

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL  
BY DEPUTY T.M. PITMAN OF ST. HELIER  
ANSWER TO BE TABLED ON TUESDAY 25th SEPTEMBER 2012**

**Question**

Given the variation in the custodial sentences arising from recent child abuse cases, will H.M. Attorney General clarify what is actually taken in to consideration by the courts when reaching such decisions?

**Answer**

As for all other cases, the appropriate sentence in a child abuse case will depend upon the particular facts of each individual case. The term “child abuse” covers both physical and sexual abuse and the circumstances of individual cases may differ greatly.

In all cases which are brought before the courts, the courts will be referred to and will take into account sentences given in previous cases which are relevant to the case before it in determining the appropriate sentence. In cases which are dealt with before the Royal Court, the Attorney General moves Conclusions, in other words advises the Court on the appropriate sentence, and will have regard to the relevant previous cases before determining what Conclusions he should move.

As already stated, each case will depend on its own individual facts but the types of matter which the court will take into account before determining the appropriate sentence will include the nature and duration of the abuse, the number of victims, their age and vulnerability, the impact which the offender’s conduct has had, whether the defendant was in a position of trust and whether the defendant has pleaded guilty and spared the victims the ordeal of giving evidence. The court will also have some regard to the age and state of health of the defendant and matters that may be contained in reports prepared for the court by probation and other services.