



# OPERATION CONIFER

Investigation into allegations of  
non-recent child abuse made  
against Sir Edward Heath

## SUMMARY CLOSURE REPORT

**5 October 2017**

Investigation carried out by  
Wiltshire Police on behalf  
of the police service

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## 1. **Executive Summary**

### 1.1 **Background**

1.1.1 In August 2015 Wiltshire Police began a complex national investigation, named Operation Conifer, into allegations that the Right Honourable Sir Edward Heath KG MBE (deceased), the former Prime Minister, had committed sexual offences against children over four decades.

1.1.2 At the start of the investigation it was alleged that offences had occurred across ten police force areas in the United Kingdom and Channel Islands. It was subsequently established that there were allegations covering 14 force areas and it was agreed that Wiltshire Police would lead nationally on the investigation of each allegation to ensure a coordinated and consistent approach.

1.1.3 Prior to his death on 17 July 2005, Sir Edward Heath would have been correctly addressed as The Right Honourable Sir Edward Heath KG MBE. For the purposes of brevity, he will be referred to as Sir Edward Heath throughout this report.

### 1.2 **Purpose of the Operation Conifer Summary Closure Report**

1.2.1 Due to the public prominence of Sir Edward Heath during his lifetime, there has been significant public interest in the Operation Conifer investigation. The investigation has also been the subject of substantial, and occasionally misleading, media coverage. As a matter of principle it is therefore important that a balanced and objective report is published such that there is an accurate public record of the investigation undertaken and its findings.

1.2.2 Building on this principle, the Operation Conifer Summary Closure Report is published in accordance with national advice issued by Operation Hydrant called *Advice for Investigating Deceased Persons – Publication of Findings (2017)*. Operation Hydrant is the National Police Chiefs' Council (NPCC) coordination hub, responsible for the policing response to non-recent child abuse investigations. The advice states that in some cases there will often be significant public interest in the outcome of the investigation. Accordingly, an approach is advocated that balances the importance of maintaining operational

confidentiality and the anonymity of victims with publishing an overview of the investigation which provides sufficient transparency and public accountability in line with the public interest. This report seeks to achieve that balance.

1.2.3 In addition to the Operation Conifer Summary Closure Report and in line with the national Operation Hydrant advice, a “Senior Investigating Officer Investigation Closure Report” has also been produced. This document is marked with a Government Security Classification (GSC) assessment of ‘Official Sensitive’. The purpose of this GSC document is to provide a full chronology of the detailed operational and investigative response to the allegations made against Sir Edward Heath. The GSC document marking reflects the sensitive nature of information contained within the report, which includes victim-specific information and sensitive operational information. This report will not be released into the public domain.

1.2.4 With the exception of operationally sensitive or victim-specific information, both reports have been written, wherever possible, using the same commentary to ensure a transparent and consistent approach.

### 1.3 **The Role of the Police in an Investigation into a Deceased Person**

1.3.1 The role of the police in an investigation into a deceased person is set out in *Operation Hydrant Senior Investigating Officer Advice (2016)*. Page 68, paragraph 3.6.2 states that the investigation should be focused on:

- ❖ Establishing the facts of the case
- ❖ Identifying offenders, whether deceased or not
- ❖ Bringing any living offenders to justice
- ❖ Preventing further harm

1.3.2 The advice specifically highlights the legal requirement for police forces to investigate allegations against deceased people and the importance of a proportionate response. It references Article 3 of the European Convention on Human Rights (ECHR), which is an absolute right and declares that,

*“No-one shall be subjected to torture or to inhuman or degrading treatment or punishment.”*

- 1.3.3 The interpretation of Article 3 (ECHR) by leading counsel retained by Operation Hydrant identifies that the closer the alleged suspect is to the State and the more serious the allegation, the greater is the duty to investigate under Article 3. Due to the public prominence of Sir Edward Heath, and the office that he held as Prime Minister, this is particularly relevant in relation to the decision to investigate the allegations made against him.
- 1.3.4 The role of the police in a criminal investigation is not to reach a conclusion as to the likely guilt or innocence of a person who is the subject of allegations. Accordingly, the findings in this report neither state whether Sir Edward Heath was guilty of any criminal offences nor comment on the prospect of a successful prosecution had Sir Edward Heath been alive. This is for three fundamental reasons:
- ❖ Firstly, Sir Edward Heath has not had the opportunity to be interviewed by the police and to respond to the criminal allegations that have been made against him.
  - ❖ Secondly, it is national policy set by the Director of Public Prosecutions that the Crown Prosecution Service (CPS) **will not** make a decision as to whether or not the threshold to charge is reached in cases where the suspect is deceased.
  - ❖ Thirdly, only a criminal court can make findings in relation to whether a person charged with offences is guilty or not guilty of those offences.
- 1.3.5 This report, in line with the Operation Hydrant national advice, does outline the decision that would have been taken by the police if Sir Edward Heath had been alive in relation to whether he would have been interviewed under caution in order to establish his account.
- 1.3.6 Section 1 of the Sexual Offences (Amendment) Act 1992 provides that complainants in sexual offence cases are entitled to lifelong anonymity in the media in relation to the disclosures they make. This report will therefore not



identify the details of anyone who has made disclosures of sexual abuse during the course of the investigation. Likewise it will not provide any level of investigative detail that may inadvertently lead to the identification of any such person.

#### 1.4 **The Background to the Establishment of Operation Conifer**

1.4.1 The Wiltshire Police investigation into allegations made against Sir Edward Heath pre-dated the establishment of Operation Conifer and began in 2014 when a retired police officer came forward with information. The retired officer expressed concerns that a crown court trial had been discontinued in Wiltshire in 1994 in order to prevent the defendant from publicly claiming they had been involved in the 'supply of young boys to Sir Edward Heath'. The inference was that Wiltshire Police was complicit in covering up alleged child sexual abuse perpetrated by the former Prime Minister.

1.4.2 This led Wiltshire Police to make a referral to the Independent Police Complaints Commission (IPCC) in relation to the way that the Force had allegedly responded to the disclosure in 1994. In addition to the IPCC referral, Wiltshire Police launched a criminal investigation, known as Operation Marble, into whether there was any evidence that the original defendant had supplied young boys to Sir Edward Heath.

1.4.3 On 3 August 2015, the IPCC released a media statement that it had started an investigation into the way in which Wiltshire Police had allegedly dealt with the discontinuance of the court case in 1994. For the first time the existence of the allegation against Sir Edward Heath was released into the public domain.

1.4.4 Prior to the IPCC media release, Wiltshire Police was aware that four people had separately come forward to different police forces disclosing they were a victim of child abuse allegedly committed by Sir Edward Heath. Set against that context and the release of Sir Edward Heath's name by the IPCC into the public domain, a decision was made by Wiltshire Police to hold a police media appeal on the same day. Subsequently, Detective Superintendent Sean Memory made a public appeal for anyone with information to come forward.

## 1.5 **The Establishment of Operation Conifer**

1.5.1 In the two weeks after the media appeal on 3 August 2015, 118 people contacted Wiltshire Police, other police forces and other agencies with information concerning Sir Edward Heath.

1.5.2 Due to the extent and range of information received a decision was required by the police service nationally as to how these matters should be investigated. A national co-ordination meeting was set up by Operation Hydrant at which it was decided that Wiltshire Police would take the national investigative lead in relation to all existing and any new allegations made against Sir Edward Heath. The initial terms of reference and strategic objectives were agreed on 25 August 2015. From that time, the investigation became known as Operation Conifer.

## 1.6 **Operation Conifer Strategic Objectives**

1.6.1 The Chief Constable (CC) of Wiltshire Police Mike Veale appointed Assistant Chief Constable (ACC) Paul Mills as the Gold Commander for the investigation, who in turn appointed Detective Superintendent Sean Memory as the Senior Investigating Officer (SIO).

1.6.2 ACC Mills set out the strategic objectives for the Operation Conifer investigation team in the gold strategy. These were finalised as:

1. *To identify and safeguard children and vulnerable adults who may be at risk of abuse today.*
2. *To seek to establish the facts concerning allegations of child abuse made against Sir Edward Heath through an objective and proportionate investigation.*
3. *Through the course of the investigation, identify, and where possible bring to justice, any surviving associate of Sir Edward Heath if there is sufficient evidence that they committed criminal offences related to child abuse or committed criminal offences relating to a 'cover up'.*
4. *To provide public confidence in the police response to the allegations.*

Further to the publication of the Operation Hydrant guidance, *Advice for Investigating Deceased Persons – Publication of Findings (2017)*, a fifth objective was set:

5. *At the completion of the investigation two reports will be produced, these will be referred to respectively as the 'SIO Closure Report' and the 'Operation Conifer Public Closure Report'.*

1.6.3 The four initial strategic objectives were set prior to publication by Operation Hydrant of the national SIO advice for the police service concerning the investigation of deceased persons following a disclosure of non-recent child sexual abuse. Despite this, the objectives have remained broadly the same throughout the investigation and have been central to defining the police role and approach to ensuring that a suitably proportionate, open and transparent investigation has been undertaken.

## 1.7 **Matters of national policy and terminology**

1.7.1 Throughout the investigation both CC Mike Veale and ACC Paul Mills have been aware of ongoing national debates concerning the use of the term 'victim' rather than 'complainant' and 'belief' in criminal investigations. Throughout Operation Conifer and this report, the approach adopted has been that the investigation will comply with the current national guidance on these issues.

1.7.2 The current relevant national guidance is:

**Victims** - where individuals report that they have been a victim of a crime, the College of Policing (CoP) guidance is that they will be referred to as 'victims'. This is central to ensuring the confidence of those who come forward to report abuse.

This report uses the term '**Disclosure**' throughout and this relates to where a disclosure has been made alleging that Sir Edward Heath was the perpetrator of an alleged criminal offence(s) against an individual person. Disclosures have been made in a variety of ways to the police and/or other organisations and include:

- ❖ A direct disclosure by the victim
- ❖ A disclosure by a third party, either on behalf of the victim or without their knowledge
- ❖ A disclosure made anonymously by the victim

In the case of a small number of instances it has been later established that the person initially reporting was genuinely mistaken in relation to the disclosure they had made concerning Sir Edward Heath. In these instances, the term **Person Reporting Alleged Abuse** is used to appropriately distinguish the difference in such disclosures.

**Crime recording** – at the point an allegation of crime is made, the starting point is that the police should believe the account given and a crime report should be completed. If however there is verifiable evidence that no crime has been committed then the report is classified only as an incident and not a recorded crime.

**Crime investigation** – The CoP guidance states that the purpose of an investigation is to thoroughly investigate the facts of the allegations made. CPS guidance states that police and prosecutors should focus on the credibility of the allegation and that the victim is but one part of the whole investigation.

1.7.3 In addition, where it is alleged and suspected that someone **may** have committed a criminal offence, they will be declared a **suspect** at that point. The purpose of the investigation is then objectively to establish the facts that would prove or disprove their involvement in the alleged offence. Based upon the initial disclosures that were made, Sir Edward Heath was considered a suspect in the Operation Conifer investigation.

1.7.4 A fundamental principle of English common law, and Article 6 of the European Convention on Human Rights [ECHR], is the presumption of innocence. It is not possible to prosecute a deceased suspect. Notwithstanding this, the Operation Conifer investigation contends that this principle is important to the interpretation of this report.

**1.8 Disclosures received by the Operation Conifer investigation**

1.8.1 Operation Conifer received disclosures over a two year period relating to 42 purported individuals, where it was alleged directly, or through a third party report, that they had been a victim of alleged criminal offences where Sir Edward Heath was the named perpetrator. The pattern of the timing of the initial disclosure of allegations is detailed in Figure 1 over the page.

1.8.2 It should be noted that further to the investigation it was concluded that one person had reported different abuse under three separate names, therefore the true number of disclosures relating to separate individuals was actually 40.

1.8.3 For the purposes of clarity, where the number 42 is used during the report this relates to the actual number of separate disclosures received and individually investigated. Where the number 40 is used this relates to the investigative conclusion that the 42 separate disclosures relate to only 40 people.

1.8.4 To assist with the interpretation of the figures, the IPCC and Wiltshire Police media statements and appeals took place on 3 August 2015:

**Figure 1: Recording when Disclosures were Reported**

Date Span	Number of Separate Disclosures
Before 3 August 2015	9
August 2015	14
Sept 2015 – December 2015	1
January 2016 – March 2016	6
April 2016 – June 2016	1
July 2016 – September 2016	3
October 2016 – December 2016	3
January 2017 – March 2017	2
April 2017 – June 2017	3
Total	42*

\*Please note that the investigative conclusion is that the 42 disclosures relate to 40 individuals

1.8.5 The breakdown of which agencies received disclosures is detailed in the table below.

**Figure 2: Recording the Agency that Received the Disclosure**

Agency Receiving Disclosure	Number of Disclosures
Wiltshire Police	17
All other police forces	17
NSPCC	7
Independent Inquiry into Child Sexual Abuse (IICSA)	1
Total	42*

\*Please note that the investigative conclusion is that the 42 disclosures relate to 40 individuals

1.8.6 The type of disclosures made to the investigation and subsequently investigated related to alleged offences of child sexual abuse, physical abuse and sexual abuse involving an adult where appropriate consent had not been given. The level of seriousness of the disclosures made included allegations of offences of rape and indecent assault against children.

1.8.7 The date range of disclosures was from 1956 to 1992. Sir Edward Heath was elected as a Member of Parliament in February 1950 for the constituency of Old Bexley and Sidcup and maintained this position until June 2001. During his time as an MP he undertook a number of political roles, including serving as the Prime Minister from June 1970 to March 1974.

## 1.9 **Investigative response**

1.9.1 Further to a victim disclosure being made the investigation team immediately scoped and assessed any current safeguarding issues and whether there were any identified living suspects. A proportionate investigation was undertaken into each of the 42 disclosures that were made against Sir Edward Heath regardless of whether they had been received by way of direct report, through a third party or anonymously.

1.9.2 The investigative process then focused on objectively and proportionately gathering any available corroborative evidence, whilst also considering if there were any apparent identifiable evidential inconsistencies. At the end of this process the Senior Investigating Officer (SIO) was able to consider all of the available evidence and information to reach an investigative conclusion. As victim disclosures were made throughout the two year period, this process was ongoing during that time.

1.9.3 During the course of the investigation<sup>1</sup> :

- ❖ 1,580 investigative lines of enquiry were generated.
- ❖ 203 investigative lines of enquiry were not completed, as they were assessed as no longer relevant or proportionate.

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<sup>1</sup> As of 31 August 2017

- ❖ 1,062 officer's reports were generated as a result of investigative activity.
- ❖ 284 statements (including visually recorded interviews) were taken or reviewed.
- ❖ Three people unconnected to Sir Edward Heath were arrested for offences related to child abuse.

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

1.9.5 An investigative proportionality matrix was developed to assist decision making and this led to a number of potential investigative lines of enquiry not being progressed as they were considered disproportionate. This is in contrast to the additional lines of reasonable enquiry that would have been pursued had Sir Edward Heath been alive.

1.9.6 It is a feature of non-recent investigations that many of the investigative opportunities available in a contemporary case are not available. Examples include the following:

- ❖ No forensic evidence could be gathered from the victims for analysis
- ❖ There is evidence that Sir Edward Heath had a mobile phone but all relevant communications data would have been lawfully destroyed under the provisions of the Data Protection Act (DPA) before Operation Conifer was commissioned.
- ❖ Automatic Number Plate Recognition (ANPR) cameras are now commonplace on arterial roads throughout the United Kingdom, but were not in place when Sir Edward Heath was driving or being driven.
- ❖ The availability of financial records can be limited as some are only kept for ten years after a person's death.



- 1.9.7 The investigation team therefore had to focus on available evidential opportunities, which included interviewing individuals who knew Sir Edward Heath and making use of physical records or independent witnesses where relevant.
- 1.9.8 Another potential challenge in non-recent investigations is the time between the date of the alleged offending and the subsequent report to the police. In some cases people's recollections will have deteriorated over time and records will often have long since been lost or routinely and lawfully destroyed.
- 1.9.9 In the case of allegations that were disclosed by a third party or anonymously, the investigation has not in all cases been able to speak to the victim in person. This has been due to a number of reasons including that the victim was dead, or that they did not wish to engage with the investigation or that they could not be identified. In these cases it has been difficult for the investigation to progress many of these allegations further than the initial report.
- 1.9.10 Some of the people who disclosed allegations had identifiable vulnerabilities that needed to be taken into account by specially trained officers. In some cases, due to the extent and diversity of the individual's needs, this impacted upon their ability to provide a consistent and/or coherent account.
- 1.9.11 As with the majority of complex police investigations, Operation Conifer was split into different strands. It was important that the investigation team understood the detail of every disclosure and that a victim account was either taken or (if the victim had already disclosed the alleged abuse to the police or another professional) reviewed. The priority was then to consider any current safeguarding issues where people may be at risk today, before identifying those actions that would allow investigators to fulfil but not exceed the operational objectives. The different strands involved actions to interview different cohorts of witnesses. The following is not an exhaustive list but is an indicator of the range and extent of enquiries that were carried out:
- ❖ Enquiries with sex workers
  - ❖ Enquiries with a survivors group

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- ❖ Enquiries with the military
- ❖ Enquiries with close protection police officers
- ❖ Enquiries about vehicles and with government drivers (chauffeurs)
- ❖ Enquiries with Wiltshire Police officers involved in security operations at Sir Edward Heath's home in Arundells, Salisbury (Operation Maestro).
- ❖ Enquiries with private office staff who supported Sir Edward Heath
- ❖ Enquiries with household staff at Arundells
- ❖ Enquiries with nurses who attended to Sir Edward Heath
- ❖ Enquiries about Sir Edward Heath's use of maritime vessels.
- ❖ Enquiries with other police forces and law enforcement agencies
- ❖ Enquiries with the Foreign and Commonwealth Office
- ❖ Enquiries with the Home Office
- ❖ Enquiries with the Cabinet Office
- ❖ Enquiries with UK security and intelligence agencies
- ❖ Enquiries with the National Archives
- ❖ Enquiries with the Bodleian Libraries

1.9.12 The Operation Conifer investigation was formally concluded on 31 August 2017. If further allegations are made after that date, Wiltshire Police will agree with the relevant police force for the area in which the offence is alleged to have occurred which is the most appropriate authority to conduct a proportionate investigation.

**1.10 Operation Conifer Investigation Outcome**

1.10.1 At the conclusion of an investigation into a deceased person the option for the police to present a case file to the CPS for the consideration of a decision to charge is not available. Likewise, if the threshold to charge a suspect was hypothetically met, there is no potential for a deceased suspect to be charged or for a criminal trial to take place.

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

1.10.3 The fact that Sir Edward Heath was deceased when Operation Conifer was launched is significant with respect to the investigative decision to interview under caution. The police will ordinarily seek to interview a person suspected of an offence, especially against children, at an early stage of an investigation.

This is to allow:

- ❖ The police to assess whether the suspect represents a current safeguarding risk to children
- ❖ The police the opportunity to secure any available forensic or other relevant evidence
- ❖ The suspect the opportunity to give an account in relation to the allegations that have been made against them and for their account to inform the subsequent investigative strategy

1.10.4 It is recognised that applying a theoretical test of whether there is reasonable suspicion such that a suspect would be interviewed under caution at the completion of an investigation does not reflect the reality of what would occur in the case of a living suspect who would have been interviewed at a much earlier stage.

- 1.10.5 To attempt to ensure an objective approach to the question of whether or not Sir Edward Heath would have been interviewed under caution by the police if he was alive, the Operation Conifer investigation developed a categorisation method to illustrate the outcome for each individual disclosure made.
- 1.10.6 The decision about which category to place the disclosures made was that of the SIO at the end of the investigation. To seek a consistent approach and to test the decision making of the SIO, an independent panel of relevant SIOs from outside Wiltshire Police was commissioned by ACC Mills to review the conclusions that had been reached.
- 1.10.7 The SIO panel agreed with the decision making of the Operation Conifer SIO in relation to the conclusions concerning the allegations where Sir Edward Heath would have been interviewed under caution. The panel also concluded it was arguable that, in the case of two additional victims, notwithstanding the existence of undermining evidence, this conclusion could also have been reached.
- 1.10.8 A full description of the definitions for each category is contained within the body of the main report (paragraph 9.5). The table below details the investigative outcome summary for each victim disclosure.

**Figure 3: Displaying Investigative Outcomes**

Number of Individual disclosures	Investigative Outcome Summary
6	Sir Edward Heath <b>would</b> have been interviewed under caution
1	Sir Edward Heath <b>would</b> have been interviewed under caution but there is potentially undermining evidence
19*	Sir Edward Heath <b>would not</b> have been interviewed under caution because of the existence of undermining evidence
3	Mistaken identity disclosures
10	Third party disclosures
3	Anonymous disclosures

\* Please note that the investigative conclusion is that the 42 disclosures relate to 40 individuals. It was concluded that three of the disclosures within this cohort were made by the same individual.

1.10.9 The investigative outcomes are summarised as follows:

- ❖ In the case of six individual disclosures, if Sir Edward Heath had been alive he would have been interviewed under caution in order to obtain his account in relation to the allegations made against him.
- ❖ In the case of one disclosure, if Sir Edward Heath had been alive he would have been interviewed under caution in order to obtain his account in relation to the allegations made against him. In relation to this disclosure the investigation has gathered information that potentially undermines the victim's account.
- ❖ In the case of 19 individual disclosures, it has been concluded that there is undermining information available such that the threshold to interview under caution would not be met.

It should be noted that, in the case of two people who fall within this category, it was concluded that there was reason to suspect that the individuals may have attempted to intentionally mislead the police by alleging that they were abused by Sir Edward Heath. In the case of one of these disclosures, a live criminal investigation remains ongoing. In the case of the other, a criminal investigation was undertaken and an individual was formally cautioned for an offence of wasting police time after they admitted that they had misled the investigation by making three separate disclosures, where they had purported to be three different people.

- ❖ In the case of three individual disclosures, information has come to light since the disclosures were reported that has led the person reporting alleged abuse to conclude that they were genuinely mistaken in naming Sir Edward Heath in their account.
- ❖ In the case of ten individual disclosures, the alleged abuse was reported by a third party. In this cohort, the investigation either was not able to identify and speak to the alleged victim, or the investigation was unable to confirm that the alleged abuse had taken place. This cohort also includes disclosures made by two alleged victims who died before Operation Conifer started.

- ❖ In the case of three individual disclosures, the victim reported the alleged abuse anonymously and the investigation has not been able to speak to them to gain a direct account.

1.10.10 Where it is concluded that Sir Edward Heath would not have been interviewed under caution to gain an account, due to the existence of undermining information, the SIO has concluded in relation to each individual victim disclosure that either:

- a) The alleged abuse could not have taken place in the manner and circumstances that were reported.

and / or

- b) There is information available at the conclusion of the investigation that impacts upon the credibility of the person making the disclosure.

The extent and type of undermining information was specific to each individual disclosure investigated. In certain instances the level of undermining evidence was significant, in others it was less so. But in each case it meant that the threshold to have interviewed Sir Edward Heath under caution to gain an account would not have been met. In some cases, due to the extent and diversity of the individual's needs, this impacted upon their ability to provide a consistent and/or coherent account.

Some of the factors that the SIO took into account when considering the credibility of each disclosure included:

- ❖ Whether the account could physically have taken place as reported.
- ❖ Whether there were inconsistencies in relation to the timing or location of the alleged offending.
- ❖ Whether there was the existence of third party material that contradicted the account given.

- ❖ Whether there was available witness evidence that contradicted the disclosure made by the victim.

1.10.11 The alleged offences where, if still alive, Sir Edward Heath would have been interviewed under caution to gain an account are listed below. Figure 7 (page 80, paragraph 9.12) shows detail of the specific disclosures. It should be noted that several victims disclosed more than one allegation of abuse.

- ❖ One allegation of rape of a male under 16, contrary to Section 1(1) of the Sexual Offences Act 1956.
- ❖ Three allegations of indecent assault on a male under 16, contrary to Section 15(1) of the Sexual Offences Act 1956.
- ❖ Four allegations of indecent assault on a male under 14, contrary to Section 15(1) of the Sexual Offences Act 1956.
- ❖ Two allegations of indecent assault on a male over 16, contrary to Section 15(1) of the Sexual Offences Act 1956.

1.10.12 **Where it is concluded that, if he had still been alive, Sir Edward Heath would have been interviewed under caution to gain an account, it is emphasised that his account would be as important as other evidence gathered as part of the wider investigation. Accordingly, it is critical to stress that no inference of guilt should be drawn from the fact that Sir Edward Heath would have been interviewed under caution.**

1.10.13 It is clearly inappropriate to speculate what Sir Edward Heath's response would have been in relation to the allegations put to him under caution in an interview. His account would have informed the next stages of the investigation strategy and investigators would have looked to check and test his account against the other available evidence.

1.10.14 In the case of a living suspect, at the conclusion of the police investigation the SIO would consider all available evidence and make a decision as to whether to submit a case file to the CPS. Thereafter, if relevant, the CPS would consider whether there was sufficient evidence to bring criminal charges.

**1.11 Other matters of investigative relevance**

1.11.1 During the course of Operation Conifer three people were arrested in relation to offences concerning alleged non-recent child abuse. Two were later released without charge and the third remains under investigation. The relevant allegations were disclosed as a result of the Operation Conifer investigation, but the subsequent investigation confirmed that they were not directly related to Sir Edward Heath. To ensure the anonymity of the victims, no further information is provided within this report.

1.11.2 Each person who made a disclosure was provided with a victim care plan which was tailored to their own needs. At relevant times during the investigation, officers signposted individual people to further support services. Each person was also made aware of the Independent Inquiry into Child Sexual Abuse (IICSA) ‘Truth Project’, which allows survivors and victims of child sexual abuse to share their experiences privately and confidentially with the public inquiry.

1.11.3 During the course of the investigation into Sir Edward Heath, Wiltshire Police made three referrals to the Independent Police Complaints Commission (IPCC). The first was prior to the start of Operation Conifer; the other two were during the Conifer investigation. The details of the referrals are contained within the report. In summary, each related to alleged non-recent failings in the way that Wiltshire Police dealt with information raising potential concerns about Sir Edward Heath. No evidence was found to substantiate the concerns raised.

**1.12 Operation Conifer and IICSA**

1.12.1 The Independent Inquiry into Child Sexual Abuse (IICSA) was established as a public inquiry in March 2015. The inquiry has a mandate to identify the extent to which State and non-State institutions have failed in their duty of care to protect children from sexual abuse and exploitation.

1.12.2 IICSA has announced that a number of specific investigations will form part of the inquiry. Among other institutions, the inquiry will consider allegations of child sexual abuse and exploitation involving people of public prominence associated with Westminster. It will examine high profile allegations of child sexual abuse involving current or former Members of Parliament, senior civil servants,



government advisors, and members of the intelligence and security agencies. It will consider allegations of cover-up and conspiracy and will review the adequacy of law enforcement responses to these allegations.

1.12.3 Although the IICSA inquiry is focused on institutional failings, Operation Conifer has remained aware of the potential relevance of its investigation to the inquiry. The IICSA inquiry has been briefed on four occasions by the Operation Conifer Gold Commander and SIO.

1.12.4 In July 2017, the inquiry issued a notice to Wiltshire Police under Section 21 of the Inquiries Act 2005 requesting a copy of the ‘Senior Investigating Officer Investigation Closure Report’ and a copy of the ‘Operation Conifer Summary Closure Report’. Wiltshire Police is in the process of complying with this request and will have done so by the end of October 2017.

1.12.5 In August 2017, IICSA announced that, as part of the Westminster investigation, it would review the findings of relevant investigations concerning the alleged involvement of people of public prominence associated with Westminster in child sex abuse cases.

1.12.6 In line with the constituted powers of the inquiry, Wiltshire Police will, on receipt of further Section 21 notices, make available to IICSA any further material that it deems relevant to its terms of reference.

### 1.13 **Public scrutiny and accountability**

1.13.1 The public interest in this investigation is clear and understandable. An investigation into a former Prime Minister is unusual. Given that Sir Edward Heath was deceased, it was essential to ensure that the investigation remained proportionate.

1.13.2 Wiltshire Police has been clear throughout that there was a duty to undertake a proportionate investigation. The Force sought to comply with the advice issued by the College of Policing (CoP) and Operation Hydrant.

1.13.3 To ensure ongoing proportionality, an Independent Scrutiny Panel was established. The role of the panel members was to check and test the decision

making and approach that the CC, the Gold Commander and the SIO were taking to fulfil the strategic objectives of the investigation. The panel members were briefed and given the opportunity to provide feedback both collectively and individually throughout the course of the investigation.

- 1.13.4 At the conclusion of Operation Conifer the panel independently issued a statement outlining the role it had undertaken and its collective views on the investigation. A copy of the statement is contained at Appendix C.
- 1.13.5 In addition to the Independent Scrutiny Panel, Operation Hydrant operates a national operational review function which is made available to police forces. Wiltshire Police commissioned Operation Hydrant to carry out two reviews of Operation Conifer during the course of the investigation. For each review terms of reference were developed by the Gold Commander and agreed by the Operation Hydrant National Coordinator. The respective reviews were then undertaken by a review team made up of experienced officers and staff independent of Wiltshire Police. At the conclusion of each review a written report was provided to Wiltshire Police with a series of recommendations.
- 1.13.6 The first review took place in September 2016, one year after the start of Operation Conifer. This concluded that a process of continuous review was in place in relation to proportionality and justification and that the national advice was being followed.
- 1.13.7 The second review, in May 2017, was timed to take place as the operation entered into its final stages. The review concluded that the investigation had been conducted in a manner consistent with the application of the principles of legitimacy and proportionality.
- 1.13.8 Another aspect of scrutiny during the investigation was a review by Her Majesty's Inspectorate of Constabulary (HMIC). The review was commissioned by the Home Office after an application for central funding for Operation Conifer in January 2017. The focus of the review was in relation to whether the resources assigned to the investigation were being deployed in line with value for money principles. The review independently concluded that the deployment of resources was both proportionate and reasonable to the scale of the operation.

**1.14 Financial Cost**

1.14.1 In total 24 people worked on Operation Conifer at varying points during the course of the investigation. This included police officers, police staff, people on short term contracts and agency staff. No more than 20 people worked on the investigation at any one time.

1.14.2 An application by the Office of the Police and Crime Commissioner (OPCC) for Wiltshire and Swindon was made in December 2016 to the Home Office for special grant funding to cover the full cost of the investigation. Special grant funding is awarded to meet additional costs incurred from policing unexpected and exceptional events. In September 2017, the Home Secretary approved the application and agreed that the Home Office would provide special grant funding for up to £1.1m of the costs of the operation.

1.14.3 The award of special grant funding recognised that Operation Conifer was a national investigation carried out by Wiltshire Police on behalf of 14 police forces and that the operation was aligned to Government priorities to tackle child sexual abuse and vulnerability. The additional costs of the operation will be met by Wiltshire Police

1.14.4 The total<sup>2</sup> financial cost of Operation Conifer over the two year period of the investigation was £1,484,251. This included staff costs of £1,371,026 and other associated expenses including travel, refreshments and accommodation of £113,225.

**1.15 Conclusion**

1.15.1 The Chief Constable and Gold Commander are satisfied, on behalf of the 14 police forces concerned, that a proportionate investigation has taken place into the allegations made against Sir Edward Heath. Each of the five strategic objectives for Operation Conifer has been met.

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<sup>2</sup> As of 31 August 2017

## Operation Conifer – Summary Closure Report

- 1.15.2 The investigation has been conducted in line with national guidance issued by the CoP and Operation Hydrant relating to investigations where the alleged suspect is deceased.
  
- 1.15.3 The Operation Conifer Summary Closure Report is written with the intention of providing a transparent overview of the investigation and the remainder of the report provides further detail on each aspect of the investigation detailed within the executive summary.

## 2. Purpose of the Report

2.1 In August 2015, Wiltshire Police began a complex national investigation, named Operation Conifer, into allegations that Sir Edward Heath, the former UK Prime Minister, had committed sexual offences against children over four decades.

2.2 During the investigation, it was established that there were allegations of offending across 14 different police force areas in the United Kingdom and Channel Islands and it was agreed that Wiltshire Police would lead nationally on the investigation of each allegation to ensure a coordinated and consistent approach.

2.3 Due to the public prominence of Sir Edward Heath during his lifetime, there has been significant public interest in the investigation. The investigation has been subject of substantial and occasionally misleading media coverage. As a matter of principle it is therefore important that a balanced and objective report is published such that there is an accurate public record of the investigation undertaken and its findings.

2.4 Building on this principle, the Operation Conifer Summary Closure Report is published in accordance with national advice issued by Operation Hydrant entitled '*Advice for Investigating Deceased Persons – Publication of Findings*' (2017). The advice states that in some cases there will often be significant public interest in the outcome of an investigation. An approach is advocated that balances the importance of maintaining operational confidentiality and the anonymity of victims, with publishing an overview of the investigation which provides sufficient transparency and public accountability in line with the public interest. The purpose of the Operation Conifer Summary Closure Report is therefore to strike the balance between these respective considerations and provide an objective public record of the investigation.

2.5 The advice outlines a number of areas for consideration (page 3, paragraph 5). These include:

- ❖ The importance of the principles of transparency, accountability and openness

- ❖ The crucial importance of assessing the impact of publication on any relevant vulnerable people
- ❖ Ensuring information which identifies victims, or offers potential for victims to be identified, does not form part of a published report
- ❖ That police forces recognise the difference between what is ‘in the public interest’ and what is ‘of interest to the public’. The latter does not justify the inclusion of details of the investigation in a published report

2.6 The advice (page 5, paragraph 7.2) sets out the potential information that may feature in a closing report including quantitative detail that provides insight into the scale of the operation such as the:

- ❖ Number of allegations
- ❖ Number of witnesses
- ❖ Number of statements taken
- ❖ Number of actions generated
- ❖ The cost of the operation
- ❖ Duration of the operation
- ❖ The number of police officers and police staff working on the operation
- ❖ Chronology of key dates

2.7 The advice states that the body of the published report should consist of a high level summary of the issues and findings, such that an overview of the investigation is provided. However it should not include tactical detail (page 5, paragraph 7.3).

2.8 The advice (page 5, paragraph 7.4) importantly sets out that, in an investigation concerning a deceased suspect, there is no potential for a criminal trial. Police

forces are advised not to draw any conclusions as to the likely guilt or innocence of the individual concerned, or make comment as to the action the police or the CPS would have taken in respect of a decision to charge had the suspect been alive, or any subsequent potential findings that may have been concluded by a court of law.

- 2.9 The advice articulates that the drawing of such conclusions would be outside the remit of the role of the police as an investigative body and would also be inappropriate as any alleged suspect is unlikely to have had the opportunity to give a response to the allegations made against them.
- 2.10 The advice does however make it clear that a function of the police is to decide if the threshold to interview a suspect under caution has been reached. It is open to the police to state in a public closure report that had the suspect been alive, whether they would have been interviewed under caution given the information and evidence available about the allegation(s). Where it is concluded that a person would have been interviewed under caution, the advice states that the report should emphasise that the suspect's account is as important as other evidence gathered as part of the investigation and that **no inference should be drawn as to their guilt** because of that conclusion.
- 2.11 The Operation Conifer Summary Closure Report has adopted and applied the principles set out within the advice.
- 2.12 In addition to the summary closure report and in line with the national advice, a "Senior Investigating Officer Investigation Closure Report" has also been produced. This document is marked with a Government Security Classification (GSC) assessment of 'official sensitive'. The purpose of this document is to provide a full chronology of the detailed operational and investigative response to the allegations made against Sir Edward Heath. The GSC marking reflects the sensitive nature of information contained within the report, which includes victim-specific information and tactical and sensitive operational information. This report will not be released into the public domain.
- 2.13 With the exception of operationally sensitive or victim-specific information, both reports have been written, wherever possible, using the same commentary to ensure a consistent approach.

### 3. **Relevant Terminology**

3.1 Throughout the investigation both Chief Constable Mike Veale and ACC Paul Mills have been aware of ongoing national debates concerning the use of the term ‘victim’ rather than ‘complainant’ and ‘belief’ in criminal investigations. Throughout Operation Conifer and this report, the approach adopted has been that the investigation will comply with the current national guidance on these issues.

3.2 The current relevant national guidance is:

**Victims** - where individuals report that they have been a victim of a crime the CoP guidance is that they will be referred to as ‘victims’. This is central to ensuring the confidence of those who come forward to report abuse.

This report uses the term ‘**Disclosure**’ throughout and this relates to where a disclosure has been made alleging that Sir Edward Heath was the perpetrator of an alleged criminal offence(s) against an individual person. Disclosures have been made in a variety of ways to the police and/or other organisations and include.

- ❖ A direct disclosure by the victim
- ❖ A disclosure by a third party, either on behalf of the victim or without their knowledge
- ❖ A disclosure made anonymously by the victim

In the case of a small number of instances it has been later established that the person initially reporting was genuinely mistaken in relation to the disclosure they had made concerning Sir Edward Heath. In these instances, the term **Person Reporting Alleged Abuse** is used to distinguish the difference in such disclosures.

**Crime recording** – when an allegation of crime is made, the starting point is that the police should believe the account given and a crime report should be completed. If however there is credible evidence that no crime has been



committed then the report is classified as only an incident and not a recorded crime.

**Crime investigation** – The CoP guidance states that the purpose of an investigation is to thoroughly investigate the facts of the allegations made. CPS guidance states that police and prosecutors should focus on the credibility of the allegation and that the victim is but one part of the whole investigation.

**Suspect** - Where it is alleged and suspected that someone may have committed a criminal offence, they will be declared a suspect at that point. The purpose of the investigation is then objectively to establish the facts that would support or eliminate their involvement in the alleged offence. Based upon the number and type of disclosures that were made, Sir Edward Heath was considered a suspect in the Operation Conifer investigation.

- 3.3 A fundamental principle of English common law and Article 6 of the European Convention on Human Rights [ECHR] is the presumption of innocence. Although it is not possible to prosecute a deceased suspect, the Operation Conifer investigation contends that the principle is important in interpreting this report.

## 4. **Background to the Establishment of Operation Conifer**

### 4.1 **Events Prior to August 2015.**

4.1.1 The Wiltshire Police investigation into allegations made against Sir Edward Heath, pre-dated the establishment of Operation Conifer and began in 2014, when a retired police officer came forward with information. The retired officer expressed concerns that a crown court trial had been discontinued in Wiltshire in 1989, in order to prevent the defendant from publicly claiming they had been involved in the ‘supply of young boys to Sir Edward Heath’. The inference was that Wiltshire Police was complicit in covering up alleged child sexual abuse perpetrated by the former Prime Minister.

4.1.2 This led Wiltshire Police to make a referral to the IPCC in relation to the way that the Force had allegedly responded to that disclosure. At the same time as the IPCC referral, Wiltshire Police launched a criminal investigation, known as Operation Marble, into whether there was any evidence that the original defendant had supplied young boys to Sir Edward Heath. Operation Marble established that a court case had been discontinued in 1994 (not 1989 as first thought).

4.1.3 On 3 August 2015, the IPCC released a media statement that it had started an independent investigation into the way in which Wiltshire Police had allegedly dealt with the discontinuance of the court case in 1994. For the first time the existence of an allegation against Sir Edward Heath was made public.

4.1.4 At the time of the IPCC media release Wiltshire Police was aware that four people had independently come forward alleging they were a victim of child abuse committed by Sir Edward Heath. As a result, investigations were ongoing in four police forces within the United Kingdom and the Channel Islands.

4.1.5 It was recognised that the starting point in a criminal investigation into a living person is that the name and identity of a suspect will not be released before the point a person is formally charged with an offence or offences. Further to the IPCC media statement on 3 August 2015, the existence of an allegation against Sir Edward Heath became a matter of public record. Given this context and the

other investigations into allegations made against Sir Edward Heath, it was decided that a wider media appeal should take place. Subsequently, Detective Superintendent Sean Memory of Wiltshire Police made a public appeal for anyone with information to come forward.

#### 4.2 **The public response to the IPCC and Wiltshire Police media releases**

4.2.1 In the two weeks following the media appeals on 3 August 2015, 118 people contacted Wiltshire Police, other police forces and other agencies with information concerning Sir Edward Heath. Fifteen individual disclosures alleging child abuse related offences were made naming Sir Edward Heath as the perpetrator. By 17 August 2015, a total of 19 disclosures naming Sir Edward Heath were known to the investigation.

4.2.2 Due to the extent and range of information received, a decision was required by the police service nationally as to how these matters should be investigated. A national co-ordination meeting was facilitated by Operation Hydrant at which it was decided that Wiltshire Police would take the national investigative lead in relation to all existing and any new allegations made against Sir Edward Heath. The initial terms of reference and strategic objectives were agreed on 25 August 2015. From that time, the investigation became known as Operation Conifer.

## 5. **The Establishment of Operation Conifer and the Police Gold Strategy**

### 5.1 **Context**

5.1.1 Further to Wiltshire Police agreeing to take the national lead for the Operation Conifer investigation, Chief Constable Mike Veale appointed ACC Paul Mills as the Gold Commander for the investigation<sup>3</sup>, who in turn appointed Detective Superintendent Sean Memory as the SIO. In February 2017, Detective Superintendent Steve Kirby later took over as the SIO and undertook that role until the completion of the investigation.

5.1.2 An early consideration for the Gold Commander was to define the rationale for the investigation to proceed, given that Sir Edward Heath had died in 2005. To ensure that a proportionate and justified approach was adopted, advice was sought from the national Operation Hydrant team. At that time, draft national advice was in the process of being finalised by the CoP and Operation Hydrant entitled, "*Operation Hydrant SIO Advice*". The advice specifically sets out the role of the police in an investigation into a deceased person and, although in draft, it was used to define the strategic objectives and parameters of the investigation. The national advice was subsequently published in November 2015 and a second edition published in November 2016.

5.1.3 The principles and guidance within the '*Operation Hydrant SIO Advice*' (2015 and 2016) were used as the key source documents upon which Operation Conifer was built and the investigation subsequently conducted. The key elements of the advice are detailed in the sections below.

### 5.2 **Operation Hydrant SIO Advice (2016)**

5.2.1 The advice sets out the legal obligation for police forces to conduct a proportionate investigation where child sexual abuse offences have allegedly been committed by a person who has since died.

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<sup>3</sup> T/ACC Julian Moss assumed responsibility as the Gold Commander between January 2016 and April 2016 whilst ACC Mills was working out of force.

5.2.2 Paragraphs 3.6 to 3.6.2 (page 65 to page 68) of the 2016 advice specifically set out the legal position and policy advice relating to the investigation of deceased people. The relevant extract is detailed below:

*(3.6) In recent years, allegations of non-recent child sexual abuse perpetrated by individuals who are now dead have become a common feature of reports made by victims. Where such an allegation is made, the police service is required by law to undertake a proportionate investigation.*

*This section sets out how the police service should meet that requirement and the rationale for doing so. It has been developed based on counsel's advice and in consultation with experienced senior investigating officers, the CPS, the College of Policing, the Equality and Human Rights Commission and representatives of victims' and survivors' groups.*

*(3.6.1) ...Article 3 of the European Convention on Human Rights states:*

*No-one shall be subjected to torture or to inhuman or degrading treatment or punishment.*

*Article 3 is an absolute right.*

*By undertaking an investigation the police can establish the facts of the case, identify those responsible and ensure any living offenders are prosecuted accordingly. By so doing, the State supports the framework that safeguards and protects individuals in situations where they may be ill-treated.*

*In making a decision to investigate or not, it is necessary for police forces to consider the seriousness of the offending and the involvement of the State. The closer the offender is to the State and the more serious the ill treatment is, the greater the duty to investigate under Article 3. Where the alleged offending is very serious, such as sexual abuse of children, the nature of the offence is likely to require investigation even where the suspect is not a State agent.*

5.2.3 In respect of applying the advice, Operation Conifer knew from August 2015 that the disclosures against Sir Edward Heath included allegations of child sexual abuse. Sir Edward Heath was an agent of the State for most of his adult life,

holding a number of official public offices including that of Prime Minister. The requirement to undertake an investigation into the allegations was therefore clear from the outset.

5.2.4 The SIO advice goes on to say (page 65, paragraph 3.6.1) that the police additionally have a safeguarding duty regardless of whether an alleged suspect is deceased:

*(3.6.1 continued) In addition to protecting article 3 rights, an investigation may be required to discharge safeguarding duties contained in the Children Act 2004.*

*Section 11 of the Act places a number of duties on the police service to ensure their functions are discharged having regard to the need to safeguard and promote the welfare of children:*

- ❖ Police officers are well placed to identify when a child's welfare may be at risk and when a child may need protection from harm.*
- ❖ Police officers should be aware of the effect of other incidents, which might pose safeguarding risks to children.*
- ❖ The police service should always share information with other organisations where this is necessary to protect children.*

*These obligations must be considered when a report of child sexual abuse is made, even if the suspect is deceased.*

5.2.5 Having defined the legal and safeguarding duties for police forces to undertake an investigation, the national advice at paragraph 3.6.2 (page 68) sets out how the police should approach an investigation:

*In order to meet their legal obligations, police forces need to ensure they establish a proportionate investigative response to allegations of child sexual abuse committed by a deceased person.*

*The investigation should be focused on:*

- ❖ *establishing the facts of the case*
- ❖ *identifying offenders, whether or not deceased*
- ❖ *bringing any living offenders to justice*
- ❖ *preventing further harm*

### 5.3 **Defining the Investigative Response**

5.3.1 The Operation Hydrant SIO Advice (2016) defines the legal responsibility for chief constables to undertake a proportionate investigation into allegations of child sexual abuse committed by a perpetrator who is now deceased. The advice then sets out, as detailed at paragraph 3.6.2 (page 68), what the focus of the investigative response should be.

5.3.2 A significant challenge throughout the investigation was to continually review what a 'proportionate' investigative response should be. The circumstances of investigating criminal allegations where the suspect is deceased are different to those of investigating a living person. Although the investigative process is the same, the issue of proportionality is central to how far an investigation should proceed.

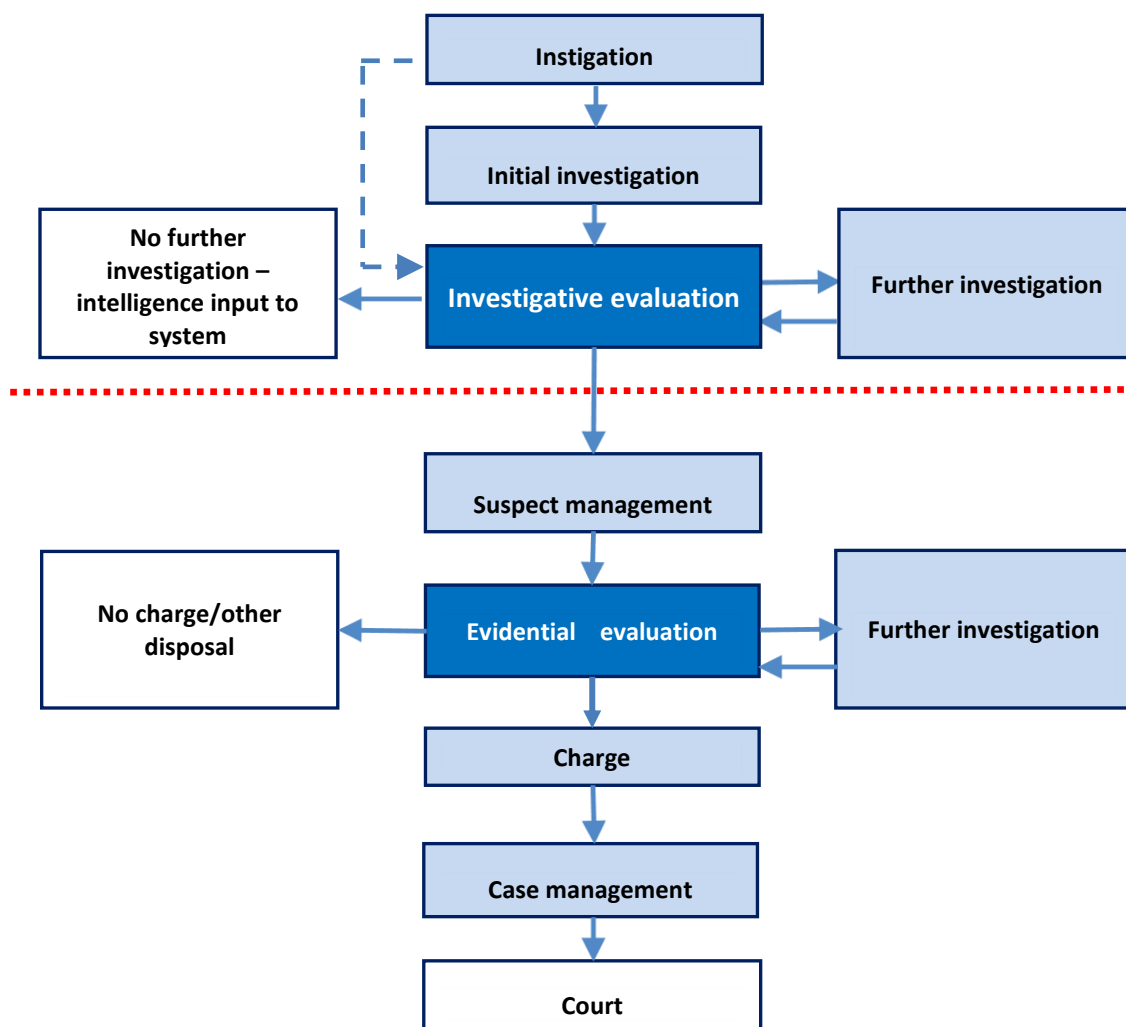
5.3.3 Central to the decision making on what was proportionate was an understanding that, in an investigation into a deceased person, there will not be the opportunity to interview the alleged suspect under caution to gain their account. Likewise the investigative actions that would take place after gaining the account of a suspect are another significant feature not available in an investigation into a deceased person. Finally, there is no opportunity to check and test the account of the victim against all available evidence. Accordingly, any criminal investigation into a deceased person can only ever be a 'partial' investigation, when compared to the full process that would take place where the suspect is living.

5.3.4 To clarify the position on the role of the police in the Operation Conifer investigation, the Gold Commander and SIO reviewed the Authorised

Professional Practice (APP) issued by the CoP that sets out the full criminal investigative process.

5.3.5 The process map at figure 4 below is taken from the APP and details the full steps that are taken in a criminal investigation into a living suspect<sup>4</sup>. To illustrate what happens in the case of a deceased person, a red dotted line has been inserted between investigative evaluation and suspect management. The line highlights that it is not possible to move to the suspect management stage (or beyond) and that any investigation into a deceased person can only be a partial criminal investigation.

**Figure 4: Process of Investigation Diagram (APP)**



Light blue sections represent activities from investigative strategies, the dark blue sections represent the main decision points and the white sections are the outcomes that can be achieved.

<sup>4</sup> <https://www.app.college.police.uk/app-content/investigations/investigation-process/>



5.4 **Gold Strategy**

5.4.1 Further to his appointment as the Gold Commander, ACC Mills on 25 August 2015 defined the overarching terms of reference for Operation Conifer as:

1. *At a national level coordinate the policing response and oversee the investigative process into non-recent child abuse allegations surrounding the late Sir Edward Heath.*
2. *At a national level ensure all proportionate lines of enquiry are undertaken to a consistent standard, such that this may objectively lead to the identification of witnesses or suspects whether deceased or alive.*
3. *Where relevant in conjunction with the Crown Prosecution Service bring to justice any suspects that are still alive.*
4. *To ensure all victims and witnesses receive the appropriate care and support required in line with national best practice.*

5.4.2 ACC Mills also set out the strategic objectives for the Operation Conifer investigation team in the gold strategy. Which was finalised as:

1. *To identify and safeguard children and vulnerable adults who may be at risk of abuse today.*
2. *To seek to establish the facts concerning allegations of child abuse made against Sir Edward Heath through an objective and proportionate investigation.*
3. *Through the course of the investigation, identify, and where possible bring to justice, any surviving associate of Sir Edward Heath if there is sufficient evidence that they committed criminal offences related to child abuse or committed criminal offences relating to a 'cover up'.*
4. *To provide public confidence in the police response to the allegations.*

Further to the publication of the Operation Hydrant guidance, *Advice for Investigating Deceased Persons – Publication of Findings (2017)*, a fifth objective was set:

5. *At the completion of the investigation two reports will be produced, these will be referred to respectively as the ‘Senior Investigating Officer Investigation Closure Report’ and ‘Operation Conifer Summary Closure Report’*

5.4.3 It is important to note that, as the investigation developed and national advice was amended, the gold strategy was periodically refreshed to reflect the developments. However the terms of reference and strategic objectives were in the main, unchanged. Central to any amendments was to ensure that the operation and investigation reflected the principles of relevant national advice issued by the CoP and Operation Hydrant.

5.4.4 The gold strategy also set principles for the conduct of the investigation. These principles were incorporated into the gold strategy and evolved as thinking developed during Operation Conifer. Once again the principles were central to the way that the investigation was conducted and are not in priority order:

- ❖ **Principle One** - Investigate fairly, objectively, with respect and without fear or favour.
- ❖ **Principle Two** - Follow the evidence, whether it supports or negates the allegations. To this end, discharging the principles set out in the proportionality matrix.
- ❖ **Principle Three** - As far as is practicable uphold Sir Edward Heath’s rights, as if he were alive.
- ❖ **Principle Four** - Take care in considering changes in the law over time.
- ❖ **Principle Five** - Be historically literate to understand the context of the time.
- ❖ **Principle Six** - Be careful and fair in the use of language and terminology.

- ❖ **Principle Seven** - Be proportionate in determining which lines of enquiry are appropriate to pursue.
  
- ❖ **Principle Eight** - The investigation should not draw any conclusions as to the likely guilt or innocence of Sir Edward Heath or make any comment on the action the CPS would have taken. The SIO and Gold Commander may conclude a finding in both the internal and external reports that if Sir Edward Heath had been living, he would have been interviewed under caution by the police in order to establish an account.
  
- ❖ **Principle Nine** - Learn from others. Be open to scrutiny.

## 6. **Investigative Set Up**

### 6.1 **Gold Command**

6.1.1 The Gold Commander held the overall responsibility for the strategic direction, proportionality and integrity of the investigation. The SIO was responsible for setting and implementing a complementary investigative strategy.

6.1.2 A gold meeting structure was established, with representation from relevant internal and external stakeholders, in order to support and give advice on strategic issues that related to the investigation. The group included representatives from:

- ❖ The Independent Scrutiny Panel
- ❖ Professional Standards
- ❖ Corporate Communications
- ❖ Legal Services
- ❖ The SIO and Deputy SIO
- ❖ Public Protection and Safeguarding (periodic attendance and advice)
- ❖ Operation Hydrant (periodic attendance and advice)

### 6.2 **HOLMES and MIRSAP**

6.2.1 Reflecting the national context and scale of the operation, it was decided that the investigation would be managed using the Home Office Large Major Enquiry System (HOLMES) and would adhere to the principles of the Major Incident Room Standard Administrative Procedures (MIRSAP).

HOLMES is used nationally and allows for every piece of material that enters an investigation to be recorded, indexed and then become searchable.

MIRSAP is a nationally recognised set of procedures that allows for the effective and efficient investigation of major crime.

A major incident room was established in Swindon and it was from here that the investigation was run.

### 6.3 **Level of Resourcing**

6.3.1 Twenty four people worked on Operation Conifer. That number included police officers, police staff, people on short term contracts and agency staff. No more than 20 people worked on the investigation at any one time.

6.3.2 Wiltshire Police considered the amount of resource that would be required to investigate the known allegations, as of August 2015. Factors taken into account included the complexity of the circumstances, the seriousness of the alleged offending, the potential safeguarding risks and the public interest that was evident from the outset. Resourcing was then reviewed regularly throughout the investigation by the gold group to ensure that it was proportionate to the requirements of the investigation and in line with value for money principles.

6.3.3 Eight of the investigation team were retired detectives appointed on fixed term contracts, in addition to Wiltshire Police personnel. This reduced the impact on other departments within Wiltshire Police, balancing the need to maintain daily operational effectiveness.

6.3.4 All detectives and police staff investigators who worked on Operation Conifer held a minimum accreditation of Professionalising Investigation Process (PIP) Level 2 status. This reflected the importance of ensuring that suitably accredited and experienced staff were deployed throughout the investigation. Where relevant, trained Sexual Offences Liaison Officers (SOLOs) were also used to engage with victims in line with Achieving Best Evidence (ABE) principles. Both SIOs held either PIP Level 3 status or similar relevant experience in line with the role.

## 6.4 Financial Costs

6.4.1 The total<sup>5</sup> financial cost of Operation Conifer was £1,484,251. This included staff costs of £1,371,026 and other associated expenses including travel, refreshments and accommodation of £113,225. This figure may marginally increase as final outstanding invoices are settled; post the completion of the investigation.

6.4.2 An application by the Office of the Police and Crime Commissioner (OPCC) for Wiltshire and Swindon was made in December 2016 to the Home Office for special grant funding to cover the full cost of the investigation. Special grant funding is awarded to meet additional costs incurred from policing unexpected and exceptional events. In September 2017, the Home Secretary approved the application and agreed that the Home Office would provide special grant funding for up to £1.1m of the costs of the operation.

6.4.3 The award of special grant funding recognised that Operation Conifer was a national investigation carried out by Wiltshire Police on behalf of 14 police forces and that the operation was aligned to Government priorities to tackle child sexual abuse and vulnerability. The additional costs will be met by Wiltshire Police.

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<sup>5</sup> As of 31 August 2017

## 7. Summary of Disclosures Received

### 7.1 Method of Reporting

7.1.1 This section provides an overview of the disclosures investigated by Operation Conifer. Each disclosure relates either to a person alleging directly that they had been the subject of child abuse related offence(s) or where a third party made such a disclosure on behalf of, or without the knowledge of, the alleged victim.

7.1.2 Operation Conifer received disclosures over a two year period relating to 42 purported individuals<sup>6</sup>, where it was alleged directly, or through a third party report, that they had been a victim of alleged criminal offences where Sir Edward Heath was the named perpetrator.

7.1.3 It should be noted that further to the investigation it was concluded that one person had reported different abuse under three separate names, therefore the true number of disclosures relating to separate individuals was actually 40.

7.1.4 For the purposes of clarity, where the number 42 is used during this report this relates to the actual number of separate disclosures received and individually investigated. Where the number 40 is used this relates to the investigative conclusion that the 42 separate disclosures relate to only 40 people.

7.1.5 It should be noted that, in several cases, disclosures were made to more than one agency. The breakdown of which agencies received disclosures is detailed in the Figure 5 over the page:

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<sup>6</sup> It should be noted that the investigative conclusion is that 42 disclosures were by 40 individuals.

**Figure 5: Recording the Agency that Received the Disclosure**

Agency Receiving Disclosure	Number of Disclosures
Wiltshire Police	17
All other police forces	17
NSPCC	7
IICSA	1
Total	42*

\*Please note that the investigative conclusion is that the 42 disclosures relate to 40 individuals

## 7.2 Crime Recording

7.2.1 The 42 disclosures, including those who later accepted that they were mistaken, or those who misled the investigation, are spread across a total of 14 police force areas as detailed below. It should be noted that, as some of the victims are deceased or have not been identified, the location of some allegations is unknown:

- ❖ Wiltshire Police
- ❖ Metropolitan Police Service (MPS)
- ❖ Hampshire Constabulary
- ❖ States of Jersey Police
- ❖ Guernsey Police
- ❖ Kent Police
- ❖ Norfolk Constabulary
- ❖ West Mercia Police
- ❖ West Yorkshire Police



- ❖ Gloucestershire Constabulary
- ❖ Greater Manchester Police (GMP)
- ❖ Surrey Police
- ❖ Sussex Police
- ❖ Police Service of Northern Ireland

7.2.2 Operation Conifer made each relevant police force aware that a disclosure had been received so that the crime registrar for that force could ensure that crime recording decisions were put in place in line with the National Crime Recording Standards (NCRS).

### 7.3 **Timing of Reporting**

7.3.1 The pattern of the timing of the initial disclosure of allegations is detailed in Figure 6 over the page. To assist with the interpretation of the figures, the IPCC and Wiltshire Police media statements and appeals took place on 3 August 2015:

**Figure 6: Recording the Timing of Disclosures**

Date Span	Number of Disclosures
Before 3 August 2015	9
On or after 3 August 2015	14
September 2015 - December 2015	1
January 2016 - March 2016	6
April 2016 - June 2016	1
July 2016 - September 2016	3
October 2016 - December 2016	3
January 2017 - March 2017	2
April 2017 – June 2017	3
Total	42*

\*Please note that the investigative conclusion is that the 42 disclosures relate to 40 individuals

7.3.2 The *Operation Hydrant SIO Advice (2016)* outlines that there may be a range of legitimate reasons why a victim of abuse may not have reported the matter to the police earlier. These include (page 5, paragraph 1.1):

- ❖ Fear that they were responsible
- ❖ Fear of reprisal
- ❖ Fear of impact on their family
- ❖ A degree of grooming and control by the abuser
- ❖ Shame or fear that the allegation may not be believed

- ❖ Loyalty issues
- ❖ A sense of isolation
- ❖ The intimate nature of such an offence
- ❖ Not understanding that something is abuse
- ❖ Lack of confidence in the criminal justice system
- ❖ A feeling that a different culture existed in previous decades
- ❖ Memory recall
- ❖ Dissociative identity disorder

7.3.3 The advice goes on to state that delayed reporting does not suggest a false allegation. Victims who came forward during other high profile cases reported that their allegations were triggered by becoming aware that the abuser was being investigated for a similar matter, or suspecting that the abuse was continuing against other children. A victim may come forward for a sense of closure, a chance to be vindicated, or to acknowledge the impact that their abuse has had on their lives. They may wish to set the record straight and may have no interest in compensation or attention. They may feel a sense of duty to report in order to offer support to others by providing corroborating evidence.

#### 7.4 **Overview of disclosures made**

7.4.1 The type of disclosures made to the investigation and subsequently investigated related to alleged offences of child sexual abuse, physical abuse and sexual abuse involving an adult where appropriate consent had not been given.

7.4.2 The date range of disclosures ranged from 1956 to 1992. Sir Edward Heath was elected as a Member of Parliament in February 1950 for the constituency of Old Bexley and Sidcup (as it is now known) and maintained this position until June 2001. During his time as an MP he undertook a number of political roles, serving as the Prime Minister from June 1970 to March 1974.

## 7.5 **Relevant Legislative Context**

7.5.1 A number of the alleged offences disclosed relate to acts alleged to have taken place between Sir Edward Heath and individual males. It is recognised that, during the course of his life, the legislation in relation to the age of sexual consent between consenting males changed a number of times as detailed at **Appendix A**. It is important to state definitively that, throughout the changing legislative landscape, it has been and remains the position that since 1885 sexual consent can only be given by a male or a female who is 16 years of age or over.

7.5.2 In respect of investigative parameters, Operation Conifer has only investigated alleged sexual offences where the victim was unable to give their consent either because they were under 16 or because the victim has stated that alleged offences against them took place without their consent.

## 8. **Investigative Lines of Enquiry**

### 8.1 **Investigative Context**

8.1.1 This section of the report summarises the investigative response to the allegations made against Sir Edward Heath.

8.1.2 Throughout the investigation, the purpose was to fulfil the requirements of the Operation Conifer gold strategy (page 41, paragraph 5.4.2):

8.1.3 In addition, the investigation complied with the principles for an investigation concerning a deceased suspect set out in the ‘Operation Hydrant SIO Advice’ (2016). The advice states that, in order to ensure police forces meet their legal obligations, there is a requirement to establish a proportionate investigation into allegations of child sexual abuse. Please see page 65, paragraph 3.6 (of the advice) for details.

8.1.4 As previously set out, in an investigation into a deceased person there will never be the opportunity at the conclusion of the investigation for the police to present a case file to the CPS so that it can consider whether the threshold for bringing a criminal prosecution is met. Similarly, there is no opportunity for a potential criminal trial to take place. Accordingly, the key focus of the investigation was to attempt to ensure that all lines of enquiry were proportionate to the gold strategic objectives.

### 8.2 **Investigative Approach**

8.2.1 A proportionate investigation was undertaken into each of the 42 disclosures that were made against Sir Edward Heath regardless of whether they had been received by way of direct report, through a third party or anonymously. Further to a victim disclosure being made, it was important firstly to consider any current safeguarding issues and secondly to identify whether there were any current living suspects.

8.2.2 The investigative process then focused on objectively and proportionately gathering any available corroborative evidence, whilst also considering if there

were any apparent identifiable evidential inconsistencies. At the end of this process the SIO was able to consider all of the available evidence and information to reach an investigative conclusion.

### 8.3 **Approach to Proportionality**

8.3.1 The SIO's approach was to consider whether potential investigative actions were proportionate to what the investigation sought to achieve, balancing the evidential value of completing the enquiry against the time and resource needed to carry it out.

8.3.2 In the case of a living suspect an investigator will apply the Criminal Procedure Investigations Act 1996. Paragraph 3.5 of the Codes of Practice (February 2015) directs that investigators should “... *pursue all reasonable lines of enquiry, whether these point towards or away from the suspect. What is reasonable in each case will depend on the particular circumstances.*”

8.3.3 The issues of proportionality and reasonableness were considered at every stage of the investigative process and were a primary consideration within the investigative mind-set that was applied to each allegation. Investigators were mindful that once they had satisfied the gold strategic objectives and therefore had complied with the national advice, there had to be a clear rationale in order to continue with any further investigative actions.

8.3.4 In order to provide advice to investigators, a ‘Proportionality Matrix’ was designed to help inform the decision making process on what lines of enquiry should be pursued. The matrix was not meant to be prescriptive or formulaic, but to give investigators advice which could be applied on an allegation-specific basis. A copy of the matrix is found at **Appendix B**. Not all potential lines of investigation were acted upon as some were considered disproportionate.

### 8.4 **Investigating non-recent offences**

8.4.1 It is a feature of non-recent investigations that much of the investigative opportunities that would be considered in a contemporary investigation are not available. In the case of Operation Conifer:

- ❖ No forensic evidence could be gathered from the victims for analysis.
- ❖ There was evidence that Sir Edward Heath had a mobile phone but all relevant communications data had been lawfully destroyed before Operation Conifer began.
- ❖ Automatic Number Plate Recognition (ANPR) cameras are now commonplace on arterial roads throughout the United Kingdom but were not in place when Sir Edward Heath was driving or being driven.
- ❖ Financial records which will often evidence a person's movements through their use of debit/credit cards are in most cases only kept for ten years after a person's death.

8.4.2 The investigation team therefore had to focus on available evidential opportunities, which included interviewing individuals who knew Sir Edward Heath and making use of physical records or independent witnesses where relevant.

8.4.3 Another potential challenge in non-recent investigations is the time between the date of the alleged offending and the subsequent report to the police. In some cases people's recollections will have deteriorated over time and records will often have long since been lost or routinely and lawfully destroyed.

8.4.4 Although non-recent investigations create a degree of additional investigative complexity it is important to recognise it is not impossible to investigate or, in the case of a living offender prosecute, non-recent child sexual abuse. The 'Operation Hydrant SIO Advice' (2016) sets out the key investigative focus in such an investigation (page 30, paragraph 2.2.1):

- ❖ Character, credibility and vulnerability of the suspect.
- ❖ Previous allegations against the suspect.
- ❖ Relationship between the victim(s) and the suspect, where the latter has acted in the role of a guardian or carer (*loco parentis*).

- ❖ How the first account came to light and any subsequent accounts.
- ❖ Character, credibility, vulnerability and circumstances of the victim(s).
- ❖ Possibility and motivation of a third party having influence over a victim.
- ❖ When the first complaint came to light, in particular if it was before the police investigation started or before media / public attention.
- ❖ Capturing early complaints to professionals such as doctors or counsellors.
- ❖ In particular, but not exclusively, high profile cases recording whether the victim has sought financial compensation or media attention.

Where there are multiple victims, the advice states that investigators should also consider whether:

- ❖ Victims have talked to each other and shared their accounts of abuse and, if so, when and why
- ❖ There are similarities between the complaints
- ❖ There is any evidence which undermines corroboration

Operation Conifer considered the respective elements of the advice throughout the course of the investigation.

## 8.5 **Key Lines of Enquiry**

8.5.1 During the course of the investigation, a number of key lines of enquiry were undertaken. They are summarised below. Due to the operational sensitivity of the investigation, and in line with the Operation Hydrant advice on publishing reports, the report purposefully does not give specific details concerning individual allegations and the case-specific investigative response. To do so would potentially risk compromising the anonymity of victims who have reported abuse and inadvertently lead to an inference as to the guilt or otherwise of Sir Edward Heath.



## 8.6 **Victim Strategy**

- 8.6.1 During the investigation an overarching victim strategy was developed to ensure a consistent approach to the way that Operation Conifer investigators dealt with victims from a disclosure of alleged abuse through to the completion of the investigation. The overall aim of the strategy was to ensure that the disclosure was recorded correctly, that the evidence from the victim was secured using the Achieving Best Evidence (ABE) guidelines and that the victim was provided with the most appropriate support and aftercare throughout the investigative process.
- 8.6.2 For those victims who engaged with Operation Conifer and disclosed abuse by Sir Edward Heath, each had a victim care plan put in place, which was tailored to their individual needs.
- 8.6.3 This approach was complemented by the development of a broader safeguarding strategy that considered any current safeguarding risks revealed as a result of the disclosure by the victim.
- 8.6.4 Forty two<sup>7</sup> disclosures of abuse involving allegations against Sir Edward Heath were received by Operation Conifer. As a number of the accounts were made by third parties or anonymously, it was not possible in all cases to obtain a direct evidential account from the victim. In total, 26 disclosures of abuse relating to Sir Edward Heath, from an identified victim, were received by Operation Conifer.
- 8.6.5 Some of the people who disclosed allegations had identifiable vulnerabilities that needed to be taken into account by specially trained officers. In some cases, due to the extent and diversity of the individual's needs, this impacted upon their ability to provide a consistent and/or coherent account.
- 8.6.6 In the cases where it was not possible to directly speak to or identify the alleged victim a proportionate investigation was still undertaken into the respective disclosures. This applied even if the victim was anonymous as it was necessary for the SIO to be satisfied that there were no living suspects and no current safeguarding risks. These enquiries helped the investigation to understand if there were any specific patterns in the wider picture of alleged offending.

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<sup>7</sup> The investigative conclusion was that the 42 disclosures were made by 40 individuals.

## 8.7 **Third Party Material**

8.7.1 In a criminal investigation, third party material is the term used to describe information that may be relevant to an investigation but is held by parties other than the police. In the context of a rape or serious sexual offence investigation, third party sources may include social services departments, forensic and medical physicians, counsellors, therapists and schools.

8.7.2 Enquiries to identify third party material are normally linked to the likelihood of a prosecution. Within Operation Conifer, the proportionality matrix (**Appendix B**) was used to inform decision making about whether enquiries relating to third party material would take place. In cases where third party material was readily and easily accessible and the consent of the victim was given, attempts were made to secure the material. Had Sir Edward Heath been alive, a significant number of further enquiries relating to third party material would have been carried out.

## 8.8 **Evidence of first complaint**

8.8.1 First complaint evidence is a term used in criminal investigations to describe hearsay evidence provided by a person or persons to whom the victim makes the first disclosure after they have been abused. Its existence can demonstrate consistency in the victim's account when judged against later disclosures made to the police. First complaint evidence is subject to provisions found in the Criminal Justice Act 2003. The Coroners and Justice Act 2009 later amended the power to admit consistent statements of complaint within proceedings by repealing the requirement that the complaint had to be made '*as soon as could reasonably be expected after the alleged conduct*'.

8.8.2 Operation Conifer investigators explored, where relevant, the potential existence of evidence of first complaints made by victims to witnesses, including their friends, acquaintances and other professionals.

## 8.9 **Enquiries with Sex Workers**

8.9.1 The original allegation concerning Sir Edward Heath that led to the Wiltshire Police investigation Operation Marble, concerned the manager of a brothel in the Salisbury area allegedly supplying young boys to Sir Edward Heath for the purposes of child sexual abuse. Investigators from Operation Conifer carried out a number of sensitive enquiries with adults who, as young vulnerable teenagers, had been 'employed' as sex workers by the manager of the brothel. This strand of investigation identified one victim who disclosed sexual abuse by Sir Edward Heath.

8.9.2 In addition to the enquiries linked to the manager of the brothel, three further and unconnected male sex workers disclosed sexual abuse allegedly committed by Sir Edward Heath.

8.9.3 Further, as a result of these enquiries, a victim disclosed alleged abuse by a third party. This led to an individual being arrested and they remain under investigation. That allegation has no links to Sir Edward Heath.

## 8.10 **Enquiries with a Survivors Group**

8.10.1 Operation Conifer was approached during its early stages by a survivors group that represents victims of non-recent child sexual abuse, which said it may have information that would link Sir Edward Heath to alleged organised abuse. Extensive enquiries were completed, including the examination of documentation, in order to identify potential victims. No disclosures were subsequently received by Operation Conifer and no evidence was identified to link Sir Edward Heath to members of that group.

## 8.11 **Enquiries about Ritual Abuse**

8.11.1 During the course of the investigation six victims made disclosures that included allegations that Sir Edward Heath was involved in satanic or ritual abuse.

8.11.2 There is no nationally recognised or agreed definition of ritual abuse. Operation Conifer assessed that disclosures were of a ritual nature if the abuse alleged

included a combination of emotional, physical, sexual and/or spiritual abuse and that the offences were committed using symbols, ceremonies and/or group activities that appeared to have a religious or supernatural meaning.

8.11.3 Two of the alleged victims of ritual abuse died before Operation Conifer commenced. They had made disclosures of alleged ritual abuse where it was alleged that Sir Edward Heath was a perpetrator. There was limited opportunity to investigate those disclosures further.

8.11.4 Following investigation, no further corroborative evidence was found to support the disclosures that Sir Edward Heath was involved in ritual abuse.

## 8.12 **Enquiries with the Military**

8.12.1 Three victims made disclosures of organised paedophile activity within military settings in the United Kingdom. Two of those disclosures named Sir Edward Heath as a perpetrator, disclosing abuse at military settings in Wiltshire.

8.12.2 The military strand of Operation Conifer included a review and re-examination of case papers from 1989 relating to a criminal investigation concerning allegations made against two of the victims' parents. During this review a note was found on the case papers that indicated that one of the victims had also mentioned to investigators in 1989 that they had been allegedly abused by Sir Edward Heath. As a result, a referral was made by Wiltshire Police to the IPCC concerning a potential failure to act on this information. Please refer to 12.1 on page 89 for further detail.

8.12.3 During the course of the investigation allegations were made concerning two further individuals who had links to the military who were alleged to have committed child sexual abuse. Those individuals were arrested and interviewed after caution as part of Operation Conifer. The individuals were subsequently released without charge. No evidence was gathered to link either of them directly to Sir Edward Heath.

8.13 **Enquiries with close protection police officers**

8.13.1 Due to Sir Edward Heath's level of public prominence at different points in his political life he had police close protection (CP) arrangements in place which were provided by the MPS. As part of the Operation Conifer investigation, the arrangements for Sir Edward Heath's CP were reviewed. The following was established:

- ❖ Sir Edward Heath first had limited and temporary CP protection in 1968, as a result of threats made towards him.
- ❖ Sir Edward Heath had full CP arrangements from his election as Prime Minister in 1970.
- ❖ Sir Edward Heath had CP arrangements withdrawn after he left Downing Street in March 1974.
- ❖ Sir Edward Heath had CP arrangements permanently reintroduced after a bomb was found beneath his car in December 1975 outside of his home address in London. He then retained CP arrangements until his death.
- ❖ Sir Edward Heath's formal CP provision only extended to the mainland of the United Kingdom. Operation Conifer did not pursue the arrangements that were put in place when he travelled abroad.

8.13.2 Operation Conifer was able to identify 48 members of the MPS who had at varying points provided CP cover for Sir Edward Heath. Investigators were subsequently able to trace and obtain accounts from 28 of them. It was not possible to trace all of them and some were deceased.

8.13.3 Operation Conifer identified evidence that there were a number of times, after 1970, when Sir Edward Heath was not accompanied by CP officers. This included when he was Prime Minister and after he moved to Arundells (his home in Salisbury).

8.13.4 Of the 28 CP officers who provided an account, no information was provided to the investigation that linked Sir Edward Heath to child sexual abuse.

8.14 **Enquiries with Wiltshire Police officers involved in security operations at Sir Edward Heath’s home in Arundells, Salisbury (Operation Maestro)**

8.14.1 Operation Maestro was the name given to the Wiltshire Police security operation that offered protection to Sir Edward Heath when he was resident at his home address Arundells in Salisbury. Sir Edward Heath leased Arundells in 1985 and this was his principal residence until his death in 2005. The protection was initially only in place when Sir Edward Heath was in residence but this became permanent once Arundells was his main residence.

8.14.2 Investigators from Operation Conifer were able to identify 142 officers who had worked on Operation Maestro. They were contacted and 104 responded. No information was provided to the investigation that linked Sir Edward Heath to child sexual abuse.

8.15 **Enquiries about vehicles and with Government Drivers (Chauffeurs)**

8.15.1 Sir Edward Heath was afforded a Government driver from immediately before his election as Prime Minister in 1970 almost continuously to the time of his death in 2005. The civil service operating procedures meant that Sir Edward Heath was normally driven by a regular driver, but pool drivers would assist when the regular driver was unavailable. His initial regular driver died some time ago but investigators from Operation Conifer were able to interview several other regular and pool drivers.

8.15.2 One of the accounts given confirmed that Sir Edward Heath frequented a location where a victim disclosed that they had initially met Sir Edward Heath. This victim’s disclosure is one for which Sir Edward Heath would have been interviewed under caution if he were alive.

8.15.3 Other witnesses also confirmed that Sir Edward Heath was able to drive and occasionally drove himself. The investigation established that Sir Edward Heath used at least two private vehicles, including a Vauxhall Viva and a Rover P6.

8.15.4 Enquiries with the Driver and Vehicle Licensing Agency (DVLA) to identify whether Sir Edward Heath had a driving licence were inconclusive because, due to the passage of time, relevant records had been destroyed.

8.15.5 None of the drivers interviewed provided any information to the investigation that directly linked Sir Edward Heath to child sexual abuse.

#### 8.16 **Enquiries with private office staff who supported Sir Edward Heath**

8.16.1 In keeping with most senior politicians, Sir Edward Heath ran a private office to support him with his work from the early 1960s through to his death.

8.16.2 When he was Prime Minister he had approximately 70 people working within his private office and he maintained a significant level of support after he left Downing Street.

8.16.3 Forty three of his private secretaries and other members of his private office were interviewed as part of Operation Conifer. They did not provide any information that linked Sir Edward Heath to child sexual abuse.

#### 8.17 **Enquiries with household staff at Arundells**

8.17.1 Arundells is a large Grade II listed house in Cathedral Close, Salisbury, Wiltshire. Sir Edward Heath moved there in 1985 and employed staff to assist with the management and maintenance of the house and grounds. Investigators from Operation Conifer were able to identify and interview several members of his household staff.

8.17.2 The staff interviewed did not provide any information to link Sir Edward Heath to allegations of child sexual abuse.

#### 8.18 **Enquiries with nurses who attended to Sir Edward Heath**

8.18.1 In the latter years of his life, Sir Edward Heath required almost full time nursing provision. Several of those nurses were identified and interviewed by investigators from Operation Conifer.

8.18.2 The nursing staff did not provide any information to link Sir Edward Heath to child sexual abuse.

8.19 **Enquiries about Sir Edward Heath’s use of maritime vessels**

8.19.1 Five of the disclosures against Sir Edward Heath accused him of committing serious criminal offences aboard yachts. Those reports described offending between 1964 and 1986 and included allegations of murdering children, as well as of child sexual abuse. Operation Conifer carried out extensive enquiries to understand Sir Edward Heath’s ownership and use of yachts.

8.19.2 It was established that Sir Edward Heath was a member of Broadstairs Sailing Club in Kent from 1952.

8.19.3 Sir Edward Heath is known to have owned five yachts between 1969 and 1984, all of which were named Morning Cloud. These were all racing yachts and required a significant number of crew. The investigation recognised that Sir Edward Heath would have had access to other yachts and would have been able to charter such vessels, but accurate records were not available.

8.19.4 Investigators from Operation Conifer were able to identify 46 former crew members of the Morning Cloud yachts. Out of the 34 who were approached, eight provided a statement of evidence and seven answered questionnaires. As with several cohorts of Sir Edward Heath’s former associates, it was not possible to locate all of the crew members and several were deceased.

8.19.5 No information was provided linking Sir Edward Heath to child sexual abuse, or incidents concerning the disappearance or murder of children. There is no indication from former crew members that children were ever taken aboard the different Morning Cloud yachts. There was no information or evidence that any of the identified crew members were complicit in child sexual abuse or witnessed Sir Edward Heath engaging in abuse.

8.19.6 Additionally, in relation to contentions that Sir Edward Heath was involved in the murder and disappearance of children, Operation Conifer undertook initial



scoping enquiries with all police forces and other relevant law enforcement agencies, in the UK, to establish if there were any records of children disappearing in the specific circumstances alleged. No supporting information or credible evidence to support the disclosures was established to justify any further investigative activity. Accordingly, no such crimes were recorded as part of Operation Conifer. If further information were to come to light, an assessment of the information would be required to inform a suitable investigative response.

**8.20 Enquiries with other police forces and law enforcement agencies**

8.20.1 In addition to the allegations recorded by police forces prior to the start of Operation Conifer, contact was made with other relevant UK law enforcement agencies to establish whether they held any relevant material relating to non-recent sexual abuse allegations against Sir Edward Heath. This did not identify any new lines of enquiry.

8.20.2 This action was distinct from the disclosures that were made to 14 police forces during the Operation Conifer investigation.

**8.21 Enquiries with the Foreign and Commonwealth Office (FCO)**

8.21.1 Sir Edward Heath was Prime Minister when the UK entered Europe as a member of the European Economic Community (EEC). He is known to have travelled to and from Europe extensively during the 1960s and 1970s but never served as a minister of the FCO.

8.21.2 The FCO was approached by investigators from Operation Conifer and asked to confirm whether it held any material regarding Sir Edward Heath which would be relevant to the investigation.

8.21.3 The FCO undertook a search of its own records and stated it did not believe it held any relevant material. The FCO also confirmed that the majority of papers that would have referenced Sir Edward Heath had already been transferred to the National Archives.

**8.22 Enquiries with the Home Office**

8.22.1 The Home Office was approached by investigators from Operation Conifer and was asked to confirm whether it held any material regarding Sir Edward Heath which would be relevant to the investigation.

8.22.2 The Home Office undertook a search of its records and said it did not believe it held any relevant material. It also confirmed that the majority of papers that would have referenced Sir Edward Heath had already been transferred to the National Archives.

**8.23 Enquiries with the Cabinet Office**

8.23.1 The Cabinet Office was approached by investigators from Operation Conifer and was asked to confirm whether it held any material regarding Sir Edward Heath, which would be relevant to the investigation.

8.23.2 The Cabinet Office confirmed that Prime Ministerial diaries, prior to changes in policy in 2012, were considered personal diaries and therefore not usually retained when prime ministers left office. Appointments diaries were one of the categories of records former prime ministers were allowed to take with them on leaving office. Since 2012 Prime Ministers' diaries have been selected for permanent preservation and, from 1980 onward, are available at The National Archives. Personal diaries are amongst Sir Edward Heath's personal papers held by the Bodleian Libraries.

8.23.3 The Cabinet Office also provided an index of other documents that were considered potentially relevant to the background of Sir Edward Heath. Only documents that were assessed by description as being relevant to the Operation Conifer terms of reference were reviewed. No other relevant information was established as a result of the review.

**8.24 Enquiries with UK Security and Intelligence Agencies**

8.24.1 Enquiries were undertaken with UK Security and Intelligence Agencies and there was no information that progressed the investigation any further.

**8.25 Enquiries with The National Archives**

8.25.1 Investigators from Operation Conifer approached The National Archives and established that, as the official archive for the UK government, it held a significant amount of material that related to the work of Sir Edward Heath.

8.25.2 The investigation estimated that it would take between two and three months for the review of this material to be comprehensively carried out. As there was no indication from the catalogue descriptions that there was any readily accessible catalogued material that was relevant to the terms of reference of the investigation, it was decided that a generic review of the material was not a proportionate enquiry to complete.

8.25.3 This material remains preserved by The National Archives if it were to be considered relevant to review in the future.

**8.26 Enquiries with the Bodleian Libraries**

8.26.1 The Bodleian Libraries, which is part of the University of Oxford, acquired Sir Edward Heath's personal archive in 2010 from the charitable trust that administered Sir Edward Heath's estate following his death. Private papers owned by Sir Edward Heath were purchased from the trust, while other materials in the archive were gifted to the Bodleian Libraries with the consent of the Cabinet Office, Speaker's Office, and the Conservative Party Whips Office. This material had previously been reviewed by biographers who were commissioned by Sir Edward Heath himself and cataloguers from Christies Auction House

8.26.2 A policy decision was taken at an early stage that there would not be a speculative search of all the material as it would not be proportionate. It was felt that any prima facie evidence of alleged criminality would potentially have been identified when the material was previously reviewed.

8.26.3 As the investigation developed, it became apparent that the biographers' listing of the material was such that it was possible to undertake a smaller, focused search to ensure there was no material that was relevant to the terms of reference of the investigation. This proportionate approach meant that instead of investigators potentially examining the contents of over c. 4,500 boxes of

material, they were able to focus the review on the contents of approximately 240 boxes. Accordingly, over seven working days in the summer of 2017, a targeted review of available material took place.

8.26.4 The review, which included items such as diaries and letters, confirmed that Sir Edward Heath periodically travelled alone, including periods when he had CP cover. No other relevant information was established as a result of the review.

#### 8.27 **Evidence of collusion or prior association**

8.27.1 The investigation did not establish any evidence to suggest that any of the victims who reported alleged abuse to Operation Conifer had colluded. It is accepted that it is possible that some of the victims may have associated prior to making disclosures of abuse.

8.27.2 In the case of three victims it was established that their fathers potentially worked together at some point. Although there was no direct evidence of prior association between the victims, the potential could not be ruled out.

#### 8.28 **Contention that Sir Edward Heath was asexual**

8.28.1 The Operation Conifer investigation recognises that a person's sexuality and the issue of whether or not they are sexually active is normally a private matter and is not an indicator of their propensity to commit sexual offences. During the investigation the issue became relevant as it was publicly<sup>8</sup> implied that it was implausible for Sir Edward Heath to be an alleged suspect in child abuse related offences as he was considered to be 'completely asexual'.

8.28.2 Witnesses who were interviewed by investigators from Operation Conifer offered different opinions about Sir Edward Heath's sexuality. However two witnesses, who have not disclosed abuse, provided evidence that he was sexually active with consenting adults during parts of his life.

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<sup>8</sup> [1. BBC News - 14.08.2015 - Sir Edward Heath was completely asexual, says adviser](#)  
[2. The Telegraph - 14.08.2016 - Sir Edward Heath "completely asexual" says former senior civil servant](#)  
[3. The Guardian - 11.08.2015 - Wiltshire police to coordinate separate Edward Heath investigations](#)

## 8.29 **Civil Litigation**

8.29.1 During the course of Operation Conifer, no requests were made to the investigation team for disclosure of material to support formal civil litigation proceedings linked to the allegations that had been made against Sir Edward Heath.

## 8.30 **Criminal Injuries Compensation Scheme claims**

8.30.1 The Criminal Injuries Compensation Authority (CICA) is responsible for assessing claims made under the Criminal Injuries Compensation Scheme (CICS). The CICA is overseen by the Ministry of Justice and considers claims from applicants who have been victims of violent crime in England, Scotland or Wales. It is the right of any individual victim of crime to make an application to the scheme if they believe they meet the necessary criteria. The CICA is responsible for making a decision in relation to each claim in line with the eligibility criteria of the scheme.

During the course of Operation Conifer, the investigation was approached by the CICA to provide information in relation to two separate claims made under the scheme.

## 8.31 **Investigative statistics**

8.31.1 During the course of Operation Conifer the following investigative activities were completed<sup>9</sup>:

- ❖ 1,580 investigative lines of enquiry were generated.
- ❖ 203 investigative lines of enquiry were not completed as they were assessed as either not being relevant or proportionate.
- ❖ 1,062 officer's reports were generated as a result of investigative activity.

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<sup>9</sup> As of 31 August 2017

## Operation Conifer – Summary Closure Report

- ❖ 284 statements (including visually recorded interviews) were taken or reviewed.
- ❖ Three people unconnected to Sir Edward Heath were arrested for offences related to child abuse.

8.31.2 The Operation Conifer investigation was formally concluded on 31 August 2017. If further allegations are made after that date, Wiltshire Police will agree with the relevant police force in which the offence is alleged to have occurred, which is the most appropriate authority to conduct a proportionate investigation.

9. **Investigation findings**

9.1 **Role of the police in publishing a findings report.**

9.1.1 As previously detailed, the national Operation Hydrant guidance *‘Advice for Investigating Deceased Persons – Publication of Findings (2017)’* recommends that it is not the role of the police to draw conclusions as to the likely guilt or innocence of the deceased suspect, nor to make any comment as to the action the police or CPS would have taken in respect of a decision to charge had the suspect been alive.

9.1.2 Unlike in a case where there is a living suspect, at the conclusion of an investigation into a deceased person the option for the police to present a case file to the CPS for the consideration of a decision to charge is not available. Likewise if the threshold to charge a suspect was hypothetically met, there is no potential for a criminal trial to take place.

9.1.3 The national advice (page 5, paragraph 7.4) does state, however,

*“... reports may go as far as stating that had the suspect had been alive, given the information and evidence available about the allegation, he or she would have been interviewed under caution in order to establish an account”.*

9.1.4 Where it is concluded that a person would have been interviewed under caution, the advice states that the report should emphasise that the suspect’s account is as important as other evidence gathered as part of the investigation and that no inference should be drawn as to their guilt because of this conclusion.

9.1.5 Operation Conifer has adopted the Operation Hydrant advice and in this section of the report the conclusions reached by the investigation concerning whether Sir Edward Heath would have been interviewed under caution are set out.

## 9.2 The legal position concerning interviews under caution

9.2.1 The law in relation to when a person should be interviewed under caution by the police in a criminal investigation is contained within the Police and Criminal Evidence Act 1984 (PACE) and its supporting codes of practice.

9.2.2 Code C of the codes of practice to PACE states that a person should be cautioned if the police wish to question them regarding their involvement or suspected involvement in a criminal offence. The codes indicate that the threshold for the use of the criminal caution is reasonable suspicion, which is far lower than reasonable grounds to believe. The case of *Hussein v. Chong Fook Kam* [1970] AC 942 also indicates that reasonable grounds to suspect will normally arise at an early stage of the investigation with a view to establishing whether there is a prima facie case against the suspect.

9.2.3 With respect to the legislation and case law that relates to when a person becomes a suspect for the purposes of criminal investigation:

- ❖ The **Police and Criminal Evidence Act 1984**, codes of practice, Code C 11.1A, specifies that the questioning of a person regarding their involvement or suspected involvement in an offence must be carried out under caution.
- ❖ The case of *Hughes v DPP* [2010] EWHC 515, applying *R (Ridehalgh) v DPP* [2005] EWHC 1100 (Admin), states, “*Where police officers question people, in any circumstances in the course of possible investigations relating to the commission of a criminal offence, there inevitably comes a time when it begins to occur to them that an offence might have been committed. They need to make further enquiries to establish whether there are grounds for suspecting the particular person, the potential defendant, of committing the offence. If the stage comes when there are such grounds, then the duty to caution arises.*”
- ❖ In the case of *Hussein v. Chong Fook Kam* [1970] AC 942, Lord Devlin defined “suspicion” in the following terms “*Suspicion in its ordinary meaning is a state of conjecture or surmise where proof is lacking: 'I suspect but I cannot prove'. Suspicion arises at or near the starting point*



*of an investigation of which the obtaining of prima facie proof is the end” (at 948).*

**9.3 Application of the law on cautioning to an investigation concerning a deceased person**

9.3.1 The fact that Sir Edward Heath was deceased when Operation Conifer was launched is significant with respect to the investigative decision to interview under caution. The police will ordinarily seek to interview a person suspected of an offence, especially against children, at an early stage of an investigation. This is to:

- ❖ Allow the police to assess whether the suspect represents a current safeguarding risk to children.
- ❖ Allow the police the opportunity to secure any available forensic or other relevant evidence.
- ❖ Afford the suspect the opportunity to give an account in relation to the allegations that have been made against them and for their account to inform the subsequent investigative strategy.

It is recognised that applying a test of whether there is reasonable suspicion, such that a suspect would be interviewed under caution at the completion of an investigation, does not accurately reflect the reality of what would occur in the case of a living suspect.

9.3.2 In the case of a deceased person, at the conclusion of an investigation the investigative process will have amassed information that may impact upon whether or not a level of suspicion exists such that the threshold is met to interview under caution.

9.3.3 In the case of Sir Edward Heath, if he had still been alive, the SIO concluded that he would have been interviewed under caution at the start of the investigation in relation to a significant number of the allegations.

9.3.4 It is important to state that innocent people are frequently questioned about their suspected involvement in criminal offences. The fact that they have been interviewed is not an indication of guilt and the reader should therefore not draw this conclusion.

9.4 **Approach to undermining evidence and the decision to caution**

9.4.1 As Sir Edward Heath was deceased, it was clear from the outset that there was never going to be a criminal justice process after the police investigation. Notwithstanding this and in line with investigative principles two and four:

*‘Follow the evidence whether it supports or negates the allegations....’*

*and*

*‘As far as practicable uphold Sir Edward Heath’s rights as if he was alive’*

The investigation has applied the spirit of relevant legislative principles and advice to the conduct of Operation Conifer. The disclosure principles contained within the Criminal Procedures Investigations Act 1996 (CPIA) as amended by the Criminal Justice Act 2003 (CJA) were adopted by the SIO and gold commander.

9.4.2 The disclosure legislation places obligations on the police and prosecutors to disclose prosecution material which has not previously been disclosed to the accused and which might reasonably be considered capable of undermining the case for the prosecution against the accused, or of assisting the case for the accused.

9.4.3 The legislation applies to all criminal investigations started after it was enacted and includes investigations where the offence itself was committed prior to its enactment.

9.4.4 The Attorney General has provided guidelines for the police with respect to disclosure. These include examples of material that might reasonably be considered capable of undermining the prosecution case or of assisting the case for the accused and includes:

- a) Any material casting doubt upon the accuracy of any prosecution evidence.
- b) Any material that might go to the credibility of a prosecution witness.
- c) Any material which may have a bearing on the admissibility of any prosecution evidence.

9.4.5 Where during the investigation information was gathered that fell into one of the three categories above, this was then considered against all other available information and evidence. An assessment was then made as to whether or not its existence was such that it would impact upon the decision to interview under caution. The approach adopted is set out in more detail over the page.

## 9.5 **Victim categorisation approach**

9.5.1 To attempt to ensure an objective approach was adopted to whether or not Sir Edward Heath would have been interviewed under caution by the police if he had been alive, the Operation Conifer investigation developed a categorisation methodology to illustrate the outcome for each disclosure made.

9.5.2 The decision as to which category a victim disclosure sat within was decided by the SIO, after the completion of the investigation.

9.5.3 To ensure a consistent approach and check and test the decision making of the SIO, an independent panel of SIOs from outside Wiltshire Police was commissioned through Operation Hydrant to review the conclusions reached by the SIO. The approach of the panel was to review each victim assessment made by the SIO in line with the CoP's Risk Principle Six<sup>10</sup>, which states:

*“The standard expected and required of members of the police service is that their risk decisions should be consistent with those a body of officers of similar rank, specialism or experience would have taken in the same circumstances.”*

The principle is further qualified by stating:

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<sup>10</sup> <https://www.app.college.police.uk/app-content/risk-2/risk/#risk-principles>

*“Total agreement between all members of the police service on the most appropriate solution in a risk situation is neither possible nor required”.*

9.5.4 The SIO panel agreed with the decision making by the Operation Conifer SIO in relation to the conclusions concerning the allegations where Sir Edward Heath would have been interviewed under caution. The panel also concluded it was arguable that, in the case of two additional individual disclosures, notwithstanding the existence of undermining evidence, this conclusion could have also have been reached.

9.5.5 In total six specific categories were developed by the investigation, to assist the final assessment of whether or not Sir Edward Heath would have been interviewed under caution in relation to the allegations made against him. Each category and its definition is contained below:

9.6 **Category One: Sir Edward Heath would have been interviewed under caution:**

- ❖ This category applies to people who have reported alleged abuse by Sir Edward Heath.
- ❖ The victim has provided an account to Operation Conifer.
- ❖ Further to a proportionate investigation reasonable grounds exist that, if Sir Edward Heath had been alive today, he would have been interviewed under caution regarding his suspected involvement in an offence.

9.7 **Category Two: Sir Edward Heath would have been interviewed under caution - undermining evidence exists:**

- ❖ This category applies to people who have reported alleged abuse by Sir Edward Heath.
- ❖ The victim has provided an account to Operation Conifer.

- ❖ Further to a proportionate investigation, application of the CPIA disclosure test reveals the existence of some evidence that may potentially undermine the allegation(s) made.
- ❖ Weighing up all available information, reasonable grounds exist that if Sir Edward Heath had been alive today he would have been interviewed under caution regarding his suspected involvement in an offence.

9.8 **Category Three: Sir Edward Heath would not have been interviewed under caution – undermining evidence exists:**

- ❖ This category applies to people who have reported alleged abuse by Sir Edward Heath.
- ❖ The victim has provided an account to Operation Conifer.
- ❖ Further to a proportionate investigation and application of the CPIA disclosure test, undermining evidence is now available and it is the conclusion of the SIO that either:
  - a) The alleged abuse could not have taken place in the manner and circumstances that were reported.

And/or

- b) There is information available at the conclusion of the investigation that potentially impacts upon the credibility of the person making the disclosure.
- ❖ Weighing up all available information, the threshold to interview Sir Edward Heath under caution regarding his suspected involvement in an offence is not met.
- ❖ The extent and type of undermining information will be specific to each individual disclosure investigated and in certain cases the presence of victim vulnerability considerations may directly impact upon the victim's ability to provide a credible account.

- ❖ This category will include any disclosures where the SIO has concluded that there is suspicion that the person making the disclosure may have deliberately misled the police in relation to the allegations that they made against Sir Edward Heath.

9.9 **Category Four - Mistaken disclosures:**

- ❖ This category applies to people reporting alleged abuse by Sir Edward Heath.
- ❖ The victim has provided an account to Operation Conifer.
- ❖ Further to a proportionate investigation, the reporting person has later stated or accepted that they were mistaken about material detail in their allegation.
- ❖ The classification of the relevant crime report was amended to reflect this outcome.

9.10 **Category Five - Third party disclosures:**

- ❖ This includes all allegations where a third person has disclosed that they have received a disclosure or are aware of other people who have disclosed abuse by Sir Edward Heath.
- ❖ This cohort includes allegations understood to have been disclosed by people who are now deceased and who did not have an opportunity to confirm or deny that they were victims of abuse to the Operation Conifer team.
- ❖ In the case of living people the investigation has either not been able to speak to the alleged victims to gain a direct account or they either chose not to confirm or denied they were the victim of alleged abuse.

9.11 **Category Six - Anonymous disclosures:**

- ❖ This cohort includes anonymous disclosures received by other agencies which have then shared the details of the allegation with the police.
- ❖ Operation Conifer has not identified the victim. This means that the victim never had the opportunity to confirm or deny the disclosure that has been shared with the police.

9.12 **Classification of outcomes**

The table over the page, figure 7, details a summary of the specific victim disclosures and offences where the SIO has concluded that Sir Edward Heath would have been interviewed under caution to obtain an account if he had still been alive.

**Figure 7: Table recording disclosures where Sir Edward Heath would have been interviewed under caution to gain an account.**

Classification	Offence Date Span	Date Reported	Location of Offences	Sir Edward Heath's public office	Summary of Disclosures
<b>Sir Edward Heath would have been interviewed under caution.</b>	1961	April 2015	MPS	MP for Bexley Lord Privy Seal	Sir Edward Heath allegedly raped and indecently assaulted a male, aged 11 years, during a paid sexual encounter in private in a dwelling.
	1962	August 2015	Kent	MP for Bexley Lord Privy Seal	Sir Edward Heath, in the company of an unknown adult male, allegedly indecently assaulted a ten year old male during a chance encounter in a public place.
	c. 1964	June 2016	Sussex & MPS	MP for Bexley Secretary of State for Industry, Trade and Regional Development	Sir Edward Heath allegedly indecently assaulted a 15 year old male during three paid sexual encounters.
	1967	August 2015	Guernsey	MP for Bexley Leader of the Conservative Party (Opposition)	Sir Edward Heath allegedly indecently assaulted a 15 year old male, not known to him, in private, during a chance encounter in a public building.
	1976	February 2016	Jersey	MP for Sidcup	Sir Edward Heath allegedly indecently assaulted, over clothing, an adult male during a chance encounter at a public event.
	c. 1992	January 2016	Wiltshire	MP for Old Bexley and Sidcup Father of the House	Sir Edward Heath allegedly indecently assaulted an adult male after consent was withdrawn, in what had been a paid consensual sexual encounter in a hotel.
<b>Sir Edward Heath would have been interviewed under caution – Undermining Evidence</b>	Between 1990 and 1992	August 2015	Wiltshire	MP for Old Bexley and Sidcup	Sir Edward Heath allegedly indecently assaulted a male, aged between 12 and 14 years, not known to him, in private, during a chance encounter in private gardens.



9.13 **Summary of outcomes**

The investigative outcomes are summarised in figure 8 below and the supporting explanatory narrative:

**Figure 8: Table displaying Investigative Outcomes**

Number of Individual disclosures	Investigative Outcome Summary
6	Sir Edward Heath <b>would</b> have been interviewed under caution
1	Sir Edward Heath <b>would</b> have been interviewed under caution but there is undermining evidence
19*	Sir Edward Heath <b>would not</b> have been interviewed under caution because of the extent of undermining evidence
3	Mistaken identity disclosures
10	Third party disclosures
3	Anonymous disclosures

\* The investigation concluded that three of these disclosures were made by the same person

- ❖ In the case of six disclosures, if Sir Edward Heath had been alive he would have been interviewed under caution in order to obtain his account in relation to the allegations made against him.
- ❖ In the case of one disclosure, if Sir Edward Heath had been alive he would have been interviewed under caution in order to obtain his account in relation to the allegations made against him. However the investigation has gathered information that potentially undermines the victim’s account.
- ❖ In the case of 19 individual disclosures, further to the investigation it has been concluded that there is undermining information available such that the threshold to interview under caution would not be met.

It should be noted that, in the case of two people who fall within this category, it was concluded that there was reason to suspect that the individuals may have attempted to intentionally mislead the police by alleging that they were abused by Sir Edward Heath. In the case of one of these disclosures, a live criminal investigation remains ongoing. In the case of the other, a criminal investigation was undertaken and an individual

was formally cautioned for an offence of wasting police time after they admitted that they had misled the investigation by making three separate disclosures, where they had purported to be three different people

- ❖ In the case of three disclosures, information has come to light since the allegations were reported that has led to the conclusion that the people reporting the alleged abuse were mistaken in their accounts.
- ❖ In the case of ten disclosures, the report of alleged abuse was made by third parties on behalf of the alleged victims. The investigation has either not been able to speak to the alleged victims to gain a direct account or they either chose not to confirm or denied they were the victim of alleged abuse. This cohort also includes two disclosures understood to have been made by people who are now deceased and who did not have an opportunity to confirm or deny that they were victims of abuse to the Operation Conifer team.
- ❖ In the case of three disclosures, the victim reported the alleged abuse anonymously and the investigation has not been able to speak to the alleged victims to gain a direct account.

9.14 Where it is concluded that Sir Edward Heath would not have been interviewed under caution to gain an account, due to the existence of undermining information, the SIO has concluded in relation to each individual victim disclosure that either:

a) The alleged abuse could not have taken place in the manner and circumstances that were reported.

and / or

b) There is information available at the conclusion of the investigation that impacts upon the credibility of the person making the disclosure

The extent and type of undermining information was specific to each individual disclosure investigated. In certain instances the level of undermining evidence was significant; in others it was less so. But in each case it meant that the

threshold to have interviewed Sir Edward Heath under caution to gain an account would not have been met. In some cases, due to the extent and diversity of the individual's needs, this impacted upon their ability to provide a consistent and/or coherent account.

Some of the factors that the SIO took into account when considering the credibility of each disclosure included:

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

9.15 The alleged offences where, if still alive, Sir Edward Heath would have been interviewed under caution to gain an account are:

- ❖ Rape of a male under the age of 16, contrary to Section 1(1) of the Sexual Offences Act 1956.
- ❖ Indecent assault on a male under the age of 16, contrary to Section 15(1) of the Sexual Offences Act 1956.
- ❖ Indecent assault on a male under the age of 14 years, contrary to Section 15(1) of the Sexual Offences Act 1956.
- ❖ Indecent assault on a male over the age of 16, contrary to Section 15(1) of the Sexual Offences Act 1956.

9.16 **Where it is concluded that, if he had still been alive, Sir Edward Heath would have been interviewed under caution to gain an account, it is important to state that his account would be as important as other**

**evidence gathered as part of the wider investigation. Accordingly, no inference of guilt should be concluded by the fact he would be interviewed under caution.**

9.17 It is clearly inappropriate to speculate what Sir Edward Heath's response would have been in relation to the allegations put to him under caution in an interview. His account would have informed the next stages of the investigation strategy and investigators would have looked to check and test his account against the other available evidence.

9.18 In the case of a living suspect, at the conclusion of the police investigation, the SIO would consider all available evidence and make a decision as to whether to submit a case file to the CPS. Thereafter, if relevant, the CPS would consider whether there was sufficient evidence to bring criminal charges.

10. **Victim exit strategy**

- 10.1 At the conclusion of the investigation, the SIO also set an exit strategy that enabled investigators to tailor the method they used to inform victims that Operation Conifer had been concluded. The overall aim was to ensure that victims were provided with a clear and detailed update and that they were afforded the most appropriate support and aftercare.
- 10.2 It was recognised that every victim had different needs and sometimes this involved seeking expert advice on how information was best shared with a victim. In some cases, it was assessed by professionals that it would not have been in the victim's best interest to revisit the disclosures that they had made.
- 10.3 As part of the approach to victim exit strategies the SIO commissioned an independent clinical psychologist to advise on how best to meet the needs of individual victims at the conclusion of the investigation.
- 10.4 The exit strategy approach was that a bespoke closure report was completed and agreed by the SIO or Deputy SIO for those victims who engaged with the investigation. It included a précis of the abuse disclosed, the enquiries completed, the outcome/result of enquiries and a form of words to be used when updating the victim.
- 10.5 Although face to face contact was the default position, it also gave investigators the flexibility to use other forms of contact if that respected the victim's wishes or was more appropriate to their circumstances. In all cases, the relevant investigator was asked to establish whether the victim was going to require ongoing support. They offered signposting to agencies in their area and facilitated referrals where appropriate.
- 10.6 Where relevant, any family, friends or supporters identified by the victim were also updated that contact from the Conifer liaison officer was going to cease. They were also advised of support networks available to the victim and provided with advice about what action to take if they had concerns for the welfare of the victim.

- 10.7 Similarly, any professional bodies providing support to the victim were also updated that the investigation had been concluded and that contact from the liaison officer would cease. They were also advised of what action to take if they had concerns for the welfare of the victim.
- 10.8 A contingency was also included within the exit strategy for investigators to take immediate steps if the passing of the update had a clear and immediate adverse impact on the victim's welfare. An intelligence report with details of the victim, the fact that they were linked to Operation Conifer, the support provided to them and the existence of any other safeguarding factors was also shared with the force area where the victim lives.
- 10.9 During the investigation, all victims who engaged with officers from Operation Conifer were informed about the work of the IICSA and in particular were provided with details about 'The Truth Project'. This was specifically designed to give them the opportunity to share their disclosure confidentially and independent of the police. Within the exit strategy, victims are reminded of the role of the IICSA and sign-posted to their helpline and website.

11. **Safeguarding strategy**

- 11.1 Throughout the investigation Wiltshire Police aimed to treat all victims who had alleged child sexual abuse with respect and dignity. A key theme in the Operation Hydrant SIO advice and the Operation Conifer gold strategy was the importance and priority of safeguarding. This was reflected in a bespoke victim and suspect safeguarding strategy.
- 11.2 The strategy's purpose was to provide clear advice for investigators who interacted with victims at all stages of the investigation. The objective was to ensure that victims were afforded the most appropriate support during and following their contact with the police and to ensure that any identified risks, whether to them or others, were minimised.
- 11.3 This involved a suitably trained and experienced victim liaison officer being appointed and maintaining regular contact with respective victims. The officer signposted and referred individuals to local support agencies when appropriate. This was particularly relevant as victims disclosing alleged abuse against Sir Edward Heath lived all over the UK. All approaches to victims were planned and a log was kept of all interactions. Investigators also shared safeguarding intelligence with the police forces where the victims live, if that was appropriate. They also facilitated referrals, when consent was given, to Independent Sexual Violence Advocates (ISVAs) and sign-posted individuals to local support agencies.
- 11.4 In the case of the three people who were arrested during Operation Conifer, an assessment was undertaken of any potential safeguarding risk that they may have represented and appropriate support was offered as necessary.

12. **Referrals to the Independent Police Complaints Commission (IPCC).**

During the course of Operation Conifer, Wiltshire Police referred two further incidents to the IPCC. This was in addition to the IPCC referral that had been made during Operation Marble, prior to the start of Operation Conifer<sup>11</sup>.

12.1 **IPCC Referral – March 2016**

12.1.1 This referral related to an alleged failure by Wiltshire Police in 1989 to disclose to the CPS that Sir Edward Heath's name had been mentioned by a victim as being allegedly linked to ritual abuse perpetrated by their parents and others.

12.1.2 In 1989 Wiltshire Police investigated allegations of non-recent child sexual abuse disclosed by four victims against family members and other unknown members of the military.

12.1.3 The interviewing police officer in the 1989 investigation recorded two references to Sir Edward Heath in notes that were made after the completion of the victim interview. The victim specified that they did not want what was described as a flashback to form part of their signed statement of evidence.

12.1.4 In 1989 the CPS was not informed that Sir Edward Heath had been referenced within the statement notes when it reviewed the file of evidence. The CPS decided that there was insufficient evidence to prosecute in relation to the other matters.

12.1.5 The fact that the information concerning Sir Edward Heath was not highlighted to the CPS in 1989 led Wiltshire Police to make a referral to the IPCC in March 2015. The IPCC assessed that the appropriate mode of investigation for the omission was a local investigation undertaken by Wiltshire Police. That investigation concluded:

12.1.6 *"... there is no evidence to support that this information was deliberately ignored by any member of the investigation team. It appears that human error, or*

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<sup>11</sup> [IPCC - Historic corruption concerning allegations of child sexual abuse - Wiltshire Police](#)



*possibly the system used to receive incoming information, was at fault for this being missed and no further action being taken at the time.*

## 12.2 **IPCC referral – November 2015**

12.2.1 This IPCC referral followed the Metropolitan Police Service Commissioner receiving an anonymous letter after the media appeal on 3 August 2015. The letter alleged that, during the late 1980s, it was common knowledge that Sir Edward Heath was receiving 'boys' at Arundells on a regular basis. It alleged that police officers were being paid to turn a blind eye and named one officer who spoke openly about it. It also implied that the incident had been previously reported to Wiltshire Police, but that it was dismissed as not being true and the case had been closed.

12.2.1 The decision was taken to refer the matter to the IPCC, which decided the mode of investigation for the matter should be a local investigation conducted by Wiltshire Police.

12.2.2 The retired police officer who was named in the anonymous letter was identified and interviewed by officers from Operation Conifer. The retired officer stated that they had never openly spoken about Sir Edward Heath or alleged any wrongdoing by him. Subsequent enquiries with staff who provided close protection cover for Sir Edward Heath at Arundells did not establish anything to substantiate the claims made in the letter.

12.2.3 The Wiltshire Police investigation concluded that the allegation could not be upheld.

13. **Engagement with the Independent Inquiry into Child Sexual Abuse (IICSA)**

13.1 In August 2017 IICSA announced that, as part of the Westminster investigation, it would review the findings of relevant investigations, concerning the alleged involvement of people of public prominence associated with Westminster in child sex abuse cases.

13.2 IICSA became a statutory public inquiry in March 2015. This gives it wide ranging powers under the Inquiries Act 2005 and the Inquiry Rules 2006.

13.3 The inquiry's overarching aim is to consider whether public bodies and other non-state institutions in England and Wales had taken seriously their responsibility to protect children from sexual abuse.

13.4 The inquiry has identified 13 investigative strands. It intends to:

- ❖ Give a voice to victims and survivors of child sexual abuse
- ❖ Enable the inquiry to understand how institutions may have failed to protect children from sexual abuse and
- ❖ Make practical recommendations to ensure better institutional protection for children in the future.

13.5 One of the inquiry's strands is the 'Westminster' investigation, which is described as an overarching inquiry into allegations of child sexual abuse and exploitation involving people of public prominence associated with Westminster.

13.6 The Inquiries Act 2005 is also very clear that the chair of the inquiry cannot find criminal guilt or civil liability, although they can make findings of fact based on varying standards of proof.

13.7 Wiltshire Police recognised from an early stage that allegations against Sir Edward Heath and the subsequent Operation Conifer investigation could potentially be of relevance to the IICSA inquiry. The Gold Commander and the

SIO have met relevant members of IICSA on five occasions to provide them with briefings on the status of Operation Conifer.

- 13.8 In July 2017, the chair of IICSA used its powers under Section 21 of the Inquiries Act 2005 to require the production of both the “Operation Conifer Summary Closure Report” and the “Senior Investigating Officer Investigation Closure Report”. Wiltshire Police is in the process of complying with this request and will have done so by the end of October 2017.
- 13.9 In August 2017, IICSA announced that as part of the Westminster investigation, it would review the findings of relevant investigations concerning the alleged involvement of people of public prominence associated with Westminster in child sex abuse cases.
- 13.10 Wiltshire Police will continue to cooperate with IICSA and will consider relevant requests in line with the powers and terms of reference of the inquiry for the release of further documentation gathered by Operation Conifer.

## 14. **Public scrutiny and review**

### 14.1 **Background**

From the start of the Operation Conifer investigation it was clear that there would be significant public and media interest in the case and the chief constable and Gold Commander wished to ensure that there was suitable independent scrutiny of the operation in place. Central to the approach was to ensure that the investigation remained proportionate, justified and legitimate at all times.

### 14.2 **Independent Scrutiny Panel**

14.2.1 To assist the scrutiny approach, an independent scrutiny panel was established. Its stated aim was:

*“To provide independent scrutiny of all aspects of Operation Conifer such as to enable the Chief Constable of Wiltshire Police, the Gold Commander and the senior investigating officer (SIO) to have a wider perspective to inform efficient and effective decision making and development of investigative and wider organisational strategy”.*

14.2.2 To support this aim a number of strategic objectives were agreed for the panel:

- ❖ Scrutineers will remain independent of the investigation.
- ❖ The Chief Constable, Gold Commander and senior investigating officer (SIO), whilst considering the feedback provided by scrutineers, shall not be bound by it.
- ❖ To ensure that all aspects of the operation are considered, scrutineers will be drawn from a wide variety of professional backgrounds.
- ❖ Confidentiality and operational security are key to the work of the scrutineers and their role will be subject to confidentiality agreements.

- ❖ Scrutineers will not be exposed to a conflict of interest. However they will be suitably briefed on the scale, extent and objectives of the investigation so that they can discharge their role.
- ❖ The scrutiny provided will be central to ensuring that the investigation was proportionate, legitimate, accountable and necessary.

14.2.3 The panel consisted of four people who were selected due to the breadth of experience that each possessed and their potential to meaningfully add appropriate scrutiny and challenge to the Operation Conifer investigation. The members were:

- ❖ Mr Perdeep Tandy, a Wiltshire resident and former member of the Wiltshire and Swindon Independent Advisory Group.
- ❖ Mr Danny Friedman QC, who specialises in human rights law.
- ❖ Professor Vassilios Papalois, who has experience of chairing ethics committees within both health and police settings.
- ❖ Dr Elly Hanson, an independent clinical psychologist, with expertise in relation to the impact of abuse and victim engagement and support.

14.2.4 The scrutiny panel met on a number of occasions as a collective group and on other occasions members were consulted individually by the Gold Commander and SIO where it was felt they would be able to provide an independent view on key issues.

14.2.5 Whilst undertaking their role they were reimbursed for reasonable expenses and were not paid for their services.

14.2.6 It should be noted that, at an early point in the investigation, Dr Elly Hanson did provide some professional advice to Operation Conifer in relation to the victim approach concerning two individuals and she was paid for this work. This was a contained and distinct piece of work and, upon becoming a scrutiny panel member, she did not provide any further operational advice.

14.2.7 The scrutiny panel was not responsible for decision making but its members were able to query decisions and give their respective opinions. This feedback was used to inform the ultimate decision making of the chief constable, Gold Commander and SIO.

14.2.8 At the conclusion of Operation Conifer the scrutiny panel independently issued a statement outlining the role it had undertaken and its views on the investigation. A copy of the statement is contained at Appendix C.

### 14.3 **Operation Hydrant reviews**

14.3.1 Operation Hydrant is the national policing operation established to oversee the development of policy and practice in relation to how the police service investigates and manages non-recent child sexual abuse in institutional settings, or abuse alleged to have been perpetrated by people of public prominence. Operation Hydrant has developed the national advice concerning investigations where the alleged perpetrator is deceased.

14.3.2 Operation Hydrant has developed an independent peer review facility for forces that are currently investigating relevant allegations. The peer review approach brings together relevant professionals and subject matter experts from outside the investigating force to conduct a peer review of the investigation that is centred on pre-agreed terms of reference that are set by the Gold Commander in conjunction with the national Operation Hydrant coordinator.

14.3.3 At the conclusion of a peer review, a report is produced for the commissioning police force with recommendations that are designed to assist the force in further progressing the investigation.

14.3.4 During the course of the Operation Conifer investigation the Gold Commander commissioned Operation Hydrant to carry out two reviews. The first took place in September 2016 to coincide with the point when the investigation had been running a year. The second took place in May 2017 and was timed to assist the Force in the final stages of the investigation.

#### 14.4 **First review – September 2016**

The overarching aim was to review the structure and approach of the investigation to ensure that it remained justified, proportionate and in line with the developing nationally recognised best practice. The following specific objectives were set for the review:

1. To review the Operation Conifer gold strategy, to ensure that it provided suitable strategic direction to the investigation.
2. To review the Force Operation Conifer governance structures to ensure that they provide suitable oversight, direction and scrutiny to the investigation.
3. To review the operation set-up, to ensure that it is in line with national best practice and they provide suitable structure for records management at both a local and national level.
4. To review the Operation Conifer investigative structure and levels of resourcing to ensure that they remain commensurate with the investigative requirements of the investigation.
5. To review the respective investigative strands of Operation Conifer and the supporting investigative strategies and approach, to ensure that they are fit for purpose.
6. To review the victim and witness strategy to ensure that it is fit for purpose and provides a tailored approach to resulting needs.
7. At a high level, to consider whether the Force approach to oversight of any emerging potential wrongdoing by police personnel (serving or otherwise) is being suitably managed, to ensure transparency and openness.
8. To review the Force approach to attempting to provide external scrutiny to Operation Conifer, to ensure that it provides appropriate independent oversight and feedback to the investigation.

9. To review the Force media and communications strategy for Operation Conifer to ensure that it is positioned to respond professionally to the inevitable media interest in the case and to communicate effectively with stakeholders and communities.
10. To provide a considered view on whether the Operation Conifer investigation remains proportionate and justified, relative to the current status of the investigation.
11. To identify any additional areas of national best practice and guidance, that may be of value to the furtherance of the Operation Conifer investigation.

#### 14.5 **Findings of the first review**

14.5.1 The review made 28 recommendations and assisted the Operation Conifer investigation to further refine and develop its approach in relation to safeguarding and the wider delivery of the investigative strategy. The review concluded that the Operation Conifer investigation remained proportionate and in keeping with the current national guidance issued by the CoP and Operation Hydrant.

#### 14.6 **Second review – May 2017**

14.6.1 This review was commissioned with the knowledge that Operation Conifer was entering its final stages and with the aim of considering whether the Operation Conifer investigation had discharged its operational objectives in line with relevant national guidance issued by Operation Hydrant and the CoP. The overarching aim of the review was to consider:

1. Whether the Force has conducted a proportionate investigation, commensurate with principles set out within the College of Policing guidance and Operation Hydrants advice regarding the investigation of non-recent child sexual abuse involving suspects known to be deceased.
  - ❖ Establishing if the named suspect offended with others or if others facilitated or condoned that offending.



- ❖ Establishing if the named suspect had links to other child sexual abusers.
  - ❖ Determining if any other person identified presents a safeguarding risk to children.
  - ❖ Ensuring appropriate safeguarding action has been taken.
  - ❖ Supporting the learning of lessons that would help to prevent future offending.
2. To objectively and independently consider whether on the available information gathered by the investigation if it is right for the Force to conclude that, if Sir Edward Heath had been alive, the threshold has been met such that he would have been interviewed under caution in order to establish an account.
  3. Drawing on nationally recognised good practice in similar cases, review the Force proposed approach to managing exit strategies with identified victims.
  4. Drawing on national experience, review the Force media handling strategy that is proposed to be used at the conclusion of the investigation.

## 14.7 Findings of the second review

14.7.1 The review made 21 recommendations that assisted Operation Conifer in its approach to the final stages of the investigation. The review concluded that the investigation had been conducted in a manner consistent with the application of the principles of legitimacy, proportionality and necessity. The review recognised that officers conducting the inquiry had adopted a consultative approach throughout and had demonstrated a commitment to learning from national advice and experience, whilst sharing their own experiences for the benefit of other investigations.

14.7.2 In relation to objective 2, it was decided that a SIO peer panel should be convened to check and test the decision making of the Operation Conifer SIO

with respect to whether or not Sir Edward Heath would have been interviewed in the circumstances, in line with the CoP risk principles (paragraph 9.5.3 refers).

#### 14.8 **HMIC Review**

14.8.1 In January 2017, the Home Office asked Her Majesty’s Inspectorate of Constabulary (HMIC) as it was then called, to review a special grant application from the Office of the Police and Crime Commissioner for Wiltshire and Swindon for national funding because Operation Conifer was being conducted on behalf of the police service nationally.

14.8.2 The terms of reference for the review were:

*“To provide advice to the Home Office on Wiltshire police and crime commissioner’s Special Grant application in regard to Operation Conifer, the investigation into allegations of child sex abuse involving Sir Edward Heath.*

*HMIC will be required to review the operational deployment used and provide an assessment. The advice should focus on whether the resources deployed to complete the investigation are both proportionate and reasonable, when considering the risks and threats applicable to the operation in question.”*

14.8.3 The HMIC was clear that it was not carrying out an “investigation review” and was not asked to comment on the decision to investigate allegations against Sir Edward Heath.

14.8.4 The HMIC review concluded that in relation to the efficiency of the investigation:

- ❖ The resources deployed were proportionate and reasonable.
- ❖ Wiltshire Police was applying value for money principles

15. **Conclusions**

15.1 At the start of Operation Conifer, the Gold Commander set five strategic objectives for the investigation. In this final section of the report an assessment is provided on whether or not it is concluded that these objectives have been met now that the investigation has come to a close.

15.2 ***To identify and safeguard children and vulnerable adults who may be at risk of abuse today.***

15.2.1 It is concluded that this objective has been met. For every identified victim who engaged with the investigation, a safeguarding assessment was undertaken and tailored support offered.

15.2.2 In the case of the three individuals arrested during the course of the investigation, a full assessment was made of any current safeguarding risk that they may pose.

15.2.3 The investigation has not identified anyone else who is at risk of abuse today.

15.3 ***To seek to establish the facts concerning allegations of child abuse made against Sir Edward Heath through an objective and proportionate investigation.***

15.3.1 It is concluded that this objective has been met. An objective and proportionate investigation has taken place in respect of every disclosure of alleged child abuse that has been made against Sir Edward Heath.

15.3.2 Throughout the investigation report, the complexities of investigating non-recent alleged abuse against a deceased person have been highlighted. The passage of time since the alleged offences took place, the fact that Sir Edward Heath has not had the opportunity to give an account and the fact that the evidence cannot be tested in the criminal justice system, are all critical factors.

- 15.3.3 The report has set out the conclusions reached in respect of whether or not Sir Edward Heath would have been interviewed under caution about the allegations made against him.
- 15.3.4 The investigation has concluded that in the case of 19 disclosures there is the existence of undermining evidence, such that the threshold to interview Sir Edward Heath under caution to obtain his account would not be met.
- 15.3.5 In the case of two individuals there is reason to suspect that the people reporting alleged abuse may have attempted to mislead the police by alleging that they were abused by Sir Edward Heath. As a result separate criminal investigations are currently ongoing in relation to the individuals who made these disclosures
- 15.3.6 In addition, the investigation has concluded in the case of three allegations that the person reporting alleged abuse was mistaken in naming Sir Edward Heath as an alleged perpetrator.
- 15.3.7 In the case of allegations that were disclosed by a third party or anonymously, the investigation has not in all cases been able to speak to the victim in person. This has been due to a number of reasons including the fact the victim was dead, did not wish to engage with the investigation or could not be identified. In these cases it has been difficult for the investigation to progress many of these allegations further than the initial report.
- 15.4 ***Through the course of the investigation, identify, and where possible bring to justice, any surviving associate of Sir Edward Heath if there is sufficient evidence that they committed criminal offences related to child abuse or committed criminal offences relating to a 'cover up'.***
- 15.4.1 It is concluded that this objective has been met. The investigation did lead to the arrest of three individuals for matters that did not relate directly to Sir Edward Heath. Two of the individuals were released without charge and one remains under investigation.
- 15.4.2 There was insufficient evidence gathered to implicate anyone, either connected to Sir Edward Heath or otherwise, in criminal offences related to child abuse or any related cover up.

- 15.5 ***To provide public confidence in the police response to the allegations.***
- 15.5.1 The investigation has been conducted without fear or favour and this report is designed to provide confidence to the public that the police take seriously and investigate all allegations of child sexual abuse.
- 15.5.2 As a result of the investigation a number of victims came forward alleging abuse who had not done so before.
- 15.5.3 Wiltshire Police has fulfilled its legal obligations to conduct a proportionate investigation into the offences alleged and has aimed to do this objectively and fairly balancing the rights of all parties.
- 15.6 ***At the completion of the investigation two reports will be produced, these will be referred to respectively as the ‘Senior Investigating Officer Investigation Closure Report’ and ‘Operation Conifer Summary Closure Report’***
- 15.6.1 It is concluded that this objective is met. In addition to this report, a ‘Senior Investigating Officer Investigation Closure Report’ has also been completed.
- 15.7 **Overall Conclusions**
- 15.7.1 The Chief Constable and Gold Commander are satisfied that the Operation Conifer investigation has been carried out diligently, proportionately, objectively and in accordance with the relevant national advice. It is their considered view that all five strategic objectives set during the investigation have been met.
- 15.7.2 The SIO concluded that there is sufficient suspicion to have interviewed Sir Edward Heath under criminal caution regarding his suspected involvement in child sexual abuse. This conclusion relates to seven of the 42 disclosures that were considered by the Operation Conifer investigation. Where this threshold was not met, the reasons have been set out.
- 15.7.3 **Where it is concluded that, if he had still been alive Sir Edward Heath would have been interviewed under caution to gain an account, it is important to state that his account would be as important as other**

**evidence gathered as part of the wider investigation. Accordingly, no inference of guilt should be drawn by the fact that he would have been interviewed under caution.**

15.7.4 It is clearly inappropriate to speculate what Sir Edward Heath's response would have been in relation to the allegations put to him under caution in an interview. His account would have informed the next stages of the investigation strategy and investigators would have looked to check and test his account against the other available evidence.

15.7.5 In the case of a living suspect, at the conclusion of the police investigation, the SIO would consider all available evidence and make a decision as to whether to submit a case file to the CPS. Thereafter, if relevant, the CPS would consider whether there was sufficient evidence to bring criminal charges.

## **Appendix A - Timeline of Legislative Changes Relating to Male Homosexual Consent**

**The terminology within this Appendix reflects the accepted terminology at the time the various pieces of legislation were enacted.**

**Criminal Law Amendment Act 1885** – This raised the age of consent from 13 to 16 years of age, introduced measures intended to protect girls from sexual exploitation and extended the criminalisation of male homosexual behaviour.

**Sexual Offences Act 1956** - The Sexual Offences Act consolidated the English criminal law relating to sexual offences and was in place between 1957 and 2004. The Act made it:

(Section 13) An offence for a man to commit an act of gross indecency with another man, whether in public or private, or to be a party to the commission by a man of an act of gross indecency with another man, or to procure the commission by a man of an act of gross indecency with another man. It also made it:

(Section 15) An offence for a person to make an indecent assault on a man. A boy under the age of 16 cannot in law give any consent which would prevent an act being an assault for the purposes of this section.

**Sexual Offences Act 1967** - decriminalised homosexual acts in private between two men, both of whom had to have attained the age of 21 and had to consent. The Act applied only to England and Wales and did not cover the Merchant Navy or the Armed Forces. Homosexuality was decriminalised in Scotland by the Criminal Justice (Scotland) Act 1980 and in Northern Ireland by the Homosexual Offences (Northern Ireland) Order 1982.

**Criminal Justice and Public Order Act 1994** - The age of consent of 21 for homosexual males set by the 1967 Act was reduced to 18.

**Sexual Offences (Amendment) Act 2000** - In 2000, the Parliament Acts 1911 and 1949 were invoked to ensure the passage of the 2000 Act legislation that equalised the age of consent at 16 for both homosexual and heterosexual sex throughout the United Kingdom.

**Sexual Offences Act 2003** - Overhauled the way sexual offences were dealt with by the police and courts, replacing provisions in the Sexual Offences Act 1956 as well as the 1967 Act. The offences of *gross indecency* and *buggery* were repealed from statutory law and


sexual activity between more than two men of legal age was no longer a crime in the United Kingdom.

**Protection of Freedoms Act 2012** - From the 1 October 2012, people in England and Wales who have historic convictions for consensual gay sex offences are now able to apply to the Home Secretary to have relevant convictions (or cautions) disregarded. If the criteria are met and an application is successful, details of the offence will be removed from police records and no longer show up on a criminal record certificate.

Following the **Policing and Crime Act 2017** individuals who have successfully obtained a disregard for an offence will also receive a pardon for the disregarded offence.



**Appendix B – Proportionality Matrix**

These actions should be undertaken		These actions may be undertaken depending upon the allegation and the availability of the material sought	These actions would not normally be undertaken unless there are extenuating circumstances	These actions will not be undertaken in any circumstances	
			Anonymous victim or third party report	Identified victim / allegation	Live named suspect
Victim Focus	Victim identification				
	Victim account				
	Victim care plan				
Deceased Persons Guidance (Op Hydrant)	Safeguarding measures discharged				
	Live perpetrators identified				
	Lessons learnt				
Preliminary evidential assessment	Readily identifiable evidential inconsistencies				
<div style="display: flex; align-items: center;"> <div style="margin-right: 10px;">Low</div>  </div>	Witness corroboration available				
	Other immediately available evidential lines of enquiry				
	Readily retrievable, relevant official documentation				
	Readily retrievable, relevant third party material				
	Potential official documentation available, extensive search required				
	Potential third party material available, extensive search required				
	No immediate proportionate and timely investigative opportunities				
High					
Threshold Test	CPS charging advice				

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Victim Focus	Victim Identification	When someone comes forward stating they have been a victim of Sir Edward, or the victim of an associate of Sir Edward, they will be given victim status. If a third party reports that a person is a victim, then the enquiry team will seek to identify that person and make an approach to ascertain if the information is correct. All approaches to that victim will be bespoke according to their situation and recorded on the victim care plan. If a third party reports an unidentified victim, or an unidentified victim reports abuse, then a measured response will be made to identify the victim whilst taking into consideration any comments by them that they do not wish to be identified.
	Victim Account	A victim account will be obtained in accordance with the victim strategy as defined by the SIO. If the victim does not wish to provide an evidential account (Sec 9 statement or ABE) then the information will be submitted in the form of an officer's report.
	Victim Care Plan	All identified victims will be assigned a victim care plan. This will record all decisions made in relation to contact with the victim, specific contact requirements and signposting to other support services.

Deceased Suspects Guidance (Operation Hydrant)	Live perpetrators identified	Any investigation should consider the possible involvement of others who remain alive. Forces should also consider those close to the suspect who may have been complicit in the offending or facilitated or covered up the abuse.
	Lessons learnt	Within any operation of this complexity and scale there will be lessons identified that would help prevent future offending, guide future investigative strategy and provide a framework for investigations of a similar nature. The final report will identify these areas of learning and disseminate them accordingly.

Potential Investigative Actions	Witness corroboration available	Any obvious corroboration from identified witnesses should be pursued in the first instance.
	Other immediately available evidential lines of enquiry	Any lines of enquiry identified from the victim account which would prove or disprove the credibility of an allegation such as forensic opportunities, documentation held by the victim, first complaint evidence.

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	Readily retrievable, relevant official documentation	Any documentation such as diaries, travel documents, minutes of meetings which has been identified as assisting the investigation where the location is known and easily accessible.
	Readily retrievable, relevant third party material	Any third party material which has been identified as assisting the investigation where the location is known and easily accessible.
	Potential official documentation available, extensive search required	Any documentation which has been identified as assisting the investigation but its presence is not confirmed and a search would be resource-intensive.
	Third party material available, extensive search required	Any third party material which has been identified as assisting the investigation but its presence is not confirmed and a search would be resource-intensive.
	No immediate proportionate and timely investigative opportunities	Enquiries that fall into this category should only be undertaken in consultation with the SIO and there must be an extraordinary and justified rationale to pursue.

## **Appendix C - Statement of Members of the Scrutiny Panel**

We four independent members of the Operation Conifer Scrutiny panel were appointed by Wiltshire Police. We have each signed confidentiality and non-disclosure agreements. We have volunteered to assist Wiltshire Police because they have welcomed oversight from independent professionals of diverse backgrounds and experience. While we have drawn upon our collective expertise in ethics, psychology, human rights and police oversight, we have also been invited to comment on the investigation as members of the public who were provided the type of confidential access to a police investigation that could not ordinarily be the case.

At all times our role was to scrutinise investigation decisions, and not to make those decisions. We were asked to be a sounding board to test the reasonableness and proportionality of a challenging inquiry. Ultimately, responsibility for the investigation must lie with the Chief Constable and his force, but we have endeavoured as best we could, to contribute to the quality of the process, by asking questions and sharing our observations at each stage. We were conscious throughout that we should avoid usurping the function of the police themselves, and indeed this was never asked of us.

We wish to record that at all stages Wiltshire Police have allowed us to check and test their decision making and approach to all aspects of the investigation. We are satisfied that we have been able to participate as a panel on the basis of full and sufficient briefings as to the content of the evidence. Moreover, in our meetings with the investigation team, both individually and collectively, we have been actively invited to provide input. This has included access to Gold group meetings, and specially arranged conferences that have focussed on the drafting of this Summary Closure Report. We have been particularly impressed by the extent to which the Chief Constable, Gold Commander and SIO and their teams have always considered our opinions and dealt with our queries.

The Scrutiny Panel believes that the investigation was fair, sensitive and rigorous with regard to both victims and suspects. As he cannot answer the allegations against him, there is an unavoidable gap in the evidence with regard to Sir Edward Heath. However, in our judgment the position that Sir Edward held in British public life meant that it was entirely warranted to consider the disclosures that were made and to produce a summary of the investigation in the format that is published in this document. We wish to commend Wiltshire Police for conducting a thorough, but proportionate investigation. We also acknowledge their efforts to safeguard vulnerable witnesses and to prevent disclosure of confidential

information. This was arguably a unique event in British policing, and we believe that the Force has met the challenge.

**Perdeep Tandy, Dr Elly Hanson, Professor *Vassilios Papalois* and Danny Friedman QC**