

Witness Name : [REDACTED]
Statement No : First
Exhibits: [REDACTED] 1 - [REDACTED] 18
Dated :

THE INDEPENDENT JERSEY CARE INQUIRY

Exhibit [REDACTED] 12

Jersey Care Leavers Association

From: Mike Higgins [REDACTED]
Sent: 14 August 2012 09:16
To: Jersey Care Leavers Association
Subject: Fwd: Re: FW: [REDACTED] Historic Abuse Allegation.

Jill

This is for your, [REDACTED] attention and not to be spread wider. I have not told Ian Le Marquand or the others that I have forwarded or copied you in.

Kind regards

mike

----- Original Message -----

Subject: Re: FW: [REDACTED] - Historic Abuse Allegation.

Date: Tue, 14 Aug 2012 09:13:13 +0100

From: Mike Higgins [REDACTED]

To: Ian Le Marquand [REDACTED]

CC: aaLeHerisslerR [REDACTED] Trevor Pitman [REDACTED]

Dear Ian

Thank you and everyone else for keeping me in the loop. I haven't answered any emails as I am up to my eyeballs in some time critical and heavily intensive matters to do with the air display. I do feel it necessary to respond to this latest email. I do so because it is factually inaccurate. Evidence relating to abuse at Haut de la Garenne has gone missing at Police headquarters, including statements made by [REDACTED] to the police before the major inquiry into it in recent years. At least two police officers were suspected of removing evidence and one at least I believe was subject to an investigation by an outside force regarding mislaid files which never again surfaced. Although it was said the report from them was career damaging he was in fact promoted under David Warcup. What is going on? The police have records that statements were taken but no statements can be found.

Ian you need to go back to Superintendent Gull and tell him to dig deeper. The days of superficial investigations are not good enough. This issue is not going to go away especially as I and others are hearing of more and more people coming forward and naming the same individual that [REDACTED] has and of whom there is not supposed to be sufficient evidence to warrant a prosecution. In my view it smells and I and others are determined that the truth will out.

Kind regards

mike

On 13/08/2012 12:05, Ian Le Marquand wrote:

Gentlemen, here is the response of Superintendent Gull in relation to the matters which you have raised with me concerning the criminal complaint of [REDACTED] and the issue of possible missing evidence.

You will see that Superintendent Gull has reviewed the files and is not aware of any evidence which is missing. I believe that the allegation of missing evidence is based upon the statement of [REDACTED] that that is what he was told at some time by a police officer. Is [REDACTED] able to say what evidence he thought had gone missing in relation to his case. If he has information on this then I will certainly feed this back to Mr. Gull so that he can conduct further checks.

In relation to the issue of the decision not to prosecute, you will see that [REDACTED] complaint is part of the Case 5 allegations and that these have been looked at by three different lawyers who all decided that there was insufficient evidence for a prosecution to be commenced. It is my understanding that the former Attorney General, now the Deputy Bailiff, only generally looked at cases where others thought that there was insufficient evidence and did so in order to satisfy himself that the opinions of the other two lawyers were correct.

I do not think that anybody is saying that there now exists new evidence in relation to this case other than possibly any missing evidence.

I have a suspicion that [REDACTED] may have misunderstood what he was being told and may have turned insufficient evidence into missing evidence in his mind. There was a misunderstanding recently in that [REDACTED] seems to have told Trevor that I was saying that he or Mike Higgins had a conflict of interests in some way, which I was not.

Finally, there is also the issue of [REDACTED] most recent complaint in relation to the police entering his home. I have previously

15/08/2012

indicated to one or more of you (but probably not to all three) that the police had indicated that they could not start investigating this whilst there was an outstanding related possible criminal case but that they would do so as soon as possible.

Ian Le Marquand

From: Chief Officer [REDACTED]
Sent: Monday, August 06, 2012 10:51 AM
To: Ian Le Marquand
Subject: FW: [REDACTED] - Historic Abuse Allegation.

Dear Mr Le Marquand,

Please see below the assessment of the Case relating to [REDACTED] by D/Supt Stewart Gull. The Chief Officer has asked that I forward this to you for review.

If you need anything else, please let me know.

Many thanks,

James

Insp James Wileman
Staff Officer
States of Jersey Police
PO Box 789, St Helier, Jersey, JE4 8ZD
[REDACTED]

From: Gull, Stewart
Sent: 01 August 2012 14:49
To: Chief Officer
Cc: Taylor, Barry
Subject: RE: [REDACTED] - Historic Abuse Allegation.

Sir

As requested, I have reviewed this case as an independent Senior Investigating Officer (SIO) having not been a serving States of Jersey Police officer when these allegations by [REDACTED] were made and investigated as part of Operation Rectangle during 2008 & 2009.

In undertaking this review, I have examined original prosecution papers which are retained by the SoJP – they have not been lost.

Following his complaint which was recorded, investigated & subsequently presented to Crown Advocate for consideration of prosecution, a recommendation was made to the AG that this case 'did not meet the evidential test'. There has never been any suggestion of this case 'not being in the public interest'. In establishing this decision, I have examined the Advocates comprehensive note to the AG dated [REDACTED]

At [REDACTED] two Family Liaison Police Officers (FLOs) met with [REDACTED] to inform him of this decision and provided him with a copy of the attached note by the AG, also dated [REDACTED]. This note was published the following day at www.gov.je/lawoffices. It is case 5 as documented and commented upon by the AG which specifically relates to [REDACTED]. I have examined the FLO officers log to verify this meeting and discussion. On being informed of the decision [REDACTED] asked about the civil claim.

An invitation to meet personally with the AG at that time was made & accepted.

[REDACTED] was also subsequently met at his request by the same officers some 7 days later at [REDACTED] in order to address a number of queries he had having read & reflected upon the AGs written decision. It was clear [REDACTED] was upset and a number of issues were raised and discussed, including again the issue of a civil claim. It is clear from the FLO log [REDACTED] parted on amicable terms with the officers, indicating he felt much happier and that he now no longer wished to meet personally with the AG.

I think this response addresses those points raised by the Minister. If I can advise further please let me know.

Stewart

Stewart J Gull QPM

15/08/2012

Detective Superintendent
Head of Crime Services
States of Jersey Police

From: Ian Le Marquand [mailto:]
Sent: 18 July 2012 15:50
To: Chief Officer
Subject: criminal complaint

Mike, earlier today I copied you in on an exchange of e-mails with Deputy Roy Le Herissier in relation to a [redacted] I have subsequently spoken to Deputy Mike Higgins and it is now clear to me that this is the case which has led to recent questions in the Assembly about evidence having gone missing which has led to a prosecution not taking place. This matter needs to be handled carefully because there is an underlying suggestion that [redacted] was involved and that evidence may have been lost in order to protect him. I am not saying that that is so but I am saying that that is what is being suggested by others.

This is an operational matter and it is therefore for you to decide the way forward but what would be helpful is if a senior officer who is completely unconnected with the previous investigation could be asked to review what occurred. You will have seen from my response to Roy that I am surprised at the suggestion that a prosecution was not in the public interest. [redacted] may have misunderstood the situation.

I shall be away on holiday from late next week and it would be helpful if I could provide some information to those who are interested once I return from holiday.

With continuing thanks for all that you and your team are doing. Ian Le M.

From: Le Herissier [redacted]
Sent: 18 July 2012 16:26
To: Ian Le Marquand
Cc: Chief Officer; Mike Higgins; Trevor Pitman
Subject: Re: Historic Abuse

Ian
Thanks for the prompt response.
I trust someone will be re-interviewing [redacted].
I find it very sad that such a traumatic episode ends up with a phrase like "not in the public interest".
Aside of what it denotes, this is the language of officialdom.

Roy

From: Ian Le Marquand [redacted]
To: aaLeHerissierR [redacted]
Cc: Chief Officer < [redacted] >; Mike Higgins [redacted]; Trevor Pitman [redacted]
Sent: Wednesday, 18 July 2012, 12:39
Subject: RE: Historic Abuse

Roy, thank you for your message. [redacted] also rang me and I have now realized that this is the same case as that to which Mike Higgins and Trevor Pitman were referring in which there is an issue as to whether evidence has gone missing. I am puzzled as to the reference to the Public interest as I find it hard to conceive of a case in relation to child abuse which would not be in the public interest to bring if there were sufficient evidence to meet the evidential test and if the potential offender is still alive. Now that I understand what this is about I shall be communicating separately with the Chief Officer of Police as well as copying this exchange to him and to Deputies Higgins and Pitman. I shall be asking for a new senior officer to be appointed in order to review the previous investigation and for a report on the investigation. Best wishes, Ian Le Marquand.

From: Le Herissier [redacted]
Sent: Wednesday, July 18, 2012 8:54 AM
To: Ian Le Marquand
Subject: Historic Abuse

Ian
I am taking you up on your offer of following up cases where a victim does not think that justice has been done.

I have been approached by a [redacted]. He was interviewed by a DC Pick in relation to his experiences at Haut de la Garenne.

The officer was part of the team brought over and before conclusions could be conveyed to Mr. [redacted] he left the Island and was replaced by another UK officer (I do not have the name).

This officer told Mr. [redacted] that his case would not be pursued as "it was not in the public interest".

Various names are mentioned in his witness statement, including [redacted]

██████████ Obviously, ██████████ thinks that the presence of major witnesses ,sometimes in related work, could have inhibited the inquiries.

Certainly, a phrase like "not in the public interest" gives little reassurance to people like ██████████. It does not convey the precise details of why the case was not proceeded with.

I would be obliged if this matter could be fully investigated.

Roy Le Herissler

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