sexual offending by Jimmy Savile, Principal Legal Advisor to the Director of Public Prosecutions (DPP) Alison Levitt QC, was commissioned by the DPP to examine the decisions taken by the CPS in relation to the three allegations and advise him whether they were correct or not.

In contrast to the Savell report, following the preparation of the draft report Ms Levitt met three of the four alleged victims, one of the witnesses, and the CPS reviewing lawyer and has included some of their comments in her report. Abbreviated versions of some this information is included here as it may give some insight into the mechanics of the alleged offences & the process by which subsequent disclosure was discouraged.

Three of the allegations under consideration were the same as those addressed in the Savell Report into Operation Ornament & so are not repeated here. The fourth is an allegation of indecent assault by Savile in 1970 when the complainant was in her early twenties. She was a member of Jimmy Savile's fan club and had written him a letter in 1968 and subsequently received an acknowledgement.

Some 2 years later a chauffeur driving a large Rolls Royce arrived unannounced at her house to take her to see Jimmy Savile. She was driven to the local Town Hall where she saw Savile with his arms around two people she thought were probably Chelsea Pensioners. Her next memory of his having his arm around her shoulders and them being in a caravan that was outside the Town Hall.

He started saying things to her such as "you are lovely; I'd like to lock you up in a cupboard and you'd be with me all the time", and that he could get her a job on Top of the Pops.

She was then pushed down onto the bed, ending up on her back; he was lying next to her and started to touch her breasts over her clothes. He asked if she was on the pill and she replied “no, I don’t do that sort of thing”. He took hold of one of her hands and placed it on his groin until she pulled her hand away.

He then sat up, asked her whether she had her bus fare home and told her that she could choose something from the caravan as a memento.

Levitt goes on to detail the process whereby the complainant approached the Police in 2008 and her decision, following an interview with police officers, not to make a formal complaint. She concludes in relation to that decision “Looking at the documents created in 2008 I found it difficult not to conclude that the officers had, even if unintentionally, dissuaded her from pursuing her allegation.”

In relation to the other alleged offences Levitt includes a level of detail about the alleged behaviour not found in the Savell report & again interested readers are referred to the Levitt report itself they wish to review that information

Some possible insight into how Savile discouraged complaints about him by threatening legal action, may also be found in this transcript from his interview with the police officers who, after the series of delays described in the Savell Report interviewed Savile in 2009. (The full interview was later published following a Freedom of Information request. A commentary on that interview is also part of this NOTA summary series, called ‘Duncroft interview’.)

*“If this [these allegations] does not disappear then my policy will swing into action. I have an LLD, that’s a Doctor of Laws, not an honorary one but a real one<sup>1</sup>.*

*That gives me friends. If I was going to sue anyone, we would not go to a local court, we would go to the Old Bailey ‘cos my people can put time in the Old Bailey. So my legal people are ready and waiting. All we need is a name and an address and then the due process would start.*

*I’ve never done anybody any harm in my entire life. I have no need to chase girls, there are thousands of them on Top of the Pops. I have no need to take liberties...the newspapers consider me to be very boring, I have no kinky carryings on.*

*But because I take everything seriously I’ve alerted my legal team that they may be doing business and if we do, you ladies [the two female police officers] will finish up at the Old Bailey as well because we will be wanting you there as witnesses. But nobody ever seems to want to go that far.”*

---

<sup>1</sup> Added note – in fact Savile was awarded an honorary Doctorate Of Law (LLD) by Leeds University in 1986.

## Levitt's Conclusions

Levitt's conclusions were that:

- Decisions not to prosecute were not consciously influenced by any improper motive on the part of either police or prosecutors.

However,

- The allegations were both serious and credible and the prosecutor should have sought to "build" a prosecution, by seeing for example whether the victim could be reassured to the extent that she might be prepared to give evidence, or by giving consideration to whether there was any way in which the evidence could be added to, or improved, so that the victim's attendance would be unnecessary.
- That aspects of what the prosecutor was told by the police about the reasons that the victims did not want to give evidence that should have caused him to ask further questions rather than treating the obstacles as fatal to the prospects of a prosecution taking place.
- That the police treated the alleged victims and the accounts they gave with a degree of caution that was neither justified nor required.
- Each of the alleged victims who were spoken to by Ms. Levitt said that had she been given more information by the police at the time of the investigation, and in particular had she been told that she was not the only woman to have complained, she would probably have been prepared to give evidence.
- Levitt therefore concluded that had the police & prosecutors taken a different approach a prosecution might have been possible

*This is inevitably a highly selective summary & interested readers are referred to the original document for the detail.*

*On 13<sup>th</sup> January 2013 Keir Starmer, the Director of Public Prosecutions who had commissioned the report responded publicly & announced that he had jointly agreed with the Association of Chief Police Officers lead on violence and public protection, that:*

- The approach of the police and prosecutors to credibility in sexual assault cases has to change. To effect that new guidance is to be issued by the police and by the CPS. This is to the effect that of equal importance in determining whether a prosecution can properly be brought as testing the complainant's account is testing the suspect's account and building stronger cases by linking evidence and allegations where it is appropriate to do so

- That more support needs to be given to complainants who do report allegations of sexual assault, including further consideration to implementation of legislation that provides for pre-recorded cross-examination of child witnesses. In addition, reconsideration of the extent to which vulnerable complainants can be subjected to repeated cross-examination on the same issue on behalf of multiple defendants.
- Joint Police/CPS panels will be established to consider any complaints by those who have made allegations of sexual assault in the past that they consider were not dealt with appropriately and allow them to have their cases looked at again. The panel will consider whether an effective prosecution could now be brought.

Marcus Erooga  
January 2013

Marcus Erooga is an independent safeguarding consultant, trainer and a Visiting Research Fellow, Centre for Childhood Studies, University of Huddersfield. Amongst his publications is research about abuse in organisational settings and participant research with organisational offenders, both of which can be found online. In 2012 he edited and contributed to *Creating Safer Organisations: Practical steps to prevent the abuse of children by those working with them*, reviewed in NOTA News 69.