

Witness Name: Janine McKinney

Statement No: WITN0082001

Dated: 30 October 2025

## THE NOTTINGHAM INQUIRY

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### FIRST WITNESS STATEMENT OF JANINE MCKINNEY

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I, Janine McKinney, will say as follows: -

#### Introduction

1. I am the Chief Crown Prosecutor for the East Midlands Crown Prosecution Service (“**CPS**”).
2. This witness statement is made to assist the Nottingham Inquiry (the “**Inquiry**”) with the matters set out in the rule 9 request dated 4 August 2025 (the “**Request**”).

#### Background

3. I was admitted as a Solicitor in November 1989 following articles of clerkship in Leicester. After just over a year in private practice, I joined what was then Nottinghamshire CPS as a Crown Prosecutor in January 1991 and two years later became a Senior Crown Prosecutor (“**SCP**”). In 2003 I was promoted to District Crown Prosecutor (“**DCP**”). I then moved to what was then Derbyshire CPS as a Senior District Crown Prosecutor (“**SDCP**”) in 2012. I was appointed

Deputy Chief Crown Prosecutor (“**DCCP**”) for CPS East Midlands in July 2013. I became Chief Crown Prosecutor (“**CCP**”) for CPS East Midlands in October 2015.

4. As CCP I provide legal leadership across the CPS East Midlands Area. As part of my role, I chair a monthly Casework Quality Assurance Board (“**CQAB**”) attended by my Area DCPs, my Area SDCPs and my Senior Crown Advocate (“**SCA**”). The CQAB ensures that there is governance in place for management and oversight of the Area’s high risk and sensitive cases. Discussions take place on a number of cases each month at the CQAB.
  
5. Each month as CCP I send a return to the Director of Legal Services (“**DLS**”) of the Area’s high-risk cases with an explanation of how those risks are being managed and mitigated. The return contains protest case notifications, offences involving Parliamentarians, sensitive cases, cases requiring the consent of the Attorney General, and high-profile cases, together with 3 casework successes. This case was on the return to the DLS each month throughout the proceedings and would have been discussed on occasions in the life of the case. There were occasions outside this meeting where I was made aware of developments in the case. This may have been verbally or via email or in a case conference (see further below). My role, both as CCP generally and in respect of this specific case is of a management and oversight nature, rather than being the person who made the decisions, for example, as to charge and acceptance of pleas. It may assist to provide an overview of the number of cases dealt with by East Midlands CPS. There are over 13,000 live cases in CPS East Midlands at any time. Of those, less than 100 are homicides

(69 at the time of drafting), but some of those homicides will have more than one bereaved family, as in this case. On my internal casework log there are over 150 cases, of which between 30 and 60 are on the returns submitted to the DLS team at the end of any particular month. Given the very large number of cases in the Area, I do not generally take a “hands on” role in the decision making in individual cases.

### **Charging Decision**

6. I became aware of this case when I returned to work in July 2023 following a period of absence for cancer treatment. By the date of my return, the charging decision had already been made. It follows that I was not involved with it.
  
7. My involvement in this case was that I obtained assurances as to how the case was being handled from my Complex Casework Unit (“CCU”) team on a regular basis. I was informed about a number of key events, decisions and communications, but I did not actually make any legal decisions, nor did I have any face-to-face contact with the bereaved families or the survivors. This is the normal level of involvement that a CCP would have. The matters that I was informed about, or was involved in as the case progressed include: being informed on 2 October 2023 that the defence had served a psychiatric report which raised the partial defence of diminished responsibility [CPSE0001809], being informed on 25 November 2023 that the families of Grace and Barnaby were dissatisfied with the CPS’ intention to accept guilty pleas to manslaughter [CPSE0000039] and attending a meeting on 27 November 2023 to discuss the instruction of a fourth psychiatric expert, to address some of the concerns

raised by the families. My involvement in the case also included sending letters to the bereaved families on 18 December 2023 [CPSE0000200, CPSE0000207, CPSE0000209, and CPSE0000211] to explain the decision to accept pleas to manslaughter and sending further letters upon the conclusion of the case, inviting the families to a further meeting to discuss the outcome [CPSE0000215, CPSE0000217, CPSE0000218, CPSE0000219]. I was both assured during the monthly casework discussions at CQAB and satisfied that this case was being handled and progressed appropriately by the CCU team. Towards the end of the case, I conducted interviews with a number of journalists and press releases in my name were provided to the media.

#### **Police investigation**

8. I am asked to comment upon any concerns I may have in respect of the investigation that was carried out by police in respect of Valdo Calocane (“VC”). As CCP I would not be aware of nor involved in a police investigation. If my team have concerns about the work of the police, they would escalate those concerns through the line management at CPS. It would be unusual for an issue on a specific case to reach me and have to be resolved between myself and the Chief Constable. It has happened and does continue to happen on occasions but it is unusual. In any given case, we may flag in our CQAB that the police need to do some particular work or move more quickly on something but my team would generally be able to progress this and do not need to escalate to me.

9. I was not at work when the investigation commenced nor when the charging decision was made. Once I was aware of the case from July 2023 onwards, I do not recall any concerns about the police investigation being raised with me to escalate. It follows that I do not have any concerns about the investigation carried out by the police.

### **Communication with the Survivors and Bereaved Families**

10. Prosecutors will offer to meet with bereaved families in homicide cases at key stages of the criminal justice system process, from the charging decision to conclusion of the case, to explain the anticipated progress of the case and what is likely to happen at each stage of the process. The purpose of each meeting will vary depending on the circumstances of the case and the stage of the proceedings. Communications to bereaved families should generally be by letter delivered via the police Family Liaison Officer ("**FLO**").

11. In this case, I was away from work when the first letter was sent to the families notifying them of the charging decision. I was therefore not involved with the initial communication with the families.

12. I did however approve and hand sign a letter to each of the families on 18 December 2023 to notify them of the decision to accept pleas to manslaughter. See for example [**CPSE0000200**]. Similarly, I approved a second letter to be sent to the families on 29 January 2024, following the sentencing hearing, inviting them to attend a further meeting with the CPS, should they wish to do so [see, for example **CPSE0000215**]. A third letter was sent on 5 February

2024 [WITN0080007, WITN0080008, WITN0080009 and WITN0080010]. The invitation to meet post-sentence was ultimately not taken up by any of the families. Although Elaine Newton initially indicated a desire to meet, she subsequently changed her mind, confirming that she did not require any further clarification regarding the sentencing and indicated that she was grateful for the support and compassion provided to her by the CPS during the case [CPSE0010001].

13. I did not meet with any of the survivors or bereaved families in this case.

14. I am asked whether I believe that all of the bereaved families in this case were offered the same level of support by CPS. I do believe that is the case. The Bereaved Family Scheme was carefully considered by the CPS team to ensure that all necessary steps in accordance with our guidance were complied with [WITN0080005]. The engagement is detailed in the chronology coloured black, blue, green and purple as set out in the HMCPSI report [HMCP0000625]. There is an additional document setting out the specific chronology of engagement with the family of Ian Coates [HMCP0000613]. The families all requested and had different engagement at different times, but they were all offered the same level of support. I was aware that CPS had offered meetings with each family and that meetings were taking place with each family at times that best suited their needs and preferences. This included CPS staff travelling outside of the East Midlands area to meet families.

15. I was made aware that two of the bereaved families, the Webber family and the O'Malley-Kumar family had raised concerns about the acceptance of pleas to

manslaughter on the grounds of diminished responsibility and that meetings were set up specifically to discuss that issue, at their request. The Coates family did not request such meetings. I completely understand that all families are different. Some want more information than others, and at different times. It would not have been appropriate for us to tell one family what was happening with another. I was satisfied that from the very beginning we had offered to meet when the families wanted and felt able to, we kept the families updated on key developments, we met them in person when they felt able to, we wrote to them all so they had the same information at the same time and tried our best to tailor what we did to accommodate what each family requested in so far as we are allowed to do so. (We were not, for example, able to provide copies of the evidence, including the psychiatric reports whilst legal proceedings were underway, in order to ensure that the proceedings were not jeopardised in any way).

16. I have been asked if I consider that my conduct and decision-making complied with applicable guidelines and good practice, in particular, the Victim's Code [WITN0080006] and the Bereaved Family Scheme [WITN0080005]. As is apparent from the above, I did not personally make the decisions in this case. I do however consider that the CPS team as a whole complied with its obligations.

17. From the chronologies of contact that I have seen [HMCP0000625 and HMCP0000613], it is apparent that the bereaved families were all sent an introductory letter dated 16 June 2023 via their FLO. Ian Coates's family attended Nottingham Crown Court for the preliminary hearing on 20 June 2023,

where they met with the reviewing lawyer and Junior counsel. The outcome of the hearing was explained, including that the case would centre on medical evidence relating to the defendant. At this stage, the other bereaved families did not wish to meet CPS, nor did the surviving victims.

18. On 2 October 2023, I was informed by email that the defence psychiatric report had raised the partial defence of diminished responsibility (“DR”) [CPSE0001809]. Some time after this, Barnaby and Grace’s families asked for a remote hearing together, prior to the Plea and Trial Preparation Hearing (“PTPH”) on 28 November 2023, to understand DR. I understand from the chronologies that the meeting was held with both of those families, CPS, counsel and the police on 24 November 2023. I was not present at the meeting, but I was informed after the meeting that it had been explained that pleas would be accepted to manslaughter on the grounds of DR. Ian’s family did not want a meeting with CPS at that stage, but planned to attend the PTPH when CPS would speak to them. However, in the circumstances it was important to inform Ian’s family and the survivors that the CPS intended to accept pleas to manslaughter on the grounds of DR. They were all therefore informed at the same time as the meeting was taking place.

19. On 25 November 2023, Samantha Shallow sent an email to me, Andrew Baxter, Michelle Mannion and Alan Murphy explaining that Grace’s family were not content with the decision to accept the psychiatric assessments. They raised a particular concern that the reports were too focussed on the defendant’s mental state some considerable time after the offences took place. Grace’s father, Dr Kumar specifically requested that a further report be obtained to address the

defendant's mental state at the time of the offences. [CPSE0000039]. On 27 November 2023, a meeting was held between Samantha Shallow, Andrew Baxter, Michelle Mannion, Alan Murphy, Graham Buchanan and I to discuss the next steps. [CPSE0000405] At that meeting, it was agreed that, subject to his availability, Dr Richard Latham would be instructed to prepare a fourth report. It was noted that the defence would enter guilty pleas at the PTPH the following day and prosecution counsel would request further time for the CPS to consider its position. All families were advised of this via their FLOs. This decision was reached in order to provide reassurance to the families that the CPS was making the correct decision and to ensure that we had complied with our obligations under the Victim's Code [WITN0080006].

20. I understand from the chronologies that CPS and counsel met with the families of Ian and Grace at the PTPH hearing on 28 November 2023. Barnaby's family did not attend this hearing and were therefore not present during this meeting. I also was not present at this meeting.

21. I am aware that the CPS sent the concerns of Grace's family regarding the expert evidence to the fourth instructed psychiatric expert asking him to address these if he felt able to do so. I am also aware that Samantha Shallow travelled to Bristol to attend a meeting lasting several hours with Grace and Barnaby's families to go through the psychiatric reports on 7 December 2023 [CPSE0002660]. I was not present at this meeting.

22. Once CPS decided to accept the pleas to manslaughter, a letter (approved and signed by me) was sent to the families on 18 December 2023 to explain the

decision and to offer another meeting with CPS [CPSE0000200, CPSE0000207, CPSE0000209, and CPSE0000211]. The letters were hand delivered to the Bereaved Families by their FLOs on 19 December. The surviving victims were also notified.

23. I understand from the chronologies that on 15 January 2024 a further meeting took place with Grace and Barnaby's families that focused on the sentencing options. The following week, on 23 January 2024, the CPS met with Ian's family prior to the sentencing hearing. After the sentencing hearing, the CPS offered to meet with the bereaved families on 7 February 2024 but none wished to take up that opportunity.

24. I am asked if I was involved in providing any wording to the police which could be passed on to the bereaved families and/or survivors (for example in relation to the concept of diminished responsibility). I do not recall being involved in this and it is not something that a CCP would ordinarily become involved with. The letter sent to the families on 18 December 2023 did however explain the concept of diminished responsibility.

25. I am asked if I experienced any issues with respect to the handling of communications. I do not recall experiencing any such issues. I did routine pre-recorded media interviews and approved press releases. In cases that attract media interest it is usual for CPS to engage with the media. This ranges from a charging announcement, to a statement at the end of the case, a steps of the court statement and/or, as in this case, pre-recorded interviews with a number of media outlets. The purpose of this is to be open and transparent and to put

some context around our involvement or explain a particular aspect - in this case the partial defence of DR.

### **Expert Evidence**

26. I do not recall having any involvement in the instruction of Dr Blackwood but I had confidence in the selection of him by my team. This is because the team dealing with this case were highly experienced prosecutors who have dealt with sensitive and complex cases for many years. I would not generally be involved in the drafting of instructions to experts, nor the selection of the expert. I do not recall having any involvement in the drafting of instructions to Dr Blackwood but I had confidence in the drafting of these by my team. The Inquiry has asked whether I was satisfied that Dr Blackwood's report "adequately addressed" the relevant issues in the case. I was so satisfied - his conclusions are based on VC's relevant history and the evidence of VC's behaviour between 11-13 June 2023.

27. Dr Latham was instructed because of the concerns raised by Grace and Barnaby's families as a result of which, the CPS considered the matter further, including re-considering our obligations under the Victim's Code [WITN0080006]. To provide some reassurance to the families that the psychiatric opinion was correct, CPS agreed not to accept the pleas entered at PTPH on 28 November 2023 and instead to commission a fourth psychiatric report. This report was commissioned from Dr Latham. Whilst I was aware that Dr Latham was to be instructed [CPSE0002876] I do not recall having any

involvement in the instruction of Dr Latham (i.e. I do not recall approving draft instructions or selecting him). I did however have confidence in the selection of him by my team.

28. Dr Latham was specifically asked to review the 3 existing reports focussing on VC's state of mind at the time of the offences. The concerns of the O'Malley-Kumar and Webber families were considered when instructing Dr Latham. It was because of their concerns and the CPS obligations under the Victim's Code [WITN0080006] to provide reassurance to them that the psychiatric opinion was correct, that a fourth psychiatric report was sought.

29. The Inquiry has asked whether I was satisfied that Dr Latham's report "adequately addressed" the relevant issues in the case. Dr Latham was asked to review the 3 existing reports focussing on VC's state of mind at the time of the commission of the offences, review the material considered by the psychiatrists and the conclusions they came to and offer an opinion on the same. He did consider all the evidence in the case, all of the medical records and all of the disclosed unused material. Dr Latham's report provides compelling support for the findings and conclusions of the 3 psychiatrists.

### **Acceptance of Pleas**

30. The Reviewing Lawyer made the decision to accept the pleas to manslaughter on the basis of diminished responsibility. I was not the decision maker but I was aware of the decision (having been copied into emails about it) and was fully supportive of this decision and of the rationale for accepting the pleas

(CPSE0003018, CPSE0003019, CPSE0007615 and CPSE0007616). I don't recall being involved in any specific discussions on this point but I may have been in a meeting where it was discussed.

31. The Code for Crown Prosecutors ("**the Code**") [WITN0080003] was the primary reference point for legal decision making in this case. In addition, the CPS legal guidance on the approach to be taken when DR is raised by a defendant as a partial defence to murder was followed [CPSE001216]. In my opinion, this guidance is sufficient and adequate. It sets out that the onus is on the defendant to establish DR on the balance of probabilities. The guidance goes on to explain that usually the prosecution will need to obtain evidence from a further expert and then further review the case. That guidance was followed. If there is no realistic prospect of conviction for murder, the evidence is unequivocal, uncontradicted and has plainly met each element for DR, as in this case, the plea of manslaughter should be accepted. A case that does not pass the evidential stage of the Code test must not proceed, no matter how serious or sensitive it may be.

### **HMCSI Review**

32. I have been asked whether I believe that the HMCSI review is "factually accurate and adequately" sets out the history of the case and the basis of the CPS decision making. I do believe this is the case.

### **Lessons Learned**

33. I have not identified any issues, and I do not believe there are any lessons to be learned from the decision making nor of the handling of our communications in this case, save for the single recommendation made in the HMCPSI report regarding the use of the terms “consult” and “consultation.” The report recommended that the CPS should undertake a review of all guidance relating to victims’ engagement to ensure that all staff are aware of when the use of the terms “consult” or “consultation” are appropriate. The recommendation was made because in fact, the CPS inform, rather than consult victims and bereaved families when the decision is made on the evidential stage of the Code test. This recommendation has been completed. Following the HMCPSI recommendation, our national guidance relating to engagement with victims has been reviewed and altered to ensure that all staff are aware of the change.

34. I do not consider there was anything else we could or should have done differently. Our legal decision making was sound and described by HMCPSI as “correct”. I believe that our communication with the bereaved families and survivors was considered, compassionate and complied with our obligations under the BFS [WITN0080005] and the Victim’s Code [WITN0080006]. I am always conscious that behind the case papers are real people who have experienced something traumatic and whose lives are impacted by the way we handle their cases. Even though I did not personally meet any of the bereaved families or survivors in this case, I cannot begin to imagine how utterly devastated they must be. My team tried their utmost to be sensitive to the needs, wishes and concerns of the families whilst at the same time complying

with the Code, relevant guidance, the BFS [WITN0080005] and the Victim's Code [WITN0080006].

35. Looking back, I do not consider that we could have done anything else to improve communication with and treatment of the bereaved families and survivors. All of the bereaved families were offered the same opportunity to meet with the CPS. Ian's family met with CPS at Court. Grace and Barnaby's families wanted to meet outside of the court timetable. The HMCPSI report suggests that Ian's family should have been told about the meetings CPS were holding with the other two bereaved families. I do not agree with this. I believe this would have been a breach of confidence and it would have been inappropriate to tell Ian's family what the other families were doing at the time. It would also have been inappropriate in my view to have asked Grace and Barnaby's families if Ian's family could come to their meeting. The HMCPSI report states that "the same level of service should be provided to all." I believe that it was, as offers to meet were made (and renewed) to all families. On 22 November 2023 the police confirmed to us that "at this stage, the Coates family do not wish to meet with CPS specifically." [HMCP0000613]. It would therefore have been inappropriate to tell them about and suggest involving them in a meeting with the other two bereaved families that took place 2 days later.

36. As I have not identified any further issues there are no recommendations that I can suggest. I appreciate that each family is different and the different reactions and responses to the death of a loved one require individualised and sensitive handling. If there are any specific suggestions or recommendations that the Inquiry would like me to consider, I am of course happy to do so.

## Statement of Truth

37. I believe the content of this statement to be true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

Signed:

**GRO-B**

Dated: 30 October 2025

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2	CPSE0000039	Email from Samantha Shallow to Alan Murphy, Andrew Baxter, Janine McKinney and others, re: URGENT - Op Hendrix
3	CPSE0000200	Letter from Janine McKinney, CPS to Dr Sanjoy Kumar MBE and Dr Sinead O'Malley-Kumar, re: CPS's reasoning behind their decision
4	CPSE0000207	Letter from Janine McKinney, CPS to Mr and Mrs Webber, re: CPS's reasoning behind decision
5	CPSE0000209	Letter from Janine McKinney, CPS to James Coates, Lee Coates, and Darren Coates, re: CPS's reasoning behind decision

6	CPSE0000211	Letter from Janine McKinney, CPS to Elaine Newton, re: CPS's reasoning behind decision
7	CPSE0000215	Letter from Janine McKinney to Dr Sanjoy Kumar and Dr Sinead O-Malley-Kumar re offer to meet with Dr Sanjoy Kumar and Dr O'Malley Kumar along with the Director of Legal Services, Greg McGill and Head of Complex Casework, Samantha Shallow, on 07/02/2024
8	CPSE0000217	Letter from Janine McKinney to James Coates re: Offer to meet with Janine McKinney, Greg McGill and Samantha Shallow from the CPS
9	CPSE0000218	Letter from Janine McKinney to Mr and Mrs Webber re: Offer to meet with Janine McKinney, Greg McGill and Samantha Shallow from the CPS
10	CPSE0000219	Letter from Janine McKinney to Ms Elaine Newton re: Offer to meet with Janine McKinney, Greg McGill and Samantha Shallow from the CPS
11	CPSE0010001	Email from Janine McKinney to Alan Murphy, Samantha Shallow, Michelle Mannion and others, re: FW: External Email - CPS case reference number 31CF0944023
12	WITN0080005	CPS Bereaved Families Guidance
13	HMCP0000625	Report dated March 2024 compiled by HMCPsI re: An inspection of Crown Prosecution Service actions in the Valdo Calocane case - The events in Nottingham on 13 June 2023.
14	HMCP0000613	Report dated [unknown date], compiled by HMCPsI re: Chronology of engagement with bereaved family of Mr Ian Coates - Op

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15	WITN0080006	Victim's Code
16	CPSE0000405	Minutes of Meeting regarding the BFM, the bereaved families and Valdo Calocane's plea
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18	CPSE0002876	Email from Alan Murphy to Samantha Shallow, Andrew Baxter, Janine McKinney and others Re: Op Hendrix - Richard Latham
19	CPSE0003018	Email from Samantha Shallow to Andrew Baxter, Janine McKinney and Graham Buchanan, re: Op Hendrix Acceptance of Pleas - DPP briefing
20	CPSE0003019	Memo from Samantha Shallow, CCU Head, CPS East Midlands to Director of Public Prosecutions, Re: Op Hendrix Acceptance of Pleas
21	CPSE0007615	Email from Alan Murphy to Samantha Shallow, Andrew Baxter, Janine McKinney and others, re: URGENT - Op Hendrix
22	CPSE0007616	Expert Report from Alan Murphy, re: Review at to the material considered by the psychiatrists, East Midland Complex Casework Unit
23	CPSE0010216	Homicide - 9 Sept 2022 version.pdf
24	WITN0080003	Code for Crown Prosecutors