

Abuse inquiry

No charges

for [REDACTED]

accused

of cruelty

By Diane Simon

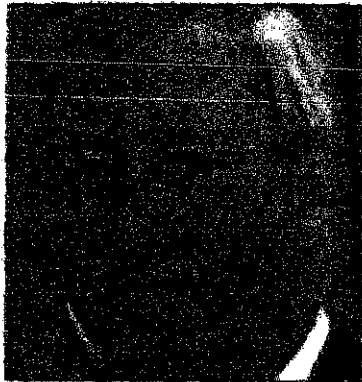
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[REDACTED] accused of physical cruelty to children between 30 and 40 years ago will not be charged because Attorney General William Bailhache has decided that there is insufficient evidence against them.

Mr Bailhache said that there was also a significant conflict of evidence about the way [REDACTED] treated children in their care. Some of the conflict is between one complainant and two of that person's siblings.

A statement issued by Mr Bailhache said that three complainants in [REDACTED] care between 1967 and 1977 alleged that they and other children had been subjected to excessive corporal punishment.

None of the allegations was in



Attorney General William Bailhache

relation to Haut de la Garenne.

However, some of the witnesses named as victims denied that [REDACTED] ever used any excessive force, and spoke in very positive terms about the quality of care they received.

[REDACTED], who live in the Island, were arrested on [REDACTED] when [REDACTED] and questioned

by the police. At the time, it was reported that [REDACTED] were released after St Helier Chief de Police Centenier Danny Scaife refused to charge them.

A statement issued by the police said that States police officers had arrested [REDACTED] on the advice of a UK specialist lawyer brought in by the Attorney General to help with the inquiry.

The police statement continued: 'At about 5 pm today (Tuesday 24 June), the lawyer revised his advice to the investigating officers. Following discussion, the investigating officers requested a Centenier to attend police HQ to charge the suspects. Despite stating the evidence was present, the Centenier declined to charge.'

Today, however, Mr Bailhache said that at no stage during [REDACTED] interview had the lawyer told the police there was enough evidence to go ahead and charge.

Mr Bailhache said there had clearly been a very unfortunate (Cont on page 2)

No charges for accused [REDACTED]

(Cont from page 1)

misunderstanding between the lawyer and the police.

He said: 'The police interpreted what the lawyer said as being agreement to go ahead and charge, when all the lawyer thought he was agreeing with them was what the nature of the charges would be if a full review of all the available evidence supported the charges.'

'It was not a change of mind on the lawyer's part, nor a green light to go ahead with the charges.'

Mr Bailhache said that he realised the decision not to prosecute [REDACTED] would disappoint the complainants and possibly others who had made statements to the police or were considering doing so.

Referring to [REDACTED] interview at police headquarters on [REDACTED], the statement said that for medical reasons the interview with [REDACTED] was not completed, but [REDACTED] was interviewed and denied any wrongdoing.

The statement said that there was significant other evidence and information undermining the prospects of a successful prosecution. Although witness numbers were not

a conclusive test, it should be noted that while there were three complainants, there were seven witnesses, including the prospective defendants, giving evidence substantially in favour of the defence.

The independent lawyers appointed to assist the police in the investigation had advised the Attorney General that there was insufficient evidence to prosecute.

That decision was reviewed by the Attorney General and John Edmonds, formerly of the UK Criminal Prosecution Service, in consultation with the police officer in charge and detectives.

Insufficient

Taking everything into account, Mr Bailhache decided that there was insufficient evidence to bring a prosecution.

He said: 'I am obviously aware of assertions made, without any basis or foundation, that justice will not be done in the child abuse investigations.'

It was for that reason he was making this full statement about the decision.

Deputy police chief David Warcup confirmed that all of the evidence presented to

the Attorney General in relation to this case had now been revealed.

'We have also had extensive discussions with the lawyers involved who have provided us with detailed legal advice which concludes that evidence submitted does not meet the evidential test required before a prosecution can be brought,' he said.

Mr Warcup said that they had said in the past that not every investigation would achieve the levels of evidence necessary to secure a conviction.

It was vital, therefore, he said, that anyone with information should come forward and meet the police, who had considerable experience in dealing with this type of inquiry with professionalism and the utmost care.

Referring to the possible misunderstanding between lawyers and the police when [REDACTED] had been interviewed, Mr Warcup said that procedures relating to notifications from law officers had been reviewed.

'I would hope these arrangements would ensure that no further misunderstandings between the lawyers and the police take place,' he said.