

2024.04.16.

4.9 Deputy C.D. Curtis of St. Helier Central of H.M. Attorney General regarding average time for serious sexual assault offences to be investigated and brought to Court (OQ.67/2024)

In respect of a serious sexual assault offence, will H.M. (His Majesty's) Attorney General advise the average time for this type of offence to be investigated and brought to court and how the victim and their family are kept informed of the status of their case?

Mr. M.H. Temple K.C., H.M. Attorney General:

If I may, I will answer the question in relation to rape cases in 2023 and in 2024, this year to date. For that time period, the total average time from a complainant in a case of rape being made to the police - or the complaint being made to the police - to trial and disposal in the Royal Court, the average time was 601 days, or about 18 months. For comparison, in England and Wales, although there are differences in the way that the data is collected, our best estimate is that the total average time from first complaint in a rape case was about 858 days, or 27 months. Specifically as regards the prosecution phase in court in Jersey in 2023, the average number of days from first charge of a defendant in court to trial and disposal in the Royal Court was 260 days, or about 8 months, whereas in England and Wales the average time from charge to trial in the Crown Court was 421 days. For rape cases, the average time currently to investigate and prosecute rape cases in Jersey is about a third quicker than in England and Wales. As regards keeping the victim and their family informed of the status of their case, that is done by the police officer in charge of the case and their independent sexual violence adviser if the complainant has consented to having one. Contact between the police and the victim and their family is informed by a victim communication plan. Finally, the police have also recently introduced a victim information and support guides, which provide much more information about serious sexual assault investigations and prosecutions.

4.9.1 Deputy C.D. Curtis:

Are there special measures in place to support reluctant or vulnerable witnesses and victims - for example, those with communication difficulties - including guidance in place regarding keeping the family informed?

The Attorney General:

Yes. There are special measures in court so the victim can give their evidence through and with the assistance of an intermediary who may be appointed to assist the victim with their evidence. A screen may be put up to shield the victim from the defendant or the public gallery. So there are special measures that the court can take to assist the victim with giving evidence. There are also measures that the police take in terms of achieving best evidence, which allows the victim to give their evidence, which can be video-recorded and may, in certain cases, be played in court rather than the victim having to give evidence-in-chief in a live court case. Sorry I did not catch the last part of the Deputy's question, perhaps she could repeat that.

Deputy C.D. Curtis:

The last part was just to ask if the families were also kept informed, especially in cases where the victim had communication difficulties, for example.

The Attorney General:

Yes, as I understand it, the police do have measures to keep the family informed and particularly in those sorts of cases where the victim may have communication difficulties. It does require the victim to consent to having an I.S.V.A. (independent sexual violence adviser), so it is dependent on the victim's consent, but the police officer in the case will always be responsible for liaising with the complainant or the victim and the victim's family in appropriate cases.

4.9.2 Deputy J. Renouf:

The U.K. (United Kingdom) court system is widely considered to be if not in crisis then certainly troubled, and therefore the comparisons that appear favourable may not be quite as favourable as they appear on the surface. Can the Attorney General indicate whether he feels that the delays that he outlined in terms of bringing cases to court in Jersey are the minimum that could be expected? In other words, the best that we can do, given the complexity and so on of those cases or does he think that there is considerable room for improvement in reducing those?

The Attorney General:

I thank the Deputy for that question. There is always room for improvement. Yes, the courts in England and Wales do have difficulties, and the investigations in England and Wales have difficulties. In terms of whether there is more that we can do to speed up investigation and prosecution times, that is something that we are always open to but the times that I have given, particularly for the court phase, are actually good times in the circumstances of dealing with these cases, which are very difficult. They may require forensic evidence, they may require investigation of phones, they may require detailed lines of enquiry with witnesses and they are incredibly difficult and sensitive cases to have to investigate. It may take time for the victim to be able to give their account. It may take multiple interviews for a victim to be able to give his or her account of their complaint. While, no, we are not complacent about these cases, it is an area that certainly my department has invested, and I think the police as well, a great deal of time and effort in terms of improving our investigation and prosecution rates. They are cases that we take extremely seriously and we want to achieve the best results that we possibly can, particularly in relation to these cases. **[Interruption]**

The Deputy Bailiff:

Who wants to volunteer? Whose phone was that? Could you make the normal financial contribution, Minister? Yes, thank you. Mr. Attorney?

The Attorney General:

I had finished my answer. Thank you.

Deputy J. Renouf:

I thank the Attorney General for his answer.

Deputy T. Binet:

A £10 infraction, my phone went off again.

The Deputy Bailiff:

Yes, that is right. Thank you very much for notifying us of that. Do you have a further question for the Attorney?

Deputy C.D. Curtis:

Just a final supplementary.

Deputy M. Tadier:

Sorry, I had my light on, I do not know if you saw it?

The Deputy Bailiff:

I apologise, I missed that with the ...

4.9.3 Deputy M. Tadier:

I think we all got distracted. Part of my question has been asked by the previous questioner, but would the Attorney General and the department consider benchmarking with jurisdictions other than the U.K. when it comes to matters of waiting times, et cetera?

The Attorney General:

The U.K., and England and Wales in particular, is the jurisdiction to which we are closest in terms of our criminal law - our substantive criminal law - and in many respects our procedural law as well. They really are the closest.

[10.45]

Guernsey and the Isle of Man are potential other jurisdictions but we are open to considering other jurisdictions - other Commonwealth jurisdictions possibly Australia and New Zealand, they might be other ones. But in terms of collecting this data, there is a cost and time element involved in collecting that data and one has to balance the cost and time involved as against putting the effort into actually investigating and prosecuting these cases, which I think is obviously the priority. But we are open to considering other comparators.

4.9.4 Deputy C.D. Curtis:

Is the Attorney General confident that current guidance, as described in the Victims and Witness Charter, is being upheld and is sufficient to ensure that victims are receiving an appropriate standard of care?

The Attorney General:

That question, I think, is perhaps largely directed to the police and to the Minister, perhaps on behalf of the police. As far as my department is concerned, as I have said, we do absolutely everything we can to investigate and prosecute these cases effectively. We do have some contact with victims, although there are strict limits on what we can do in terms of our contact with victims, because it is really confined to familiarising them with the process rather than going into the detail of their evidence. So for my department, certainly I can give that assurance. As far as the police are concerned, we work with the police a great deal in this area. We take a great deal of trouble to have regular joint training sessions to help them achieve the best evidence, best investigations that they possibly can. Some of the Deputy's question is not just directed at me, it is directed at other investigating authorities.