



JUDICIARY OF
ENGLAND AND WALES

In the Southwark Crown Court

R

-v-

Rolf Harris

Sentencing remarks of Mr Justice Sweeney

4 July 2014

Rolf Harris you are 84 years old. You have no previous criminal convictions or cautions recorded against you. You are no longer in the best of health. For well over 50 years you have been a popular entertainer and television personality of international standing – with a speciality in children’s entertainment. You are also an artist of renown. You have been the recipient of a number of honours and awards over the years. You have done many good and charitable works and numerous people have attested to your positive good character.

But the verdicts of the jury show that in the period from 1969 to 1986 you were also a sex offender - committing 12 offences of indecent assault on 4 victims who were variously aged between 8 and 19 at the time. There were a number of aggravating features. You took advantage of the trust placed in you, because of your celebrity status, to commit the offences against three of your victims ‘A’ (Count 1), ‘B’ (Count 2) and Tonya Lee (Counts 10-12). All your offences in relation to ‘C’ (Counts 3-9) were committed in breach of the trust that her parents had placed in you, and two of them took place in her own home. In every case the age gap between you and your victim was a very considerable one. You clearly got a thrill from committing the offences whilst others were present or nearby. Whilst such others did not realise what you were doing, their presence added to the ordeal of your victims. It is clear from the evidence that what you did has had a significant adverse effect on each victim, and particularly so in relation to ‘C’ who suffered severe psychological injury in consequence. None of the victims had the confidence to complain at the time. Each, including Tonya Lee, and especially ‘C’, showed considerable courage in eventually coming forward and in giving evidence.

You have shown no remorse for your crimes at all. Your reputation now lies in ruins, you have been stripped of your honours but you have no one to blame but yourself.

On Count 1 you indecently assaulted ‘A’ in 1969 (when she was aged 8 and you were aged 39). You did so when you made an appearance at the Leigh Park Community Centre in Havant, and she approached you for your autograph. Others were present. Taking advantage of your celebrity status, you twice put your hand up her skirt between her legs and touched her vagina over her clothing. In her Victim Impact Statement ‘A’ states, which I

am sure is true, that you took her childhood innocence - for which she blamed herself and became an angry child and teenager, unable to express herself and unable to trust men. She continued "I have carried what Rolf Harris did to me for most of my life, it took away my childhood, it affected every aspect of my life from the point he assaulted me. Something that he did to me for fun that caused me physical and mental pain for his own pleasure and then probably forgot about as quickly as he did it, has had a catastrophic effect on me....."

On Count 2 I have no doubt that you indecently assaulted 'B' in July 1978 (when she was aged 16. and you were aged 48). You did so on the day that you took part in Star Games on Jesus Green in Cambridge. You were clowning around and took advantage of the fact that she was somewhat awestruck. Again others were present. You groped her bottom, squeezing her left buttock a number of times. In her Victim Impact Statement, which I am also sure is true, she says amongst other things "...Rolf Harris took advantage of me and made me feel ashamed. That an adult man could do what he did to me made me feel so powerless. He treated me like a toy that he played with for his own pleasure with absolutely no regard for what he was inflicting and then getting on with his life as if nothing had happened....".

'C' and her family began living across the road from you and your family in Sydenham in the mid 1960s. She and your daughter Bindi became the very best of friends. In late 1978 when 'C' was aged 13 and you were aged 48 you were allowed by 'C's parents to take her on holiday with your wife and Bindi to Canada, Hawaii and Australia. Her parents trusted you to look after their daughter and continued to do so after the end of the holiday. I have no doubt that you fancied 'C' – even at that young age. I make clear that I am not sentencing you in relation to what happened on that holiday, but I am sure, in the light of the jury's verdicts, that 'C' gave truthful evidence as to what occurred, and that it was the indecent assaults that you carried out on that holiday that emboldened you to commit offences against her in this country thereafter.

On Count 3 you indecently assaulted 'C' in the latter part of 1980 by which time she was aged 15 and you were aged 50. You had moved to Bray, and were visiting the 'Cs' with your wife. You committed the offence in breach of trust, and it was further aggravated by being committed in 'C's own home. You left your wife and 'C's parents downstairs and you went up to 'C's bedroom on the top floor of the house. You spat on the fingers of one hand, put that hand down her jeans and knickers, and digitally penetrated her vagina. The episode lasted for about a minute until she managed to get away.

On Count 4 you indecently assaulted 'C' after Xmas 1980 when she was still aged 15 and you were aged 50. Again you were visiting the 'C's with your wife. Again you committed the offence in breach of trust and it was further aggravated by being committed in 'C's own home. You left your wife and 'C's parents downstairs whilst you went up to the TV room on the first floor where 'C' was. You spat on the fingers of one hand, put that hand down her dungarees and knickers and digitally penetrated her vagina. You continued for up to a minute until she managed to get away.

Counts 5 & 6 arose from a single incident in the period between the autumn of 1980 and Easter 1981 when 'C' was aged 15 and you were aged 50. 'C' was visiting Bindi at Bray and was permitted by her parents to stay – sleeping in one of two single beds in Bindi's room. On this occasion after Bindi had got up, and whilst she and/or your wife were in the house, and again in breach of trust, you went into the bedroom where 'C' was still in bed. You took her pants down, spat on the fingers of one of your hands, and digitally penetrated her vagina

(Count 5), then you took off your glasses bent down to her vagina and started licking it (Count 6) - continuing until she closed her legs and pushed you away.

Counts 7 & 8 arose from another single incident in the same period between the autumn of 1980 and Easter 1981— and thus when 'C' was still aged 15 and you were aged 50. Again 'C' was visiting Bindi at Bray and was sleeping in one of the two single beds in Bindi's room. On this occasion, whilst Bindi was still asleep in her bed and 'C' was in the other bed you entered the room, again in breach of trust, pulled 'C's pants down to her ankles, spat on the fingers of one hand and digitally penetrated her vagina (Count 7), then you licked her vagina again keeping an eye on Bindi (who was still asleep) as you did so (Count 8) - continuing until 'C' closed her legs and pushed you away.

On Count 9 you indecently assaulted 'C' in 1984 when she was aged 19 and you were aged 54. On this occasion she and her mother were visiting your wife at Bray. 'C' was using the indoor swimming pool when you appeared in your swimming trunks and got in. Your wife and Mrs 'C' (who trusted you) withdrew to another part of the house whereupon you touched 'C's breasts and then put one of your hands down her bikini bottom and digitally penetrated her vagina.

Whilst I do not sentence you in relation to what you did to 'C' in the decade that followed that offence, I am sure that offences against her continued until 1994. Indeed the point is made on your behalf that you have not committed any further offences since then.

In her Victim Impact Statement, which I am sure is true, 'C' says, among other things, "...The attacks that happened have made me feel dirty, grubby and disgusting. The whole sordid saga has traumatised me. I have panic attacks and suffer from anxiety. The effects of the abuse have been with me for many years. I started drinking at the age of 14 to 15 years old. This was to block out the effects of what he was doing to me. This had an effect on my relationship with my parents and people close to me. The slightest thing would upset me, I would get so angry, my reaction would be so disproportionate and over the top. As a young girl I had aspirations to have a career, settle down and have a family. However, as a direct result of his actions, this has never materialised. I have never had a meaningful relationship whilst sober. I have also never been able to hold down a job. This was down to the need to block out what he had done to me through drink. Rolf Harris had a hold over me that made me a quivering wreck....He made me feel like a sexual object. He used and abused me to such an extent that it made me feel worthless..... I suffered abuse at the hands of a person who thought he could get away with it. He made me feel that I would not be believed and as a result I suffered in silence. This has had a detrimental effect on my life and health outcome....".

I have no doubt, in view of the evidence given at trial by 'C', and by the doctors and counsellors who treated her, that it was your crimes against her that resulted in her becoming an alcoholic for many years with all that that entailed, and that thus (as I have already touched on) you caused her severe psychological harm

On Count 10 you indecently assaulted Tonya Lee on 31 May 1986 – when she was aged 15 and you were aged 56. She was one of the Shopfront Theatre Group from Sydney, Australia who were on a tour of the UK at that time. You knew the lady who was in charge of the Group, and at her invitation had attended the Group's last performance on the tour which was in South London. Thereafter you accompanied them to a public house called the Queen's Arms. It was there, in the presence of others, that you committed the offence.

Taking advantage of your celebrity status you got Tonya to sit on your knee, put your hand on her thigh under her skirt and moved it up to her vagina over her tights and knickers and fondled her there until she managed to make an excuse and fled to the Ladies toilet.

You followed her to the vicinity of the toilet and waited outside.

Counts 11 & 12 arose from a single incident after she came out. Others, although not present, were nearby. You got her in a forceful bear hug, put one hand down her top and into her bra and played with one of her breasts for about 30 seconds, fondling and squeezing it (Count 11). Then, really quickly, you moved the same hand under her skirt, down her tights and knickers and quickly digitally penetrated her vagina (Count 12). You then stopped and walked away.

In an email from Australia Tonya Lee writes that what you did to her was a turning point in her life that she has never recovered from. She says, among other things, that "...What Rolf Harris took from me was my self belief and more so the ability to feel safe. I have never felt safe since. I live in a constant state of anxiety"..., She goes on to describe the difficulties that she and her children have faced since and continues "...What Mr Harris took from me was my very essence. I believe that it was for Mr Harris a forgettable moment but it was something for me that I have never moved on from and will never forget..."

I proceed upon the basis, as both sides have invited me to, that (consistent with her evidence at trial) your offences were not the sole cause of Tonya Lee's problems

It was in the mid 1990s, and after it had stopped, that 'C' then still an alcoholic, finally told her family what you had done to her. In 1997 she confronted you and you sent that letter to her father in the hope of avoiding or minimising the consequences. You succeeded at that stage, but only because she was in no fit state to face making an official complaint.

However, following her brave recovery from alcoholism, and after extensive counselling and support from her family, it was 'C's eventual complaint in the autumn of 2012 which began the series of events that led to your prosecution and conviction.

I apply the approach to sentencing historic sexual offences set out in Annex B of the current Sentencing Council Definitive Guideline, and have also considered the guidance given in the judgment of the Court of Appeal in *Attorney General's Reference (No.38 of 2013)(R v Stuart Hall)* [2014] 1 Cr.App.R. (S.) 61

The maximum sentence on Count 1 is one of 5 years' imprisonment, on each of Counts 2-9 it is one of 2 years' imprisonment, and on each of Counts 10-12 it is one of 10 years' imprisonment.

With the exception of Counts 10 & 11 the equivalent offences today attract significantly higher maximum sentences. For example on Count 1 the equivalent offence today is sexual assault of a child which carries a maximum of 14 years' imprisonment and would be likely to involve a starting point of around one year's imprisonment. On Counts 3,4,5,7,9&12 the equivalent offence today is assault by penetration which carries a maximum sentence of life imprisonment and would be likely, to involve a starting point (given the severity of the psychological damage to 'C') of around 8 years' imprisonment on Counts 3,4,5,7, & 9 and a starting point of around 4 years' imprisonment on Count 12

On your behalf I am asked to take into account a number of matters in mitigation, including the following:

- (1) With the exception of 'C' the offences were brief and opportunistic.
- (2) The fact that you have no previous convictions and have led an upright life since 1994 - albeit it is accepted that that must be tempered by the reality, underlined in the *Attorney General's Reference* (above), that you got away with your offending for years.
- (3) The fact that you have a good side, that there are many people who know you who speak well of you, and that over many years you have dedicated yourself to a number of charitable causes.
- (4) The fact that you are not in the best of health, as attested to in the report of Dr Fertleman, and that therefore, although capable of serving a prison sentence, it will be particularly tough on you.
- (5) The fact that your wife, who you help in looking after, has various health problems, as attested to in the report of Dr Mitchell-Fox.
- (6) That you should be enabled to spend your twilight years with your family.

I have no doubt, despite your age and the other matters relied upon in mitigation on your behalf, that given the seriousness of the offences and particularly those in relation to 'C') and the extent of the aggravating features that I have identified only an immediate custodial sentence is appropriate for each. Sensibly, no argument to the contrary has been put forward on your behalf. Some of the sentences will be consecutive - in passing them I bear firmly in mind the principle of totality and have reduced a number of the sentences that I would otherwise have passed accordingly.

The sentences that I impose are as follows:

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| Count 1: | 9 months' imprisonment. |
| Count 2: | 6 months' imprisonment consecutive. |
| Count 3: | 15 months' imprisonment consecutive |
| Count 4: | 15 months' imprisonment concurrent |
| Count 5: | 15 months' imprisonment concurrent |
| Count 6: | 12 months imprisonment concurrent |
| Count 7: | 15 months' imprisonment consecutive |
| Count 8: | 12 months' imprisonment concurrent |
| Count 9: | 12 months' imprisonment consecutive |
| Count 10: | 9 months' imprisonment concurrent |
| Count 11 | 9 months imprisonment concurrent. |
| Count 12 | 12 months' imprisonment consecutive |

The total sentence is therefore one of 5 years and nine months' imprisonment

Unless released earlier, you will serve half that sentence when you will be released on licence for the remainder of the sentence. Should you breach the terms of that licence, including by the commission of further offences, you will be liable to recall.

Your convictions mean that you are automatically subject to the notification requirements of the Sexual Offences Act 2003 and you will also be considered under the provisions of the Safeguarding Vulnerable Groups Act 2006

In my view it is not appropriate for me to make any awards of compensation. The issues involved are too complex and the information before me insufficient for me to be able to properly do so.

You will however pay the costs of the prosecution in such sum as may be agreed or assessed in due course.

I order that a copy of the medical report from Dr Fertleman be provided to the Prison Service for their information.