



## Home Affairs Committee

Oral evidence: [Police bail](#), HC 962

Tuesday 3 March 2015

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Written evidence from witnesses:

Kate Goold ([PBA0001](#))

Paul Gambaccini ([PBA0002](#))

Paul Gambaccini ([PBA0003](#))

Members present: Keith Vaz (Chair), Ian Austin, Michael Ellis, Paul Flynn, Tim Loughton, Yasmin Qureshi, Mr David Winnick.

### Questions 1 – 159

*Witnesses:* **Paul Gambaccini**, radio presenter, and **Kate Goold**, Bindmans LLP, gave evidence.

**Q1 Chair:** Could I call the Committee to order and could I welcome Mr Gambaccini and Mr Goold? This is a one-off session by the Committee looking at the Government's proposals for time limit to be placed on bail. Could I refer all those present to the register of members' interests and could I declare a further interest, that Bindmans, solicitors, have acted for me in the past.

Mr Gambaccini, thank you for coming to give evidence to us today and thank you so much for your written evidence, which the Committee has had a chance to read. You talked about 12 months of trauma as a result of the way in which bail operates. The Committee today is concerned about the operation of the bail system and its effect on you rather than individual issues concerning your case, though these may come up as you speak. Why do you think the bail system is responsible for these 12 months of trauma?

**Paul Gambaccini:** I faced the full weight of the state with unlimited financial resources for 12 months for no reason. It was a completely fictitious case. It was a science fiction case. It required time travel and I do not have a time machine. What was astonishing was that, even though the police quickly knew it was a nothing case and indeed had known it was a nothing case because without my knowing it they had investigated it for four and a half months and dropped it seven weeks before I was arrested and then something happened to jack it up again, they arrested me.

I was arrested on 29 October 2013. By Christmas the crime reporter of one of the broadsheet newspapers knew this was a nothing case and the police themselves, at the end of their travels around the world to interview my prospective character witnesses, handed papers to the CPS in

February. That was on 10 February according to the police log. In other words, the CPS sat on me for eight months after the police had given them their papers and what would their opinion be? Well, I was told what it was the day I was dismissed. I was called by one of my prospective character witnesses who told me he had been called by one of my Operation Yewtree officers to say that he was stood down. He would not be required as a witness because the case would not go to court. They had estimated that the chances of a successful prosecution were between 3% and 5%.

**Q2 Chair:** Can I stop you there? According to your evidence and the information I have, you were arrested on 29 October, as you have just said, and bailed.

*Paul Gambaccini:* Yes.

**Q3 Chair:** You were re-bailed. You say on 13 December you learned from the media that you had been re-bailed.

*Paul Gambaccini:* Yes. I was at home and I had an e-mail from my husband Christopher saying that, at his office at an advertising agency, he had seen in social media that I had been re-bailed.

**Q4 Chair:** You had no idea that this had happened?

*Paul Gambaccini:* I had not been told this had happened. I said, "Well, it's a surprise to me". I called Kate Goold, my solicitor. She had heard nothing of it either, at which point my PA came into the room and said, "It is on the BBC and ITV websites that you have been re-bailed". I said, "Well, I've not heard anything about it", at which point Kate called me back and said she had phoned her office and there had been an e-mail sent to her office at 9.30 am while she was with clients, which of course is what solicitors often are. I got furious and Kate knows what I can be like when I get furious. She called the police and they said, "We have not broken any of our rules".

**Q5 Chair:** That was 13 December. You were bailed again on 20 March, on 2 May 2014, on 30 June 2014, 12 September 2014 and 15 September 2014 and you were told on 10 October 2014 that there would be no further action?

*Paul Gambaccini:* That is right.

**Q6 Chair:** As someone who did not know why this was happening, and you have just told this Committee that there was absolutely no truth in the allegations made against you—I think you described them as fictitious—why do you think there was this constant re-bailing? Did anyone give you an explanation for the constant re-bailing?

*Paul Gambaccini:* Each time a reason was given but it was always opaque and in one case it was not a true statement. We were told in March that they were seeking information, but they would not tell us what it was other than it was not for me to provide. Then in May they were seeking information from third parties, but they would not reveal if the third parties were human beings or institutions. So we did not even know if they were human beings. Then on 30 June when they jumped to the bail date of 7 July they said that it was to re-interview my accuser, which surprised me because I did not know if someone, having failed to get a good bite of you the third time, gets

a second bite. Anyway, I noticed something very odd about this because this was within hours of Rolf Harris having been convicted.

**Q7 Chair:** Yes. I have to stop you there. You have told us in your evidence you think that the dates of the re-bailing relate to the sentencing dates of Max Clifford, Rolf Harris and Dr Mark Salmon. What makes you think that? Is that just coincidence or do you really think there was a concerted effort to link your case with theirs?

**Paul Gambaccini:** Well, you know what they say: twice is a coincidence; three times is a trend. It was kind of interesting when I was re-bailed the same day as Max Clifford was sentenced. It was kind of infuriating when I was re-bailed the same day that Rolf Harris was convicted. However, when I was re-bailed again when Mark Salmon was charged I thought, "Okay, what they are doing here is they are trying to bury the news of my being re-bailed forever", because if anybody wanted to write an article about Yewtree on those days it would not be about me. It would be about the other suspects.

**Q8 Chair:** At the end of the process were you ever given an explanation as to why all this had happened?

**Paul Gambaccini:** No. I was never given an explanation as to anything. There are so many things I would like to know about my case but the police do not give disclosure voluntarily of anything. We did get one explanation from the Crown Prosecution Service for one thing they had done two months after the end of my case, but that does not involve the re-bailing and is a very contentious explosive matter. As far as the re-bailing is concerned I began to realise, okay, here I am 30 June. My original re-bail date was a week from now. This is to interview one person, but you could do that tomorrow or the day after and still make the re-bail date of 7 July. So this is not the real reason and it turned out not to be the real reason—

**Chair:** So the real reason—

**Paul Gambaccini:** Forgive me for just finishing the sentence. It turned out not to be the real reason because they never re-interviewed him.

**Q9 Chair:** They said they were going to interview. This never happened, but you were re-bailed anyway?

**Paul Gambaccini:** It never happened. I was re-bailed anyway until 15 September and I thought, "Okay, now I get it", because the second Dave Lee Travis trial was due to run from 1 September to 14 September. I thought, "This is the most obvious thing in the world. They are sitting on me until they are finished with Travis because they don't want the Travis jury to know that a former Radio 1 DJ can be innocent". I do believe, although obviously I have no evidence for this, that they were just sitting on me until Travis was finished. Indeed, if you look at the police log, it says, "DPP reviews case 22 September 2014". Well, why does that date have resonance with me? Because that is the date that the Travis jury was out. The court proceedings were finished with him.

**Q10 Chair:** You are telling this Committee that, in your case, what happened to you was a concerted attempt to link you to other cases unconnected to you in order to use the oxygen and publicity to somehow see if perhaps other people might come out to make similar accusations?

**Paul Gambaccini:** Of course.

**Chair:** You think that is the reason?

**Paul Gambaccini:** Well, it is one of the reasons. You know, you are exposed in the first place so that other people will accuse you because in the mutation of the British justice system that has occurred in the last few years, from the centuries-old, internationally-respected, objective, evidence-based system to the subjective rumour-and-accusation-based system, evidence is no longer required. Only people who agree. I was told this. Kate, you can nudge me if you don't want me to say this. A colleague from BBC Radio told me that she had been called concerning one of the Yewtree suspects asking if she wished to make an accusation against him and she said, "No. Don't you need evidence?" They said, "No, we only need people who agree". It is this people who agree concept that is the important thing in these cases and, of course, once you know that you can see the pattern in all the cases. You are exposed in the press. Stephen Fry on "Newsnight" called it the flypaper tactic where they put up a human being as a piece of flypaper and see what gets attracted to it.

**Q11 Chair:** You felt like that, did you?

**Paul Gambaccini:** Well, once I realised what was going on. At first it was just so overpowering I didn't know what was happening, but I thought, "Oh, I get it", because I couldn't understand why they would go with such a lame case. I thought, "The police have been played. Why have they let themselves be played by this guy", who I have never known in my life, "and his mate?"

**Q12 Chair:** Can I just ask you also the effect it had on you, 12 months of being re-bailed? I understand that you did not work for that period until the case was dropped.

**Paul Gambaccini:** Yes. I will probably mention this just once, unless you ask me to bring it up again, where the issue of anonymity before charged is relevant.

**Chair:** That was my next question.

**Paul Gambaccini:** Yes. That is relevant because, had the police not revealed my name to the press through their recognised intermediaries, the BBC would not have suspended me without pay. They just dropped me instantly the minute my name was released. I did not realise they could break my contract, but there was a technicality and they could. I also lost other engagements. I was shunned by all but five organisations that I dealt with, so my income suddenly went to zero with the exception of hosting the Ivor Novello awards, God bless them. They kept me on as my host. It was my 27th year. Other than that, I had no work for the year while I had legal costs, which I will not specify. All of you have had lawyers in your lifetime and you know—

**Q13 Chair:** I have used Bindmans. I know what you mean.

**Paul Gambaccini:** Yes, okay.

**Kate Goold:** We are very reasonable.

**Paul Gambaccini:** Kate is very reasonable. If you combine the total loss from cancelled income and legal fees it is over £200,000, so nothing to sniff at. However, I survived.

**Chair:** Which you never get back.

**Paul Gambaccini:** I will never get it back because in this country you can get nothing back incurred before charge.

**Q14 Chair:** On the issue of anonymity, do you think you should have had, and people in a similar situation to you who are bailed ought to have, anonymity until the time of charge?

**Paul Gambaccini:** Absolutely. Now, I do realise there are people of good faith who say that people who are arrested should be named because then more people who have been victimised will come forward, but these people of good faith do not realise that it is not only people who have committed offences who are arrested and named. There are some innocent people in the mix. As I have said before and as I said in my statement, I have always been a very strong supporter of people who have been abused and my record on this is impeccable because I was the first person to go public concerning Jimmy Savile, even before the famous television documentary.

**Q15 Chair:** Kate, could you ask you about the issue of anonymity? I know you do not just represent Mr Gambaccini; you have other clients. Do you think anonymity for those in a similar situation to Gambaccini would help the situation in respect of what he has suffered for the last year? Clearly he has suffered loss of income and loss of reputation and he is, of course, innocent.

**Kate Goold:** I think it would certainly assist. An arrest is a devastating thing to happen to anyone. It is a traumatic event and I think we have to almost take a step back from before the arrest. What investigations have the police undergone before they have arrested a suspect? Often people are arrested before proper investigation has taken place and that arrest may never have been necessary if those proper investigations had happened. Then an arrest takes place and an arrest is not a finding of guilt. It is just mere suspicion on the part of an officer that an offence has been committed or is about to be committed. The threshold is incredibly low and yet if someone's name is put out into the press once they are arrested their life is pretty much destroyed. Their reputation is ruined. They will always come up on a Google search. It will never go away. I think it is essential there is anonymity pre-charge for all those who are arrested, but I do think first of all there should be further investigation before an arrest takes place.

**Q16 Chair:** Were you kept informed in respect of the constant re-bailing? Were you able to go to the CPS and to the police and have meetings and information? This is obviously not confidential information, but information that your client could rebut.

**Kate Goold:** We were given absolutely no information apart from vague reasons such as, "Third party inquiries have to be made", or, "There's a delay with an inquiry", but not what that inquiry is. In fact, I did write a letter of complaint in May 2014 when there was this large re-bail going forward I think to June. I can't recall. It was a long while.

**Paul Gambaccini:** That was the one that was going forward to 7 July.

**Kate Goold:** I asked to speak to the CPS lawyer and I was told I was not allowed to know the identity of the CPS lawyer, so I just dealt with the officer in the case and he kept me informed but only in extremely vague terms. I did not really know what was going on. I had no idea what investigations were taking place or where those investigations were going and the weight of the evidence. All I knew was that there were no further complaints made, which was a concern because I was concerned about Mr Gambaccini's name being in the public domain, but I was given absolutely no further information. I might add it is quite unusual that I was able to have such dialogue with an officer. In most cases it is even harder just to speak to an officer involved in the case. I have many going on at the moment where they are due to return to the police station tomorrow or the next day. I cannot even speak to an officer to find out if it is going to be effective or not.

**Q17 Chair:** You feel you should be able to do that and you don't know whether or not the bail is going to be renewed?

**Kate Goold:** We don't know, no. I had a client this morning on the phone complaining because he has to travel to London tomorrow for his return date and I have not been able to speak to the officer for a whole week to find out if it is going to take place and he is now restricted from working. He has been deregulated by the Financial Conduct Authority because of this arrest. There is no foundation to the allegations, yet he cannot work. He does not even know when this is going to be resolved and his life is on hold.

**Q18 Chair:** Mr Gambaccini, would you favour the 28-day limit on bail that is being proposed and suggested?

**Paul Gambaccini:** I though enthusiastically support that because I have come to realise that in cases such as mine—and, of course, I do not speak for the entire corpus of work of the police—it seems to me that, with the exception of underfunding, there is no possible excuse for further delay in leaving somebody out to dry, because the only reason for the delay is to try to get somebody else to accuse you.

**Q19 Chair:** That is not a proper use of the criminal justice system?

**Paul Gambaccini:** It is not a proper use of the criminal justice system. It is a misuse of a power they happen to have for other reasons. It is quite possible that to fight terrorism certain powers are required, but to use those powers against innocent persons with entirely different subject matter is quite inappropriate.

**Q20 Chair:** Do you feel that at the end of this process you have had no justification for what you have been through over the last 12 months on what you have told this Committee is a fictitious complaint?

**Paul Gambaccini:** Well, I have learned, through the efforts of Kate and myself, more about the case after I was dismissed than I knew during it.

**Q21 Chair:** How did you find that out?

**Paul Gambaccini:** I spoke to someone. Shall I reveal the identity of that person, not his name but—

**Kate Goold:** No.

**Paul Gambaccini:** No, okay. There was a person familiar with the case. Let us put it that way. I spoke with the person who was familiar with the case and he told me a couple of things about my accuser and his mate that made me realise, “Oh, okay, I get it now”. It turns out that these two people had lived within walking distance of my flat in the late 1970s, so they knew the building in which the Radio 1 DJ lived. No?

**Kate Goold:** No, that’s fine.

**Paul Gambaccini:** I was also told that my accuser had been expelled from school for making a false sexual allegation and, now that the police were asking people to accuse celebrities of sex crime, he had returned to that kind of behaviour.

**Q22 Chair:** You consider that the only reason why you were picked up on was because of your fame, because you were a celebrity?

**Paul Gambaccini:** Of course. You have to realise the moral panic that followed the exposure of Jimmy Savile. I know you do recognise that. What happened was someone whose identity we do not know but whom I call “the Wizard of Oz”, the person hiding behind the curtain pulling the levers, setting of smoke and light shows, decided, “I have a great idea. Let’s have a witch hunt. Let’s divert the attention of the public from the police, who knew about but failed to stop Jimmy Savile in his lifetime, and shine that spotlight instead on his contemporaries and we’ll get perverts from show business in the 1970s and 1980s”. Okay, there is a design flaw in that. It assumes there was a lot of perverts in show business in the 1970s and the 1980s and it also fails to recognise the relationship between the celebrity and the public.

The man in the street is known to the people he has met in his life. The celebrity is known to the people he has met in his life and millions of others who have ideas. A few have fantasies. Some have grudges. Who knows? The point is, when you open a website and a phone line, as the police did, for the dedicated purpose of accusing celebrities, you are going to get some people who are responding to the offer of money and attention. Now, when you say “money” what are you talking about? The Government posted the Criminal Injuries Compensation Act 2012 on the web in late 2012. It is a tariff of at least 200 injuries with specified sums for what you get if you accuse people. All you have to do say, “Well, gee, £22,000 for this if I accuse Paul”, and there is the disturbing line, “Conviction is not required for payment”. Now, I do not know if my accuser got money. I do not know if he went in it for money. He may just be a distressed individual. You will notice throughout my entire case I have never referred to my accuser as a liar. I do not know if he is a liar or a distressed person.

**Q23 Chair:** Do you know who your accuser is?

**Paul Gambaccini:** I know his name. I know where his mate lives, as the famous saying goes, but I am not going to show up because I know that my accuser’s mate suffered incalculable personal tragedy and I think is a distressed individual. One last point following up on what you said. Once you have this rather embarrassing result, which is that you have arrested several people with cases that are going nowhere, how do you release them without discrediting the operation? The

answer for the Crown Prosecution Service is you dribble them out over the course of a year. We had a Jim Davidson here and then a couple of months later a Freddie Starr there and then there is a Jimmy Tarbuck and then eventually me, but you cannot release them all at once.

There was a fascinating front-page story in *The Daily Telegraph* when the Crown Prosecution Service had had its “fortnightus horribilis” last May when you had William Roache, Nigel Evans and David Travis all acquitted in a very short period of time. On the front page of *The Daily Telegraph* it said, “This suggests that there will never be charges filed against persons who have been arrested for a long period of time on bail without charge such as Freddie Starr, Jimmy Tarbuck and Paul Gambaccini”. I thought, “This is page one. Now, they must be mighty confident they are not going to have egg on their faces in a couple of months”, and notice what they did not say. They did not say, “Persons who have been arrested without charge for long periods of time such as Gary Glitter and Chris Denning”.

**Q24 Chair:** Thank you. A final question to Kate Goold. I put this to Paul Gambaccini. Do you favour the 28-day limit for bail?

**Kate Goold:** I favour that limit to ensure that bail is reviewed after 28 days, but to expect every investigation to be resolved in 28 days is clearly unrealistic. However, there should be a periodic review after 28 days and then three months when we have judicial scrutiny over the request to extend bail.

**Q25 Chair:** In terms of Paul Gambaccini, who do you hold responsible, the police or the CPS, for the delay?

**Kate Goold:** Ultimately I think it is the CPS.

**Q26 Chair:** We have the DPP in later and we will be putting this to her. Do you agree with that, Mr Gambaccini?

**Paul Gambaccini:** Of course, because the police, as Lord Paddick had predicted, after the end of their travels gave their papers to the CPS. They did go around the world: California, Los Angeles, New York, Australia, Jersey, but after they had completed their travels the papers quickly went to the CPS and the date on the police log was 10 February. Well, it is not until 10 October that the CPS dumped me. The police, with their 3% to 5% chance of successful prosecution, would have let them know this was going nowhere and yet they sat on me for eight months.

**Q27 Tim Loughton:** This is an extraordinary case, Mr Gambaccini. What do you think would have been the downside, if any, of arresting you later than they did, only to have to constantly rebel you?

**Paul Gambaccini:** The downside for them or for me?

**Tim Loughton:** The downside for the case against you, so the police.

**Paul Gambaccini:** Well, we know that they did not get any bandwagoners, despite two attempts to publicise me on this subject. There would not have been any more bandwagoners because there were not. That raises another subject and I do not know whether you are interested in me mentioning this, which is the release of names to the public by the police. I can comment on that if you wish. If you do not, I will not. It is fascinating because I know you are familiar with the Cliff

Richard case and you will know he has not been arrested yet. I think that has something to do with the fact that they do not want to get into a situation of, "We have had him on bail for a long period of time". However, I would not have suffered more if my arrest had been delayed because the police would have dispensed with the case as quickly as they did, meaning in the three months that they had it. It was the CPS that sat on it forever.

**Q28 Tim Loughton:** What I am trying to do is play the devil's advocate for the police in that you arrest somebody initially on the basis that you have sufficient evidence to pursue a proper case.

*Paul Gambaccini:* I get it now. May I answer and then you can come in?

**Tim Loughton:** Then I will finish my question. All right, go on.

*Paul Gambaccini:* Okay. Here is the timeline, which I have given you, "Allegation recorded 4 April 2013. Case dropped 5 September". They dropped the case without my even knowing the case was being investigated and then something happens to rev up the case again. "Victim 2 identified", is the terminology that Kate was given. Kate has worked so hard to get disclosure from the police and they will hardly disclose anything, but in the timeline it did say, "Victim 2 identified". Never, "Victim 2 interviewed". Notice that. "Victim 1 interviewed". It does not say, "Victim 2 interviewed", ever and through an intermediary he has denied ever accusing me. Perhaps there is some video somewhere of him accusing me; it is just that we are not allowed to see it but, nonetheless, "Case dropped 5 September", and then I am arrested 29 October. What happened in those magic seven weeks? Kate has asked for information and been told it will not be disclosed because it is operational material that cannot be discussed outside of a legal setting.

**Q29 Tim Loughton:** Dropping a case is not a formal procedure. They can pick it up again at any time.

*Paul Gambaccini:* Yes, of course.

**Tim Loughton:** It is not end of that case; therefore, you have to come up with something completely new.

*Paul Gambaccini:* Yes, but what is it that happened and how did it happen in those seven weeks, after four months, that made them rev it up again?

**Q30 Tim Loughton:** Yes. The point I am making to you is you have made a very strong case for the flypaper technique or whatever you call it; that it is a weak case where the police need to advertise for evidence, effectively, which is what happened to you. What I am asking is: what would have been the downside for the police in not arresting you but to have continued to explore the allegations made by your initial accusers, plus this additional one if they had any substance to them or not? It sounds as though they had exhausted all of those. They had not found sufficient evidence to make anything stick and, therefore, were flying a kite or flypaper to try to attract something else. The point I am making is if they had the grounds for a strong case then they should have arrested when they did or if they needed further evidence they should not have arrested you until they had that evidence on the basis of the people they were already dealing with rather than hoping something new was going to come along and add to it. Is that—

*Paul Gambaccini:* You have captured the essence of the witch hunt, which is to seize any allegation, no matter how flimsy; arrest you; publicise you through their recognised

intermediaries and then just see what comes; sit back and wait for the phone to ring. It is so interesting and I am glad you have given me this opportunity to say this. I have found that 95% of police officers are good, honest, hard-working people, interested in justice, but even with them the one thing that disappoints me is that, for some reason, they all deny the police leak information to the press. The funny thing is, when they justify no anonymity before charge, they say, "Well, we have to name them so that we get more accusations". Hang on: you cannot have it both ways. They leak your name.

One of my case officers said to me when a certain suspect's name was released the phone rang and rang and rang and when my name was released the phone never rang, and this is how they build their cases. It does not matter if the first accusation is valid because perhaps they will get you on the third, the sixth and the eleventh. I have to tell you that, of the six convictions that Yewtree achieved—and if Yewtree had been a football team it would have been relegated because it has lost nearly two-thirds of its matches—three of the people it has convicted had already served prison time for sexual offences. So going after them again was like the lowest of the low-hanging fruit, but what they do is they have to talk to the press and we know they talk to the press because the press turn up at people's houses before they are arrested. I can go into many examples of this, but we probably do not have time for this.

**Chair:** We have not, Mr Gambaccini. Other colleagues want to ask you questions and we have other witnesses, so if you would not mind.

**Q31 Tim Loughton:** I will just finish that. Should there be a system whereby effectively, when you are charged, the police can only proceed with the evidence based on the person who has made that allegation and your post-charge time, before it comes to court, is to put together a case based on getting extra evidence around that case and it should not be affected by new parties coming in saying, "Oh, and I was abused", or whatever?

**Kate Goold:** Do you mean post-charge or post-arrest?

**Paul Gambaccini:** He means bundling.

**Tim Loughton:** I am not entirely sure which—

**Paul Gambaccini:** He means bundling—

**Tim Loughton:** When you are arrested and charged—

**Kate Goold:** There is a big distinction.

**Tim Loughton:** When you are arrested and if you are subsequently charged then the case on which that charge is based should relate exclusively to the basis of the accusations from those accusers. What has happened here, allegedly, is that then various unconnected people have come in or they have tried to make them come in, building up character destruction quite separate from the fact that it is nothing to do with the people who made the allegations against you in the first place.

**Kate Goold:** I think there is a risk that, by advertising for people to come forward, many weak cases may be used to bolster up another weak case and that is then used to strengthen the case. I think there is a real risk of that. Every case has to be looked at and investigated on its own merit.

**Q32 Mr Winnick:** Everyone knows it must be a sheer nightmare for an innocent person to be accused or, if not accused, the subject of serious allegations and then the police investigating to see whether there is any truth in the allegations. As I say, everyone recognises for an innocent person it must be a nightmare that could indeed happen to anyone. The point in your particular case is that an allegation was made. Do I understand it that it was made by one person?

**Paul Gambaccini:** Yes. An allegation was made by one person on 4 April 2013. His case was investigated by many officers, because we have seen the names of the people who have signed in and out on this. They dropped the case in September and that was, of course, five months later. Then seven weeks later I am arrested and in between they had asked my accuser, "Is there anyone who can corroborate your story", and he said, "Well, go to my mate from the late 1970s", and they did. The police told me that this person accused me. I am told through an intermediary that he did not accuse me and on the police log it never even says he was interviewed.

**Q33 Mr Winnick:** If an allegation was made you were upset, but it was the responsibility of the police to look into it.

**Paul Gambaccini:** Sure.

**Mr Winnick:** That is not in question.

**Paul Gambaccini:** That is not in question.

**Q34 Mr Winnick:** The irony, though it is hardly an irony for an innocent person, is that at this very time the whole of the House of Commons is, in various committees today again in the Chamber, the concern is that the allegations of very serious abuse were not investigated by the police. These crimes have been committed over a period of time. We have taken evidence from a number of witnesses. We do have a climate of opinion at this very moment where it is the other way round; that the police have not done sufficient over a period of time to bring those who have been accused to justice.

**Paul Gambaccini:** Yes, and it is because they did not for a long period of time, including the case of Jimmy Savile, that they thought they would compensate by giving the public the impression that it was by having this very high-profile witch hunt that had these built-in design flaws that I have mentioned. Unfortunately, when money and attention are on offer human nature is such that some people will respond to the offer of money and attention. So we now have this unholy mix of the genuine victims who have needed and not received attention for many years and this other group, admittedly smaller, of persons who are falsely accused.

**Q35 Mr Winnick:** It is not only Jimmy Savile, of course, now dead, who committed such terrible crimes, but very recently people very prominent in show business have been convicted. It is not just a question of Mr Savile, is it?

**Paul Gambaccini:** Nor am I saying that it is. What I am saying is there is, has always been and always will be a way of dealing with genuine offenders. It is called the law and you do not need a witch hunt to enforce the law.

**Q36 Mr Winnick:** Do you take the view, which I assume from your evidence, that basically the police knew only too well that you were innocent but, having looked into the allegation and the rest

and for reasons that are very unfortunate if your allegation is true, they just wanted to keep you in the frame? Is that what you are accusing the police of?

**Paul Gambaccini:** It is obvious they wanted to keep me in the frame because my name got out to the press and all of these cases followed the same pattern. You get two people somehow. You need two people, which is why this whole Cliff Richard thing may need a second person. They had the one guy for me and for five months were going nowhere and then they got his mate to join or they say the mate joined, so that made the two. That is a pattern of behaviour and they release your name to the press and hope, the flypaper theory, that something will stick. In my case it did not, but in other cases it did, of course. We now have this mix that requires that all of us seek justice together. This is not an either/or proposition. There have been so many people who for years were not listened to, even though they had suffered terribly, and now we also have a group of people who have been falsely accused. It is something where we have to look for justice for all.

**Q37 Mr Winnick:** As you have said in your written evidence, you have always been totally opposed, obviously, and you have emphasised a point against sexual abuse and want those brought to justice. You have made that perfectly clear in your written evidence and today, so that is not in question. As far as names are concerned, if names were not given—and obviously there is, to say the least, a strong argument along the lines that have been advanced—is there not a possibility that names would, nevertheless, get into the media if only because certainly sections of the press who are very interested in personalities, show business and all the rest would find out and publish those names?

**Paul Gambaccini:** Of course, all of these stories are good for the papers because they increase circulation. That is why they run them. My problem with the police, even though, as I say, 95% of them are honest people interested in justice, the police is a large organisation like the CIA, BBC or Pentagon, and it only takes one person in a large organisation to leak names. It does not matter if it is the Commissioner or a cleaner; the effect on the suspect is the same. If your name is leaked to the press, it has been leaked to the press. When everyone on my case says, “But we’re not leaking your name to the press”, I am not accusing them of leaking my name. It only takes one. I do not know who leaked my name to the press but the only other possibility is the tabloid newspapers have ESP. Now, do you seriously think that telepathy is a requirement for employment in Wapping?

**Q38 Mr Winnick:** I have said there is a serious argument undoubtedly, and the solicitor has spoken about this, that names should not be released. You should be anonymous unless charges are made, but the other argument is if you take a notorious abuser of women, James Warboys. When he was charged with the offences for which he went to prison, hopefully for a very long time indeed, 85 women came forward and stated that they had been the subject of attack by this person. It is possible that otherwise these women would not have come forward. It is a balancing act. The balancing act is: where would justice be served? In your case, an innocent person, suffering as you have done and certainly not alone and for all the other reasons you have mentioned, one has the greatest sympathy, but there is another case of ensuring that justice is done.

**Chair:** If you could give a brief answer to that, Mr Gambaccini and Kate Goold.

**Paul Gambaccini:** To my embarrassment I am not familiar with the name you have given. However, it is clear that there are people who, if they are sexual offenders, offend against many people because that is often the case. In which case, it seems to me that one of the first cases will

be a strong case and when the strong case is brought to the public attention then the other people—

**Chair:** As Mr Loughton had indicated in his questioning.

**Paul Gambaccini:** Yes.

**Q39 Chair:** Kate Goold, you must represent a lot of women in these circumstances. What is your answer to Mr Winnick?

**Kate Goold:** There may be some cases, if it is believed that a suspect is a serial offender such as the John Warboys case that you have described, where, in those exceptional circumstances, the police apply to a court or whatever to allow for the suspect's name to be identified. Then the suspect's name should be allowed to be in the public domain, but only in those exceptional and clearly defined circumstances.

**Q40 Michael Ellis:** Mr Gambaccini, you have repeatedly called what happened to you a witch hunt. Do you accept that people in public life should not be immune from police action and prosecution in appropriate cases? Do you accept that as a general principle?

**Paul Gambaccini:** No one is above the law.

**Q41 Michael Ellis:** Exactly. Is it your position that people in public life are more vulnerable than others to false allegations?

**Paul Gambaccini:** Yes, just because more people know their names.

**Chair:** We will accept a "yes", Mr Gambaccini.

**Q42 Michael Ellis:** Just bear with us, Mr Gambaccini. We have an obvious principle that no one is above the law, but you feel that people in the public eye are more vulnerable to false allegations and it is your position, is it, Mr Gambaccini, that, had you not been a Radio 1 disc jockey, you would not have been subject to these allegations? Is that your position?

**Paul Gambaccini:** Yes, because I know the case and, in the particular case, this person went after me because when he lived in my neighbourhood, within walking distance of my building, I was a Radio 1 DJ. I was the famous person in his neighbourhood.

**Q43 Michael Ellis:** Yes. Do you also accept that there might in some circumstances be good reason for long delays in bail? I am not saying it applies in your case, but, for example, there might be forensic analysis that needs to be done. There might be foreign jurisdictions involved where evidence has to be collated. There might be particular complexities in cases. There may be circumstances in which long delays on bail can be justified.

**Paul Gambaccini:** I have noted that both of the parties in the coalition Government have, in calling for the 28-day limit, allowed for a three-month extension, in the case of the Tories upon the recommendation of a senior police officer or in the case of the Liberal Democrats the recommendation of the magistrate.

**Q44 Michael Ellis:** Which do you prefer? Do you think this should be something in the hands of the chief superintendent or do you think it ought to be dealt with by magistrates? Do you think it should be dealt with by a Crown Court judge if there is going to be an extension to bail further than three months?

**Paul Gambaccini:** I have never pretended to be an expert on something which I am not.

**Chair:** Kate Goold, would you like to answer Mr Ellis?

**Kate Goold:** I think they should be reviewed by a superintendent after 28 days and after three months by magistrates, and that should be on a three-month revolving basis and the burden—

**Q45 Michael Ellis:** Indefinitely?

**Kate Goold:** No, until 12 months and then it should go to the Crown Court, but the burden should be on the police to justify the need for the extension and there has to be proper judicial scrutiny over their reasons and there should be defence representation at the hearing in order to challenge the police with regards to their responses.

**Q46 Michael Ellis:** Do you think the police should be obliged to give reasons for why they are taking so long before charging someone if they are on police bail?

**Kate Goold:** Yes, I do.

**Q47 Michael Ellis:** Isn't the problem with that that they may be giving away material in their case before their inquiries and investigations are complete, which might aid a wrongdoer in avoiding the proper administration of justice?

**Kate Goold:** We have a system now where, if the police want to extend time in custody, they apply for a warrant of further detention and the defence are allowed to question the police on the reasons for that extension. There are no closed hearings. There is no fear of evidence being disclosed because the police can give a general idea of the sort of information they are trying to obtain and why they need further time to do so without disclosing sensitive, confidential data regarding the investigation.

**Q48 Michael Ellis:** Nowadays it seems to me that almost everybody has some time limits placed on them in what they do in their day-to-day lives and it seems to be incongruous that we allow the Crown Prosecution Service and the police to have cart blanche to take as long as they choose without, it seems, any proper remit as to why they are causing further delays in bail. Would you agree with that assessment?

**Kate Goold:** Absolutely. There is no sanction whatsoever on the police or the CPS for delays and what suffers is justice in the end, not only for the suspects for also for the victims and the witnesses.

**Q49 Michael Ellis:** When a police officer arrests someone they only need to have a reasonable suspicion, which is a very low bar. To further adjourn bail does not need any reason whatsoever, it seems. It can be done completely haphazardly to the interests of all parties.

**Kate Goold:** As you have highlighted, the bar is so low people can be on bail indefinitely when there is a very low threshold for suspicion to arrest in the first place.

**Q50 Michael Ellis:** Do I understand Mr Gambaccini correctly that you did not know that you had been re-bailed at one stage until the press informed you or you heard from your own sources?

**Paul Gambaccini:** Yes. As I said to the Chairman, I was sitting at home and my husband sent me an e-mail.

**Q51 Michael Ellis:** Yes. I certainly think that is disgraceful. Just finally from me: as far as leaking to the press is concerned, do you appreciate that in some cases journalists themselves have been subject to police action that is controversial and they themselves have been subjected to actions by the police that is highly controversial in some areas?

**Paul Gambaccini:** Of course, and this is why, for example, Trevor Cavanagh wrote his leading piece on *The Sun* editorial page in favour of shortening this bail time, because so many reporters have been brought into this area on the phone hacking case.

**Chair:** If Mr Cavanagh supports it, it must be the right thing to do.

**Q52 Paul Flynn:** You mentioned Jimmy Savile earlier on. Did I understand you to say you had a part in revealing what he was up to?

**Paul Gambaccini:** What had happened was on a Sunday night I was at home. I got a call from the breakfast show on ITV that was being presented Lorraine Kelly and I was asked if I would go on the next day to talk about Jimmy Savile because there was going to be a documentary about him later in the week. I said, "Sure, fine". I went on, because it is only across the street from where I live and I have known Lorraine for years, and she had a clip from this documentary in which there was one of those women in shadows saying, "He touched me", or whatever happened, and she said, "Well, what do you think about that?" I said, "Well, I've been waiting for this story to come out for 30 years". I just said that off the top of my head because I have been waiting for that story to come out for 30 years. That was something that was widely known throughout society.

**Q53 Paul Flynn:** Those of us who are not in this form of society anyway are baffled as to why Jimmy Savile was the honoured guest at 11 Downing Street New Year's Eve parties. He was lionised, feted and knighted by the establishment over this long period and no one came out and accused him. It does seem extraordinary.

**Chair:** I will caution you. We are talking about police bail. This is fascinating but—

**Paul Gambaccini:** This is truly fascinating and when I write a biography I will talk to you but otherwise—

**Q54 Paul Flynn:** What is happening is we have a reaction from the fact that people would like to do what they did to the three judges who sentenced King Charles I to death and that is to dig their bodies up and hang them in Tyburn. There is a feeling that people want to strike back and do something to justify the failures of the past. That is what appears to have happened to you. I think you are to be congratulated for coming forward to us, but do you think there is a reaction from the police where they become media savvy and they are seeking publicity? The question of Keith Richards one, the one who was—

**Paul Gambaccini:** Cliff Richard, not Keith Richards.

**Paul Flynn:** No, no. I will get them right, yes. I do not want to start another hare running.

**Chair:** Order.

**Paul Flynn:** But in the case, the accusation seemed a very slight one involving one individual some 30 years ago and the police in South Yorkshire set up the BBC to have a helicopter over the house when they went in to investigate the house, which seems completely over the top.

**Chair:** That matter does not relate to this issue.

**Paul Flynn:** But it is something that the police are doing. They are doing it for their own gratification, for their own publicity, because they believe it will help themselves in some way.

**Paul Gambaccini:** All I can say is it fits the pattern of the other cases in which they have one name but they can't arrest Cliff, and they have not, because they need another one to make the pattern of behaviour. They provide the maximum publicity and tell the public what it is to accuse him of.

**Chair:** We are not involved in that issue.

**Paul Flynn:** It has been fascinating the way you have drawn your problems and the timetable for the accusations, the bail, withdrawal of bail and all the rest of it with what was going on in the other cases as though that background was behind it and police were seeking to find more people, more victims, more sensational publicity against those in the media—

**Chair:** I think that is right. A final question from Ms Qureshi.

**Q55 Yasmin Qureshi:** First, can I just declare that I used to work for the Crown Prosecution Service many years ago as an in-house lawyer and I have been representing people charged with criminal offences as well, so just a declaration. As I understand from what Ms Goold said and I think, Mr Gambaccini, you also said that there should be pre-charge anonymity for sexual offences. Would you say that should extend to all offences?

**Kate Goold:** I do, yes, given that, as I said before, there is such a low threshold for an arrest but the consequences are so devastating for the individual. If anyone finds out about that arrest, that person's life is blighted forever. They may not be able to work. They may not be able to see their children. They may not be able to travel, be spontaneous, or visit a friend. It has absolutely overwhelming consequences and, therefore, anonymity should be available for all suspects.

**Paul Gambaccini:** May I point out the damage done not only to myself but to my husband, who was my loyal support for a year, and to the members of my family around the world who were harassed by members of the media?

**Q56 Yasmin Qureshi:** Technically, we are discussing police bail. Is the question here not whether there is anything wrong with the system of policing bailing people in order to carry out further inquiries but the wrong here is basically the fact that they took far too long in dealing with your case and also not informing you of what was happening to your specific case?

**Paul Gambaccini:** Well, the fact that they did everything you said they did, which they did, makes me far less amenable to them. Let us put it that way.

**Kate Goold:** I think we have to emphasise that the police often arrest when there is no necessity to arrest. They could investigate in far greater detail before taking the step to arrest. When Mr Gambaccini gave his interview to the police he gave a very full interview. That did not speed up the process at all and, in fact, I don't think that interview had much bearing on their investigation. It was just part of the investigative process. Therefore, the police should investigate a lot further and then decide whether there is any necessity to arrest, because often there is not. Mr Gambaccini would have willingly attended the police station and answered questions as a volunteer if that was given as an option, but it was not an option and it is not for many.

These problems are not just for Operation Yewtree suspects but for all suspects and if the police took steps to consider whether an arrest is necessary in the first place, because it is not always necessary, and then investigate it they may well get a lot more co-operation, lose all the bad feeling and there would be this lack of publicity. Therefore, there are many more steps that can be taken by the police before arresting.

**Q57 Yasmin Qureshi:** Finally, thank you, Mr Gambaccini for writing. The reason being I have had constituents who come to me who have been through these processes where they waited months and months and months, not knowing what is going on, and I have had in my past life clients who have had similar difficulties that Ms Goold has expressed. I am glad that you raised this issue because this happened not only in your case but it happens to a lot of defendants or people who are bailed and don't know for months and months what is happening to them.

**Paul Gambaccini:** This is why I have concluded my statement by saying that you have the power to ensure that thousands of people will never have to go through what I did. I ask you to help them and I ask you to help me by restoring my faith in this country's criminal justice system.

**Q58 Chair:** Mr Gambaccini, that is a very powerful plea and we will be putting some of the points you have raised today to the ACPO lead on bail who will be giving evidence after you and the DPP after that and, indeed, the Commissioner will be coming in next Tuesday to talk about these issues, including Operation Yewtree. You have had, between 2013 and 2014, the year from hell and we are just extremely grateful to you for coming in here and giving evidence. As Mr Winnick has said, there is nothing worse than an innocent person being accused in the way in which you have been accused. Of course, although it is going to be with you for the rest of your life, at least you have come before Parliament today and you have given us your views and we will reflect them in the report that we will be publishing on police bail before Parliament has dissolved in three weeks' time. I am sorry you have had to relive some of this but we are extremely grateful to you and Ms Goold for coming in here today and you are welcome to stay for the DPP and Mr Eyre when they come forward.

**Paul Gambaccini:** Thank you very much.

**Kate Goold:** Thank you very much.

**Chair:** Order, could we have Chris Eyre, the Chief Constable of Nottinghamshire Police and the lead for ACPO on police bail.

### Examination of Witness

**Witness:** **Chief Constable Chris Eyre**, Nottinghamshire Police, National Lead of Criminal Justice, gave evidence.

**Q59 Chair:** Mr Eyre, thank you very much for coming in. I am sorry we are running a tiny bit late but we are most grateful to you for coming in. You have heard all that evidence. Obviously you had nothing to do with the Paul Gambaccini case. You are here as the Chief Constable of Nottinghamshire and the ACPO lead on bail. We had hoped that we would have with you the Assistant Metropolitan Commissioner, but she has other duties with the President of Mexico. So we have excused her from attending on this occasion, but next week we will be having the Metropolitan Police Commissioner and we will put some of these points to him, specifically about Yewtree. I am more interested, and I think the Committee is interested, in the principle of police bail because we are going to have to produce a report very shortly. On the basis of the evidence we have heard, and again not commenting on the circumstances but the general principles, bail seems to have been used in a number of cases as a fishing expedition; an attempt to get a suspect in and then re-bail them until there is sufficient evidence. What is ACPO's view on this?

**Chief Constable Eyre:** I regard bail and the police service regards the use of pre-charge bail as a necessary tool to use in the investigation of criminal offences. It has to be used in a proportionate and effective manner but it enables criminal investigations to take place, sometimes of a most serious nature, and make sure that we both afford the accused and the victim the right kind of protections through that process.

**Q60 Chair:** In terms of cases several decades old and in particular the case we have just heard, there are differences between cases, are there not? In some cases you may need to arrest; in others you do not. But publicity seems to flow from police action. You cannot control every single officer in the Nottinghamshire Police. You will not know who rings up the press and tells them things, but that is one of the consequences, is it not?

**Chief Constable Eyre:** The point you raise, Mr Vaz, about every investigation is different. As a result of the introduction of changes in Code G of PACE from, I believe, October 2012 we have a requirement that in all cases where we are considering arrest we must apply a necessity test. It is very difficult for us to disaggregate all the changes that have taken place in terms of numbers of people who are arrested now, as opposed to beforehand, because there are all kinds of other changes that have taken place in the system. Police custody areas have closed. We have had the introduction of all kinds of other changes in the way we deal with matters. Just dealing with my own force area, we are dealing with about a one-third reduction in the number of people who are arrested now compared with 2011.

**Q61 Chair:** The one-third reduction is because of austerity measures.

**Chief Constable Eyre:** No, there is a necessity test applied around arrests that custody sergeants are required to apply. I would not claim that all of that reduction is entirely down to the necessity test because so many other changes have been going on in the background. We have seen reductions in crime rates. We have also seen closures of police custody areas. Just as a colleague has recently mentioned about the use of arrests, we now very commonly use voluntary attendance at police stations as a means to be able to investigate offences.

**Q62 Chair:** How many people would have voluntarily attended the Nottinghamshire constabulary offices?

**Chief Constable Eyre:** That is a jolly good question. I wish I could give you that number off the top of my head. I am afraid, Mr Vaz, I cannot. I can provide it to the Committee later.

**Chair:** If you could give us a comparison. Obviously we do not need today's figures, but if you give us a figure for last year, and also if you could give us the figures just of Nottinghamshire since you are here, but you might be able to do that for the whole of ACPO, of those on bail. Would anyone know how many citizens in the UK were on bail at this moment?

**Chief Constable Eyre:** One person would not. Within each force there are systems to be able to manage it. What I can tell you—

**Q63 Chair:** You would know?

**Chief Constable Eyre:** No. I look after the police service around the criminal justice business area. In terms of how each police force manages their pre-charge bail, that is a matter for—

**Q64 Chair:** You are the Chief Constable of Nottinghamshire.

**Chief Constable Eyre:** I am indeed.

**Q65 Chair:** Just in respect of Nottinghamshire, would you know how many people are currently on bail?

**Chief Constable Eyre:** Not precisely on this date. What I can tell you is the figures of where we are as a result of the research we have done across the country about the use of pre-charge bail at the moment. If I give you that information, Mr Vaz, I may be able to help.

Each force system that quantifies their data about how many people are on bail are slightly different systems, so comparable data at times is difficult to pull together. We nevertheless have been across the country. Out of 26 forces that we can identify strictly comparable data, there are about 980,000 people who are arrested in any one year. Of that number about 31% of those people who are arrested are bailed, and 69% of people are dealt with on the day of arrest where bail is not applied. People are dealt with on the day that they are arrested and therefore not bailed.

**Q66 Chair:** Right. Basically, according to those figures, one-third of a million people in the United Kingdom are bailed

**Chief Constable Eyre:** Within any one 12-month period, one-third of the people who are arrested. So in terms of—

**Chair:** What is one-third of a million? My maths is not—

**Chief Constable Eyre:** One-third of a million and one-third of the people who have been arrested. Slightly over two-thirds, are dealt with on the day that they are arrested.

**Q67 Chair:** I understand that. That sounds like an awful lot of people. In respect of the 28-day limit, the Home Secretary seems pretty firm on this and she seems to have a great deal of support that we need to limit these powers in some way, because there is a view that bail is just used as some kind of a fishing expedition for the police. What is ACPO's view on the 28-day limit?

**Chief Constable Eyre:** My view in relation to it is 28 days would be unhelpful as a limit. What I would agree completely with is that the principle should be that people should be on bail for such time as is necessary to allow the reasonable lines of inquiry to be pursued.

**Chair:** That is so vague, Mr Eyre; that is the problem.

**Chief Constable Eyre:** We may be able to assist in making it less vague.

**Chair:** Well, make it less vague in the sentence you give me next.

**Chief Constable Eyre:** Okay. We proposed to the Home Secretary that, along with the changes that have already applied around necessity for arrest, we should apply a necessity test at the point where bail is applied, not only in terms of the necessity of the bail but a proportionality test about the time period for that bail and the conditions that are applied. So it should be at the point where bail is applied that we apply a proportionality test about the conditions that we impose and the period for that bail, and that period should be set based upon the reasonable lines of inquiry that can be dealt with by the custody sergeant to determine what is reasonable in the circumstances.

**Q68 Chair:** Mr Eyre, the point that has been put to us in compelling evidence that we received today from Mr Gambaccini and Ms Goold is you should have your tackle in order before you go out arresting people.

**Chief Constable Eyre:** Very often we do; very often.

**Q69 Chair:** Not if you bail one-third of a million people a year. The Home Secretary has a point, does she not, that if we limit it to 28 days at least she achieves what you have just said? People will start thinking carefully before they go out arresting people and bailing them.

**Chief Constable Eyre:** Chairman, we do think carefully, hence the application of the—

**Q70 Chair:** Why did you not have a proportionality test and a necessity test before the Home Secretary decided to have a 28-day limit?

**Chief Constable Eyre:** Because the law in terms of how bail is applied has been applied consistently across the police service. We have been asked questions around how it might be changed. We have put forward proposals around how we could do that to ensure a greater level of control in relation to this matter that could be dealt with. If I could just give you an answer to your question—

**Q71 Chair:** Before the Home Secretary's statement on bail, nobody came up with this idea of the proportionality test or the necessity test. What I am saying is, as a result of what the Government is doing, the police are now thinking very carefully about whether or not they should go out and arrest and bail people. That is a good thing, but it is not as good as keeping it to a limit of 28 days, is it?

**Chief Constable Eyre:** I will answer each point of that in turn. In terms of when the question was raised around proportionality, we identified in May 2013 principles that included the elements of proportionality and proposed that as a way forward. That is not as a result of the recent changes.

In terms of the 28 days, what we are in agreement with is that there should be a clear understanding that the time for pre-charge bail should be what is necessary to follow up reasonable lines of inquiry. For example, the questions that were raised earlier by your colleague around forensic evidence, forensic investigation, digital investigations and what takes place around that, the complexity of securing information from cross-jurisdictional inquiries, which are more common these days than they have ever been, securing medical evidence, and not simply taking each one of those in isolation but very often they come up in an investigation.

**Q72 Chair:** We absolutely understand that in certain cases it requires all this activity but what I and the Committee are saying is, when you deal with reputations of individuals like Mr Gambaccini, for example, who was found to have committed no offence but has gone through a period of re-bailing over a period of 12 months, his life will never be the same again, in pursuit of those who are criminals do we not think that damage is done to those who are innocent?

**Chief Constable Eyre:** In conducting our inquiries where we have a criminal allegation and people are alleging offences that we need to pursue, we do not know at the outset whether that allegation is false or accurate. The allegations need to be investigated to make sure that we respect the rights of victims. Where we arrest because we meet a necessity standard around that arrest there are investigations that will take place, including the interview of the suspect or the alleged suspect in relation to the offence and, where bail is necessary, that bail is to facilitate the investigation of those offences.

**Q73 Chair:** Do you agree that bail has been misused or used too regularly in the past and we now ought to look at tests being applied before it is being given?

**Chief Constable Eyre:** What we have agreed is that when we look—

**Chair:** I do not want you to agree. I am asking your opinion. Do you agree that in the past it has been used too liberally and now we must stand back and look at proportionality and necessity tests?

**Chief Constable Eyre:** Mr Vaz, the way you express it is a different way than the way I would. Let me answer in my way, if I may. I would argue that there have been different ways of dealing with it in different locations around the country. We believe there is a consistency that can be brought

by applying those controls in the way that I have described, and that will be both to the benefit and protection of vulnerable victims where we are investigating allegations they have made and also to ensure timely and proportional investigations.

**Q74 Chair:** A final two questions for me. On anonymity, do you think it would be right that people should be given anonymity until they are charged?

**Chief Constable Eyre:** It is a hugely complex issue. In the vast majority of cases suspects will not be named at the point when they are arrested. I believe it should be a subject—

**Q75 Chair:** If they are famous they are always named. For example there was a footballer last night who was—

**Chief Constable Eyre:** I am not sure whether that is the case, Mr Vaz. I know there are many occasions when famous people have been named, but I could not tell you that in all cases they are. What I would say is that in criminal investigations where we have an allegation of the nature that was described earlier, an individual in charge of that investigation should be responsible for making an informed judgment about whether it is necessary to make that name public in order that other people who may be victims can have the opportunity to bring it forward. There should be no presumptions.

**Q76 Chair:** No, but the point that was being made by our witnesses and other witnesses is that it is not done directly. Nobody is saying that you as Chief Constable of Nottinghamshire would be leaking this information out, but it is not astonishing the number of members of the press who turn up? For example, the case of this footballer yesterday and the number of people outside his house; how would they know such a thing?

**Chief Constable Eyre:** Mr Vaz, I cannot tell you how people knew in that case. What I can tell you is that if you separated away the fact that there may be occasions when information is made available informally, if we focus on the question about whether there should be a formal naming at some stage around suspects in certain offences, I believe that is a matter that should be determined by the senior investigating officer based upon a judgment of the value of doing so and the nature of the crime that is under investigation. It is done very rarely, but there are occasions when I can concede it would be appropriate to do so, accepting that—

**Q77 Chair:** It is not done formally, Mr Eyre. The point is it is not done formally. It is done informally.

**Chief Constable Eyre:** There are occasions when it is.

**Chair:** I know, but very rarely as you say. Much more likely is that the press get hold of it because of a police leak.

**Chief Constable Eyre:** I accept your point in terms of the press becoming aware. How they may become aware, I am afraid, Mr Vaz, certainly in the case you have mentioned, I do not know. I am not suggesting for a minute they were not, but I do not know how that information was made available to the press on those occasions.

**Chair:** No, of course not. Nobody knows because nobody owns up.

**Chief Constable Eyre:** One thing I would say, Mr Vaz, is in the world post-Leveson there is very acute awareness across the entire police service about the need to engage appropriately with the media and for information to only be made available in appropriate ways. We recognise the vulnerability.

**Chair:** Well, we are very grateful to hear that.

**Q78 Michael Ellis:** It is not enough, though, is it, Chief Constable?

**Chief Constable Eyre:** I am sorry. Say again?

**Michael Ellis:** There is not enough recognition clearly, because information is still being leaked by the police to the media when it suits interests. The current situation as far as bail is concerned is simply inexcusable, is it not? It is just not good enough. We hear about people's lives. I prosecuted and defended people in court as a barrister before I was elected to this House and I have personal experience of knowing that for people on long stretches of bail their lives were effectively ruined, turned upside down, by being on bail for long stretches of time only to either have cases dropped against them or to later be acquitted. I am asking you to accept before this Committee that there are serious problems in this country with the administration of police bail that need to be addressed.

**Chief Constable Eyre:** I have agreed with you that there are ways that we can and should apply greater controls in relation to it. What I would say in terms of where there are very lengthy investigations, dependent upon the nature of the case that we are dealing with and the inquiries that are involved, many criminal investigations are hugely complex and time-consuming because they need to be managed in sequence.

**Q79 Michael Ellis:** Yes. I make it clear, as I said to the previous witness, that there are circumstances in which there should be prolonged bail, where there are complex cases, fraud and the like, forensic reasons or foreign jurisdictions involved, of course. However, there are also many cases where people appear to be being re-bailed for no reason other than convenience of the police, other than workload possibly or sometimes even orchestrated with other cases. That is the allegation and it is a serious allegation. I suggest that if people are being re-bailed because of convenient orchestration with the conduct of other cases that is tantamount to a perversion of the course of justice. It is a misadministration of justice for somebody to be put on police bail if there is an orchestration with other cases. That would be wrong in principle, would it not, if that were happening?

**Chief Constable Eyre:** If the hypothesis were true I would accept it. I do not know that that is the case.

**Q80 Michael Ellis:** But it is a disgrace, is it not, that someone, whether he be a celebrity or not, finds out from the press that he has been re-bailed? That is just unacceptable.

**Chief Constable Eyre:** Mr Ellis, I cannot comment on Mr Gambaccini's case. As was mentioned earlier, I had no involvement in it. What I can say is—

**Q81 Michael Ellis:** Well, if it were the case that someone found out from the press something important about their own case, that would not be the proper conduit through which they should find out a piece of information?

**Chief Constable Eyre:** The proper conduit should be that either their solicitor is notified or they are notified directly of the amendment to bail requirements.

**Q82 Michael Ellis:** Has it been your experience as a senior chief constable that there has been any orchestration of the adjournment of cases in police bail because it was convenient to marry that case up with another defendant or to ascertain whether there are other complainants who may come forward?

**Chief Constable Eyre:** It has not been my experience at all.

**Michael Ellis:** You have never known of that?

**Chief Constable Eyre:** Not in my experience at all, either of those assertions.

**Q83 Michael Ellis:** Have you ever known of any police officer under your command, in Nottinghamshire or elsewhere, who has given information to the press about a celebrity individual who is appearing before the courts?

**Chief Constable Eyre:** I am not aware of any cases.

**Q84 Michael Ellis:** Can I suggest to you that you must have heard of some cases? It must be the case that you are conscious of famous people who have come before the courts in Nottinghamshire that have attracted media attention before they have arrived at the court, whether it be for a speeding offence or something else?

**Chief Constable Eyre:** I am not aware of cases in that way. If I were I would agree with you. I am not aware of cases in that way.

**Q85 Michael Ellis:** Just one more question from me. What about the suggestion from some quarters that information is drip-fed out in a way to promulgate a police case or to further police action in a cause célèbre of the moment, the timing of information being made public so that it suits? Mr Gambaccini referred to things happening only after other individuals were charged or sentenced or whatever it was. Do you think there is anything in that, any suggestion that information is disclosed?

**Chief Constable Eyre:** If you give me a few minutes to explain. I have no knowledge of any of those investigations. I think you will have the Commissioner with you next week, who may be able to give you a better insight in terms of the timing of decisions.

**Q86 Michael Ellis:** I shall ask Sir Bernard all about that, but I am asking you, not about any particular case but about cases in general, whether you are aware of that type of orchestration of information.

**Chief Constable Eyre:** Chair, Mr Ellis, I am not aware, no.

**Michael Ellis:** I understand while this Committee has been in session there has been some news about Rolf Harris. I am just wondering whether that was a coincidence or whether that is part of the media management of this situation. I suppose it is probably a coincidence, Mr Chairman.

**Chair:** I am sure it is absolute coincidence, Mr Ellis. We will leave that for the moment.

**Michael Ellis:** Yes.

**Q87 Mr Winnick:** Chief Constable, what you are telling the Committee is that basically the present situation over bail conditions should continue?

**Chief Constable Eyre:** No, Mr Winnick. What I am saying is that we can improve on it and make sure that we apply better controls. My proposal is that, at the point where a person is released on bail, a necessity test is applied to determine whether or not bail is necessary. I just reaffirm what I said earlier: 69% of people who are arrested are not bailed and 31% of people who have been arrested are. At the moment we do not bail all people subject to criminal investigations, but the introduction of an additional necessity test at the point of bailing would apply an additional control that could be monitored, managed and co-ordinated. I am also recommending that at the point that we do so, where we apply conditions in a timescale for pre-charge bail, necessity and proportionality tests are applied there so we are clear about the length of the bail that is required and why.

Mr Ellis's point earlier about forensic investigation was well made. We ought to be very clear at the outset that, if we are bailing a person for either further inquiries to do with witnesses or alternatively for forensic inquiries, we are able to determine what is a reasonable length to enable those things to happen because we know how long it is likely to take for first phase forensic submissions and evidence to come back. It is not simply applied to the most serious of cases because very often in things such as harassment we will these days be dealing with technical forensic analysis of telephone traffic, text messaging or computer records. It can apply to all kinds of cases, but we can apply that at the point when bail is made.

**Q88 Mr Winnick:** Chief Constable, that rather reminds me of the controversy in the last Parliament over pre-charge arrest regarding terrorism, when the police argued so strongly for 90 days and the Government of the day took that line as well, all the reasons why it was so necessary to go beyond the existing time of 14 days and so on. You are aware of that controversy. The argument seems to be, on this issue, very much along the same lines as you have just been indicating as a justification. When you were listening to the previous witness did you not feel that something must be wrong with the present situation as the witness was explaining to us what he had suffered as a result of long drawn out bail conditions?

**Chief Constable Eyre:** Who could not have been moved by listening to Mr Gambaccini's account? His experience of going through it was clearly very distressing for him.

**Q89 Mr Winnick:** Yes, certainly not something you would wish to go through?

**Chief Constable Eyre:** Forgive me. I have been subject to investigations, as many senior police officers have, but I would never equate my experience with that of Mr Gambaccini's. What I

would say in relation to an inquiry that is conducted is, when we are conducting a criminal investigation and the bail that takes place, the referral of matters to the Crown Prosecution Service for their advice will often lead to further lines of action that we are advised to take in order to substantiate whether or not there is evidence that a person has committed an offence. Ultimately, where that investigation follows those lines of inquiry and establishes there is no evidence, quite properly a decision should be made for no further action to be taken.

In those cases for the individual who has gone through the experience I can understand the distress that is caused but, of course, until we conduct reasonable lines of inquiry we do not know that that is going to be the outcome. We need to understand and respect the rights and needs of victims as well as those who are accused. Very often in complex historical investigations we are dealing with people who have very complex lives, where there are extreme vulnerabilities, and we need to engage in a sensitive and caring way about their experience and allegations, along with then looking for corroboration that may assist us in understanding whether their account can be supported or not. Often many years later, it is difficult to identify contemporaneous evidence from when the alleged offences occurred.

It does not remove from us the obligation of following those lines of inquiry to establish whether or not those offences have taken place. The phase in which that takes place will often result in a file being submitted to the Crown Prosecution Service for advice where they will look at and determine whether or not at that stage there is a prima facie case or whether it is necessary to conduct further lines of inquiry or not. We will then act or work upon that. It is a staged and iterative process that is designed to make sure that we protect the rights of the vulnerable, the allegations and also protect the rights of the accused.

**Paul Flynn:** That is what has happened.

**Chair:** Order, Mr Flynn. Mr Winnick is asking questions.

**Q90 Mr Winnick:** Obviously to secure justice is absolutely essential and the Committee, when it is drawing up its report, will take into account a number of factors, not least what you have been saying. Obviously the first witness who appeared before us made a very strong case indeed.

Can I now refer you to some of the answers you gave to Mr Ellis? Time and again, if it is a personality who is quite prominent, certainly in show business, what happens is the police do not release the name, although the media obviously know who it is. The police give the gender and the age of the person and it is a sort of game. They do not say, "Mr XY has been arrested and is subject to investigation or subject to police bail". It gives the gender and the age, when everyone in the media knows precisely who is involved. I just do not understand why there seems to be such a compulsion in practice, whatever may be said otherwise in evidence to us, on the police when it comes to prominent individuals to let the press know when it is unclear whether the individual has been involved in the crimes or offences that have been alleged.

**Chief Constable Eyre:** Mr Winnick, I will draw the distinction again if I may between a conscious and determined decision to disclose for reasons to enable other potential victims to come forward, which is something that could be done by the senior investigating officer, and something that is dealt with informally. In terms of the position that we would often take with the media, we will usually confirm an individual of a gender and age has been arrested in relation to certain offences. It is not beyond the wit of a very capable journalist to not only try to secure the information from the police service but to conduct inquiries in a whole range of other ways to

establish who that person may have been. We would generally not confirm, if approached, with a name in those circumstances about the fact that that person had been arrested.

Where we get allegations of information being leaked by police officers or by police staff, we will investigate and deal with it. It is incredibly difficult to establish that because, short of taking every telephone that a police employee may have, every possible means of communication, it is almost an impossible thing to control. What we do set is very clear standards about information security and our obligations and make sure that, in the formal way that we engage with media around such matters, we are very clear about what we can say in an appropriate manner.

**Q91 Tim Loughton:** When a case is dropped before it comes to an arrest or charge there is no formal process for that, is there? It can be re-energised at any time?

**Chief Constable Eyre:** Yes. If further new evidence comes to light or further allegations are made it can be recommenced, yes.

**Q92 Tim Loughton:** Do you think there should be more formal staging posts, effectively, if clearly a case is going nowhere and it would be ended and you have to start it again?

**Chief Constable Eyre:** Prior to arrest, or afterwards?

**Tim Loughton:** Prior to arrest, because there are various hits that the police have in order to try to make something stick and then, secondly, there is the constant re-bailing that we heard from Mr Gambaccini. Do you think that should be capped so that you cannot be re-bailed for more than one, two, three times or whatever? In many other parts of life or in the legal process you would not get an unlimited range of opportunities to make something stick. It would be time-limited or case-limited.

**Chief Constable Eyre:** I will use different language if I may. Where an allegation is made, we will conduct an investigation. If there is insufficient evidence to arrest or pursue it, when a defence is closed a decision will be made and it will be recorded on the system that is retained within the force about that decision and why the case has been terminated at that stage. Should new evidence come to light or a further allegation be made it is reasonable then that inquiries would be reopened in order to conduct a further investigation. It should be dealt with in that way.

Where a person is arrested the necessity test applies along with the powers under section 25 and 76 of the Police and Criminal Evidence Act so that it is done in a lawful manner. Do I think it is reasonable that there should be a limit? The proposal we have made to the Home Secretary is that at six months matters should be taken before a magistrate to determine if further bail is required after the six-month period. The reason we set it at that level is at the moment 2% of arrests result in a person being on bail for more than six months. We believe at that stage it is reasonable for magistrates to be involved in making that determination about whether further bail is necessary. We believe that by applying the conditions that I described earlier we can tighten and shorten the length of time that people are on bail and improve the overall management of police bail across the country so it is less and less likely that it is required.

**Q93 Chair:** Very helpful, Mr Eyre. If you have anything else to say to us, please write to us. We are planning to get this report out very soon because, as you know, Parliament is being dissolved. So we are completing our work, but I would be grateful if you could do that as soon as possible.

**Chief Constable Eyre:** Thank you for very much for your time.

**Chair:** Our final witness is the Director of Public Prosecution, Alison Saunders.

### **Examination of Witness**

*Witness:* **Alison Saunders**, Director of Public Prosecutions, gave evidence.

**Q94 Chair:** Thank you very much for coming. I am sorry we are running a little bit late, DPP, but we are grateful to you for coming here. I want to start with a non-bail question as you would probably imagine how disappointed the Committee was that you had lost the cases that you had brought on FGM. You came here brimming with enthusiasm the last time you were here, having charged two people I think, just before you appeared and we were all delighted and then you lost the case.

*Alison Saunders:* Yes.

**Q95 Chair:** Why?

*Alison Saunders:* The case went before a jury. Since the case was completed I have had a review of that case. I undertook that myself to see if there were lessons to be learnt, if there are things that we should have done that we did not do. Having looked at it and gone through the evidence, I still remain of the view that it was the right decision to take, to prosecute. Of course, we take those decisions on the basis of the papers that are put before us. We do not test the evidence in the same way as it is tested at court, so the jury had the advantage of hearing the evidence. Sometimes evidence does not quite come up to the proof of what was in the witness statements. They also had the advantage of hearing expert evidence both from the prosecution and the defence and hearing that tested and they came to their view, which we respect. The judge was asked three times to stop the case on the basis that there was insufficient evidence to let the case go before the jury.

**Chair:** By the defence?

*Alison Saunders:* By the defence, and three times he agreed that the case did have sufficient evidence to go before the jury.

**Q96 Chair:** Yes. What worries the Committee is there are six victims of FGM coming up every single day into our hospitals. I think one hospital in Birmingham has dealt with 1,500 cases in just five years. This seems to be on the increase, not on the decrease, but the CPS does not seem to be taking anyone to court. Is it because the police are just not sending you these cases?

*Alison Saunders:* We have had 16 cases referred to us since 2010.

**Chair:** It is very low, is it not?

*Alison Saunders:* It is very low.

**Q97 Chair:** Do you think the police should be doing better work in identifying these cases? The French authorities, as we have said to you before, have no problem in prosecuting people, but we seem to have a huge problem.

*Alison Saunders:* The French authorities have a very different system. As we talked about last time, they have a very different way of dealing with medical examinations of young girls that we do not have in this country. That provides evidence that we do not get in the same way. Also, I think they had one case where they were able to prosecute a cutter. Because they had the records they were able to also prosecute some of those that were associated with it.

**Q98 Chair:** Yes. This is really disappointing. Parliament is concerned. The Government keep saying we are going to prosecute more people. We had evidence from the Royal Colleges and indeed the police. The police were blaming the frontline services. The cases were not coming forward but, at the end of the day, little girls are being cut and they are not being taken to court. In respect of some of the other cases that we have heard about, especially the one we are going to on police bail, there you have other people who are the subject of so much attention by the CPS and the real perpetrators of crimes against little girls are getting off scot-free.

*Alison Saunders:* As I have said before, the chances of a little girl coming through the doors of a police station to report her parents is remote, but we are working with police colleagues. We have experts and single points of contact in every single CPS area. They are working with communities and their local police forces to encourage—

**Q99 Chair:** But you must know where this is going wrong. If there are six victims a day and you are putting all this effort and time into it and you cannot bring one case successfully to a conclusion there must be something going wrong.

*Alison Saunders:* We need the evidence in order to take that before the court. If we do not have the evidence we cannot take the cases. As I said, we have had 16 cases referred to us. We have three that are currently still live where we are examining them to see whether or not we can build a case, whether or not there is sufficient evidence to take it before the court. You can be assured that my prosecutors are doing as much as they possibly can when they either get cases referred to them or are helping police colleagues in order to look at what more might be done.

**Chair:** Thank you. Mr Winnick has a question on FGM and then we will move on to police bail.

**Q100 Mr Winnick:** It would be unfortunate, of course, if cases are brought that are not going to go any further and, therefore, it would be absolutely irrelevant and counterproductive to encourage you to have cases that fail. That would discredit the whole business.

We know that FGM has absolutely nothing to do with the Islamic religion. There is nothing in the Koran about it. It is not necessarily confined on the African continent to Muslims and other religions as well, apparently, but is there any evidence that some of the most hard-line Islamist preachers, those who conduct sermons of sheer hate, are encouraging FGM and saying that no one should be put off in a congregation? Is there any evidence of that? I have read some reports that this is occurring.

*Alison Saunders:* I have not seen any evidence of that, so I am probably not the best person to answer that question.

**Q101 Chair:** Thank you. Let us move on to police bail. I know you were not in the room when we took evidence from Paul Gambaccini. There was no reason for you to be in the room when we took evidence from Paul Gambaccini and Kate Goold from Bindmans. This Committee is very concerned about the use of bail, which seems to be used as a kind of fishing expedition. We used his case, because he is a case study for our report. He voluntarily agreed to come in and we are most grateful to him, but there must be hundreds of other cases where people are in the same position. Do you worry about the use of police bail as a method of allowing the police to continue with their investigations and do you think there should be a more clinical approach to this where people know where a case is going? There is some criticism of the CPS. I am just looking at the dates and I think this is probably more directed to Keir Starmer, rather than yourself, because I think you took over after 20 October 2013. I may be wrong.

*Alison Saunders:* It was 1 November 2013.

**Q102 Chair:** Yes, you missed it by six days, then. He was obviously clearing his desk before you got there. You had nothing to do with this case?

*Alison Saunders:* I was Chief Crown Prosecutor for London which, of course, is where it was prosecuted.

**Chair:** So you did have something to do with it?

*Alison Saunders:* Yes.

**Q103 Chair:** You can tell us more about it since it is now in the public domain, but obviously not anything that you think is operational. He has serious criticisms because he says to us that bail was repeatedly renewed. The CPS provided no information and, at the end of the day, on 10 October he received no real explanation as to why the case was being dropped. You must, therefore, take responsibility for that as the Chief Crown Prosecutor for London.

*Alison Saunders:* My concern is to make sure that investigations are as short as possible for all sorts of reasons. There is the reason that you have suspects who are waiting to see whether or not they are going to be charged. You have victims and witnesses who are waiting and we all know that the quicker we can make both investigations and trials and court proceedings the better.

**Q104 Chair:** Yes, but you are not investigating, are you?

*Alison Saunders:* I was about to say that. We do not investigate. We will work with police colleagues to assist and to give investigative advice in some cases, not in all cases. It is in everybody's interests to get it dealt with as speedily as possible, but it is also important to make sure that the investigations are thorough and that we cover all aspects and all lines of inquiry.

**Q105 Chair:** You are therefore familiar with this case. Did you take the decision to drop the case?

*Alison Saunders:* It was taken by the then Chief Crown Prosecutor for London, but I was involved because I held a case management panel on 22 September 2014, I think.

**Q106 Chair:** Is that when the decision was taken, 22 September?

*Alison Saunders:* No, it was not because I do case management panels in a number of cases where they are cases that should come to the director to look at to make sure that, first, the evidence is being dealt with properly and, secondly, we are managing the case properly. After it came to me the case then went out to a silk, a Queen's Counsel, external counsel.

**Chair:** Yes, we know what a silk means.

*Alison Saunders:* Sorry, for advice because there were some concerns that I had raised and it then went out to this Queen's Counsel and her written advice was provided on 3 October. We then looked at it. We had a further question for her and then we told the police on 9 October that at that point there should be no further action taken. When bail is extended it is not for the CPS to explain. It is for the police to explain.

**Q107 Chair:** Do you ask for bail to be extended or do they do this on their own?

*Alison Saunders:* In this particular case, and in many cases, what will happen is we will provide advice saying we need further material before we can come to a decision. If that necessitates an extension to police bail then that is a decision for the police, but if there bail has been in the first place I presume those reasons will continue as well.

**Q108 Chair:** Looking at the general, rather than the specific of Mr Gambaccini, are you able to say, "Well, we are still looking into this. We have not charged him with anything. You do not need to re-bail him. If we find more evidence we will come back and re-arrest him and charge him"? Are you able to say that or is it a decision entirely up to the police to make?

*Alison Saunders:* No, it is an operational matter for the police and obviously there may be some significant legal issues because if somebody has been on bail, is released on bail, there are issues about how you then re-arrest, whether you can re-arrest, and also whether you can then ask somebody to come back to be charged, arrested and for them to be charged. There are some legal issues around that, which I think is part of the responses to the Home Office consultation, that might be best clarified so that in some cases suspects can be released not on bail but still the power to go back and arrest and bring them back to charge. In other cases it will be necessary to put them on bail for all sorts of reasons: not to interfere with witnesses, not to flee.

**Q109 Chair:** Of course, but for someone like Mr Gambaccini, who came before this Committee and very openly and transparently gave us all his information, it must have been terrible for him. What he told the Committee is that the delay involved in the way in which the police dealt with it, and indeed the way the CPS dealt with it, added to his anguish and distress. Now, that is not supposed to be part of the criminal justice system, is it? You are there to catch people who have committed real offences, charge them and put them on trial, not to do that for the innocent.

*Alison Saunders:* Absolutely and for us it is about making sure and it is of no interest or value to us to draw out investigations. For us, we know the sooner we get to a point where we can either charge or not charge is the best way of dealing with it for all sorts of reasons, not least of which

we know witnesses and victims may well withdraw during the course of proceedings if it takes too long. For the suspect, they need certainty as well in order to get on with their lives. For us there is absolutely no advantage in drawing out investigations.

**Q110 Chair:** He lost his job. He was suspended from his job. His reputation is damaged the world over and no further action is to be taken. Who owes him an apology? Is it the CPS or is it the police or is it the system that we have? Somebody surely owes an apology to an innocent man who spent a year under suspicion, who has lost everything. He has had to pay a fortune in legal fees. Who owes him that apology?

*Alison Saunders:* I think, looking through the chronology of this case, and I have looked through the chronology of this case, there was a lot of extra evidence that needed to be obtained and lines of inquiry to follow through. There were also some particular issues with some of the complainants that caused some further delay. There were two different complainants in this case. We looked, for example, at taking extra statements. There was at one stage consideration of a pre-trial witness interview, so there were all sorts of things that needed to be completely bottomed before a decision could be made.

What would not be appropriate was for decisions to be made in haste that may be repented later either because we proceed to charge and that was too soon or we take no further action when we subsequently then get further information.

**Q111 Chair:** We perfectly understand that, but the system has let him down. Maybe not the CPS in particular or you, or the chief prosecutor. Somebody has clearly let him down. We live in a parliamentary democracy. We have the most impressive legal system in the world. If an innocent person has to go through this, somebody needs to say, "We got it wrong", but apparently nobody has.

*Alison Saunders:* Certainly I do not think we did and I can only speak for my own organisation. I do think this was an extreme case and the majority of cases have nowhere near a pattern such as this. I think you heard from the Chief Constable previously that about 2% of all cases go beyond six months. The majority of those cases we look at that have bail periods of that sort of nature tend to be complex frauds, bribery, corruption or historic sexual allegations. It is very unusual to have a case go on quite so long.

**Q112 Chair:** Sure, so this is an extreme case but still you do not think you owe them an apology. Somebody needs to tell him what happened. You have given us an explanation because you are appearing before the Home Affairs Select Committee. He might never have heard this from anyone else. Surely at the end of a process, and we are looking at processes in our report, somebody needs to sit down with him and his solicitor and say, "Well, it took a year because of this".

*Alison Saunders:* It may well be. Again, I do not know what happens when bail is extended, whether individuals are just told, "Your bail has been extended", and no reason. Sometimes it would be difficult to give that reason. It may be that at the end of an extensive period it might be a very good idea to sit down and explain what had happened.

**Q113 Chair:** You think that would be a good idea?

*Alison Saunders:* It may be. It may be that we cannot explain in some cases. Again, it depends.

**Q114 Chair:** Of course, but are you able to sit down and explain to him and his legal advisers in this case your role in what happened now that it is over? There is no reason to stop you doing so, is there?

*Alison Saunders:* I am very happy to write to explain what has happened in general terms and to see what we can say about what happened in the chronology of it. There was certainly quite a lot of activity. There was certainly nobody sitting on any files and not doing anything. There was a lot of activity going on.

**Q115 Chair:** It is just that we had evidence that the complaint was made on 4 April and on 5 September 2013 the case was dropped for insufficient evidence. So for the whole of 2013, from 4 April to 5 September, Mr Gambaccini said there were inquiries and it was dropped. Anyway, that is very helpful.

*Alison Saunders:* We only got involved in 2014, so I cannot comment on that.

**Q116 Chair:** Of course. On the question of anonymity, would you support anonymity for those pre-charge?

*Alison Saunders:* We do not disclose anyone's identity pre-charge. I think there are real issues. In a very small minority of cases what we have seen is that if suspects are named other witnesses, complainants, will come forward because they feel as though they can. They may have been frightened or feared not to be believed or judged beforehand, but in the majority of cases I can quite see why you would not.

**Q117 Chair:** Except for a handful of cases, you think there should be anonymity before charge?

*Alison Saunders:* We certainly do not disclose anyone's identity pre-charge.

**Q118 Chair:** On the 28-day limit, do you think that is an acceptable limit? You said you wrote to the Home Secretary or you wrote as part of the consultation and said 28-day limits on bail were wholly inappropriate and unworkable. Do you still hold to that?

*Alison Saunders:* We certainly think that 28 days is too short. We think there should be the ability within the police forces to make extensions and then for it to go to the magistrates' court first, at six months, at the Crown court at 12 months.

**Q119 Michael Ellis:** Director, the bail system is broken, is it not? Would you not accept that?

*Alison Saunders:* No, I would not accept that.

**Q120 Michael Ellis:** You do not accept that? Well, do you not think it is obvious that re-bails are being used indiscriminately in some cases with no proper oversight? Is it not the case nowadays that you, as the Director of Public Prosecutions, and many others in public life have to follow certain

protocols and procedures? We have to explain ourselves, what we are doing and why we are doing it and we often have to operate within time limits, but the police at the moment do not have to do that. They can re-bail someone, seemingly arbitrarily, because it suits them for whatever purpose they may have, and no one knows what that purpose might be in many cases. That is a broken system. It is not transparent. It is not open to analysis and, consequently, it is manifestly unfair and needs a remedy.

*Alison Saunders:* I entirely agree with your comments about transparency and needing to make sure that we are transparent and that the public can have confidence in the system. That is why transparency is important. I myself have not seen many cases where I would have thought that there was endless needless re-bailing. I do think there is a lot more that we can do as a system to make sure that investigations are dealt with as quickly as possible. There are lots of things that we are doing around the trial process to make that as fast as possible.

**Q121 Michael Ellis:** Yes, but, assuming good faith in the vast majority of cases, then the police and the Crown Prosecution Service would have nothing to fear from being able to present a case to a bench of magistrates, a stipendiary magistrate, a district judge or some other type of judge. They have nothing to worry about then, have they? They could say, "This is the reason why we want to extend bail".

*Alison Saunders:* Absolutely. In principle, there is nothing to fear from that. What there is to fear is the practicalities when the whole system is looking at taking hearings out of the process because they are costly and they take up time. We know already that we have courts that are fairly full.

**Q122 Michael Ellis:** Yes, but maybe it would be an incentive, Director, for them to get on with it and at least have a pretty good reason to prevent themselves being shouted at by a judge, to say, "Why are you stalling on this? Why are you taking your time?" Maybe that would then cut down the 2% of cases, which you have referred to, to 0.2% of cases and it would not cost that much and we would get fairness and justice for all.

*Alison Saunders:* Certainly in the cases that I have looked at, and we have looked at some of them because of this consultation, there are cases that will just not be able to be dealt with within that 28 days, even six months or even 12 months, where you have foreign enquiries, complicated forensics, various media—

**Q123 Michael Ellis:** I accept that. The complex cases are a caveat. I want to ask you this. Are you, the Crown Prosecution Service, conducting a witch hunt? It is being suggested by more and more people that a witch hunt is being conducted against journalists and against celebrities. I think it is my responsibility to put to you what is being said by others. We have a situation where, according to a Freedom of Information Act request from the *Press Gazette*, I believe, some £33 million was spent pursuing journalists to the end of September 2014. You do not have much for that, do you? You do not have much by way of successful prosecutions.

*Alison Saunders:* Let me first make it clear we are not conducting a witch hunt against anyone, be it journalists or celebrities. In relation to what work we do, of course, we are demand led. We

do not choose what comes into us. If there is an investigation and the police feel there is sufficient evidence to refer cases to us, we look at those. That is part of our statutory duty. We have to do that and we will look at it to see whether or not there is sufficient evidence for a prosecution and whether or not it is in the public interest.

**Q124 Michael Ellis:** I accept that, Director, and you are not investigating the cases, but what you are doing, as you have just said, is reviewing the evidence.

**Alison Saunders:** Yes.

**Michael Ellis:** Are your officers reviewing the evidence correctly? You are getting a disproportionate number of acquittals and you are getting far too many acquittals to justify prosecuting these people, I am suggesting to you. Sixty-four journalists have apparently been arrested: 10 convictions, four jail sentences, and all of the jail sentences have been for phone hacking. The other matters do not appear to be going anywhere and that is a lot of people on bail for prolonged periods and whose reputations are sullied, names often disclosed, lives ruined, while nothing happens. Is it because of the groundswell of attention that has come on this area that you are pursuing these cases with insufficient evidence?

**Alison Saunders:** No, and I do not know where you get those figures from. Of course, we have had two public inquiries that have raised a whole basket of issues around how the conduct of some journalists has happened. Perhaps it is not surprising that there have then been thorough police investigations.

I do know that in relation to what is termed “hacking”, which is actually a much wider term than that, charging decisions that we have made in relation to those cases that have been referred to us by the police have all been dealt with, I think, expeditiously and certainly no more than three months at the longest period. We have taken no further action against 47 people, of which 25 were journalists. We have convicted 36 people of one or all matters that they have been prosecuted for in relation to these cases, 10 of which were journalists.

**Michael Ellis:** Ten journalists, yes.

**Alison Saunders:** Yes. Two people have accepted conditional cautions; one, a journalist, has accepted a simple caution; 15 people have been acquitted of all matters, seven of those were journalists. Those are our figures in relation to these operations that are widely termed “hacking”.

**Michael Ellis:** There are non-journalists in your figures as well as journalists.

**Alison Saunders:** Yes. I have made clear which ones, yes.

**Q125 Michael Ellis:** Yes, of course. I accept that. A lot of money, if this information I have is correct, £33 million. Does that figure ring a bell to you?

**Alison Saunders:** I do not recollect—

**Michael Ellis:** You are aware of the Freedom of Information Act request? That is where I am getting it from.

**Alison Saunders:** If it has come from us then it must be right, but I do not know.

**Q126 Michael Ellis:** Well, it is only what I have read in the public domain. As far as juries are concerned, are you satisfied that juries are being persuaded by the evidence that your lawyers are being persuaded by?

*Alison Saunders:* I have given you the figures of those numbers that have been convicted—

**Michael Ellis:** You think that is sufficient?

*Alison Saunders:* —and that have gone to trial. We do not make any distinction. When we look at cases we do not make distinction as to who it is that we are looking at. What we look at is the evidence. Is there sufficient evidence for a realistic prospect of conviction and is it in the public interest then to prosecute? That test is applied across the board no matter who the individuals are.

**Q127 Michael Ellis:** I am glad to hear it. You say you do not pay attention to who it is, but do you pay attention to the clamour there might be from outside? Does that influence your judgment?

*Alison Saunders:* No.

**Q128 Michael Ellis:** For example, on FGM or on any other issue, does that colour the judgment, do you think, of those under you at the Crown Prosecution Service?

*Alison Saunders:* No, absolutely not.

**Q129 Paul Flynn:** We have heard about the flypaper technique of the police. I do not know if you have heard of that or you are aware of the suggestion that, in dropping names into the public domain before charge it has the effect of emboldening other people who might have been victims of a possible paedophile to come forward. If a name is put forward, others who had complaints that they had not made public for years will come forward. There is the opposite of that. If that is being used deliberately, it is a question whether it is a legitimate tactic anyway but, in those cases where someone's name is put in, a famous name, and then virtually nobody comes forward or one person comes forward as an additional complaint, is that not a strong indication that the case is probably one that is not a serious one, which seems to be in the instance we have had today? How do you weigh up flimsy evidence from a long way ago compared to the fact that there are no additional complaints coming in?

*Alison Saunders:* There are quite a lot of issues there. First, just because it is one person does not mean to say it is flimsy. There may be very compelling evidence from one person. People do not come forward for all sorts of reasons. They may fear that they are not going to be believed or not going to be judged. They do not want to come forward because their lives have moved on for whatever reason. There are lots of reasons why people may not come forward. I do not recognise the dropping names as a tactic. I think I am very clear that people should only be named on charge unless there are very good operational reasons for naming them and then it should be done transparently. It is not dropping names in and there are very few cases where that would apply.

**Q130 Paul Flynn:** A while ago, in a different investigation about cash for peerages, there was evidence from the police very similar to what we have heard today, straight from the police manual,

of their saintly dispositions and how they behave always in a perfectly proper way. In those cases, the witnesses were all aware that they were about to be arrested by the fact of the clattering of stepladders as the press arrived at 6 o'clock in the morning. In that case, nobody was ever charged but, again, reputations were destroyed because of the fact that the evidence could have come only from the police. Are you aware of a new trend among the police to seek publicity for its own sake?

*Alison Saunders:* No.

**Q131 Paul Flynn:** You do not think that in the case of Cliff Richard, again one complaint going back many years ago—

**Chair:** Mr Flynn, order—

**Paul Flynn:** No, I think it is appropriate. We are seeing the police seeking publicity. Are you aware of that case where a BBC helicopter was called up—

*Alison Saunders:* I am only aware of it from what has been seen on TV, I am afraid. I do not know—

**Chair:** You are not involved in that case anyway, are you?

**Q132 Paul Flynn:** As far as the prosecution is concerned, you said it is quite possible that one complaint could be a very serious one. In retrospect, when you look at the complaints and find that they are not complaints that—this one collapsed, the Gambaccini one, after a long period of anguish for Mr Gambaccini. If there was no substance in the complaint a year after it was made, surely there was no substance in the complaint a week after it was made. Shouldn't it have been dropped?

*Alison Saunders:* Again, it depends. Have the investigations been thorough at the beginning? Does there need to be further lines of enquiry, which may go to not just proving that there is enough evidence but may go to proving that there is not? Quite often the lines of enquiry that will be continued to be investigated will come about as a result of interviews with suspects or come about because of things that have been discovered during the course of the investigation. We do not live in a world where everything lands in either our laps or the police's lap at the first opportunity, unfortunately, and sometimes it does mean that there is a process, which is to look at whether or not the evidence will stand up in court or whether it will not. It is right that that process takes place. What we need to do is work with police colleagues to make sure that happens as quickly as possible.

**Q133 Paul Flynn:** Should there not be a disincentive against you and the police for dragging out frivolous complaints for long periods? Should there not be compensation paid to the victims of these complaints whose reputations have been ruined by them?

*Alison Saunders:* I do not think we do that. It is not in our interests or in anybody else's interest to draw out what you might term frivolous complaints. If we have a complaint that we think needs to be thoroughly looked at and the police agree that it needs to be further investigated, then that is what should happen. Both for complainants and for suspects it is important that we deal with these cases properly and investigate them properly and make a decision.

**Q134 Paul Flynn:** Isn't it true that at least half of the complaints against these high-profile celebrities in the world of show business have been found to be empty complaints and nothing was proved true? Obviously, there are the famous cases where people were guilty, but others where they were not.

*Alison Saunders:* No. Again, if you look at what is termed the Operation Yewtree decisions, we made 11 decisions after Operation Yewtree and six of those decisions were made one month after we received the full file. Of those, out of the 11, five were charged with offences; six suspects were no further actioned. Of the five persons charged, four were convicted of at least one offence and one committed suicide before he could stand trial.

**Paul Flynn:** Those are the total whose names were put in the public domain, were they?

*Alison Saunders:* That is Operation Yewtree.

**Q135 Yasmin Qureshi:** Can I ask some questions? The discussion is about police bail. Just to clarify, as you said, Ms Saunders, the Crown Prosecution Service gets a file from the police asking them to look at the question of whether there should be any charges and what those charges should be and then they bail the person to a specific date. Then the prosecutor will write back saying, "We need such and such information to prove such and such". Thereafter, how long the person is then bailed back for or not is a police decision, isn't it?

*Alison Saunders:* Yes, it is.

**Q136 Yasmin Qureshi:** You, as the Prosecution Service, would never get involved in telling the police whether to bail them for two weeks, five weeks, six weeks or eight weeks, would you? No prosecutor would?

*Alison Saunders:* No, because we ask for particular evidence to be found or to be investigated and obviously it is the police who will know how long that will take. I presume that will dictate how long the bail will be, but it is police bail. It is not CPS bail.

**Q137 Yasmin Qureshi:** That is right. Then the next involvement the prosecutor will have is when the police send the information back that has been requested. The prosecutor will have a look at the case again and see whether there is enough evidence. Then, if there is not, they will send it back to the police saying, "Can we have some more evidence?"

*Alison Saunders:* That may happen. Obviously, we have been concerned to make sure that our charging decisions are made as quickly as possible when cases come to us for advice and that depends on the type of case. If it comes to our CPS Direct, which is our 24/7 telephone charging place, we make decisions there in less than an hour on whether or not to charge. In the majority of cases, the average is 8.8 days whether we make charges.

**Chair:** Ms Qureshi was a prosecutor before she joined Parliament.

*Alison Saunders:* Yes, I do know.

**Q138 Mr Winnick:** The previous question about celebrities and journalists, just remind me: wasn't it, in fact, celebrities who were very keen for action to be taken of journalists who were phone hacking or very senior journalists who gave orders for phone hacking?

*Alison Saunders:* I think there have been lots of people who have called for action. As I said, we will look at the cases that come to us and decide on the evidence.

**Q139 Mr Winnick:** Yes. Wasn't there criticism previously that prosecutions had not taken place against journalists responsible or allegedly responsible for phone hacking?

*Alison Saunders:* We are quite often criticised on the one hand for not taking action while being criticised for taking action on the other.

**Q140 Mr Winnick:** Yes, I very much thought so. Bearing in mind the Leveson inquiry and the rest, I was somewhat surprised, but be that as it may. As I said to Mr Gambaccini when he was speaking and giving evidence, the whole emphasis, as you know, and no one better than you in your job, is that those responsible or allegedly responsible for child abuse going back many years, apart from what has been happening in very recent times, should be facing justice and that is absolutely right. He has a record, as he explained to us, of being an advocate that that should happen. When someone is interrogated by the police over a period of time, as in his case and the rest of it, and there is no evidence against him, clearly innocent, what should have then happened? Should there not be, arising from what the Chair has already stated, some formal apology? Does a letter go to the person along these lines?

*Alison Saunders:* When we take no further action in cases, and there are many cases that are referred to us for charging advice where we do not take any further action, we will tell the police and the police communicate that to the individual concerned. It is a matter for the police then as to exactly what is said to that individual about why that decision has been made.

**Q141 Mr Winnick:** Can I put this to you, Ms Saunders? If you went through the nightmare of the person who has given evidence to us today and suffered the indignities and the humiliations, if you are innocent as he was—that does not seem to be in doubt—would you be satisfied with what you have just told me?

*Alison Saunders:* I am sure I would feel very similar to how Mr Gambaccini has told you he feels. I think it is important for all sorts of reasons, both for those who are suspected of offences and those who make complaints, that they are thoroughly investigated and that we look at all avenues to make sure we have considered every line of enquiry.

**Q142 Mr Winnick:** Of course they should be thoroughly investigated and you would be in for very sharp criticism, you and your colleagues and the police, if these allegations were not investigated.

*Alison Saunders:* Absolutely.

**Mr Winnick:** That is not in doubt. What is in doubt, of course, is the long, drawn-out process. If at the end of the day the person concerned is found that he, or she in other cases, was in no way involved in these allegations, is it simply a matter of leaving it to the police and saying, "We are satisfied you were not involved"? Should there not be a formal apology?

*Alison Saunders:* Of course, our test is whether or not there is a realistic prospect of conviction. We are not determining guilt or innocence. We are determining whether or not there is a realistic prospect of conviction to take a case before a court. In cases where we have decided to take no

further action, we have decided there is not sufficient evidence to take a case before the court, but we are not determining somebody's guilt or innocence.

**Q143 Mr Winnick:** If I may say so, that is even worse because it hangs over the person. The person has been a subject of allegations that turn out to be false. The police agree with that and the rest of it. At the end of the day, the person is not really cleared, even though he has not been charged. It hangs over the person because it could be said, as you said, that the evidence was insufficient.

*Alison Saunders:* Absolutely. You are not guilty until you are found guilty by a court. That is completely fundamental, but I am just saying that is our test and that is what we are applying.

**Q144 Mr Winnick:** Would you be satisfied yourself if allegations, totally false it goes without saying, were made against you, a long, drawn-out process and the rest, and that at the end of the day the conclusion is along the lines you have stated? Would you say then, "I am not being charged, I am fine and that is it"? Would you be satisfied?

*Alison Saunders:* I find it difficult to put myself in that position and I am sure I would probably feel very similar, but I do not know.

**Chair:** That means you would not be satisfied?

*Alison Saunders:* I do not know how I would feel is the question. I think it is very difficult to put yourself into somebody else's position when you have not experienced that yourself.

**Q145 Chair:** With the greatest respect to Mr Winnick, what he is saying is if it was you rather than Mr Gambaccini who was having to wait a whole year to hear that you were innocent of any charges.

*Alison Saunders:* I would certainly not want to wait a whole year.

**Chair:** No, exactly. That is the point Mr Winnick is trying to make.

*Alison Saunders:* Sorry, and, as I have made clear, we need to make sure that we progress investigations and make decisions as quickly as we can.

**Chair:** Exactly.

**Q146 Mr Winnick:** If I was innocent of the allegations and it was found that was so, I certainly would not be satisfied. Can I just put it to you, Ms Saunders, we must have justice? We must try, obviously, to make sure that those who are guilty of these terrible offences against children are brought to justice. So many were not, including the wretched Savile. However, as in this case, surely a balance must be struck as far as justice is concerned. If a person is innocent, there must be some way of showing that formally.

*Alison Saunders:* I agree entirely that justice has to be done and that is what we are about. It is about making sure that we conduct thorough investigations and prosecutions.

**Q147 Chair:** Indeed, but I think the Committee is of a different view. This is the statement you put out on 10 October. Even though Mr Gambaccini was in every newspaper in the country and all over the world when he was subject to these investigations, you said, "The men, aged 65 and 75", I

assume Mr Gambaccini is the first of the men, aged 65, “were arrested on 29 October 2013 over allegations of sexual offences said to have taken place over a two-year period”. The statement then goes on to say all the allegations were considered on their merits and there was no realistic prospect of conviction and then goes on to say, “The complainants have been informed and we will be writing to them to more fully explain our decision and offer a meeting should they wish to discuss the matter in more detail”. I put it to you that you should have a meeting with them and explain and you said you would write to them. Has that meeting taken place?

*Alison Saunders:* Sorry, that is the meeting with the complainants. I do not know if they have asked to have a meeting or not.

**Q148 Chair:** No, that is the complainants, but what I think is very odd is that you should offer a meeting with the complainants, who have made this complaint that you have not sustained and taken a whole year to consider, and you have not offered a meeting with the person whose reputation has been basically trashed over a 12-month period. Don’t you think that is a bit of double standards?

*Alison Saunders:* We do not. We will write to the complainants. Our processes are and have always been that we write—

**Q149 Chair:** No, but do you think you should? If you are offering a meeting to explain why a prosecution will not go ahead—

*Alison Saunders:* No.

**Chair:** —you do not think that you should offer any explanation to the person who has been waiting for 12 months?

*Alison Saunders:* We have given an explanation that we found that there was no realistic prospect of conviction.

**Chair:** In this statement.

*Alison Saunders:* That decision was communicated to the police. We do not put statements out like that until we are sure that not only have we told the police—

**Q150 Chair:** But it is a CPS statement on Paul Gambaccini. You are telling me that this is not a public statement?

*Alison Saunders:* No, I am telling you that we put those statements out once we are sure and we have been satisfied that the police know what the decision is, they have had the time to tell the suspect and also that the complainants have been told. For all the reasons that you were articulating earlier on, it would not be right for people to learn of that sort of thing in the newspaper. If we are putting statements out, we have quite a long-agreed process with police colleagues to make sure that those involved know of the decision before the statements are released.

**Q151 Chair:** In a case like this where you find there is no realistic prospect of conviction and Mr Gambaccini came before a parliamentary committee and said that these complaints were fictitious, what action might you take against the complainant?

*Alison Saunders:* In a hypothetical case, if—

**Chair:** This is a real case.

*Alison Saunders:* I cannot talk about this case.

**Chair:** Okay, in a hypothetical case.

*Alison Saunders:* In a hypothetical case, if there were evidence that complaints were false, and that is again quite a high test, if there was an investigation by the police and the police found that the complaints were fictitious, there could be a prosecution for perverting the course of justice.

**Chair:** Indeed, and who would initiate—

**Q152 Mr Winnick:** If I may, Chair, with permission, if in those circumstances it happened, would that then lead to the person concerned getting a formal apology?

*Alison Saunders:* We prosecute those cases. I do not know whether we have given formal apologies or not. I do not think we have. We quite often get criticised for taking those cases as well. We did a research project in 2013, somewhere around there—

**Chair:** Would you write to us as Mr Winnick has asked?

*Alison Saunders:* Yes, I would.

**Q153 Mr Winnick:** Not a question of the evidence being insufficient but if a person is innocent, as innocent as you or myself, of this particular matter, on that basis let us say, how does a person clear themselves to such an extent where people will not say, “The evidence was not sufficient; no wonder they did not take the case to court”?

*Alison Saunders:* They are clear because there is no action. They have not been taken to court. They have not been found guilty.

**Q154 Chair:** No, that is not the point Mr Winnick is making. Your statement says there is no realistic prospect of conviction. Mr Winnick is making the point and Mr Gambaccini made the point to us that this complaint was fictitious. How do you clear your name? Do you wave about this statement saying there was no realistic prospect of conviction or do you get a letter saying, “Sorry, we got it wrong”?

*Alison Saunders:* There is nothing wrong about what has happened. That is the process where it is looking at a complaint that has been made, investigating it thoroughly and then deciding whether or not to take any action. That is our position.

**Chair:** Right, I understand. We will have to make our own recommendations. A very small point from Mr Flynn and then we have to release you. I am sure you have other things to do.

**Q155 Paul Flynn:** What weight do you give to the possibility that complainants might be induced by the possibility of financial gain? We are told that the website that invites complaints gives a list of the compensations that are available to potential complainants. Does it also contain a warning of the penalties that would come from making false accusations?

*Alison Saunders:* I am not aware of the website you are referring to. We are very careful to make sure and that is part of the police investigation to find out if any of the complainants have received any financial incentives or if they have asked for any compensation or taken out civil action. We do ask that when we are looking at these cases.

**Q156 Paul Flynn:** Shouldn't you be aware of it, that this is being advertised that you will get compensation under X, Y and Z? This is something that surely should be a factor when you decide whether a complaint is a serious one or not.

*Alison Saunders:* We ask the police to find out if there has been anything like that so that, first, we know but, secondly, if we do decide to proceed—because complainants may quite rightly, if they are telling the truth, also seek compensation—we will disclose that to the defence. It is important that that is transparent.

**Q157 Chair:** In answer to what Mr Winnick has asked, I think it would be very helpful if you could let us know how many times the Crown Prosecution Service has ever apologised to anyone for any mistakes.

*Alison Saunders:* What I can also let you know is the outcome of our research, which showed that false allegations were extremely rare, and the numbers that we prosecuted. I think over a 17-month period we prosecuted 35 out of 8,500 cases we prosecuted for rape.

**Chair:** That would be very helpful, thank you. Ms Qureshi promises me she will be 30 seconds. I hope she is.

**Q158 Yasmin Qureshi:** Okay. Well, can I have just a bit of indulgence?

**Mr Winnick:** She is a lawyer.

**Yasmin Qureshi:** Yes, I am lawyer. Yes, I know. I think perhaps there is a little bit of misunderstanding here. As I understand from the custom and practice of the Crown Prosecution Service historically and until now, with all the codes of guidelines for prosecutors, Crown Prosecution never write to alleged defendants or people who are potential defendants or have been defendants. Their obligation has always been to write to the complainant, whether it is right or wrong.

*Alison Saunders:* Yes.

**Yasmin Qureshi:** Therefore, unless everybody wants to change the rules and change the guidelines and have fresh guidelines, in which case people against whom allegations have been made should be written to, then that is a new process that needs to be brought into place.

*Alison Saunders:* Yes, absolutely. Sorry, I thought I had made that clear. I obviously had not. We do not do that. The police indicate to a suspect whether or not they are going to be charged or not and we do not. We look at whether or not there is a realistic prospect of conviction to take before the court. We do not find anything other than that.

**Q159 Chair:** We understand. The Committee will deliberate on some of these matters and make recommendations in our report. Could you let us have that research by Friday?

*Alison Saunders:* Yes, certainly, we will.

**Chair:** As this is the last time you will be appearing before the Committee, can I thank you very much for the way in which you have dealt with this Committee? Whenever we have asked for information, whenever we have asked you to come and give evidence, you have readily agreed to do so and always given evidence in an open and transparent way. We are extremely grateful to you for the letters that you have sent us and the information you provide. Thank you very much.

*Alison Saunders:* Thank you very much.

**Chair:** That concludes the proceedings.

