

3.8 Deputy M.R. Higgins of the Minister for Home Affairs regarding the arrest and detention of H.G. on 26th September 2010:

With reference to the arrest and detention of H.G. on 26th September 2010, will the Minister explain the number of examinations made by the police force medical examiner on this lady and the total time spent on and the costs of these visits and also why statements made by the Dean, his wife and the Bishop were not taken for at least 6 hours after H.G.'s arrest?

The Deputy Bailiff:

You managed to get 4 questions past the Greffier.

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

H.G. was subject to 4 short examinations while in custody on 26th and 27th of September 2010, primarily in order to assess her fitness for detention. The cost was approximately £524. Following confirmation of formal complaint from the victims in this case, their statements were simply taken at the most appropriate and convenient time in order to support the charge of harassment.

3.8.1 Deputy M.R. Higgins:

The timeline shows that the doctor visited H.G, as we have just been told, 4 times and the psychiatrist once. Would the Minister for Home Affairs not agree that given the nature of the offence and that the church service H.G. was supposed to be disrupting ended at lunchtime on the Sunday, that her detention was completely inappropriate and caused her unnecessary distress, unnecessary time and expense incurred by paying for the medical attention and the arresting officer's overtime, and that the police bent over backwards to allow the Dean, his wife and the Bishop to enjoy their Sunday lunch when they should have been at the police station making their statements?

Senator B.I. Le Marquand:

No and no.

3.8.2 Deputy M.R. Higgins:

Is the Minister for Home Affairs saying they did not wait till after the Dean had his lunch before they asked him to make a statement? If someone makes a complaint, would you not normally take down the nature of the complaint and perhaps get the evidence before arresting a person?

Senator B.I. Le Marquand:

The police were aware of the nature of the complaints in this from previous complaints that had been made at earlier stages, in addition to the events which occurred on that day. For statements to be taken, first of all, it has to be convenient to people who are going to make the statements and, secondly, it has to be communicated to a police officer, there has to be a police officer who is in place and has the time to do the work. The 3 statements were taken consecutively, from which I assume they were taken by the same police officer or police officers. I am not able to comment on the domestic arrangements of the Dean or the Bishop.

3.8.3 Deputy T.M. Pitman:

In the Minister for Home Affairs's timeline it records that the final statement from the arresting officer was taken at 19.30 hours and completed at 19.45 hours and that H.G. was charged 2 minutes later at 19.47. Would the Minister for Home Affairs inform Members whether this timeline is correct and, if it is, why did it take a further 2 hours, until 21.43 hours

for P.A.C.E. (Police and Criminal Evidence Act) to non-P.A.C.E.? Was this because the Centenier refused bail to prevent H.G. from committing further offences?

Senator B.I. Le Marquand:

It is apparent from the timeline, which is the information which I have been given, that a decision to draw up charges must have been made much earlier and it would appear that coincidentally a statement was taken from the arresting officer quite late on, but it would be clear from the timeline that the statement of the arresting officer would have not been essential in order to draw up the charges. In relation to the change of categorisation of P.A.C.E. to non-P.A.C.E., that of course as the note on the timeline indicates, was because the Centenier has refused bail in order to prevent further offences.

3.8.4 Deputy T.M. Pitman:

Could the Minister for Home Affairs clarify for us how and why would a Centenier have any idea of whether the lady in question, H.G, was about to commit other offences in the reality of that 2-hour delay? Is the Minister for Home Affairs not concerned what impact that might have had on a young woman who was already deeply distressed?

Senator B.I. Le Marquand:

It is not clear to me exactly within the timeline as to what time the Centenier made the decision to refuse bail. It may have been at 21.43 but because I am working off notes which were made, sometimes the decision may have been made slightly earlier than the time at which it is recorded. It is a normal matter for a prosecutor, indeed subsequently for a court, to have to make an assessment as to whether or not they consider if there is a serious risk of further offending. That is based upon the information which they have before them in relation to what has happened in the past, current situation and so on. It is an assessment which has to be made by a prosecutor in every case. There is nothing unusual about that.

3.8.5 Deputy M.R. Higgins:

The Centenier refused bail on a case that normally would not merit bail not being given. Does the Centenier have to give a reason? Is it recorded anywhere his reasons for not granting bail? Also, can the Minister for Home Affairs tell us why the arresting officer could not have made his statement much earlier in the day, considering he arrested her in the morning, and why he had to come back that much later and also delay things later on and keep her still in the cells?

Senator B.I. Le Marquand:

To the latter question, I have no idea as to why the statement of the arresting officer was made so late because, as I have already said, it is not in my view relevant to the issue of the decision to make the charges. Unfortunately, I have now forgotten the first half the question.

The Deputy Bailiff:

Did the Centenier make a record of why he refused bail?

Senator B.I. Le Marquand:

There is a record, which I assume is the record of the duty sergeant, which says: "Centenier has refused bail in order to prevent further offences", that is down on the timeline which I gave last time under 21.43.

3.8.6 Deputy M.R. Higgins:

Is there any requirement on the part of the Centenier to explain his reasoning for that or has he just got the ability to say: "I do not like a person, I am going to not grant bail"; does he have to have formal reasons, or record his thought process in coming to his conclusion?

Senator B.I. Le Marquand:

I do not know the answer to that question, I have never come across a situation in which I have seen a document formally recording reasons. Of course, that is a matter for the practice of Centeniers, I have to say, and not within my knowledge either as Minister for Home Affairs or as Magistrate.