

5.11 Deputy C.F. Labey of Grouville of the Minister for Homes Affairs regarding the number of prosecutions resulting from the historic abuse enquiry:

At the press conference on 12th November 2008 the Senior Investigating Officer stated he was not questioning that, historically, serious offences had been committed against children but that “there will however not be the number of court cases or prosecutions which were originally reported”; will the Minister state whose comments the Senior Investigating Officer was referring to, when they were made, what numbers were originally reported and the reasons for the shortfall?

Senator B.I. Le Marquand (The Minister for Home Affairs):

To a degree I am having to put myself into the mind of the Senior Investigating Officer at the time. I deduce that it must have been the view of the Senior Investigating Officer that it was a matter of public record that while precise figures were not detailed that statements made to the media by the former Senior Investigating Officer had raised expectations that a significant number of prosecutions would follow. Whereas by the time of the November press conference an assessment of the evidence by lawyers and police revealed that this was extremely unlikely. May I say I am having to put myself into the mind of an officer who has since left the force.

5.11.1 The Deputy of Grouville:

Is it not the case that the then new Senior Investigating Officer took his information from a press report and not the quoted elements of it and not the facts available to him on police records?

Senator B.I. Le Marquand:

I have no idea. I have looked at various relevant materials including the recorded press conferences and I noted from at least one of those a reference made by the Senior Investigating Officer in February 2008 to a large number of complainants. Now, it may well be that deductions have been drawn from that. My own personal view in relation to this matter is that expectations were raised of a large number of prosecutions and I think that is very unfortunate and very unfair, particularly to people who have been victims, either at Haut de la Garenne or elsewhere that their expectations should have been raised in this way.

5.11.2 The Deputy of St. Martin:

Can I ask the Minister, was it not a fact that the Senior Investigating Officer said: “There are a number of suspects to be interviewed” rather than there will be a number of prosecutions to follow. Would that not have been really what the investigating officer was saying in February. He would not have been in a position to say how many prosecutions there would have been at that stage.

Senator B.I. Le Marquand:

What the Deputy of St. Martin has just said corresponds with what I have seen on the recorded interviews. It was a number of complainants, a huge number of complainants involved rather than a figure of a number of prosecutions. I would agree with that.

5.11.3 Deputy M. Tadier:

The question may be best placed for the Attorney General but I think the Minister for Home Affairs can also answer part of it. Given the difference in the evidential test between criminal and civil cases, has the Minister put in any mechanisms at the disposal of potential victims who may want to pursue civil cases against alleged abusers?

The Bailiff:

I am sorry, Deputy, I think that is too far removed from question here which is all about prosecutions. Deputy of St. Mary.

5.11.4 The Deputy of St. Mary:

Does the Minister agree that one problem we are going to face in the debate on the appointment of the new Chief Officer is going to be his apparent unwillingness, in his reply to my written question 34, to let States Members see information that we need. We are constantly getting these replies that say ... that do not allow us to track an event like the skull and how it evolved to a coconut. I just want to see the entire trail and I just want confirmation from the Minister that we are going to get one, at least, trail so that we can evaluate this great debate, this great total difference between one set of opinions and another.

[11:15]

Senator B.I. Le Marquand:

I have publicly said on numerous occasions that once the disciplinary issues are completed in relation to the Chief Officer, which in my view will be on 21st July of this year at the latest, that I will want to put as much information to Members of this House and to the public as I can. But I am having to take advice in relation to exactly how much can be put out and in what form. This is the classic problem that Ministers have all the time in relation to reports, that there are references to individuals who are entitled to privacy, there are potential issues of libel, *et cetera*. These matters have to be looked at carefully and professionally. There is no lack of will on my part to put as much as possible, but what I can put I cannot tell at this stage.

5.11.5 The Deputy of St. Mary:

Supplementary, please. What the former Senior Investigating Officer claimed, and whether it was number of complaints or prosecutions, that is a matter of record and it is quite simple for us to have that information so that we can track, so that we can find out what the truth of this matter is.

Senator B.I. Le Marquand:

The press conference which took place in November 2008 is a matter of record. The details of that are surely already out in the public domain.

The Deputy of St. Mary:

The corroborating evidence. We do not have a single trail so that we can find out whether the accusations made in November 2008 stack up at all or not.

Senator B.I. Le Marquand:

There are 2 primary sources I believe of information. The first is parts of the Metropolitan Police report, their interim report which was produced in November 2008. Parts of that may well be available but not the whole of it because it deals with

detailed operational matters in relation to individual investigations and that could never be revealed. The major other issue will ultimately be the matters of the investigations conducted by the Wiltshire Police Force. Again, there is a greater class of detail, there is a mass of documents, there is a mass of statements, a whole ... from memory there were 20 plus lever arch files full of items there. Now, what can go into the public domain and what cannot, I simply cannot tell at this stage.

The Bailiff:

Deputy Tadier and then a final question from the Deputy of Grouville.

5.11.6 Deputy M. Tadier:

If I maybe try and rephrase my question so it is acceptable and I think it is relevant. Given that the Senior Investigating Officer said that he ... he did not deny the fact that abuse may have taken place, he simply said there was not enough evidence to prosecute so all I am asking is are the police going to give help or have they been giving help to those victims who may want to pursue civil cases, given that the evidential test and the evidence may be sufficient for a civil case and not for criminal ones. I hope that is related enough.

Senator B.I. Le Marquand:

It is the same question asked before which was disapproved but I will happily answer it. Again, that simply could not be part of my role. If individuals have civil claims then they should go and see lawyers and they should bring those civil claims. Certainly it is anticipated by the Council of Ministers that there will be civil claims and people need to go through a proper procedure in relation to that. But it is not a situation where I could be providing advice or whatever for them on that, other than what I just said.

5.11.7 The Deputy of Grouville:

The Minister answered in his previous question to me and said that expectations were raised, could it not be the case that expectations were raised about prosecutions because of the amount of evidence that the police had at that time and the amount of victims that did come forward? Would it not be reasonable for the victims to have expectations for justice?

Senator B.I. Le Marquand:

If, as I believe to be the case, the impression was given that there was going to be a huge number of successful prosecutions, that in my view was very unfortunate because the experience right across the world in relation to sadly similar situation is the number of successful prosecutions which result from initial complaints is very low indeed.