

Independent Jersey Care Inquiry

Day 114

December 3, 2015

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1 Thursday, 3 December 2015

2 (10.10 am)

3 THE CHAIR: Good morning, Ms McGahey.

4 MS MCGAHEY: Good morning, Madam. The next witness has been
5 granted anonymity by the Panel and I propose to address
6 him as Mr A. He has indicated that he would like to
7 take the oath.

8 THE CHAIR: Good morning, Mr A. You have the words, in your
9 own time take the oath please.

10 Witness 780 (sworn)

11 THE CHAIR: Would you like to put that to one side. You
12 have a screen in front of you for any documents counsel
13 want to take you to and if you are ready, counsel will
14 start. We will take a break in it about an hour and
15 ten minutes, that's for the stenographer, but if you at
16 any time for any reason need a break, please just
17 indicate and we will accommodate you because we are here
18 to listen to you.

19 Questions from COUNSEL TO THE INQUIRY

20 MS MCGAHEY: Could we have on the screen please the first
21 page of Mr A's statement {WS000679/1}. Mr A, you will
22 see there you have been given the Inquiry number 780,
23 but I still plan to address you as Mr A rather than the
24 number.

25 Is this the first page of the statement you made to

1 this Inquiry and signed on 29 November this year?

2 A. Yes.

3 Q. I think we might have to ask you to speak up a bit,
4 perhaps get a bit closer to the microphone.

5 A. Yes.

6 Q. Have you had an opportunity to read through the
7 statement recently?

8 A. Yes I have.

9 Q. Are the contents true to the best of your knowledge and
10 belief?

11 A. Yes.

12 Q. I'm not going to ask you about absolutely everything in
13 your statement, but just take you to certain parts of
14 it.

15 In paragraph 4 you explain that at quite a young age
16 you were socialising with the "wrong crowd" and ended up
17 glue sniffing and in paragraph 5 {WS000679/1} you say
18 that it was around this time that you were admitted to
19 Les Chenes. In fact from the exhibits we have seen to
20 your witness statement it looks as though you were
21 admitted to Les Chenes when you were 13 or 14 years old
22 in 1981, is that right?

23 A. Yes.

24 Q. And it seems that you were there for a few months, you
25 were then placed on probation, but very soon you were

1 brought back to Les Chenes for breach of the
2 probation order and it looks from one of the documents
3 that we have seen that that was because you had been
4 caught glue sniffing again.

5 A. Yes.

6 Q. It seems that all of these events occurred within a few
7 months in 1981?

8 A. Yes.

9 Q. If we could go over the page in your statement please,
10 over two pages to paragraph 9 {WS000679/3}, you tell us
11 that you remained at Les Chenes until the age of 17 and
12 during that time, as you explain later in your
13 statement, you did have periods at home, is that right?

14 A. Yes, yes. Weekends at home where we would earn our
15 weekends on a points system.

16 Q. And also you could earn longer periods at home certainly
17 over the summer holidays?

18 A. Summer holidays, yes, you can earn up to ten days leave.

19 Q. We see from one of your exhibits that's what you did in
20 1983.

21 A. I did, yes.

22 Q. During the time that you were at home did you get into
23 any more trouble with the Police?

24 A. No, I did get in trouble, however, on leave in Christmas
25 once where I opened people's mail and I was actually

1 staying with my sister and she phoned one of the
2 teachers who came down to collect me.

3 Q. And we will come to that in more detail later on, but
4 the Police weren't involved in that incident, were they?

5 A. No.

6 Q. So you ended up remaining at Les Chenes until you were
7 17 as a result of the incidents in 1981?

8 A. Yes, basically, yes, yes.

9 Q. As far as you knew was there ever any discussion during
10 that time about whether your mother was able to care for
11 you and you could have gone permanently to live at home?

12 A. No, I didn't hear anything, but from the age of nine
13 I was already getting into trouble. My mother was
14 a single parent who worked very long hours and I was
15 often at home on my own, so I would just go out and get
16 in with the wrong crowd, so I was sort of deemed
17 an uncontrollable child.

18 Q. During the time you were at Les Chenes did anything in
19 your mother's circumstances change?

20 A. No, apart from I think she had a partner while I was
21 there.

22 Q. Was she still working long hours?

23 A. Not when she had a partner, I think sort of things
24 improved. But in those days the accommodation side of
25 things wasn't that great if you came over to live in

1 Jersey from another place, so, you know, it was -- we
2 were sort of living -- the accommodation was sort of
3 one-room flats.

4 Q. So when your mum had a partner was there no room for you
5 in the flat?

6 A. There was in the end, but that was 16, 17.

7 Q. So when you left Les Chenes did you go back to live at
8 home with your mother?

9 A. Yes.

10 Q. You talk in this page of your statement, the one we have
11 on screen, about your first few days at Les Chenes and
12 you say in paragraph 11 {WS000679/3} that you stayed in
13 the secure suite for your first couple of nights and you
14 say in paragraph 12 that you don't remember being
15 allowed to eat with the other children while you were in
16 the secure suite. Were you allowed to associate with
17 the other children at all?

18 A. I could only say what I remembered and I could be wrong,
19 whether I was put with the children the next day, or
20 I stayed there another night, some things I just
21 couldn't remember. I remember the secure suite, the
22 first night I was there, because I remember crying and
23 it was dark and we were on sort of gym beds, but I can't
24 remember if I was introduced to the group the next day
25 or the day after.

1 Q. You said there "we were on gym beds", were there other
2 children in the secure suite, or was it just you?

3 A. Sometimes if -- because the secure suite had probably
4 about four rooms in it, so if three people were brought
5 into Les Chenes on one particular night they would be in
6 different suites.

7 Q. You would have a room of your own?

8 A. Yes.

9 Q. And do you remember when you first arrived at Les Chenes
10 whether there were any other children in the secure
11 suite?

12 A. I have been in there when somebody else has been there
13 I do recall, but I can't remember who.

14 Q. And can you remember whether that was when you arrived,
15 or at some later time?

16 A. It could have been some other time. Also going in there
17 when I was sick as well, I think sometimes you would go
18 in there when you were sick so you wouldn't, you know,
19 pass whatever you had on to other kids.

20 Q. Do you remember on your first few days when you were in
21 the secure suite whether you were allowed out to go to
22 lessons?

23 A. I really can't remember.

24 Q. Don't worry. You say over the page in paragraph 13
25 {WS000679/4} that it was after you had been removed from

1 the secure suite that you were given clothes and
2 footwear, so does that mean that when you were in the
3 secure suite you had only pyjamas?

4 A. I think you kept your own clothes until you were given
5 your clothes that you came in with. You were given
6 pyjamas to wear and then you also had your own clothes
7 there until you were brought in to normality, the way it
8 operated.

9 Q. So you had your own clothes with you in the secure suite
10 and then you were given the Les Chenes uniform --

11 A. Yes, when you were introduced to the school.

12 Q. And you say in paragraph 15 {WS000679/4} that you were
13 initially placed in the yellow and brown room on the
14 ground floor.

15 A. It was one of those colours, I can't remember.

16 Q. Yes. And the better your behaviour was the higher
17 bedroom you would have?

18 A. Yes.

19 Q. So does it mean when you were new you started at the
20 bottom?

21 A. Yes, you did, yes.

22 Q. And then if you behaved well you could progress upwards?

23 A. Yes.

24 Q. What was different about the upper rooms?

25 A. The next bedroom up had a sink in it, so you didn't have

1 to go with everybody else to go and brush your teeth and
2 that. The showers were at night, so there was no
3 showers in the morning, you always showered at night
4 before you went to bed, so having a sink and washing was
5 quite a luxury in your own room. And then going up to
6 the attics it just meant that you -- there were only two
7 beds in each attic, so it was just a bit more private
8 I suppose, it was two instead of four.

9 Q. And also if you were on the ground floor you had
10 presumably closer supervision by the night watchman
11 because he was --

12 A. Yes, the door was connected, so he could see through.

13 Q. I would like to jump on a little bit in your statement
14 to paragraph 29 because this is still trying to stick
15 with the early few months in Les Chenes {WS000679/7}.
16 You are talking there about your contact with
17 Children's Services and you say:

18 "I remember meeting Richard Davenport,
19 child care officer, before I started at Les Chenes."

20 And you think he might have suggested your admission
21 to Les Chenes:

22 "He was a nice man; very easy going and laid-back."

23 Then in paragraph 30 you say that he visited you.

24 Was he somebody you found easy to talk to?

25 A. Yes, he was very nice, he sort of came across as your

1 friend really. Whether he was interested in what you
2 were there for, or -- it was sort of more going up,
3 doing your job and then going I think.

4 Q. He was doing his job and then going?

5 A. Yes, coming up and then maybe crossing off the list that
6 he has visited the children, but I don't recall any
7 particular conversations on how you're going to improve
8 yourself as, you know, a child going into adulthood or
9 what you want out of life and stuff like that. It was
10 "How are you doing? I hope you're keeping out of
11 trouble and see you later", it was like that really.

12 Q. How had you come into contact with him before you went
13 to Les Chenes?

14 A. From the age of nine I was quite a troublesome child, so
15 I had quite a bit of contact with Probation.

16 Q. And had you seen Mr Davenport several times before you
17 ended up in Les Chenes?

18 A. Yes.

19 Q. So by the time you got to Les Chenes was he somebody you
20 thought you could talk to a bit?

21 A. Nobody really talked to anybody. We just -- the kids
22 sort of talked to each other. I don't recall telling
23 anybody about what I want out of life or anything like
24 that, or how I'm going to improve.

25 Q. Do you remember how often he came to visit you when you

1 were at Les Chenes?

2 A. It wasn't that much, certainly no more than -- I don't
3 know -- three or four times I think. I think it was
4 supposed to be maybe once every six months, I recall
5 something like that being said, but it didn't happen
6 like that. I think I saw the hairdresser more than ...
7 he used to come and cut your hair.

8 Q. In paragraph 30 {WS000679/7} you remember that
9 Richard Davenport's visit or visits took place during
10 the first few months of your stay. Do you remember
11 seeing him afterwards at all?

12 A. No, that's what I think, I think it was to make sure you
13 settled in and then after that I'm presuming the care --
14 the emphasis then was passed on then to the team that
15 were caring for you.

16 Q. In Les Chenes itself?

17 A. Yes.

18 Q. You say that nobody else from Children's Services
19 visited, is that right --

20 A. I don't recall.

21 Q. -- it was only Mr Davenport?

22 A. I don't recall.

23 Q. Did you have any other visitors at all?

24 A. My mother come up, but she would come up just to give me
25 some money, you know. She didn't really understand what

1 was going on really, being a foreigner.

2 Q. And how often would she come up and visit you?

3 A. Difficult to say really. Not that much because if you
4 did well you earned your leave going home.

5 Q. So you explain that after your first three months you
6 could go home for weekends?

7 A. Yes, that was a sort of guess. I think it was something
8 like that, sort of probation type thing, before.

9 Q. Did you generally behave well enough to earn your leave
10 every weekend?

11 A. Yes, I think so.

12 Q. You say in paragraph 31 {WS000679/8} that:

13 "Generally, all children were all right in the first
14 few months of their stay and had not experienced a great
15 deal of bullying or abuse."

16 So did things change after your first few months at
17 Les Chenes?

18 A. Yes, because you are new and you're getting to know
19 everybody and everybody's obviously getting to know you
20 too and whether I call it getting made to feel welcome,
21 but you're sort of introduced into the school and
22 I think once they get to -- once people get to know you
23 they will see how far they can push you, or treat you.

24 Q. And are you talking there about other children getting
25 to know you and seeing how far they can push you, or

1 teachers, or both?

2 A. Both.

3 Q. During a child's first few months in Les Chenes you say
4 that he or she wouldn't generally be subjected to
5 bullying or abuse, but would these new children still
6 witness abuse or bullying of other children?

7 A. Yes, yes.

8 Q. And do you remember witnessing that during your first
9 few months at Les Chenes?

10 A. I remember some instances.

11 Q. And you have given us a few examples.

12 A. Yes, I gave you a few examples.

13 Q. So in your first few months when you were being visited
14 by Richard Davenport do you think you had seen other
15 children being abused by staff?

16 A. Yes, but then you just thought it was normal and you
17 thought you were going there and that's maybe the way
18 they had been instructed to deal with you because,
19 you know, at the end of the day being young you all
20 think you're troublemakers and that's what you're there
21 for, to be -- you tend to think being young that you're
22 being punished and you're not actually thinking you're
23 there for people to help you to sort your life out.

24 Q. Did you think at the time that you could have told
25 Richard Davenport what you were witnessing?

1 A. No, no, not really.

2 Q. Why not?

3 A. I think maybe it wasn't explained like that, you know,
4 it was just, you know, going in to see you and saying
5 "Is everything okay?" and he would ask that kind of
6 thing and you would actually say "Yes it's all fine",
7 because you learned to keep everything inside really.
8 You would only talk to the other kids.

9 Q. Why did you learn to keep everything inside?

10 A. It was just easier. You know, at the end of the day you
11 want to go home at weekends, you want to -- you're not
12 going to make things difficult for yourself.

13 Q. So what did you think would happen if you did report
14 what you were seeing?

15 A. I didn't really think about it to be fair. These days
16 now, you know, it's 30 years on, you sort of realise how
17 wrong some of the things are, but in those days you
18 didn't. You thought it was probably normal.

19 Q. In your statement you have explained a bit about the
20 routine at Les Chenes and I won't ask you much about it,
21 but you do say that Les Chenes was very sports focused
22 and you were good at sports.

23 A. Yes, I was okay, yes.

24 Q. And did you actually enjoy that side of life at
25 Les Chenes?

1 A. I loved that side of life and, you know, a lot of the
2 teachers were quite sporty as well, so it was a -- in
3 that sort of way the teachers were quite good because it
4 improved you, especially in sports, because you were
5 playing adults, so, you know, there was a bit of
6 a benefit there.

7 Q. It improved you because you were playing against adults?

8 A. Yes, you were quite skillful at what you did.

9 Q. Although, and we will come to it later, you say that
10 some of the teachers actually used the opportunity of
11 sports to --

12 A. Well, particularly football was quite an aggressive
13 game, yes.

14 Q. But in general were you happy with that side of your
15 life at Les Chenes?

16 A. I was happy when I was there. I thought I had got given
17 a chance to do something with my life which maybe
18 I wouldn't have done if I had stayed with my mother,
19 I would have probably carried on getting into trouble,
20 so there was a lot of benefit from me going there, but
21 years on, thinking about it, perhaps the way some issues
22 were dealt with and the way we were looked after
23 probably wasn't the right way, but I can't say that
24 I didn't benefit from going in there because I did.

25 Q. You talked a little bit already about your ability to go

1 home at weekends and over the page at paragraph 36
2 {WS000679/9} you say that as far as you knew nobody left
3 Les Chenes because their home situation had improved,
4 they just tended to leave when they were 17.

5 A. Well I saw that most people left around 16/17, from
6 working age.

7 Q. So when they got jobs?

8 A. Yes. I had no idea about home situations being
9 improved.

10 Q. Do you remember any children leaving at a younger age?

11 A. Not really. It was always 15, 16.

12 Q. And you also say that you had no telephone contact with
13 your parents, no children did, while you were at
14 Les Chenes. Was that because telephone contact wasn't
15 allowed?

16 A. No, I don't think so. I just think -- I didn't really
17 because trying to explain things to my mother would have
18 been really hard, so -- where other people may have
19 benefited from -- I don't think it was ever stopped if
20 you wanted to call your parents. I don't recall.

21 Q. Was there a telephone available to the children?

22 A. I do recall a telephone, yes. There was a little room
23 in a day room and there was a phone in there.

24 Q. And was that a payphone?

25 A. No.

1 Q. You talk about the points system in paragraph 37
2 {WS000679/9} and it seems from your statement that you
3 were quite successful in gaining the points you needed
4 to do what you wanted.

5 A. Yes.

6 Q. Because you ensured that you gained easy points from
7 attending lessons.

8 A. Well, regardless of what lesson it was you could earn
9 a maximum of 15 points and that would be -- you know,
10 even football or a sports activity was classed as
11 a lesson and you still got points for it and so -- and
12 then other times some of the kids would have sections to
13 look after, like at one particular time I had a library
14 to look after.

15 Q. How did you get that job?

16 A. I can't remember. I think someone -- you know, it's
17 something that passed on I think, maybe on a list, or --
18 but there were other places to look after as well that
19 got you points. Whether favouritism was involved in
20 getting you them, who knows.

21 Q. Do you think it was?

22 A. Possibly.

23 Q. Do you think it was in your case?

24 A. Maybe.

25 Q. Was that because you were good at sport?

1 A. I don't know.

2 Q. So some of the sporty teachers liked you?

3 A. Yes, perhaps.

4 Q. Was there any other reason for any of the staff to treat
5 you as a favourite?

6 A. I think if you generally get on with them I think you
7 did okay.

8 Q. If we go over the page please to paragraph 38
9 {WS000679/10} you explain that you could get points that
10 would enable you to go on home visits and you have seen
11 the memorandum from August 1983 that shows that you had
12 earned ten days leave and if we look at that
13 memorandum -- we need not turn to it -- it shows that in
14 fact the leave had to be taken during August and that
15 you were going to come back by 29 August, so I think
16 that your guess that this was summer holiday leave seems
17 right.

18 A. Yes.

19 Q. Do you know whether anybody checked that your mother
20 would be able to look after you if you went home for ten
21 days?

22 A. No, because I recall phoning to say that I've got some
23 leave. My mum wouldn't change any of her life because
24 I was coming home. I was still on my own regardless.
25 She would still go out to work.

1 Q. So the privilege of home leave was something that you
2 earned and could have whether or not your home situation
3 was suitable?

4 A. Yes, yes.

5 Q. Do you remember any of the staff ever talking to you
6 about whether your mum would be able to look after you
7 at home?

8 A. No, I just remember phoning my mum saying "I'm coming
9 home because of my leave".

10 Q. And how would you get home?

11 A. I would get picked up with a couple of the kids, their
12 father would give me a lift as well and he would also
13 give me a lift back.

14 Q. So Les Chenes itself didn't arrange any transport home?

15 A. No.

16 Q. And leaving aside the incident that we will come to when
17 you were at your sister's, did any staff from Les Chenes
18 ever come to your home while you were there?

19 A. Not that I recall. They may have done, but I can't
20 remember.

21 Q. In paragraph 40 {WS000679/10} you talk about the
22 certificate system and the membership of the Elite Club
23 and we know later in your statement that you became
24 a member of the Elite Club towards the end of your time
25 at Les Chenes.

1 A. Yes.

2 Q. And you think you managed to obtain around six
3 certificates, although at some point it looked as though
4 you must have obtained ten to get into the Elite Club?

5 A. It's because I went to further education, I think
6 I gained a place.

7 Q. And so it does seem that you were doing quite well at
8 Les Chenes. Were you doing, you think, better than many
9 other children there?

10 A. Yes.

11 Q. In what way?

12 A. Two reasons: one -- well three actually: one, because
13 I did want to better myself; two, I was given the
14 opportunity to better myself; and three, some of the
15 kids in there just didn't want to do anything with their
16 lives.

17 Q. Could we go over the page please to paragraph 41
18 {WS000679/11}. You talk there about a possibility of
19 losing points which could lead to you being deprived of
20 home leave, or to just not earning home leave, and if
21 you had to stay at the weekend you would be supervised
22 by one teacher, and that happened to you.

23 A. It happened to me in the situation when I went to my
24 sister's.

25 Q. Was that the only time?

1 A. I think so.

2 Q. Because that was Christmas, wasn't it?

3 A. Yes, that was Christmas.

4 Q. Do you know whether it happened to other children, that
5 they ended up --

6 A. It would have done, yes. And some kids there probably
7 didn't go home at all, because they didn't have a home.

8 Q. You say:

9 "The teachers would be sure to get their revenge on
10 you a few weeks later for making them stay at work over
11 the weekend."

12 How would a teacher take revenge?

13 A. It was just obviously being upset that they had been
14 brought in to look after someone and they just would
15 make that other kid's life a little bit difficult for
16 a while.

17 Q. What would they do?

18 A. The easy way was to remove points.

19 Q. But if they did that wouldn't that have the effect of
20 them losing another weekend's home leave and the teacher
21 then having to supervise them again for another weekend?

22 A. No, because there was cover over the weekend. I think
23 this time at Christmas someone would have had to be
24 brought in, I think.

25 Q. So if that happened could a child expect a teacher to

1 take revenge later on?

2 A. Yes, I would say so.

3 Q. Did that happen to you after that Christmas incident?

4 A. I was made to feel quite guilty of what I did. Maybe it
5 wasn't the right thing but the way I was punished wasn't
6 right either.

7 Q. We will come to that. But can you actually remember any
8 specific incidents where a teacher took revenge on
9 a child for that teacher having to stay and supervise
10 them over a weekend?

11 A. No, I can't really recall, but sometimes if you want to
12 take revenge on someone it doesn't have to be that same
13 day, that week, that month. You know, where kids,
14 teachers have got some knowledge about them, they can
15 plan when they want.

16 Q. You go on in your statement to say that the points
17 system didn't work for everyone and also that teachers
18 weren't necessarily very consistent in the way that it
19 operated.

20 A. No.

21 Q. And you go on to say that teachers used physical
22 punishment as an additional means of control. Could we
23 go on to the next page please {WS000679/12} and to
24 paragraph 46. You say that the cane was used as
25 punishment.

1 A. Yes.

2 Q. But used relatively infrequently and for serious
3 misbehaviour and you say that the cane would be
4 administered only by two members of staff.

5 A. Yes.

6 Q. And that no one else would be present. So does that
7 mean that both those members of staff would be present,
8 or just one of them?

9 A. I think whoever was on duty.

10 Q. Would that be just one person?

11 A. Yes. It was very rare that the two heads were -- well,
12 it may have been, but in the running of the school it
13 was very rare that the two of them were there at the
14 same time.

15 Q. And you say that you were caned once or twice --

16 A. Yes.

17 Q. -- for smoking and you go on to say that people would
18 usually receive a couple of strokes on each occasion.
19 Was that what you received?

20 A. Yes.

21 Q. Was the cane given over clothing, or on bare skin?

22 A. Over clothing.

23 Q. And do you now remember the teacher in question moving
24 the furniture to get a run up?

25 A. Yes. Not the whole furniture, but possibly chairs and

1 stuff, so you were sort of bent on a desk.

2 Q. Do you remember which of the two members of staff it was
3 who caned you? Please don't use the name of one of
4 them, you see we have given him the number 108.

5 A. I'm not sure.

6 Q. The Inquiry has heard some evidence that the office
7 might not have been large enough for furniture to be
8 moved in this way.

9 A. No, it was a big office.

10 Q. And it's also been suggested that some of the furniture
11 was fixed and couldn't be moved?

12 A. No.

13 Q. So do you have a definite --

14 A. It couldn't have been fixed because there was a green
15 carpet underneath it all.

16 Q. And you have a definite recollection of chairs being
17 moved?

18 A. Yes, the furniture was wooden in the office. I remember
19 the carpet being green, so I don't think you fix
20 furniture to anywhere that's carpeted.

21 Q. And in paragraph 47 {WS000679/12} you say you don't
22 recall the secure suite being used for punishment and
23 you say you can't rule it out, but you just don't
24 remember it.

25 A. Yes, I don't recall. It may have happened. If it was

1 someone that was particularly aggressive and there was
2 a situation that happened, maybe they could have been
3 put there to calm down.

4 Q. You referred there to your police report and again we
5 will look at that in some detail later, but in that
6 report in 2008 you told the Police, or you are reported
7 as having told the Police that you remembered children
8 being placed in cells to calm down.

9 A. Yes.

10 Q. Is that something you remember now?

11 A. I do recall something when a kid was maybe being
12 uncontrollable, it would have been an easier place to
13 put them.

14 Q. And if so, do you know for how long a child was placed
15 in the secure suite to calm down?

16 A. I don't think it would have been for days or anything
17 like that. It could have been for maybe an hour or
18 something.

19 Q. You go on to explain, as you mentioned earlier this
20 morning, that the secure suite was also used as an
21 isolation area for children who were ill.

22 A. I remember going in there when I had chickenpox.

23 Q. Was there a sick bay, a sanatorium, or anything like
24 that within Les Chenes?

25 A. No, not that I can remember.

1 Q. You go on in your statement to talk about bullying and
2 if we can go over the page please to paragraph 48
3 {WS000679/13}, and you talk there about bullying among
4 the children themselves. As far as you knew were the
5 staff aware of this bullying?

6 A. I think it happened most days where kids had
7 disagreements and perhaps, you know, pushing around and
8 it was a school of all kids that had been into trouble
9 and, you know, you're talking like -- okay, there was
10 I think when I was there something like 16 kids, four
11 being girls, so 12 guys, you know. I think -- I don't
12 think it was encouraged, but, you know, just for
13 a slight disagreement you would lose points easy, just
14 like that, so ...

15 Q. So the staff would deduct points if they saw one child
16 bullying another?

17 A. You know, if it was not that serious you would probably
18 be warned, but if it was serious you would lose points.

19 Q. So as far as you remember did the staff take action when
20 they saw bullying?

21 A. Yes, yes.

22 Q. Do you remember anybody ever reporting bullying to the
23 staff?

24 A. I think the age we were, being kids, a lot of the time
25 you would try and get another kid into trouble even if

1 they didn't even do anything wrong, so yes, the answer
2 to that is yes. It was a tough school, so ...

3 Q. You refer in paragraphs 48 and 49 {WS000679/13} to
4 a small boy who was bullied and you say that you and
5 some of the other stronger kids used to defend him.

6 A. Yes.

7 Q. Did you ever go to the staff and say that this small lad
8 was being targeted?

9 A. Well, I think we looked after him better than they did.

10 Q. You go on in your witness statement to say that you
11 suffered racial abuse and initially in paragraph 49 that
12 seems to be racial abuse from the children, but in
13 paragraph 52 you say that that was by the staff as well.

14 A. Yes, it was.

15 Q. And if we go over the page {WS000679/14}, first of all
16 you say that two teachers joined in with this racial
17 name calling and that the racial abuse forced you to lie
18 about your middle name --

19 A. Yes.

20 Q. -- which is [REDACTED], isn't it?

21 A. Yes.

22 Q. And:

23 "The teachers had a way of making the name calling
24 sound like fun, but it would make me and others so angry
25 and upset that I/we would fight with the children that

1 joined in as they would think it was okay because the
2 teachers were doing it."

3 A. Yes, because then it was quite common for -- during my
4 whole time at Les Chenes everybody called each other
5 names. It was either a way to -- it actually turned out
6 to be quite normal in the end, but then it was a way of
7 winding others up too and obviously if a teacher would
8 have been seen to join in as well, then we all deemed
9 that it was okay too.

10 Q. Did teachers join in, or did teachers initiate the use
11 of racially abusive names?

12 A. Sometimes when there was an element of everybody could
13 be having fun, you know, not everything was serious
14 there, like normal life, you do have times where you
15 have some enjoyment, and if someone's joking and calling
16 you names and teachers are joining in, that did happen,
17 but that doesn't change the fact that it was still
18 upsetting to somebody.

19 Q. And did the teachers join in with non-racial
20 name calling of other kids?

21 A. Yes. You know, I think they would be called names --
22 even if they were disciplining them they would call them
23 a name.

24 Q. Call them abusive or offensive names?

25 A. Well, yes. Not all of them were names but, you know,

1 "What are you doing, you waste of space?", stuff like
2 that.

3 Q. You said in your witness statement that you were keen to
4 stick up for yourself when other children called you
5 racially abusive names. What did you do?

6 A. Well, you would fight. You would argue, you would
7 fight. I was actually quite a small child, so -- but
8 during sport and stuff I could look after myself
9 a little bit, so I didn't find it much of a challenge
10 with the bigger kids, but, you know, I can see how
11 intimidating some of them could have been.

12 Q. The bigger boys would have been aged up to the age of 16
13 or 17. When you were there did they bully the younger
14 ones?

15 A. No, I think they protected a lot of them. It was sort
16 of the same age group where the ones that got older
17 were -- when you were older life in Les Chenes was
18 actually easier because you were respected a little bit
19 more.

20 Q. But it was children of a younger age --

21 A. Yes.

22 Q. -- where the stronger bullied the weaker, is that right?

23 A. Yes.

24 Q. Were you able to do anything about the name calling by
25 staff?

1 A. That just happened, it wasn't regular. It was,
2 you know, all through life it was what I got outside was
3 what I got inside too, so it wasn't every day someone
4 was calling me something -- it may have been from kids
5 but certainly not the teachers, but just sometimes
6 they'd surprise you and say it as well. You would be
7 surprised, you know.

8 Q. So had you been subjected to occasional racial abuse
9 outside Les Chenes as well?

10 A. Well, in 1979/1980, coming from a foreign place wasn't
11 as easy as it is now then. You used to get a lot of
12 abuse, particularly at school before I went there as
13 well.

14 Q. From children or from staff?

15 A. From children, from the school that I was at.

16 Q. In paragraph 54 of your statement {WS000679/14} you talk
17 about other kids who came from Haut de la Garenne and
18 what they had said about Haut de la Garenne and you say:

19 "It did not sound like a nice place at all and
20 I always got the impression that it was quite creepy."

21 What did you mean by "quite creepy"?

22 A. It was always described like stone walls and a bit like
23 dungeons or something, other kids used to explain that
24 came from Haut de la Garenne to Les Chenes. And the
25 same thing from there, they said they experienced

1 physical abuse, but I never ever heard anything about
2 sexual abuse.

3 Q. You made a reference to dungeons. What were you told
4 about Haut de la Garenne and the building?

5 A. I was told that it was -- if I can recap a little bit
6 I think there were some houses and this that and the
7 other. I was always basically told that I'm lucky that
8 I didn't go there. It was cold, it was just not -- it
9 wasn't as nice as Les Chenes is what I was told, as in,
10 you know, accommodation-wise.

11 Q. Where did the word "dungeon" come from? Is that your
12 impression --

13 A. It is my impression, but I think someone mentioned
14 something about they had been put somewhere when they
15 weren't behaving or something. Not that I know, but ...
16 I think it was described like granite walls and stuff,
17 is it, something like that? I've never been there.

18 Q. In paragraph 55 of your statement {WS000679/14} you say:
19 "Whilst there was abuse at Les Chenes, generally
20 speaking I do wonder whether certain people have given
21 an exaggerated account of the extent and nature of this
22 abuse."

23 You then speculate that perhaps some individuals are
24 trying to claim compensation. What makes you say that
25 you wonder whether some people have exaggerated their

1 claims?

2 A. Because some of the abuse that I heard I don't think
3 happened at all, particularly people being punched in
4 the face and head and stuff like that; stuff like that
5 didn't happen. We had teachers there, they're not --
6 they have some intelligence. You would never -- not
7 saying that they would be hitting everybody, but if
8 they're going to hit somebody they're not going to hit
9 them where it's going to leave marks.

10 Q. Do you remember a teacher ever hitting a child somewhere
11 on the body that would not leave marks?

12 A. Well, it happened to me.

13 Q. Is this the Christmas incident?

14 A. Yes, yes.

15 Q. Are there any other claims that you know of that you
16 think are exaggerated?

17 A. The ones I read on a report that I had I think where --

18 Q. Is this in one of the documents that you have seen?

19 A. Yes, yes.

20 Q. Okay, we will come to that. Can you think of any
21 specific examples now, or we can go to the document?

22 A. I would have to see the document.

23 Q. Okay, we will come to that later.

24 I would like to ask you about the expression
25 "pinball wizard" that you use.

1 A. Okay.

2 Q. What do you understand the expression to refer to?

3 A. It was just sort of grabbed and bounced towards and away
4 from you on a wall by your jumper. It wasn't like --
5 I have seen written somewhere where it was like you were
6 actually in a pinball machine, because you wouldn't be
7 able to bounce off walls. You were thrown -- you were
8 basically just pushed against the wall and pulled and
9 pushed against the wall, like being told off is the way
10 I experienced it. I didn't experience bouncing around
11 every wall and every chair and every desk in the office.

12 Q. So a teacher would take hold of you, push you against
13 the wall, pull you back --

14 A. A number of times.

15 Q. Push you against the same wall?

16 A. Yes.

17 THE CHAIR: For the transcript, Mr A, you are demonstrating,
18 you are grabbing your neck line.

19 A. Yes.

20 That's in my own experience. Whether others had
21 different, I don't know, but I never had it said to me
22 any different.

23 MS MCGAHEY: Do you remember the expression "pinball wizard"
24 being used while you were at Les Chenes?

25 A. It was used a lot: "I've just had a pinball wizard".

1 Perhaps it was more than one, you know, to other people,
2 but to be fair I didn't go in there that much.

3 Q. Is this into the office?

4 A. Yes.

5 Q. And was that the only place it happened?

6 A. I think it would probably happen in other areas, it
7 wasn't necessarily the office.

8 Q. Did you ever see it happen elsewhere?

9 A. I have seen kids being grabbed by their jumper and just
10 pushed against the wall and stuff.

11 Q. And is that what you would describe as
12 the "pinball wizard"?

13 A. To me, but maybe I didn't actually experience a proper
14 "pinball wizard", you know. Like you say, if you
15 were -- if I ever got into trouble in Les Chenes it was
16 more like I would be getting told how disappointed they
17 were with me and stuff rather than where others may have
18 been punished a little differently.

19 Q. So to your recollection "pinball wizard" referred to the
20 experience --

21 A. Yes.

22 Q. -- of being pushed back and forward against a wall.
23 Because the word "wizard" rather tends to suggest
24 a person, but that's not your recollection of what it
25 meant?

1 A. Yes, I think "pinball wizard" just -- the name sort of
2 came -- I think it was -- at the time all I can think of
3 is that age and that era there was a film about
4 a "pinball wizard", wasn't there, and something bouncing
5 off the -- is it Tommy or something? Because I remember
6 actually watching that at Les Chenes. Tommy?

7 Q. And was it that that gave you the name?

8 A. Someone must have taken that name.

9 Q. You say in your witness statement at paragraph 57
10 {WS000679/14} that this was done both by witness 108 and
11 by Mr Lundy. Who did this to you?

12 A. One of them.

13 Q. You say --

14 A. Or perhaps both of them.

15 Q. You say in your witness statement that you remember only
16 witness 108 doing this to you.

17 A. When I had the cane it was 108 who gave it to me.

18 Q. And what about the "pinball wizard"?

19 A. Like I said, that wasn't generally -- perhaps I didn't
20 experience a proper "pinball wizard" in an office,
21 because it sounds like sometimes if you're outside
22 perhaps, maybe some -- whether you want to call them
23 disciplinaries or -- took longer than others, so maybe
24 more went on, maybe more -- I can't say really. There
25 was a lot of noise whenever you -- because you would

1 wait outside the office, so --

2 Q. You would wait outside while another child was in the
3 office?

4 A. Yes, yes, because the office was right -- there was
5 chairs and you had the principal's door and the office
6 was there and you would be called in and there would be
7 a lot of shouting and a lot of noise and perhaps it was
8 people bouncing off furniture, who -- I don't know, but
9 I didn't experience that.

10 Q. From the noises you heard what did you think was going
11 on?

12 A. Just being told off. It was something you got used to,
13 but like I said before, now you realise it's wrong.

14 Q. So did you hear any noises other than voices telling
15 a child off?

16 A. Well, you would hear a lot of shouting, a lot of noise
17 and then generally the person that was in there would
18 come out in tears.

19 Q. And did the children ever discuss among themselves what
20 had happened?

21 A. Just basically -- yes, "I just had a pinball wizard" or
22 "He hit me" and stuff like that. But we all thought we
23 were in a place where that was allowed. It's only now
24 that you realise it shouldn't have been allowed.

25 Q. If we go over the page to paragraph 60 please

1 {WS000679/15}, you say that some of the children were
2 a lot smaller than you were and you imagine that they
3 found the "pinball wizard" experience terrifying. Do
4 you know whether smaller children were ever subjected to
5 this?

6 A. I would probably say no. Like I said before, some of
7 the teachers were intelligent people. Throwing
8 something around that weighs six stone isn't going to --
9 you know, you could have really injured them, so I think
10 they would be doing that to the bigger sort of lads.

11 Q. And you say that when it was done to you it didn't
12 actually cause physical harm?

13 A. Not really, no. It's just you're upset at being told
14 off, so ...

15 Q. And you say that Mr Lundy and 108 both used to get
16 terribly angry and had awful tempers, this is
17 paragraph 59 {WS000679/15}, and when they were punishing
18 children you would hear shouting from the office and you
19 say:

20 "Sometimes you could hear a lot of noise coming from
21 the office, and this would indicate that more went on in
22 there than just 'pinballing'."

23 A. Yes, so like I said, you're waiting outside and so some
24 of the kids are coming outside and they're saying "Oh,
25 yes, I was put on the floor and" -- I can't say for sure

1 that that went on, but that's what they're telling me.

2 Q. What did you have in mind when you wrote that "this
3 would indicate that more went on in there than just
4 pinballing"? What did you think from what you were
5 hearing was going on?

6 A. I'm sort of guessing like throwing them around a little
7 bit.

8 Q. You say that both 108 and Mr Lundy were very aggressive.
9 How did that aggression show itself?

10 A. Every day. They walked, they talked, they acted like
11 they were sort of kings of the place really and you
12 almost had to feel like you had to bow to them when you
13 saw them in a way. So they were quite imposing
14 characters.

15 Q. You say in paragraph 58 {WS000679/15} that you remember
16 Mr Lundy hitting a few of the children. Can you
17 remember any particular incident?

18 A. I wouldn't say it's sort of hit -- it's sort of grabbing
19 and typically -- you know, Mario Lundy was quite a big
20 guy, very muscly, he was a short, stocky rugby player
21 for Jersey, so when he grabbed you knew about it and
22 it's like "If you think you're tough enough, you want to
23 take me on?", kind of thing. So I don't think any of
24 the hitting was -- it's like I have said in my
25 statement, these two in particular were intelligent

1 people. There were some other teachers that perhaps
2 were not so intelligent that would do things in the
3 open, but these guys wouldn't really do it in the open.

4 Q. So did you ever see Mr Lundy hitting another child?

5 A. I wouldn't say hitting, I would say more maybe chest
6 prodding, grabbing, type thing.

7 Q. And what about 108?

8 A. Well, I was hit by him so ...

9 Q. You were hit by him, the incident with your sister.

10 A. Yes.

11 Q. But what about at Les Chenes itself? Did you ever see
12 him hit another child?

13 A. I do recall both of them doing it, but I cannot say when
14 because I remember actions what they used to do when you
15 knew it was coming, so ...

16 Q. Tell us about those?

17 A. I just remember the action when I was hit by 108 it was
18 sort of in front of me and it was sort of (indicating)
19 and --

20 Q. You're going to have to describe it because we're taking
21 a note.

22 A. He used to sort of slap his own face like with anger,
23 like that type thing (indicating) and then sort of --
24 well, that's what happened to me anyway -- and then he
25 punched me in the stomach.

1 Q. So you would see him slap his own face in anger.

2 A. Not slap, but sort of grab it like (indicating) --

3 THE CHAIR: You're putting your hand over your mouth.

4 A. Yes. As if he is really angry and then he would hit
5 you.

6 MS MCGAHEY: And in the incident at your sister's house,
7 which we will come to now, he punched you in the
8 stomach?

9 A. Yes. You know, in my whole four years I was there, that
10 was the only time it happened to me.

11 Q. Did you ever see it happen to any other child?

12 A. I probably did, but I can't remember. I know it did,
13 but I just cannot recall.

14 Q. How do you know it did?

15 A. Because it was his actions, you know. It was the sort
16 of anger when something that upset him, you know --
17 I think that's why it surprised me that time because
18 they were so good at doing things behind closed doors
19 and that way -- you know, that time he didn't. Well,
20 no, he didn't need to be because it was still me and him
21 there.

22 Q. We will come to that in a minute, but going back to what
23 was happening at Les Chenes to other children. You said
24 you don't remember specific incidents, but it was his
25 actions. Do you have a recollection now of him going

1 through that same routine, putting his hand over his
2 mouth, lunging towards a child?

3 A. It's ... they would get very very annoyed when someone
4 would get into trouble, very annoyed. I'm actually
5 trying to remember instances, but it's just I'm
6 confusing myself now, but I can't --

7 Q. Take your time.

8 A. I can't really think of a ... To be fair --

9 THE CHAIR: Mr A, would you like a break?

10 A. No, I'm fine. I'm just trying to think of instances.
11 There wasn't that many instances where 108 -- I think
12 Mario Lundy would do more of that kind of thing.
13 Because he was the sort of deputy who would be there
14 more than 108. At that particular time when 108 came to
15 collect me, it was probably only a handful of times he
16 has had to deal with stuff like that, where normally it
17 would be Mario Lundy.

18 MS MCGAHEY: Do you now remember, as we have asked you to
19 think about it more, Mario Lundy hitting a child?

20 A. Well, I don't recall him confronting me, but I do
21 remember a lot of chest prodding and grabbing, you know,
22 "Come on big boy, you want to take somebody on, take me
23 on" and stuff like that.

24 Q. I said that we would come in more detail to the incident
25 involving you at your sister's house. Could we go on

1 a little to paragraph 71 please {WS000679/18}. You say
2 that you were spending a few days at your sister's home.
3 She lived in a flat.

4 A. Yes.

5 Q. And you had opened envelopes belonging to other people
6 and taken money out, is that right?

7 A. Yes.

8 Q. And she called Les Chenes?

9 A. Yes.

10 Q. And 108 came round and punched you in the stomach?

11 A. Yes.

12 Q. Was that in front of your sister?

13 A. If it wasn't ... it was either just outside the door, or
14 she may have been there, but she would remember me
15 crying, you know, you wouldn't cry unless you were in
16 pain. You know, having a punch from -- when you're 14
17 and a 40-year old, or whatever age he was, punches you
18 in the stomach, I don't think I would have just like
19 laughed it off.

20 Q. How did she react?

21 A. I think in that time she was just probably really upset
22 at me and what I did and perhaps she thought -- I have
23 actually never spoken to her about it.

24 Q. And what happened when you got back to Les Chenes?

25 A. There was a staff member there that I think had to spend

1 Christmas with me. I can't remember who that was,
2 but ...

3 Q. Were you the only child at Les Chenes over that
4 Christmas?

5 A. I think I was.

6 Q. And was this over Christmas Day itself?

7 A. Yes.

8 Q. So when did this incident actually happen? Did it
9 happen on Christmas Day?

10 A. I think it was -- it may have been Christmas Day that he
11 come to do that, or Christmas Eve. Would there be
12 records to say that? That I was collected for
13 doing a ...

14 Q. Did your mother know about this incident?

15 A. No, she didn't know anything from the whole time I was
16 there.

17 Q. So you didn't tell her?

18 A. No. I in fact had a letter not long ago that my mother
19 gave me before she died because she kept telling me she
20 used to pay money for my care and I said "Why would you
21 do that?". I will have to find the letter actually
22 because she was saying to me she used to go up and give
23 money and actually paying for me to stay there, so
24 whether it was -- they thought it was some kind of
25 donation, I have no idea, but there was a letter from

1 the Education Department addressed -- because when my
2 mother died I was sort of executor and I had to get
3 everything together and there was a letter there from
4 the Education Department saying they don't recall any
5 monies being paid in by her.

6 Q. You recall her coming up to give you pocket money?

7 A. Yes, she did. But she said she used to pay for my stay
8 as well -- I don't understand it. But it could have
9 been my mother, so I didn't really go any further with
10 that.

11 Q. Do you know whether your sister ever told her about this
12 incident?

13 A. No, I don't think so.

14 Q. Wouldn't your sister have had to explain to your mother
15 why you weren't home for Christmas any more?

16 A. I didn't see my mother that Christmas. Come to think of
17 it now I can't actually think why I went to my sister's.

18 Q. Do you remember roughly how old you were? I know you
19 say you can't remember the year.

20 A. Probably 14, something like that.

21 Q. So it was really quite soon after you went to
22 Les Chenes?

23 A. Yes.

24 Q. Maybe the first or second Christmas?

25 A. Yes.

1 Q. Going back a little in your statement to paragraph 61
2 {WS000679/16}, you have touched on this already this
3 morning, that you say that Mr Lundy and 108 would use
4 football as a way to abuse children as Mr Lundy was in
5 charge of one team and 108 in charge of the other.

6 A. Yes.

7 Q. "They would run through us like steam trains; it seemed
8 to be their chance to 'get the boot in' legitimately."

9 A. Yes, it was the toughest game of football I ever played
10 in. I stopped playing football a few years back and it
11 still was never as tough as playing football up there.

12 Q. So what actually happened, what would they do?

13 A. It was just that they played as if they were playing
14 with men. No matter how big you were, you had to tackle
15 like you would normally tackle anybody else and the fact
16 that -- you know, you're playing kids here, we've
17 probably got kids' football boots on and they're coming
18 out with their big football boots on with metal studs
19 and stuff, sort of indicates "Hang on a minute" ...

20 Q. So would you have boots with plastic studs?

21 A. Yes. We were kids. I think we had the boots probably
22 given to us by Les Chenes. I can't remember, unless
23 I bought my own boots, but they certainly weren't boots
24 with metal studs on and stuff.

25 Q. Did any child ever get hurt?

1 A. Kids got hurt all the time.

2 Q. In what way?

3 A. Different ways, from tackles, kids would hurt each other
4 from tackles too -- it wasn't just the teachers that
5 would go in rough, kids would get kids back on that too.
6 In particular one of the lads who was very frail, which
7 you mentioned before, was actually the goalkeeper and he
8 would end up in the back of the net with the ball. So,
9 you know, it just goes to show, grown men and big lads
10 firing the ball at him and he is weighing about five
11 stone and he's in goal.

12 Q. And who made the choice to put him in goal?

13 A. He liked being a goalkeeper, but, you know, should
14 someone have said "Actually that's not quite right"?
15 The lad had a hole in his heart.

16 Q. And did other teachers play, or was it just these two?

17 A. I think they did. I think there was a couple more.

18 Q. And were they involved in hurting children during the
19 game?

20 A. It was just a rough game of football. They all played
21 the same.

22 Q. As far as you remember was this deliberate abuse of
23 children, or was it stupidity in just playing like men
24 when they were in fact playing 14-year olds?

25 A. Yes, I don't think it was "Right let's see how many legs

1 we can break today", it was a case of they were playing
2 a game of football as they would play with men not with
3 kids, but they would play it exactly the same way.

4 Q. And were they aware that children were getting hurt?

5 A. I think they felt -- to be honest, I think they felt
6 tough, you know, there was no rules. You know,
7 I remember playing football for a Les Chenes team when
8 other schools came up and they all complained of how
9 rough we were, but we were only playing like we played
10 with the teachers.

11 Q. So was your impression that the teachers thought this
12 was a way of toughening you up?

13 A. That's what I have always maintained. I went to
14 Les Chenes, there's a lot of things that shouldn't have
15 happened, but I benefited from there. It made me
16 tougher and it helped me a lot. A lot of things that
17 happened weren't probably right, but I still wouldn't
18 change the fact that I went in there and I'm sort of
19 glad I went there.

20 MS MCGAHEY: Madam, I'm going to turn to another topic.

21 Would this be a good moment?

22 THE CHAIR: It would.

23 Mr A, as I indicated, we will take our mid-morning
24 break and you will be provided with some refreshment if
25 you would like it.

1 So 25 to?

2 MS MCGAHEY: Yes, Madam.

3 (11.15 am)

4 (A short break)

5 (11.45 am)

6 THE CHAIR: Yes, Ms McGahey.

7 MS MCGAHEY: Thank you, Madam.

8 Could we have on the screen please page 17 of Mr A's
9 statement {WS000679/17}.

10 I would like to ask you now about your evidence
11 concerning another teacher. The name has been removed,
12 but I think you know what that name is. Please don't
13 give it. In paragraph 65 you describe the behaviour of
14 this particular teacher. Do you remember who this
15 person was?

16 A. Yes.

17 Q. You say that he "abused children publicly with general
18 grabbing and shoving". You don't recall him ever
19 hitting anyone, and he seemed less intelligent than 108
20 and Mario Lundy, saying "he was the most heavy-handed
21 yet would not hide his abuse".

22 Did he ever hurt anyone?

23 A. If you were hit by him you would naturally be hurt, so
24 yes. In particular one incidence, one of the kids being
25 pulled out of the swimming pool by their hair, right out

1 of the water, presumably that would hurt, you know.

2 Q. You say that if he hit anybody that would hurt, but you
3 have also said in your statement you don't recall him
4 actually ever hitting anyone.

5 A. I was speaking in context more of hitting to leave
6 marks, hitting the body or something like that then that
7 would happen, that happened with them all, it happened
8 to me as discussed previously, but, you know, I read in
9 the statement about him hitting somebody in the face and
10 I don't think that would ever have happened.

11 Q. But this individual, who we have called 246, do you
12 actually remember an incident where he hit a child?

13 A. More grabbing, or pushing, or pulling out of somewhere,
14 or doing another action, as in putting something on
15 someone.

16 Q. Which we will come to.

17 You say that he was "definitely the most
18 aggressive". In what way?

19 A. Because he didn't come across as an intelligent person,
20 so that's probably his way of dealing with it, with
21 aggression.

22 Q. How did he show his aggression?

23 A. Just by grabbing you and pushing you around basically.

24 Q. Then you go on to describe specific incidents and one at
25 paragraph 69 {WS000679/17} is one where you say that

1 this particular teacher made a boy sit on a high
2 chair --

3 A. Yes.

4 Q. -- and tipped a big bowl of chocolate mousse over his
5 head. And you remember that happening now?

6 A. Yes, yes, he was a -- all the kids saw it because he was
7 in the -- there was sort of an art room before the
8 woodwork room and he was put in like a high stool, not
9 a high chair but a high stool, and he was sitting there
10 with the bowl of mousse on his head all dripping down
11 his face and naturally as kids we were all laughing.

12 Q. You then in paragraph 70 talk about another incident
13 where 246 pulled someone from the swimming pool by his
14 hair.

15 A. Yes, yes, out of the pool.

16 Q. And in paragraph 72 you talk about the same teacher
17 holding a small boy off the floor, holding him by his
18 neck.

19 A. In the shower room, yes.

20 Q. And you say that you have seen another report that you
21 think is of the same incident and we will go to that
22 document in detail in a moment, but in that case the
23 person reported teacher 246 punching this small boy in
24 the head and that's not what you recollect happening, is
25 it?

1 A. No.

2 Q. If we go over the page though {WS000679/19}, at
3 paragraph 74 is it right that you say you didn't witness
4 this whole incident yourself?

5 A. No. I only saw the teacher holding the individual up
6 against the shower cubicle by his neck, with his legs in
7 the air, and that's as far as I saw and naturally, as
8 kids, I think when that happened it was time to scarper
9 anyway, to be out of the way.

10 Q. So when you left was 246 still holding this small boy,
11 673, up in the air?

12 A. Yes.

13 Q. Were there any other children around?

14 A. I think there was me and another person drying
15 ourselves.

16 Q. And did that other person leave with you, or stay?

17 A. I think we scarpered together.

18 Q. You say that you don't recall seeing a member of staff
19 ever punch somebody in the face?

20 A. Not in the face, no.

21 Q. Or anywhere on the head?

22 A. No. You know, if I actually took time to think maybe
23 there may have been a slap or something, but I just
24 can't pinpoint anything.

25 Q. There were members of staff who were not involved in any

1 abuse of children at Les Chenes, is that right?

2 A. Yes.

3 Q. Were there any other members of staff, apart from the
4 three whom you have identified, who did abuse children?

5 A. I think every male teacher that was there would have had
6 a moment where they grabbed a child, or pushed a child,
7 or pulled them. I think there wouldn't have been one of
8 them that hadn't have done that, apart from one I think
9 and that was the gardener who generally would never
10 touch anybody.

11 Q. And when you say all male members of staff at some time
12 behaved in this way, were there some for whom it was
13 a very rare occurrence?

14 A. Very rare, but, you know, when they did it you were sort
15 of shocked that they did it, but maybe they were pushed
16 to a limit.

17 Q. And you have identified three individuals -- please
18 again don't give their names, but were they the three
19 who most stand out in your mind as being --

20 A. They're the three situations that I remember out of --
21 the others were probably -- might have been minor
22 compared -- there would be a general grabbing, or
23 a general pulling, but those stand out to me because
24 they were sort of -- you know, pulling somebody out of
25 the swimming pool by their hair, or holding somebody up

1 by the throat is a bit memorable really, I suppose.

2 Q. Did any other member of staff ever hurt you?

3 A. Not that I recall.

4 Q. You have identified these three members of staff; were
5 there any other incidents involving any one of those and
6 you that you haven't mentioned in it your statement?

7 A. There were probably lots of incidents that happened with
8 some of these individuals that I was probably with other
9 people there, but it just doesn't stand out like they
10 did.

11 Q. In paragraph 76 of your statement {WS000679/19} you say
12 that a teacher, whose name has been blanked out but we
13 can actually name, Ms Webb, did not seem to like the
14 abuse. How did Ms Webb show how she felt about it?

15 A. She would sort of talk to you afterwards -- not talk to
16 you, but, you know, check if you were okay and stuff and
17 she just seemed to know what was happening, you know,
18 whether it was with regards to how people behaved, or
19 incidents, whether -- I don't know, but at one time
20 I think -- she was sort of the mother figure in
21 Les Chenes. You know, if you hurt yourself -- she was
22 sort of trained as a nurse I think as well, so if you
23 cut yourself she would give you some first aid and stuff
24 like that, so there was just some general care from her
25 really.

1 Q. And did you ever talk to her?

2 A. No, I think it was -- although she seemed to know what
3 was happening, I think she still had -- she remained
4 quiet about a lot of the stuff I think. Whether that
5 was part of the agreement between teachers, you know,
6 they never spoke about anything like that, but in her --
7 I think if you would have spent some time with her you
8 would have probably got the information out of her
9 I suppose, but as a child you probably didn't know how
10 to do that.

11 Q. Did you ever feel that you could talk to her about what
12 you had seen happen to other children?

13 A. You probably could do, but I never did.

14 Q. And looking back now do you know why it was that you
15 didn't?

16 A. Because she actually seemed quite close with them too,
17 she lived on the premises like Lundy and 108. They were
18 the only three that lived on the premises. So she was
19 probably quite close with them really.

20 Q. How many members of staff were there altogether, do you
21 remember?

22 A. In Les Chenes?

23 Q. Yes.

24 A. There were lots of part-time staff, there was full-time
25 staff, there was I would say probably seven or eight,

1 but then there was lots of part-time -- then there was
2 a cook and stuff like that as well.

3 Q. Was there any member of staff you could have talked to
4 about the abuse that you were witnessing?

5 A. I don't think so.

6 Q. Did you think at the time that it was abuse that should
7 be reported?

8 A. No, because we thought it was normal.

9 Q. You said in your witness statement that you didn't tell
10 your mother what was going on at Les Chenes, and you
11 have also said that she was supportive of you, is that
12 right?

13 A. I wouldn't say supportive of me, because she didn't
14 really understand anything.

15 Q. She came up to see you --

16 A. Oh, in that way, yes. As a mother, yes.

17 Q. And she brought you pocket money and you spent the
18 weekends with her.

19 A. Yes.

20 Q. Why did you not tell her what life was like at
21 Les Chenes?

22 A. Because in her sort of culture that behaviour was
23 probably normal to her culture, the way kids were being
24 dealt with.

25 Q. You go on in your witness statement, on the page we have

1 in front of you us, at paragraph 77 {WS000679/19}, to
2 say that while you were at Les Chenes you achieved seven
3 good CSEs and you say that for all its failings the
4 system there did encourage you to work and you go on to
5 say you don't think you would have obtained those grades
6 had you not been at Les Chenes.

7 A. No, I think I have done better going there than I would
8 have done if I had stayed in my normal public school.
9 I'm not saying that you looked forward, but part of
10 lessons, part of doing well in lessons was about earning
11 points to go home at the weekends, so you were earning
12 points to go home at the weekend, but you were also
13 learning at the same time so your education was pretty
14 good.

15 Q. You went on from Les Chenes to Highlands College.

16 A. Yes.

17 Q. And if we go over the page please {WS000679/20}, you
18 took a course there and you stayed at Les Chenes while
19 you were at Highlands?

20 A. Yes.

21 Q. And you became part of the Elite Club as a senior
22 resident. Then in paragraph 80 {WS000679/20} it was
23 after you left Highlands College you obtained an
24 apprenticeship and left Les Chenes, but ended up back
25 there very soon afterwards?

1 A. No, that's -- that was a bit of a mix-up there.

2 I thought I went to -- after I left Les Chenes I thought
3 I went back to Les Chenes, but in fact it was the other
4 way round. I went to Les Chenes the first time and came
5 out on probation and then I was caught glue sniffing
6 again and went back, so that's the other way round.

7 Q. So in fact it was at the beginning of your time at
8 Les Chenes --

9 A. Yes.

10 Q. -- not towards the end?

11 A. No. Which previously I thought it was this way round
12 but it isn't, it's the other way round.

13 Q. So it was just the once that you ended up in Les Chenes,
14 out on probation and back in again?

15 A. Yes.

16 Q. But within a short time of leaving Les Chenes you stole
17 a car and were arrested again?

18 A. Yes, and it was from then on I went to the Young
19 Offenders' Centre and from then on, after being in there
20 I wanted to change my life around and I stopped mixing
21 with the wrong crowd and ...

22 Q. What was it about going to La Moye that made you decide
23 you didn't want any more of this?

24 A. Because it was a prison -- although the young offenders
25 was a side part of the prison, it still was a prison and

1 it felt like a prison and I didn't want to go there
2 again.

3 Q. But your three years in Les Chenes hadn't made you feel
4 you didn't want to go and steal a car?

5 A. Unfortunately being young and I loved cars and I just,
6 you know, again being with the wrong crowd I stole one.
7 I obviously saw sense after going there and from then
8 on, you know ...

9 Q. If we could go to the next page in your statement please
10 {WS000679/21}. In paragraph 82 you say:

11 "I still see some of the residents that I was with
12 at Les Chenes. Often they tell me that they wished they
13 had improved their lives, as I have."

14 And then you name two individuals who you have seen.
15 Again please don't give their names, but have you ever
16 talked to either of those two people about your time at
17 Les Chenes?

18 A. Yes. Not so much now because one of the -- I'm trying
19 to picture who they are. One of them is doing a life
20 sentence for murder and when I used to see him,
21 you know, he used to say "What made you -- how did you
22 manage to go that way?" and, you know, I used to get
23 comments like "We're proud of you that you've said that
24 way" and, you know, even to today there's a lot of the
25 lads that were there who still get into trouble now, but

1 I have done quite well in my life, but I still would not
2 walk past them, I would still say hello to them and try
3 and be normal and that's when I get comments like,
4 you know, "You've done really well and we wish we could
5 have taken your path."

6 Q. Have you ever talked to any of them about what went on
7 at Les Chenes while you were all there?

8 A. Not really, no. Even to now there's not been a lot of
9 talk really.

10 Q. Are you in regular contact with any of the people with
11 whom you were at Les Chenes?

12 A. I see some people now. You know, I have had breakfast
13 with a few people and stuff like that, sort of catch up,
14 you know. And that was only by accident I met some
15 people, but I fixed a motorbike of a certain young chap
16 and realised when I was fixing his motorbike it was his
17 mother that I was in Les Chenes with, you know, and
18 stuff like that.

19 Q. The Inquiry has heard evidence that a meeting of former
20 residents of Les Chenes took place at the Jersey
21 Arts Centre in the summer of 2008.

22 A. I didn't attend.

23 Q. Did you know anything about it?

24 A. No.

25 Q. Can I ask you please to look at one of your exhibits,

1 which is the police report of an interview with you
2 in September 2008. That's page 13 of the exhibits
3 please {WD008665/13}. The interview itself was the end
4 of August 2008 and the notes were typed up on
5 2 September.

6 How did you come to be interviewed by the Police
7 in August 2008?

8 A. I had a phone call out of the blue just to come down for
9 a chat about my time in Les Chenes.

10 Q. And did you know why the Police were interested in --

11 A. No, I didn't -- you know, I just -- I just remember
12 there was a woman officer, but they were from the UK, if
13 I remember rightly, but it wasn't that they explained
14 that it was for any inquiry or anything like that, it
15 was just "come down for an interview about your time at
16 Les Chenes."

17 Q. And you agreed to do that?

18 A. Yes.

19 Q. How long was it between the phone call when they rang up
20 to ask you and the interview itself?

21 A. I can't remember if it was days or a week or something.

22 Q. And in that time did anybody else who had been with you
23 at Les Chenes tell you that they had also had a phone
24 call, or also been interviewed?

25 A. No, because I hadn't seen anybody sort of at that time.

1 Q. I would like to go through this document and ask you
2 about whether you think it's accurate.

3 A. Yes.

4 Q. Because this is obviously a record taken by the
5 police officers of what you said and it says that you
6 explained that you had enjoyed your time at Les Chenes,
7 you were a tearaway and easily led, sent there by
8 the courts having broken into some premises --

9 A. That's wrong.

10 Q. Is it what you actually said?

11 A. Yes. It's just remembering what happened, even the age
12 I went there is wrong, isn't it?

13 Q. But did you tell the Police that you had enjoyed your
14 time at Les Chenes?

15 A. I think -- yes, I didn't -- I can't say that I didn't
16 like it at all because I'm very sort of -- not grateful,
17 but I'm glad I went there because it did -- I would have
18 been a lot worse if I wouldn't have gone there.

19 Q. And you say in the next paragraph -- as you explained
20 there you have got the dates wrong and your age, but:

21 "When he first went there he was placed into the
22 cells for the first couple of days. Then he joined the
23 rest of the children in the main part of the building.
24 He would be given food outside the cell."

25 Is that about right?

1 A. That's what I recall, yes.

2 Q. You thought that being placed in a cell was over the top
3 and were tearful about being there. You presumed there
4 was just a bed in the cell and you weren't punished,
5 presumably while you were there.

6 A. Yes, it was just two gym mats. I'm remembering now,
7 two --

8 Q. So that's all correct?

9 A. Yes.

10 Q. And:

11 "Other children that were brought to Les Chenes late
12 at night would also be placed into the cell, and then
13 introduced to the group the following morning."

14 A. Yes.

15 Q. You then identify a number of children who were there
16 with you. Could we go over the page please
17 {WD008665/14}. You identify three members of staff and
18 they are the ones you have talked about in your
19 statement to us, and you are recorded as saying:

20 "Most of the staff he said were 'spot on',
21 particularly saying he liked [108] and Mr Lundy. He
22 described them as supportive. He was into sport and so
23 were they so they had a common interest."

24 A. Yes. Maybe "spot on" at the time of, you know, what's
25 happening now is probably -- but mind you, I did say

1 "most of the staff", so --

2 Q. So did you tell the Police that most of the staff were
3 "spot on"?

4 A. Yes, but they wouldn't have naturally -- like there is
5 an Inquiry now, "most of the staff" is a comment, so it
6 doesn't mean all of the staff.

7 Q. But do you remember saying that you particularly liked
8 108 and Mr Lundy?

9 A. Yes, you know, like I said I was hit by him once. I got
10 on with Mr Lundy quite a lot, so generally I did like
11 them.

12 Q. So does this accurately reflect what you told
13 the Police?

14 A. Yes.

15 Q. And you went on to say that the staff had their
16 favourites, they may not have been as supportive to all
17 the kids, you were bright and the staff spent their time
18 on you.

19 A. Yes, I would say so, yes.

20 Q. That's right and that's what you told the Police?

21 A. Yes.

22 Q. And there were some kids who were a handful and have
23 gone on to be worse as adults. The staff would have to
24 restrain the naughty kids but you never witnessed
25 anything inappropriate.

1 A. I don't know about that bit.

2 Q. Do you think --

3 A. I remember reading that.

4 Q. Do you think that's what you told the Police?

5 A. It's 2008 so -- you see, then as well I was like --

6 I wasn't even keen on going down there for that because

7 I wanted to forget about Les Chenes and I actually went

8 down there and I think I was explained that -- they

9 mentioned something about this and they were going to

10 look into it and I just -- "Look, I'm not interested

11 in" -- I wasn't really -- I think I had more than one

12 phone call to go down there because the first time

13 I said I wasn't interested and I just thought "What the

14 heck, I'll go down there and just say everything was

15 okay", but then after somebody else phoning me for

16 what's happening know saying, "You know, this is

17 like" -- because I don't think that was treated as

18 seriously then, this was just two police officers

19 wanting to have a chat with you and now it's turned into

20 this big Inquiry, you know, I didn't really take it as

21 serious as that, but when you start thinking about some

22 of the things you realise it was wrong.

23 There I sort of went there thinking only for myself,

24 so perhaps a little bit selfish and thinking "Well,

25 I have done okay out of it, just say it's okay."

1 Q. You say you decided to go to the Police and tell them it
2 was okay. Did you think that that was true?

3 A. I didn't think too much of it really. Like even to
4 them, you know, seven years ago I still didn't think of
5 it as much as I think about it now really because they
6 didn't seem that fussed about it really, like what is
7 happening now.

8 Q. You are recorded as having gone on to say that some of
9 the lads who were 14 and 15 were over 6-foot tall and
10 would fight with the staff.

11 A. Yes, see, that's not -- I don't think I would have said
12 that, to be fair.

13 Q. What do you think you did say?

14 A. That they could have fought with the staff perhaps.
15 You know what, I think there was a lot of -- there was
16 a lot of big lads. If they really wanted to retaliate
17 some staff could have got hurt. I think there was
18 an element of respect there for the teachers because
19 they were adults, but some of these lads were tough,
20 strong lads, you know?

21 Q. You are recorded as having gone on to say:

22 "The staff did have to restrain them and hold their
23 hands up their backs etc, they would then be placed into
24 the cells to calm down."

25 Is that what you told the Police?

1 A. Yes, which is sort of similar to what I said before,
2 isn't it, that they would use it as just a place for
3 them to calm down.

4 Q. You said that:

5 " ... no teacher would punch a child in the face,
6 which is what he thinks people are saying happened.
7 This he said simply is not true."

8 And you go on to say that the staff had to be firm
9 and that's what you told the Police?

10 A. Yes. You see my recollection of firm is -- I didn't
11 think too much of it. By grabbing people and pushing
12 them against the wall, you're in a school that's full of
13 people who have behavioural problems, they've got into
14 trouble, they're aggressive, they're -- you know, in my
15 case I was glue sniffing and stuff like that, so we
16 weren't easy kids to deal with, so even then I just used
17 to think to myself it was pretty normal.

18 Q. And they go on to record you recalled the point system
19 and explained that although you were naughty, you were
20 smart:

21 "Others weren't as smart and they would lose their
22 points and get punished. There were not many occasions
23 when he was not allowed home for the weekends ..."

24 Was that all correct, that's what you told
25 the Police?

1 A. Yes, yes.

2 Q. "They attended five lessons a day and received 15 points
3 per lesson. You needed 350 points to be allowed home.
4 If you were smart and behaved they were easy to attain.
5 It was however also easy to lose them, points would be
6 deducted for swearing and fighting. For the less bright
7 children, the points were not easy to attain."

8 Was that all what you told the Police?

9 A. Yes, yes.

10 Q. And that your mother worked long hours, your mother was
11 still at work when you went home for weekends and you
12 would meet up with other kids and that's when you would
13 get into trouble.

14 A. Mm hm.

15 Q. You say you didn't like the individual that you have
16 named in your statement to us, couldn't explain why you
17 didn't like him, but he would treat the kids badly,
18 would "happily deduct points but he couldn't expand on
19 this". Do you remember talking to the Police about 246?

20 A. Yes. Why wouldn't I -- I don't understand why
21 I couldn't expand on this so -- did I sign this?

22 Q. It's not a statement you were asked to sign. It's
23 a police report of what you told them.

24 A. Okay.

25 Q. One of my questions at the end to you was going to be

1 had you seen this document at the time?

2 A. Well, yes, I don't recall signing anything or ... some
3 of it doesn't add up to be fair.

4 Q. Were you ever shown this police report before
5 the Inquiry showed it to you?

6 A. No, that's what I said to the person that first showed
7 me this.

8 Q. So you can't understand now why the police would write
9 down that you couldn't expand on it?

10 A. I'm no policeman, I'm no investigator, but I would sort
11 of push for an answer, "Come on, tell me a bit more".
12 Why would they just stop there?

13 Q. Do you remember telling the Police that there wasn't any
14 more you could say about 246?

15 A. I could say a lot about 246.

16 Q. But thinking not about what you could say, but what you
17 told the Police you could say, do you remember telling
18 them "Sorry, I really can't say any more about him"?

19 A. No.

20 Q. There was a further reference to 246 because in the next
21 paragraph it says that you had heard at the time that
22 246 pulled people around, but you didn't witness this
23 yourself. You explained it was all so long ago, if
24 something was not that serious it was hard to remember
25 it now. Do you remember saying that to the Police?

1 A. No, because I remember vividly times where he's done
2 stuff, so ...

3 Q. And you've told us about those in your witness
4 statement.

5 A. Yes.

6 Q. Did you tell the Police about the incident about the
7 chocolate mousse?

8 A. I think I did.

9 Q. How sure are you about that?

10 A. I think I did because me being the child that I was
11 there, I had a love of cars, which everybody knew, and,
12 you know, the fast driving and stuff and I'm sure -- I'm
13 pretty sure that I mentioned how he used to drive and
14 stuff as well.

15 Q. Because he used to drive very very fast?

16 A. Yes.

17 Q. And on reflection you thought dangerously so?

18 A. Now, but as kids we loved it.

19 Q. And do you think the told the Police about that?

20 A. Yes.

21 Q. Do you remember doing that?

22 A. I do -- because that was always on my mind because
23 I used to think I actually didn't like him as a person
24 but I thought he was a great driver, particularly with,
25 you know, the way he used to drive was in a Sherpa van.

1 Q. With kids in the back of the Sherpa van?

2 A. Yes, yes.

3 Q. On seats?

4 A. Yes.

5 Q. Did you tell the Police about the incident where 246
6 pulled a child from the swimming pool by his hair?

7 A. I would see -- I can't see why I didn't.

8 Q. Do you actually remember telling them?

9 A. No.

10 Q. Okay. And do you remember telling the Police about 246
11 holding the little boy up by his neck?

12 A. I don't remember that either.

13 Q. You don't remember whether you told them?

14 A. No, no, but like I said, when I went there I still
15 wasn't really interested in talking about the place, to
16 be fair.

17 Q. And do you think the told the Police about 108 punching
18 you?

19 A. No, I didn't either.

20 Q. You didn't?

21 A. Because -- well, I don't think so, but when I went there
22 for that they weren't asking me about abuse and stuff
23 like that. It wasn't mentioned. It was like what
24 happens when you're up there. If someone said "Did you
25 ever see anything?", then it would be a different story.

1 But then I just -- I don't recall, to be fair, but it's
2 very strange why -- if I was asked about that particular
3 person there would be a lot more information on them
4 than that.

5 Q. But now you don't remember actually telling the Police
6 about these other incidents?

7 A. I think I have said more than was on there, but how much
8 I can't recall.

9 Q. Going on in this police report, you are reported as
10 having said you enjoyed the food, which is something you
11 also told us.

12 A. Yes.

13 Q. There were lots of activities, including sports, went on
14 to Highlands College but slept overnight at Les Chenes
15 and left at 17 with CSEs that you thought you wouldn't
16 have achieved had you not been there?

17 A. Yes.

18 Q. So is that all accurate?

19 A. Yes.

20 Q. Can we go over the page please {WD008665/15}. You then
21 describe what you are currently doing and say you are
22 doing well, there was nothing further you wished to add.

23 So you say you think you may have told the Police
24 more about 246 but you can't remember what, is that
25 right?

1 A. Yes. But, you know, again looking at that, it's
2 a pretty correct recollection, so all I can think of is
3 that I actually wasn't interested in going down there
4 and talking about anything at the time.

5 Q. So do you think that this report is generally
6 an accurate reflection of what you told the Police?

7 A. I would say so, but with the meetings that I have been
8 in recently I have had a lot more information given to
9 me and it seems a lot more serious and care in the
10 questioning. When I went there it was just two
11 police officers, you know, "What happened here, what
12 happened there" or -- they weren't specifically asked
13 about incidents that happened, or anything like that.
14 It was presented to me as if to say, you know, "You were
15 in Les Chenes and what happened there? Did you like
16 it?" and that was it, type of thing.

17 Q. Could we go back please to your witness statement and to
18 page 19 {WS000679/19}. You are talking in paragraph 75
19 about the police report that we have just looked at and
20 you say:

21 "I do not understand why the instances of abuse
22 I have outlined above did not make it into the
23 report ..."

24 And this is regarding you being punched and the
25 swimming pool and the mousse and the boy off the floor.

1 A. Right. Oh well, they would have heard of them, yes,
2 yes.

3 Q. And you say there:

4 "I certainly remember telling the officers about
5 each of these specific instances at the time."

6 A. Yes, well, there you go, because that's what I thought,
7 why would I just stop and not say any more about 246?

8 Q. But I think you've told us today that you don't remember
9 telling the officers about these instances?

10 A. I don't. I'm pretty sure that I did, but I don't
11 remember it.

12 Q. So should we take it that you're not actually as certain
13 about it as paragraph 75 suggests?

14 A. I'm not, no.

15 Q. Okay.

16 You said earlier that you thought that some of the
17 allegations of abuse had been exaggerated and you said
18 that you had got those allegations from a document you
19 had been shown.

20 A. Yes.

21 Q. I would like to ask you to look at a document and see if
22 it's the one you had in mind. Could we have the
23 exhibits at page 16 on screen please {WD008665/18}. Is
24 this the document you have in mind?

25 A. It's similar to that, but it's not the actual one.

1 There are quite a few, aren't there?

2 Q. There are quite a few. These are the early pages of it.

3 A. Yes.

4 Q. So in fact this is the first page that you were shown.

5 A. Yes.

6 Q. What I would like to do is go through these pages and
7 ask you to identify the allegations that you think were
8 exaggerated.

9 A. Okay.

10 Q. Some of them may be allegations that you just don't know
11 anything about, so please tell us if that's the case.

12 So here, the first one is that the individual was
13 sent to Les Chenes at the age of 11, placed in a bare
14 cell fitted only with a mattress for about six weeks.

15 Were you aware of any child being placed in the
16 secure unit for six weeks?

17 A. No. The first bit is okay, but the six weeks one is
18 a little bit stretched.

19 Q. Is it possible that that could have happened to a child
20 while you were there and you wouldn't have known about
21 it?

22 A. We would know straight away if someone went in the
23 secure suite.

24 Q. How would you know?

25 A. Because we would be told there's someone in the secure

1 suite.

2 Q. Could you get access to it? You said it was at the end
3 of a corridor.

4 A. You can actually -- if you're working outside, you could
5 look into the secure suites from the windows.

6 Q. And could you see who was inside each of the rooms?

7 A. You could see inside, yes.

8 Q. On the next page please {WD008665/19}, here a boy
9 alleges that a hole had been punched in one of the
10 bedroom walls and that he and two other boys were thrown
11 around the room during assembly by 108 and:

12 "They were also jabbed in the chest, thrown to the
13 floor, walls and ground, punched with a clenched fist to
14 the chest area whilst [108] shouted and swore at them."

15 This behaviour took place in the presence of other
16 children. Do you remember anything like that happening?

17 A. Not those other incidents, but I have a recollection
18 about holes in walls, but again I wasn't present if that
19 sort of stuff happened, but I didn't witness it.

20 Q. Could we go over the page please {WD008665/20}. The
21 witness known as 145:

22 "... alleges that Lundy started screaming and
23 shouting at him for 'failing the system' after he lost
24 a job. Lundy then told him he was worthless, kicked the
25 back of his legs, causing him to fall backwards and then

1 punched him in the chest."

2 First of all, do you remember anything like that
3 happening?

4 A. Well, why would someone be there if they had lost their
5 job? I don't understand that.

6 Q. You have seen the allegation that Mr Lundy kicked the
7 back of his legs and punched him in the chest.

8 A. Was he brought back to Les Chenes after he lost his job
9 or ..?

10 Q. This is all we have.

11 A. Oh.

12 Q. So is that the type of behaviour that you would believe
13 Mr Lundy capable of doing?

14 A. I've heard it, but I've not witnessed it.

15 Q. Could we go on to the next page please {WD008665/21}:

16 "[A boy] alleges that either [108] or Lundy would
17 cane the boys nine to twelve times in one session on the
18 bare backside. They would take a run of before caning
19 them, leaving the skin on their backsides split and
20 bleeding."

21 Do you remember caning of that severity taking
22 place?

23 A. I didn't get caned like that.

24 Q. Were you aware of any other child being caned like that?

25 A. No.

1 Q. Then in the box below another boy says that Mr Lundy
2 would cane the boys causing "deep bruising to their
3 backsides and to the back of their legs". Did that
4 happen that you knew about?

5 A. Yes, I had bruising when I was caned. You wouldn't walk
6 away with not a mark at all and I believe nothing --
7 I think I recall someone having their legs being done as
8 well, but not to the extent of the one before.

9 Q. Could we go over another two pages please {WD008665/23}.
10 Another boy, 622:

11 "... alleges that Lundy grabbed him and rolled up
12 his sleeve to reveal a self-inflicted wound. Lundy
13 started shouting and punched [622] in the chest with
14 a clenched fist causing him to fall back over the couch
15 that he had been sitting on. Lundy grabbed [622]'s
16 clothing with his right-hand whilst threatening him with
17 his left. Lundy said something similar to 'Do you want
18 to go at me big man' before pushing [622] back onto the
19 couch."

20 A. I must admit that does sound quite familiar.

21 Q. But not something you witnessed in this instant?

22 A. I sort of witnessed -- particularly the comment and
23 probably the grabbing and saying "Do you want a go at
24 me", I even mentioned that this morning I think.

25 Q. Could we go over another two pages please {WD008665/25}.

1 This is an allegation that one boy alleges that another
2 boy was dragged away to 108's office by someone who he
3 presumed to be Mr Lundy and the boy returned revealing
4 red marks across his rib area. Do you remember that
5 happening, or anything like that?

6 A. I don't remember the incident, but that could be the
7 result of time in the office, yes.

8 Q. What makes you think it could be a result of time in the
9 office?

10 A. Because it's just -- you know, it's just particularly
11 where he's got marks, it's not on the head and it could
12 have been caused by being thrown around a little bit
13 that he has actually hit himself on an item of furniture
14 or something.

15 Q. Could we go to the next page please {WD008665/26}. One
16 boy alleges that another boy and you were "pinballed" by
17 Mr Lundy:

18 " ... whereby he dragged them by their hair or
19 clothes and flung them around the day room or [108]'s
20 office."

21 A. Not by my hair. Like I mentioned, my experience of that
22 was being bounced off the wall --

23 Q. You will have to tell us.

24 A. Sorry, being bounced off the wall by clutching my jumper
25 on my chest, flung around. Other people experienced

1 different things perhaps.

2 Q. Could we go to the next page please {WD008655/27}:

3 "[A girl] alleges that Mr Lundy, who she describes
4 as having 'short man syndrome', made [someone] put
5 aftershave on his groin region after he had shaved off
6 his own pubic hair."

7 And that boy would have been 13 or 14 years of age
8 at that time. Do you remember anything like that
9 happening?

10 A. Yes, now, thinking of it, I can probably name the person
11 too.

12 Q. Please don't.

13 A. No. Yes, because the person was quite a developed
14 13/14-year old person and yes, I do remember that.

15 Q. How did you find out about this happening?

16 A. Again, whenever an incident happened it was kind of
17 shared: I do remember that.

18 Q. So did the boy himself tell you?

19 A. Yes, yes. But I'm not sure whether he was made to put
20 aftershave on his groin area, or he actually did that
21 himself.

22 Q. What do you think the boy told you?

23 A. That he put it on there as somebody would do normally
24 after they have had a shave, but didn't realise it would
25 sting him.

1 Q. Right, and so where, if at all, did Mr Lundy come into
2 this?

3 A. I've no idea. In my recollection I thought the teachers
4 were having a joke and a laugh about it, rather than
5 making someone do it.

6 Q. Could we go on to the next page please {WD008665/28}.
7 The allegation is that Mr Lundy grabbed hold of a boy by
8 the skin of his neck during a ball game. The boy's face
9 went red and Mr Lundy then dragged him away out of sight
10 and when the boy, 620, returned he was "out of breath,
11 red, upset and angry", with no visible injuries. Do you
12 recollect anything like this?

13 A. No.

14 Q. Is it consistent with Mr Lundy's behaviour in other
15 ways?

16 A. It is a bit, yes.

17 Q. Then if we go another two pages please {WD008665/30}. A
18 boy, 179:

19 "... states that during football games, Lundy would
20 belittle him and act like a 'roller ball' on the pitch.
21 [179] alleges that on one occasion, Lundy broke his
22 nose."

23 Do you remember a boy's nose being broken in
24 a football game?

25 A. I think I do, yes. I'm trying to picture it but

1 I can't, but I think I do remember something. Like
2 I said, the football game was a pretty rough game.

3 Q. Do you know what's meant by the expression "acting like
4 a 'roller ball' on the pitch"?

5 A. Probably similar to what I said, like running through
6 the kids like steam trains, I suppose.

7 Q. Could we go to the next page please {WD008665/31}.

8 A boy alleges that:

9 " ... Lundy slapped him across the face with an open
10 palm whilst shouting and swearing at him and then pushed
11 him into a safe. This was known at 'pinballing'."

12 A. Well, if it was the safe then nobody would have seen
13 that because that would have been in the office. I'm
14 presuming there if the safe was anywhere.

15 Q. Were you ever told that Lundy had slapped anyone across
16 the face?

17 A. I did mention before perhaps slapping across the head,
18 so whether that's -- not punching but ...

19 Q. Do you remember actually being told about this
20 happening?

21 A. No. I do remember lots of people going to the office
22 and having as described as a pinball, but ...

23 Q. Could we go to the next page please {WD008665/32}. The
24 allegation is that Mr Lundy hit a boy on the back of his
25 head with his knuckles, causing him to fall forward into

1 108's desk. Mr Lundy then dragged the boy to a secure
2 cell where he was kept naked for four to five days and
3 he had a bump to the back of his head. Do you remember
4 being told about anything like that happening?

5 A. No, not at all, no.

6 Q. Were you aware of a boy ever being kept naked in the
7 secure cell?

8 A. No. I find that quite frightening to be honest. No.

9 Q. Did the windows of the secure cell have curtains?

10 A. No.

11 Q. Or blinds?

12 A. No.

13 Q. So if a boy was in that cell naked would he be visible
14 to any other person passing outside the window?

15 A. Yes.

16 Q. Could we have the next page please {WD008665/33}.

17 A statement says that Mr Lundy was aggressive and would
18 shout and bully the kids and repetitively assault two
19 individuals. Is that consistent with what you remember
20 of Mr Lundy's behaviour?

21 A. Aggressive, yes, he was aggressive. I agree with the
22 first statement. But "repeatedly"? I suppose obviously
23 there is enough allegations there, but, you know, over
24 five years that's five or six allegations, so I wouldn't
25 class that as repeatedly.

1 Q. Do you remember Mr Lundy targeting any particular boy
2 for bullying?

3 A. I think there were some boys that had it a lot rougher
4 than others.

5 Q. Do you remember Mr Lundy ever targeting a boy in that
6 way and assaulting him repeatedly?

7 A. Not in front of me.

8 Q. Do you remember any of the other boys ever telling you
9 that Mr Lundy really had it in for them?

10 A. I can't recall to be fair.

11 Q. Could we go on another two pages please {WD008665/35}.
12 The allegation here is that Mr Lundy dragged somebody
13 out of the day room and that person:

14 "... wasn't seen again for about two weeks. When he
15 returned, it appeared that he had lost loads of weight,
16 looked malnourished, was covered in noticeable bruises
17 on his arms and legs and was walking with a limp. He
18 had lost his 'spark' and confidence and he was withdrawn
19 and wouldn't speak to anyone."

20 Do you remember anything like that happening?

21 A. No, but I would have noticed someone who had disappeared
22 for two weeks. The only person I know who disappeared
23 was a lad who absconded. I don't know of anybody else
24 disappearing.

25 Q. Well, another individual in the same box suggests that

1 that person was taken down to the cells, so presumably
2 to the secure suite, and wasn't seen for at least a week
3 or more. So if a boy was kept in the secure suite for
4 a week or two would you know about that?

5 A. Yes.

6 Q. Did that ever happen?

7 A. I don't recall. No, I don't recall it.

8 Q. Do you recall anyone ever being deprived of food as
9 a punishment?

10 A. No. I actually recall myself that I used to eat
11 actually too much and I got forced to eat more to make
12 me sick, so I got quite the opposite.

13 Q. Why was that done to you?

14 A. Because I was sort of classed as the gannet and I used
15 to eat everything and what everybody used to leave on
16 their plates and one of the teachers made me eat the
17 rest of the food until I was sick. Obviously that's
18 just another recollection as I'm talking now, so
19 I remember it was spaghetti bolognese and I was sick in
20 the toilet.

21 Q. Was that as a punishment for taking food off other
22 people's plates?

23 A. Yes.

24 Q. Could we go on another two pages please {WD008665/37}.

25 The boy, 591:

1 " ... alleges that Lundy came into his room, threw
2 him out of bed and said 'I've been waiting for ages,
3 I've had your name on a locker here'."

4 First of all do you know what that means?

5 A. I'm presuming that's someone who has just come into
6 Les Chenes and that's Lundy saying he's been expecting
7 them. Probably the comment sounds right, I don't know
8 about throwing them out of the bed and there were no
9 lockers in Les Chenes.

10 Q. Could we go to the next page please {WD008665/38}.

11 A boy, given the number 82:

12 " ... alleges that Lundy 'took him down' really hard
13 during a game of rugby and then stamped on his head,
14 back, arms and legs. [The boy] did not seek medical
15 attention."

16 A. For the whole time I was in Les Chenes, I never ever
17 played a game of rugby.

18 Q. Mr Lundy was a rugby player himself though?

19 A. Yes.

20 Q. But you played football at Les Chenes?

21 A. Yes.

22 Q. During a football game were you ever aware of Mr Lundy
23 stamping on a child?

24 A. That could have been possible.

25 Q. When you say it could have been possible, did you ever

1 see it happen?

2 A. I can't pinpoint, but I'm certain that it did. I don't
3 know about stamping on a head. They may have stood on
4 someone's legs or something, which is quite normal in
5 football, and particularly if you were quite good at the
6 sport and you sort of -- you could upset him quite
7 easily by using a bit of skill like making them fall
8 over, or putting a ball through their legs or something.
9 They would probably chase after you for that.

10 Q. And the last page please {WD008665/39}. The same boy,
11 82:

12 "... alleges that Lundy was rough with him, often
13 giving him a slap or pushing him down the stairs."

14 Did you see Mr Lundy behave like that to any boy?

15 A. I don't know about pushing someone down the stairs.
16 There's only one set of stairs anyway and they led up to
17 the bedrooms and we were only ever there during early
18 morning or late at night, but I don't recall. I don't
19 recall anybody being pushed down the stairs, but
20 slapping possibly, given a slap on the back of the head
21 or something.

22 Q. You said that it was from this document that you gained
23 the impression that some allegations might be
24 exaggerated and we have gone through these now. Have
25 you heard any allegations made elsewhere, other than in

1 this document, that you think might be exaggerated?

2 A. Only of what I read in the press and stuff like that.

3 Q. And what do you believe to be exaggerated, can you
4 remember?

5 A. I just think some of the examples that have been said,
6 or some of the allegations. You know, granted there was
7 aggression and there was violence in there, but some of
8 the situations are pretty major, putting people naked
9 for four or five days and stuff like that; it just
10 doesn't add up to me, stuff like that.

11 Q. This document was created in 2008 following the
12 interviews similar to the interview that you had with
13 the Police.

14 A. Oh, right, okay.

15 Q. So it does look as if the Police did write down
16 certainly allegations made by other people.

17 A. Yes.

18 Q. Does that help you with your recollection as to
19 whether --

20 A. I mean it's -- like I said, it sort of confirms that
21 I actually went there not really interested. I didn't
22 really want to talk about it at all. It's only now that
23 I wasn't pushed to come for these interviews, but it was
24 sort of explained to me that, you know, it may be good
25 to talk about it. Because at one point I thought at

1 times it didn't affect me being at the school and
2 although I think it done me a lot of good, it also made
3 me in other areas a bit -- you know, sometimes I have
4 struggled in my own personal relationships and I found
5 when I have a relationship when kids are involved I have
6 found I have been probably a bit strict with them, as
7 a result of where I was, and also I've got really bad
8 OCD where everything has to be in the right place and
9 stuff like that and I also think that's a combination of
10 that as well, so there's different things that came out
11 from there.

12 Q. So at Les Chenes were you required to have everything in
13 the right place all the time?

14 A. Yes, we were controlled.

15 Q. Lastly I would like you to go back to your statement
16 please and to the recommendations that you have made to
17 this Inquiry. Could we have page 22 of the statement
18 please {WS000679/22}. These are the suggestions that
19 you have made for improvements and the first one is:

20 "I believe that every person should have had
21 a development or improvement programme whilst at
22 Les Chenes, or indeed whilst at any other care home. As
23 stated above, visits from Children's Services were
24 infrequent. They should have been more routine and
25 structured, with more interest shown for the children

1 and their welfare."

2 And, as you have explained, nobody came to you and
3 said "What would you like to do with your life?".

4 A. No.

5 Q. And the next one:

6 "Young children who have offended need guidance.

7 They need someone to meet with them to review their
8 progress and to provide help where necessary.

9 Unfortunately, most people that I was with at Les Chenes
10 have now either died, are in prison, or are suffering
11 from some kind of mental illness. One must question
12 whether this was due to the level of support they were
13 offered as youngsters."

14 A. Yes.

15 Q. You have identified in your statement a couple of people
16 who have done well after leaving Les Chenes, but is it
17 right that the majority of those with you have had an
18 unhappy life in one way or another?

19 A. Yes.

20 Oh, is it right? It's not right.

21 Q. No, has this happened.

22 You say it's most of the people, is it really true
23 it's the majority of them?

24 A. Yes. I think, you know, like I mentioned, two or three
25 people have done extremely well from Les Chenes, but

1 when you put that in a percentage term of the people who
2 were in there, it's barely 10 per cent. And I think the
3 people that have done well it's probably due more to
4 their inner strength rather than how they were guided.
5 Certainly with me it was probably more my inner strength
6 and knowing that I don't want to go there any more,
7 I don't want to do this any more, but some people can do
8 that and some people need help with that.

9 Q. You say:

10 "Whilst I was at Les Chenes, there was nobody there
11 for the residents to really talk or complain to.
12 I think that there should be a dedicated team of people
13 devoted to children in care, who talk to residents to
14 discuss any issues or complaints they may have.
15 I imagine that this would work similarly to a dedicated
16 human resources team in a corporation. I believe that
17 if this was available whilst I was at Les Chenes, the
18 teachers would not have gotten away with the level of
19 abuse they inflicted. We had nobody to discuss our
20 issues or concerns with. As children, we did not know
21 right from wrong and we just accepted the abuse for what
22 it was."

23 A. Yes.

24 Q. Is there anything else you would like to tell
25 the Inquiry, or any other recommendations you would like

1 to make?

2 A. No, I think that was pretty much it really.

3 Q. Mr A, thank you very much. Those are all my questions,
4 but the Panel may have questions for you.

5 THE CHAIR: There are some questions, Mr A, from the Panel.
6 Are you content to continue at this point?

7 A. Yes, fine, thank you.

8 Questions from THE PANEL

9 THE CHAIR: From me, could you just expand on what you said
10 at paragraph 85 by way of "Les Chenes has left its mark
11 on me" -- you have spoken about personal relationships
12 and OCD, but you say this at the top of page 22:

13 "Normal, everyday activities, such as taking
14 a bath ... I find it difficult getting in a bath or
15 putting my shoes on bring back horrendous memories of my
16 time there."

17 A. Yes, what it -- I always remember the first day I got
18 there and, you know, the Police took me there and the
19 first thing they told me to do was have a bath and
20 I remember the bath was ready and I got in and I had
21 this horrible shiver and I don't really take baths now
22 simply because of that. It's not because the place was
23 so bad, it's just that memory that I have.

24 THE CHAIR: And the reference to putting your shoes on?

25 A. The shoes, I now -- I wear a certain shoe now that 108

1 used to wear and I presume it's because I like good
2 shoes, but they just remind me of him pacing down the
3 hallways, but I still wear the shoes because I actually
4 like the shoes, but it's a ...

5 THE CHAIR: Thank you, Mr A. I'm going to ask Ms Leslie.

6 MS LESLIE: Mr A, you explain that you did particularly well
7 because of your interest in sport, as did some other
8 young people at Les Chenes. Was there an obvious
9 distinction between the sporty youngsters and those who
10 weren't so good or so interested in sport?

11 A. Yes, particularly because Lundy was very sport
12 orientated, so when you're doing sport and you're --
13 because you sort of -- you do more activities with him,
14 I suppose your connection with him improved.

15 MS LESLIE: What was the main difference then, what was the
16 main impact on the less sporty youngsters?

17 A. I think it wasn't because they -- it wasn't a case that
18 they didn't do it, I think maybe they didn't even have
19 the opportunity, because with everything you do you
20 practise, you get better at, so perhaps for the kids
21 that were naturally quite good at sport they fitted in
22 easier and maybe there wasn't the opportunity to develop
23 themselves as sportsmen because they weren't given the
24 chance.

25 MS LESLIE: You explain that -- without going into

1 details -- your mother had a particular communication
2 difficulty. When people like Mr Davenport were visiting
3 to discuss your situation and the difficulties you were
4 in were any special efforts made to enable her to
5 understand or to communicate with her?

6 A. No. She was just told I'm going to a place that will
7 make me better.

8 MS LESLIE: You said that one of the difficulties that you
9 were experiencing at the time you went to Les Chenes was
10 you had been involved in glue sniffing. Did you
11 continue that when you were in Les Chenes?

12 A. For a while, but it stopped because I used to -- because
13 my mother would be at work I would not even go to school
14 and I would glue sniff. You know, I think the first
15 time that I went to Les Chenes I actually was
16 apprehended for stealing glue from Woolworth's, I think
17 it was, so being there and being kept there I couldn't
18 sort of get out and get anything, so although I maybe
19 tried it a couple of times I actually didn't like it
20 and, you know, it helped me to stop as well.

21 MS LESLIE: Were you given any assistance to stop?

22 A. No, no. It was just I was just up there so I couldn't
23 get to it, you know.

24 MS LESLIE: Did any of the staff ever talk to you about your
25 home life and the challenges that you were facing at

1 school, for example, the abuse and the racial abuse and
2 so on?

3 A. No, no. The only thing like -- you know, when I said
4 before you weren't really asked what you wanted to do
5 with your life, you probably were when you sat your
6 exams, your last year was quite important and you had
7 some attention then and, you know, they were quite keen
8 on you achieving good results and then once you have
9 done those that's when they would probably ask you,
10 you know, "What do you want to do now?"

11 MS LESLIE: But I get the impression there was never really
12 any discussion about any emotional difficulties that you
13 faced?

14 A. No.

15 MS LESLIE: Was that particular to you, or was that the
16 experience of other young people?

17 A. That was everybody, but obviously I handled it a lot
18 better than other people.

19 MS LESLIE: Why do you think that was?

20 A. Maybe my time there was easier.

21 MS LESLIE: We have heard evidence from some of the former
22 staff of Les Chenes who suggested that in the way that
23 teachers do, sometimes staff pretended to be angry, or
24 perhaps exaggerated their responses to misbehaviour by
25 young people. What's your response to that?

1 A. Pretended to be angry?

2 MS LESLIE: Yes.

3 A. You're either angry or you're not. Why would you
4 pretend? That wouldn't -- when someone's pretending you
5 sort of know that, there's a difference of being really
6 angry and pretending. You know the difference in the
7 behaviour. It's completely different.

8 MS LESLIE: Were you ever aware of that distinction of
9 teachers perhaps putting on a show to try and get the
10 attention of the young people?

11 A. Possibly, yes, in that context possibly there is to
12 maybe -- you know, maybe it was some teachers' ways of
13 trying to keep a line and thinking that was the way to
14 do it.

15 MS LESLIE: When you had had the meeting with the Police in
16 2008, did you have any contact around that time, or
17 subsequently, with either 108 or Mr Lundy or any of the
18 staff at Les Chenes?

19 A. No.

20 MS LESLIE: And just finally, in relation to the
21 recommendations you made and you have raised the
22 importance of young people/residents having someone that
23 they can talk to; do you think that there is a role for
24 former residents of places like Les Chenes to provide
25 a route of communication or mentoring to young people?

1 A. Yes, because it's supposed to be rehabilitation,
2 isn't it, really, so how can it be that if there's
3 nobody there to help you with it? Like for instance,
4 not that I have done prison terms, but I think in
5 a prison there's a chapel and there's someone you can
6 speak to, so, you know, there's less support for
7 a youngster rather than someone who is in a prison who
8 has probably mutually offended but yet they get the
9 chance but the youngster doesn't who can actually make
10 a big chance in his life before he makes mistakes.

11 MS LESLIE: Thank you very much.

12 THE CHAIR: Thank you, Ms Leslie. Professor Cameron.

13 PROFESSOR CAMERON: Hello, Mr A. Can I just ask you was
14 English your first language?

15 A. Yes, I was born in Jersey.

16 PROFESSOR CAMERON: So you didn't have any --

17 A. I can speak other languages.

18 PROFESSOR CAMERON: What's your recollection of your start
19 of your time at Les Chenes, how you got there? Were you
20 ever taken to court? Did anyone explain to you what was
21 happening and why you were there?

22 A. No, when -- the Police took me straight up to Les Chenes
23 and then I was taken to court and sentenced at
24 Les Chenes and I was -- basically "You're at Les Chenes
25 until you're of a working age" and that's all I recall.

1 PROFESSOR CAMERON: So you remember being taken to court?

2 A. Yes.

3 PROFESSOR CAMERON: Did anyone speak on your behalf at
4 the Court?

5 A. I don't remember to be honest.

6 PROFESSOR CAMERON: Did you understand what was happening?

7 A. Not really.

8 PROFESSOR CAMERON: Other than presumably then somebody said
9 you were going to be at Les Chenes until you were able
10 to leave school?

11 A. Yes.

12 PROFESSOR CAMERON: At any stage before or after or during
13 did you have a probation officer?

14 A. That was Richard Davenport.

15 PROFESSOR CAMERON: Mr Davenport was a children's officer.

16 A. Was he? Oh, right.

17 PROFESSOR CAMERON: Was he the only person that you had
18 as --

19 A. No, I think there was a lady as well. Debbie something?

20 PROFESSOR CAMERON: So she might have been from the
21 Probation Service?

22 A. She might have been a probation officer, yes.

23 PROFESSOR CAMERON: Did she come to see you regularly?

24 A. No, it was Richard Davenport.

25 PROFESSOR CAMERON: He was the one who --

1 A. Yes.

2 PROFESSOR CAMERON: If you have a probation officer and you
3 are therefore the subject of a probation order at all,
4 was that ever explained to you?

5 A. It was explained that I was on probation and if I got
6 into trouble again I would probably end up in
7 Les Chenes.

8 PROFESSOR CAMERON: Was it ever explained to you that you
9 had to agree to be on a probation order?

10 A. No, you were just placed on a probation order.

11 PROFESSOR CAMERON: So that was your experience of that,
12 thank you.

13 You've described the issues about
14 the "pinball wizard". One of the things that we have
15 been told was that the room wasn't very big and there
16 was furniture that was fixed. You have said you don't
17 think that was the case, but what we have been told was
18 that there was a built in seating unit in a corner of
19 the room. Is that your recollection?

20 A. There was furniture that was built on-site and that was
21 built by our woodwork teacher and there were seating
22 units, but they were in the day room.

23 PROFESSOR CAMERON: Rather than in the office?

24 A. In the office there was a proper desk, a seat and some
25 seats in front of it and like shelves for books and --

1 PROFESSOR CAMERON: So some of that was at least furniture
2 that could be moved?

3 A. Yes.

4 PROFESSOR CAMERON: Thank you.

5 You told us that whilst you were at Les Chenes you
6 had been shown the film Tommy, or had seen it?

7 A. We had seen a lot of films ... yes, I'm thinking I saw
8 the film Tommy. It just reminded me of the "pinball
9 wizard".

10 PROFESSOR CAMERON: I'm just wondering whether it was after
11 the young people at Les Chenes had seen that film that
12 the term "pinball wizard" began to be used?

13 A. Yes, it may have been. At night we would all watch like
14 a film or something like that, but there was a lot of,
15 you know, educational films we used to watch, stuff like
16 To Kill a Mockingbird and stuff like that, but there was
17 also, what would you call them, like cult films or ...

18 PROFESSOR CAMERON: Do you remember at all whether when as
19 a group you were watching the film Tommy there was
20 discussion about the fact of the "pinball wizard" in it
21 and that this was --

22 A. It could have been made up from that, that's what came
23 to my mind.

24 PROFESSOR CAMERON: Okay, thank you.

25 The incident that you described of the member of

1 staff lifting a boy out of the swimming pool by his
2 hair, was that in a public swimming pool?

3 A. St Saviour's Hospital swimming pool.

4 PROFESSOR CAMERON: So it would be a private session, it
5 would only be --

6 A. Yes. We used to go swimming on a Tuesday night at
7 St Saviour's Hospital.

8 PROFESSOR CAMERON: So there would have been no public
9 witnesses to that happening?

10 A. No.

11 PROFESSOR CAMERON: In terms of education, and you clearly
12 did well educationally, what's your reflection on the
13 standard of education, or the lessons that you had at
14 Les Chenes?

15 A. I think they were good and even people I have spoken to
16 in the education sort of circle say that they sort of
17 described the education at Les Chenes as probably better
18 than even some public schools.

19 PROFESSOR CAMERON: And was that down to the quality of the
20 teaching, or was it because you were in small groups?

21 A. I think small groups probably and the fact that you had
22 an incentive, you know, you learned, you got points. So
23 although you were gaining and you were educating
24 yourself, you were also getting the points to go home.

25 PROFESSOR CAMERON: In addition to the incentive programme

1 that was part of life at that time, were you encouraged
2 to be committed to education? Were there resources
3 available for you?

4 A. There was always a teacher there and they were --
5 you know, in their areas of expertise they knew their
6 stuff.

7 PROFESSOR CAMERON: Did you have homework to do?

8 A. I actually don't recall homework. I think you sort of
9 did it at the same time.

10 PROFESSOR CAMERON: So it was just during the classes.

11 A. Yes.

12 PROFESSOR CAMERON: Thank you, I have no other questions,
13 thank you, Mr A.

14 THE CHAIR: Ms McGahey, are there any questions arising from
15 the Panel's questions?

16 MS MCGAHEY: Just on one issue.

17 Further questions from COUNSEL TO THE INQUIRY

18 MS MCGAHEY: Mr A, you were asked about whether you were
19 placed on probation and perhaps if we go back to some of
20 the documents in 1981 we can trace what happened. Can
21 we go please to exhibit-page 2 {WD008665/2}.

22 A. Diane, right, I said Debbie. No, that's -- sorry.

23 Q. We see here if you look at paragraph 3 that:

24 "[108] reported that there had been three admissions
25 [that's to Les Chenes] on remand since the last

1 meeting."

2 And you are 780. It is said that you had been
3 formally remanded, in fact you have already told us you
4 had been charged with the theft of glue from
5 Woolworth's.

6 A. Yes.

7 Q. And if we go down a bit further in this there had been
8 a recommendation that you be made the subject of a fit
9 person order and remain at Les Chenes, but the
10 Magistrate said no, the actual offences didn't warrant
11 you being placed in Les Chenes and the three boys were
12 each placed on probation for three years. So that's
13 what happened initially.

14 Then if we go please to page 4 {WD008665/4}, right
15 at the bottom you ended up in Les Chenes in June 1981
16 following the breach of a probation order. On
17 11 September 1981 you were made the subject of a fit
18 person order, which means you were under the care of
19 Children's Services.

20 A. Okay.

21 Q. And remained at the school and it says "CCO
22 [child care officer] RD", that must be
23 Richard Davenport.

24 If we go on then to page 6 {WD008665/6}, again it is
25 the second half of paragraph 3:

1 "[780, that's you] ... was also in breach of
2 probation when he was apprehended, with other children,
3 by the Police for 'glue sniffing'. Care or protection
4 proceedings were taken and a fit person order was
5 subsequently made, with the probation being discharged."

6 And you were admitted formally to Les Chenes on
7 11 September.

8 So does it seem from that that although initially
9 you were on probation, after that breach of the
10 probation order it was switched, the probation order was
11 switched to a fit person order, so at that stage I think
12 you had no longer been on probation?

13 A. No.

14 Q. Does that fit with what you remember?

15 A. Well, a probation order -- let me get this right. It's
16 basic like a warning and their seeing your progress, so
17 if you break that obviously that then gets taken away
18 and a fit person order has obviously been made there,
19 that's the way I understand it.

20 Q. During your time at Les Chenes did you believe that you
21 were on probation?

22 A. I thought the whole thing was a -- it was --

23 Q. Did you actually know the legal basis on which you were
24 there at all?

25 A. No, nothing, no.

1 Q. Thank you very much. Thank you, Madam.

2 THE CHAIR: Thank you, Ms McGahey.

3 Mr A, with that that completes your evidence. On
4 behalf of the Panel can I thank you for attending today
5 and for your contribution to the work of this Inquiry.
6 Thank you. If you wait there the hearing room will be
7 cleared and you will be taken outside.

8 Ms McGahey, we will sit again at 2 o'clock for the
9 next witness.

10 (1.05 pm)

11 (The lunch break)

12 (2.10 pm)

13 THE CHAIR: Good afternoon, Mr Sadd.

14 MR SADD: Good afternoon, Madam Chair. This afternoon
15 the Inquiry is receiving evidence from Mr Robert Bonney
16 and Mr Bonney would like to take the oath please.

17 MR ROBERT BONNEY (sworn)

18 THE CHAIR: Please make yourself comfortable. I think you
19 have probably been told we will take a break in about an
20 hour, an hour and ten minutes, but if you need a break
21 before that please just indicate. Counsel will start.

22 Questions from COUNSEL TO THE INQUIRY

23 MR SADD: Madam Chair, and Members of the Panel, Mr Bonney's
24 statements -- there are two statements -- are to be
25 found at {WS000655} and {WS000676} and the documents

1 behind the first statement are at {WD008393} and the
2 documents behind the second statement are at {WD008662}.

3 Mr Bonney, good afternoon. You have provided two
4 statements, as I just mentioned to the Panel, your first
5 statement dated 17 October 2014 and your more recent one
6 dated 26 November 2015, and I know that in that second
7 one you made one or two corrections to your original
8 statement, but aside from those corrections, at the time
9 that you signed both statements were you satisfied that
10 they set out the truth as far as you can remember?

11 A. Yes, sir.

12 Q. In relation to your first statement you more or less
13 provided a landscape to your work as a police officer in
14 relation to child abuse cases and in relation to two
15 specific cases which we're going to look at, and in your
16 more recent statement, 26 November 2015, having been
17 provided with documentation which the Inquiry has had
18 disclosed to it since your original statement, you have
19 provided a commentary on those documents and they have
20 helped provide a greater background to the original
21 issues. Is that more or less how you have understood
22 it?

23 A. Yes, sir.

24 Q. It's right to say that the Panel have read your
25 statements and the documents. It's also right to help

1 you understand the context in which the questions that
2 you dealt with in your statements have been asked and
3 which inform the questions I'm going to ask you this
4 afternoon and primarily that context is one of the terms
5 of reference with which the Inquiry is charged by
6 the States of Jersey to inquire into and that's Term of
7 Reference 11 {GD000005/2} and just to remind you what
8 that says, it is:

9 "To establish whether where abuse was suspected it
10 was reported to the appropriate bodies, including the
11 States of Jersey Police, what action was taken by
12 persons or entities including the Police, and whether
13 this was in line with policies and procedures of the
14 day, and whether those policies and procedures were
15 adequate."

16 Of course that last question is one for the Inquiry
17 at a later date to consider.

18 So it is with that setting that you and I will
19 discuss the evidence that you have provided the Inquiry.

20 But in brief summary, Mr Bonney, you are
21 Jersey-born, you joined the States of Jersey Police in
22 1977 where you worked for 28 years until you retired in
23 2005. You worked up through the ranks from detective
24 constable to detective sergeant. You were promoted to
25 inspector in 1990. During your time as a police officer

1 you were at one time head of the Drugs Squad.

2 A. Yes.

3 Q. And then a member of the Family Protection Team.

4 A. Yes, sir.

5 Q. For a period I think of five or six years, whilst being
6 also a detective inspector within CID, is that right?

7 A. Yes, that's correct.

8 Q. And to be clear, because you retired in 2005 you had no
9 involvement in Operation Rectangle?

10 A. I did not, no.

11 Q. Although you do -- and the Panel will have seen this --
12 pass comment on both Mr Power and Mr Harper, which is
13 there to be read in your statement, your observations.

14 A. Yes.

15 Q. I'm going to work from your first statement initially
16 and can we go to your account at page 3 of your first
17 statement {WS000655/3}, which is where you address
18 issues to do with the Honorary Police. It is right,
19 Mr Bonney, you may or may not be aware, that the Inquiry
20 has already heard substantial evidence and part of that
21 evidence has included detailed accounts of the
22 Honorary Police at different stages, but in fact some of
23 those stages cover the time when you were an officer
24 with the SOJP.

25 At paragraph 10 and 11 {WS000655/3} you provide

1 the Inquiry with the charging process. Again
2 the Inquiry has heard a lot about that. You tell
3 the Inquiry that the formal act of charging would be
4 taken by the Honorary Police. The centenier would
5 charge. The SOJP, as we understand, didn't have the
6 power to charge, and you tell us about the practical
7 issue of there being Honorary Police in each parish.

8 How would you as an officer determine which
9 centenier to contact for charging; would it be where the
10 offence took place?

11 A. Yes, where the offence took place, the parish where the
12 offence took place, and there would be a duty list of
13 the centeniers.

14 Q. And if multiple offences by the same suspect took place
15 across the parishes, how would you determine which
16 centenier to go to? So say there was a series of
17 thefts, but carried out in different parishes by the
18 same individual, over the concentrated period of time.

19 A. I think it was most likely we would go to the St Helier
20 centenier.

21 Q. You say, Mr Bonney, at paragraph 11 {WS000655/3}, five
22 lines down:

23 "Typically, the officer in the case ..."

24 Do you have that?

25 A. I'm sorry, which paragraph?

1 Q. This is paragraph 11 of your first statement.

2 A. Yes, "Typically".

3 Q. "Typically, the officer in the case and the case manager
4 would meet the centenier having undertaken a case
5 evaluation."

6 Not an expression we have come across before, who
7 would be the case manager? We're looking at, if it
8 helps you this is before the introduction of the force
9 legal advisor.

10 A. Yes, certainly, but also at the same time as well.

11 A case manager may be myself.

12 Q. So before the introduction of the force legal advisor it
13 would be another officer, is that right, the case
14 manager?

15 A. Yes, possibly.

16 Q. And in cases where there was urgency, how easy was it to
17 summons the centenier; was it a sort of 24-hour
18 call-out?

19 A. Are we talking about offences in general, or serious
20 sexual offences?

21 Q. Serious sexual offences, where there was concern about
22 further offending, or the need to charge as soon as
23 possible.

24 A. Well, if it was clear -- if it was a serious sexual
25 offence and it was clear that the investigation could

1 support a charge then the centenier in relation to the
2 parish where the offence was committed would be called
3 in and typically he would charge.

4 Q. You say in the same paragraph, four lines down:

5 "In many cases, the centeniers would make a charge
6 on the direction that we gave them."

7 Do you have that?

8 A. Yes.

9 Q. And again, Mr Bonney, looking at this from the
10 perspective prior to the introduction of the force legal
11 advisor, would the centeniers for the most part accept
12 the advice of police officers?

13 A. Yes.

14 Q. At paragraph 12 {WS000655/3}, you say that:

15 "On occasion, we would find the centenier reluctant
16 to charge, leaving us having to try to convince the
17 centenier that there was enough evidence to do so."

18 And you go on to say, at paragraph 13, first line:

19 "... I found that the centeniers often watered down
20 our recommendations to charge a suspect, for instance by
21 sending a suspect to a Parish Hall Enquiry."

22 And you end that paragraph by saying:

23 "I sometimes felt that some suspects were avoiding
24 appropriate sanctions as a result of centeniers either
25 being overly kind, naive, or simply not appreciating the

1 seriousness of the offence."

2 But you qualify that by saying:

3 "I was never aware of a centenier deliberately
4 shielding an individual from prosecution."

5 You say in your second statement that these comments
6 should not be applied to child abuse cases, so with that
7 qualification in mind there are just one or two
8 questions that arise.

9 What were the circumstances in which centeniers
10 would be reluctant to charge?

11 A. There would have been many and varied from my
12 recollection. Some of them -- I mean I'm not talking
13 here about serious charges, but being busy on something
14 else, not being able to attend perhaps even for a good
15 reason, often suggesting that a Parish Hall Enquiry
16 might be the appropriate route and quite often in my
17 view that wasn't the appropriate route, that was just
18 a delay which served nobody any good.

19 Q. And in the event of there being agreeing to disagree, as
20 it were, and therefore there being an impasse, how would
21 that be resolved, again before the introduction of the
22 force legal advisor?

23 A. I have had stand-up confrontations with centeniers in
24 the corridors of Rouge Bouillon Police Station as to why
25 they should charge and in general terms I would think on

1 balance I won those.

2 Q. Did you ever come across circumstances, Mr Bonney, in
3 which the centenier would try to persuade you to drop an
4 investigation because they knew the suspect or the
5 suspect's family?

6 A. No sir.

7 Q. And really coming out of that question, did you ever
8 come across circumstances in which the centenier would
9 be reluctant to charge because the matter, as it were,
10 was within the family, so say a father chastising
11 a child?

12 A. No sir.

13 Q. I quoted you that line in your paragraph 13 of the first
14 statement, the last line there, " ... never aware of
15 a centenier deliberately shielding an individual from
16 prosecution." Had you suspected a centenier of doing so
17 what steps would have been available to you to have
18 taken?

19 A. I would have reported him.

20 Q. To whom?

21 A. To my line manager.

22 Q. Can we then please move on to a slightly different issue
23 and this is the centeniers as prosecutors in
24 a Magistrates Court. Again we have heard evidence about
25 this, but if we could have up on screen please

1 {WD008662/408}. This is your exhibit RFB22.

2 Mr Bonney, this is a note prepared by
3 Marnie Baudains from Children's Services on prosecuting
4 abuse cases and it appears from the context to have been
5 prepared for the Working Party on abuse cases, which you
6 do comment on in your statement, and at that time --
7 I think this is 1993 -- prosecutions were handled by
8 centeniers and this is something you comment on at
9 paragraphs 90 to 92 of your second statement
10 {WS000676/19}. You say that you can't remember the
11 detail of the issues here, but what I would like to ask
12 you about is if we go to the second page of this
13 document {WD008662/409} and to the second numbered
14 paragraph. If you have it there, number 2, it says:

15 "We have had cases recently where, despite Police,
16 legal advisors and AG's backing, the prosecution
17 centenier has made an entirely independent decision to
18 offer no evidence in a case."

19 In that case it related to physical abuse, is one
20 example that Ms Baudains provides.

21 From your memory and your experience of that time,
22 did that ever happen to you?

23 A. Not to me, sir.

24 Q. Back to your first statement please and we go to
25 paragraphs 15 to 22 {WS000655/4} and this is where you

1 help the Inquiry on evidence on police legal advisors
2 and the second for dealing with cases and Police files.
3 Paragraph 15 please, there you discuss the role of
4 Police legal advisors. You say that you think these
5 were introduced in the late 1980s. Prior to that how
6 would you or centeniers obtain legal advice, apart from
7 going to the Attorney General's Office?

8 A. That would be the only route.

9 Q. And you say at paragraph 16 that the introduction of the
10 force legal advisor:

11 "... largely brought an end to the need for us to
12 reason with centeniers before they could be persuaded to
13 charge."

14 You say there that with less straightforward matters
15 you could take it up with the Attorney General,
16 something that we have just touched on. How regularly
17 would you find yourself having to do that in serious
18 cases?

19 A. I'm sorry, would you mind repeating the question?

20 Q. Yes, of course. Prior to the introduction of the force
21 legal advisor:

22 "... less straightforward matters often had to be
23 taken to the Attorney General or his officers, who were
24 not based at the police station and were not so readily
25 available."

1 How easy was it for you as the officer in charge of
2 the case to do that?

3 A. It wasn't easy at all. It would have been very
4 irregular.

5 Q. It would have been an irregular thing to do, or you
6 didn't do it very often?

7 A. Sorry, you didn't do it very often.

8 Q. At paragraph 22 {WS000655/5} you set out the process for
9 the compilation of the Police files and, as the Inquiry
10 understands it, it is those files that would be provided
11 to the centenier to charge, is that right?

12 A. Yes.

13 Q. Would the file, from your memory, include evidence that
14 was potentially prejudicial to a prosecution?

15 A. The file should include everything, including matters
16 which would required disclosure, but not necessarily
17 forming part of the prosecution case.

18 Q. And indeed we have seen Police reports where the
19 officers in charge of the case, he or she will note
20 qualifications about the case, and would that have been
21 the regular approach, so where there might be evidence
22 that wasn't necessarily helpful?

23 A. Yes, it is my belief that all the evidence, prejudicial
24 or otherwise, was in the file.

25 Q. Can we go back a page in your statement please, this is

1 the "Process for dealing with cases", paragraphs 17 to
2 18 {WS000655/4}, and I should say here that you want to
3 amend the second line there. As paragraph 17 reads
4 presently:

5 "Careful consideration was necessary when charging
6 suspects since unsuccessful convictions are not good for
7 anyone."

8 And you say that should read "prosecutions", is that
9 right?

10 A. Yes, yes.

11 Q. And here you set out the role played by the Police legal
12 advisor. Would the Police legal advisor play any part
13 in investigations? I mean presumably advising on
14 further evidence, or would it go further than that?

15 A. He would certainly advise. The relationship I had, and
16 I believe everybody else, with the legal advisor was
17 close and I would regularly speak with the legal
18 advisor, he had an open door and we would discuss cases
19 and where we thought the evidential difficulties were
20 and he would regularly, willingly guide and help in
21 those areas.

22 Q. I take it from that that you found the introduction of
23 the force legal advisor, or Police legal advisor,
24 a helpful one, a positive one?

25 A. Yes, absolutely.

1 Q. You note that:

2 "Careful consideration was necessary when charging
3 suspects since unsuccessful [prosecutions] are not good
4 for anyone."

5 In the context of child abuse cases, Mr Bonney, were
6 you ever concerned that an overly cautious approach was
7 taken to charging suspects?

8 A. I can't say I was overly concerned.

9 Q. At paragraph 19 at the bottom of the page {WS000655/4}:

10 "In the event of a decision not to charge, the
11 Attorney General's Office might still give suggestions
12 as to how the evidential position could be improved.
13 Further work would sometimes be undertaken and the case
14 passed back to the Attorney General for a fresh
15 decision."

16 So there at that point, as I understand it, you're
17 saying the Attorney General would say "Not in a position
18 to charge, this is what you need to do further". Aside
19 from the Leslie Hughes case and the later case of the
20 historical abuse at Haut de la Garenne, can you call to
21 mind any abuse cases in which you were involved where
22 this happened, where you had had to go to the
23 Attorney General and his office had come back to you to
24 say "Actually no, we shouldn't charge, this is what
25 needs to be done further"? Do any cases spring to mind

1 that you can remember in relation to child sex abuse?

2 A. Not that I recall, sir.

3 Q. Did you, as the investigating officer, ever have cause
4 to challenge the decision taken by the Attorney General
5 not to charge -- when I say challenge, to raise it with
6 his office?

7 A. I think the answer to that is probably yes. I'm not
8 certain of any specific cases outside of the ones you
9 have mentioned, but this is not a question of picking
10 the phone up and talking to the Attorney General, or
11 going to the Attorney General's Offices; this is
12 a process that unfolds during the course of the
13 investigation. I would have very likely have had
14 discussion with the legal advisor at the police station.
15 The legal advisor may or may not have directed on
16 certain leads -- inquiry leads that he thought were
17 evidential matters he thought were important.

18 At some stage I would have submitted a file asking
19 for direction. Typically -- not typically, but in the
20 most difficult cases where it was not clear that a case
21 was likely to be successful and a prosecution was likely
22 to be successful, more often than not the legal advisor
23 would refer that to the Crown Officers -- and when I say
24 to the Attorney General, that's what I'm saying, to
25 the Crown, to the Attorney General -- and varying

1 passages of time would pass and eventually I may get
2 a telephone call, or perhaps even an email at the later
3 part of my service, which said that it had been
4 considered and the Attorney General had determined one
5 way or another whether the case could proceed or not.

6 Q. One of the constant themes running through evidence of
7 your former colleagues and indeed a theme that runs
8 through much of your statement is the difficulty, if
9 I can put it in that way, of corroboration and how often
10 that seemed to be a barrier to prosecutions being taken
11 forward. How often, from your memory, did that come up
12 as an issue with cases?

13 A. Typically, I would say almost always.

14 Q. Does it follow from that that when it did come up and
15 there was no way round it, the case would then be
16 abandoned?

17 A. No, I don't think it was as cut and dried as that. In
18 any investigation for any offence we're always looking
19 for the strongest evidence from wherever it may come,
20 but in sexual offences corroboration, if not mandatory
21 required, is always required in practice and it was
22 a very significant hurdle to overcome.

23 Q. Could we have on screen {WD007895}. This is an email
24 that I'm going to invite your comment on. It is after
25 you left the Force, 21 April 2008, and it is

1 Alison Fossey writing to Shaun Du Val and this is
2 towards the bottom of the page, the reference there to
3 Laurence is Laurence O'Donnell from the legal department
4 and it is really the second paragraph that I would
5 invite your comment on:

6 "Laurence was of the view, as am I, that a lot of
7 cases were not proceeded with in the past due to working
8 procedures between the Police and [the force legal
9 advisor]. Many files were not even referred for legal
10 advice and were written off by the [detective sergeant
11 or detective inspector] at that time and also the
12 corroboration rule prevented many cases being proceeded
13 with. A major change in the law is required and we were
14 successful in our law drafting bid for a new Sexual
15 Offences Law this year."

16 Just inviting your comment, Mr Bonney, please, to
17 the second sentence there, "Many files were not even
18 referred for legal advice and were written off by the
19 DS/DI at that time ...". Remembering specifically your
20 involvement in working with child abuse cases, how fair
21 is that assessment from Alison Fossey?

22 A. I'm very surprised by that statement. It is not
23 a practice that I was familiar with.

24 Q. And what would you say to her, if she were here? Why is
25 it that you are surprised? You think it is wrong, it is

1 unfair, it is exaggerated?

2 A. I think in the terms it is written, it talks about were
3 not even referred and were written off. I don't think
4 I've ever written off, and I would be surprised if it
5 was a common practice by anybody else. There is no need
6 for me to write off on my own. The Legal Advisor's
7 Department is there and readily available and, you know,
8 some of these matters are very very complicated and
9 require a legal brain. I would not dream of writing off
10 an investigation in front of me without consultation of
11 the legal advisors. I may influence the direction of
12 whether the case -- I thought the case could be
13 successfully prosecuted or not, but I didn't write cases
14 off.

15 Q. The next comment I would like to invite your comment on
16 please is {WD007333} please. This is a letter from
17 Anton Skinner to the Bailiff, 4 April 1991, and
18 essentially it consolidates other evidence that you have
19 provided in your statement as exhibits and in essence we
20 can see from the second paragraph there that Mr Skinner
21 is bemoaning the problems that beset child abuse cases
22 where children are giving evidence and we can see there,
23 the third line:

24 "I am interested to learn of the Magistrates' quoted
25 references questioning the wisdom of allowing the

1 uncorroborated evidence of children as it was only after
2 a careful study of recent research about child witnesses
3 that the English and Welsh authorities concluded that
4 there was no useful purpose served by preventing their
5 evidence from being put to the jury in exactly the same
6 way as that of older witnesses."

7 And Mr Skinner, then the children's officer, goes on
8 to identify other issues such as the absence of a public
9 prosecutor and his view that the law didn't protect
10 child victims of sexual abuse and statistics are
11 attached to the letter and you comment on these in your
12 second statement at paragraphs 47 to 49 {WS000676/12}
13 and we can go to that just quickly.

14 One of the questions is did you share the concerns
15 of Anton Skinner at the time? Was that something that
16 you were finding with abuse cases that you were involved
17 in in the early 1990s, the difficulty of children giving
18 evidence in court and the absence of protective measures
19 for them?

20 A. I think it would be fair to say that in 1991 I certainly
21 was not overseeing or managing the family protection
22 team, or the CID. In 1991 I think -- can I just check
23 where I was?

24 Q. Yes, of course.

25 A. Because that will have a direct --

1 Q. And to help you, by that time you had been involved as
2 the investigating officer in the Leslie Hughes case.

3 A. Yes, in 1989.

4 Q. In 1989.

5 A. In 1990 for three years I went to the training
6 department and then the Newall inquiry, so I was not
7 directly in that field, to be fair.

8 Q. We understand from your statement that you come to have
9 management oversight over the Family Protection Team in
10 the late 1990s, is that more or less right?

11 A. No sir. From 2001 to my retirement in 2005.

12 Q. That's my mistake. Paragraph 52 I'm looking at
13 {WS000676/12} of your second statement. You say:

14 "Later on in my career, when I became the detective
15 inspector RIT, I did have management oversight of the
16 FPT."

17 And you say that was in 2000/2001?

18 A. Yes, sir.

19 Q. Forgive me, RIT, what does that stand for?

20 A. That's the Reactive Investigation Team, prior to which
21 it was known as the CID.

22 Q. Having that management oversight when you did, we know
23 that in 2006 a paper was prepared by André Bonjour to
24 which Alison Fossey contributed, the culmination of
25 which was that there was a dedicated inspector for the

1 FPT, or it became the PPU.

2 From your experience of joining or overseeing the
3 unit in 2000, do you think a unit should have been
4 formed at an earlier date, or was it simply a process of
5 evolution, the right time?

6 A. No, I think it deserved a dedicated inspector.

7 Q. It did deserve?

8 A. Yes.

9 Q. At what point -- because this is relevant to
10 the Inquiry's concerns in relation to Term of
11 Reference 11 -- at what point do you think one should
12 have been set up, looking back?

13 A. Looking back with the benefit of hindsight, much earlier
14 than it was, but my first engagement in these matters
15 was 2001 and certainly an inspector in that role was
16 overdue in my view.

17 Q. At that point?

18 A. Yes.

19 Q. Back, if I may, Mr Bonney, to your first statement where
20 you are addressing issues under the Family Protection
21 Team, this is paragraphs 5 to 9 {WS000655/2}, and as you
22 have just told us, you took over supervision in 2001 and
23 by that time you think the Family Protection Team had
24 been going since 1995 as an internal SOJP unit. This is
25 as opposed to the Child Protection Team that was formed

1 with Children's Services, is that right?

2 A. You can distinguish between them. I'm not sure of the
3 dates. I think they started out as the Domestic
4 Violence Unit, they morphed both the Child Protection
5 Unit and then eventually into the Family Protection
6 Team, is my memory.

7 Q. But the Inquiry has also heard about a multi-agency
8 Child Protection Team being formed in 1989.

9 A. Yes.

10 Q. And in your role as a more junior ranked officer, before
11 we come to the late 1990s, did you ever attend those
12 meetings with Children's Services --

13 A. No, sir.

14 Q. -- in relation to child protection?

15 And as you say at paragraph 6 and as you have just
16 told the Inquiry {WS000655/2}, prior to the formation of
17 the Family Protection Team there was the Domestic
18 Violence Unit which of course, as the name suggests,
19 dealt with cases of violence in the home.

20 A. Mm-hm.

21 Q. Who would deal with reports of abuse of children outside
22 the family setting, so in schools or in foster homes, in
23 children's homes; would that come under -- do you know,
24 would it come under the Domestic Violence Unit?

25 A. No, that would not come under the Domestic Violence --

1 that would come direct to CID.

2 Q. So foster homes would not have been considered to be
3 within the home, there would have been a separate team
4 dealing with that?

5 A. Look, I think any serious crime wherever it was, it
6 would not seem a typical route to go into the Domestic
7 Violence Unit, and even if it did, it would come then
8 from them direct to the CID as we knew it then.

9 Q. Paragraph 7 please, first line:

10 "Cases of historical child abuse would reach us in
11 different ways." {WS000655/2}

12 I'm primarily concerned, Mr Bonney, with looking at
13 these issues before the Family Protection Unit, if you
14 can cast your mind back to that. What do you mean by
15 historical in this context?

16 A. Allegations going back in time.

17 Q. And the specificity of going back in time, something
18 that had occurred earlier in the year for instance, how
19 was that approached, was that of a different nature? So
20 in the same year that you're looking at something that
21 had happened several months before?

22 A. I don't believe that would be any different. The
23 serious nature of the allegation, it would reach the
24 appropriate department. Whether that originated in the
25 Domestic Violence Unit, the Child Protection Team or

1 wherever, it is likely in the early years to have found
2 itself at the detective inspector CID who would then
3 allocate it and provide the resources to address it.

4 Q. Although you can remember specifically the detail,
5 because the documents have been shown to you, of the
6 Leslie Hughes case and the Haut de la Garenne victim --

7 A. Yes.

8 Q. -- can you remember as a young officer being involved in
9 cases of abuse of children?

10 A. I was involved in a number of cases involving young
11 children, yes.

12 Q. And your memory of that, were you provided with specific
13 training?

14 A. I don't specifically remember the training.

15 Q. At paragraph 23 of your statement {WS000655/5} you say:

16 "The States of Jersey Police were well equipped to
17 sensitively deal with victims of abuse when they did
18 come forward."

19 Mr Bonney, before you think I have been far too
20 crafty, my question to you wasn't designed to trick you
21 in any way, that's not my role. You say this:

22 "We received comprehensive training and were taught,
23 for example, that we should never show any doubt in the
24 truth of the victim's account during their interview."

25 Should it follow from your last answer that it was

1 historically relatively recently that you got that
2 training, so towards the late 1990s/early 2000s?

3 A. Yes. I think it's clear in paragraph 5 that I am
4 talking about the Family Protection Team and about the
5 time when I was in charge of the Family Protection Team
6 and by then I had had training myself, but early on and
7 when we were in the CID in the late 1980s/early 1990s
8 I don't recall specific child abuse training, for me.

9 Q. We know that in the first decade of the 2000s and indeed
10 in the year that you retired there were guidelines
11 produced specifically on child abuse cases. What
12 guidelines prior to that date did you work with, did
13 your team work with? Were there any in existence?

14 A. I'm sure there were, but I can't recall them in detail.

15 Q. And the follow up to that is there were some, but you
16 can't remember their detail, or you don't know one way
17 or the other if there were?

18 A. No, there were, I'm sure there were, but I can't
19 remember the detail. I do -- this is going back to the
20 1990s. You know, the Domestic Violence Unit, the Child
21 Protection Unit, I do recall that -- and I don't believe
22 I was one of them, not then, that a number of officers
23 did receive training, for example in the interviewing of
24 child suspects and the processes and when an allegation
25 of a serious nature would come to the CID office, in

1 relation to securing the account of the victim we would
2 call upon the individuals within the Force who had had
3 that training.

4 Q. The Inquiry has seen, and indeed you have exhibited,
5 a child protection handbook which was we think published
6 in December 2000 and what I would like to take you to
7 please is {WD008662/363}. We can see here set out in
8 2000 "The Responsibilities of the States of Jersey
9 Police in the Investigation of Child Abuse". I think
10 you say in your statement that you don't remember ever
11 seeing this, is that right?

12 A. We were talking about in the late 1990s. This was
13 produced in 2000 --

14 Q. In 2000.

15 A. In 2000.

16 Q. If I just take you through the checklist and you can
17 provide your memory of what was in place when you
18 oversaw the running of the Family Protection Team. So
19 if we go to the fifth bullet point down it says:

20 "Provide appropriately trained and experienced
21 officers to undertake investigations involving child
22 victims."

23 Were you satisfied, at the time that you had
24 oversight, that you had access to that sort of staff?

25 A. Yes.

1 Q. The second bullet point down:

2 "Work jointly with the Children's Service and other
3 agencies when investigating such offences."

4 Was that working relationship under your oversight
5 one that was a good relationship, one that was
6 a difficult relationship?

7 A. I would say it was good, sir.

8 Q. And "other agencies" are referred to there, what other
9 agencies would that have included, is that the Probation
10 Service?

11 A. I'm sorry, would you repeat the question.

12 Q. Yes, sixth bullet point down:

13 "Work jointly with Children's Services ..."

14 We have that, you have answered my question in
15 relation to that and then:

16 " ... and other agencies when investigating such
17 offences."

18 Would you draw on assistance from the Probation
19 Service?

20 A. Yes, wherever we could get it and dependent on the
21 nature of the complaint, Education perhaps -- well,
22 certainly Education, dependent on the nature of what was
23 in front of us.

24 Q. We look at the next bullet point down please, Mr Bonney:

25 "Assess the short-term and long-term safety of the

1 child and the immediate family charged with the care of
2 the child."

3 And although this is touching into child protection,
4 how would this have worked operationally from
5 the Police's point of view, assessing the short and
6 long-term safety of the child?

7 A. In conjunction with the circumstances of the case and
8 the professionals who were engaged perhaps already in
9 the care of that child.

10 Q. Then we look please three bullet points up from the
11 bottom:

12 "Interview children in accordance with the
13 Memorandum of Good Practice as issued by
14 the Home Office."

15 Does that assist you in jogging your memory about
16 what was available?

17 A. Yes. I mean I have seen all of these points before. In
18 relation to good practice issued by the Home Office,
19 they covered a whole multitude of various aspects
20 involving child cases: the interviewing of children, the
21 recording of those -- of their statements, how to elicit
22 that information and yet still allow it to be of good
23 value in court; a whole host of directions and
24 guidelines and good practice.

25 Q. Here we're looking at children where abuse was

1 suspected. With adults who were saying that they had
2 been abused in the past, was there any specific way of
3 handling those cases and dealing with their disclosure
4 and dealing with their trauma?

5 A. Not that I recall.

6 Q. Then the very last bullet point then please -- it may
7 follow from one of your previous answers -- says:

8 "Attend the initial Child Protection Case
9 Conferences and share information and views and work
10 cooperatively with other agencies to ensure the short
11 and long-term safety and welfare of the child ..."

12 Does it follow from your answer about working well
13 with Children's Services that child protection
14 conferences were something that you and your team were
15 at ease with?

16 A. Yes, these were regular occurrences.

17 Q. And conferences that you attended?

18 A. Yes. I would not have attended every case conference.
19 I would have been aware of every case conference.

20 Q. We go please then to paragraphs 23 and 24 of your
21 original statement {WS000655/5}. This is where you
22 provide your account of handling the victims of alleged
23 abuse. We have already touched on the training that you
24 received. You say at paragraph 24 {WS000655/6}:

25 "I believe that there may be people out there who

1 may ... have information ..."

2 This is at the time you are providing this
3 statement. I want us please to look at a particular
4 case in 2002 where we can see the machinery of dealing
5 with a case of abuse and I would want to invite your
6 comment on it. It is something that -- and forgive me
7 from chopping and change to your two statements, but we
8 then go to paragraphs 55 to 58 of your second statement,
9 this is page 13 {WS000676/13}, and just briefly this is
10 a case that we're going to look at that concerned
11 allegations that a care worker in a particular home had
12 sexually assaulted a resident. You were kept abreast of
13 the investigation, which ultimately was not taken
14 forward. The investigation spanned six months from
15 original disclosure to the decision not to charge.

16 If we could have page 292 please of the exhibits
17 {WD008662/294}. At the top there we can see "Family
18 Protection Team" printed and a log. These would have
19 been kept for all cases, is that right?

20 A. Yes, I'm very familiar with that document.

21 Q. Is this something that you introduced?

22 A. No, it was already there.

23 Q. We can see right at the first page there how the case is
24 initiated, reference there to officers informed that
25 an individual had been sexually abused by a care worker

1 who had worked at a particular institution and there is
2 reference there to the report being submitted by the PC.
3 If we go to -- we can see there, I should say straight
4 away, the involvement of Children's Services, the
5 involvement of Sarah Brace and that's some way down, the
6 entry is 21 March 2002, 15:18, "Telephone call from
7 Sarah Brace ..." from Children's Services, we can see
8 that her name is there also five lines up.

9 Is this an example, as you would have it, of working
10 practice with Children's Services being involved?

11 A. Yes, it appears to be.

12 Q. Then we go to the next page please {WD008662/295} and we
13 can see at entry 1330, so two-thirds of the way down the
14 page, "FPT strategy meeting", do you have that?

15 A. Yes, I do.

16 Q. With Child Care Officer Brace. You weren't available to
17 attend but it set out what is going to happen.

18 Strategy meetings in cases of this sort, who would
19 they involve?

20 A. I'm sorry, could you repeat that?

21 Q. Yes. There's a reference there to a strategy meeting.

22 A. Yes.

23 Q. And the child care officer is there to attend.

24 A. Yes.

25 Q. Who would normally be present in a strategy meeting

1 involving this type of allegation? Would it be all
2 agencies, or --

3 A. Well, you certainly anticipate that the officers in the
4 case would be there, the officers who were investigating
5 it, and the professionals who may have already been
6 engaged in the care of the child.

7 Q. And just above that, Mr Bonney, we can see that there's
8 a separate entry which has:

9 "Ds 164 email DI Bonney re serious potential enquiry
10 and need for specialist and additional resources."

11 Do you see that?

12 A. Yes.

13 Q. Can I take you then to {WD004827} and it's the email
14 that's referred to there.

15 A. Yes.

16 Q. This is DS Shearer writing to you about his concerns
17 about this investigation:

18 "I have seen [individuals], as a consequence I am
19 assuming responsibility for this investigation. There
20 are no complaints about conduct of FPT officers. They
21 are happy with the intended initial actions.

22 "Early indications are that as per Jerry's email
23 there are several other potential victims - all are
24 vulnerable with varying degrees [of a particular issue].
25 The suspect, if we've got the right man, is still

1 working with ... children.

2 "The suspect may have contact with senior
3 Children's Service staff. He is well thought of. We
4 need to keep things very tight and this will present
5 problems (we have already involved Sarah Brace)."

6 Then DS Shearer goes on to say this:

7 "Whilst it could all crumble into nothing, it is my
8 view that it has the potential of being much bigger than
9 Gloucester. If initial enquiries confirm concerns, this
10 will snowball. It will be necessary to fully
11 investigate the 'known' victims, but it will also be
12 necessary to fully explore the suspect's career,
13 associates etc and contacts with other potential
14 victims. This could be a huge task."

15 And then in bold:

16 "In my view this investigation has huge potential.

17 "At some stage this investigation (and how we
18 handled it) could be of major interest to the public and
19 the press, ie exploitation and sexual abuse of
20 vulnerable children in care of Jersey Social Services -
21 the Jersey Police response?

22 "We need to get this one right from the start."

23 Mr Bonney, I know we're asking you to look back some
24 way. This is, as we have seen from the running record,
25 2002. You have had an opportunity of reading that log,

1 as I understand it. Given what DS Shearer was saying
2 then and the number of potential victims, was your team
3 adequately resourced to deal with an investigation of
4 that size?

5 A. I mean on the face of it this -- this indicates -- and
6 I say "indicates" because it's by no means close enough
7 to actually generating the resources to be applied to
8 this, but it's clearly, you know, a very clear
9 indication of potential for a major inquiry. There is
10 no chance that the Family Protection Team in isolation
11 could deal with this, if it turned out to be what the
12 perception is it may become, and in that event the
13 resources would need to be found and in my experience
14 they would be.

15 Q. You say in your experience; was it something that you
16 had had to ask for or in subsequent investigations you
17 sought?

18 A. Yes. I mean not necessarily just in family protection,
19 but, you know, a murder inquiry, a rape inquiry, we come
20 under exactly the same stresses, the same difficulties
21 and normally they always revolve around manpower.

22 So yes, this in itself would not have generated a --
23 shall we call it a "force-wide response". I would like
24 to have thought -- I can't recall, but I would have
25 liked to have thought I would have asked for a very

1 detailed evaluation akin to a scoping report, so we
2 didn't have to guess at what might be involved, but we
3 could determine reasonably what we might be facing.

4 I mean this particular memo appears -- apart from
5 highlighting that we may be facing a major inquiry,
6 a significant part of this email appears to be asking
7 for a specific resource, in the name of Dave Hill.

8 I can't imagine I would not have sought to achieve that.

9 Q. No, and indeed when we look through the log, which I'm
10 not going to ask you to do, Mr Hill is provided for, if
11 I can talk about him in those ways.

12 Just two questions that arise from the answer you
13 have just given. Should the Inquiry then understand
14 that in your time overlooking this unit you never had
15 concerns about it, as it were, coming at the end of the
16 queue for resources?

17 A. I never had that concern. We -- but that said, it would
18 be fair to say that the Family Protection Team and most
19 other areas of the force were always fighting for
20 resources.

21 Q. There's also a reference in DS Shearer's email that we
22 have looked at -- it is four paragraphs up from the
23 bottom, a single sentence, he says "We need to get this
24 one right from the start". That can be read in a number
25 of ways with particular emphasis on one or two words.

1 Picking up on one inference that one could draw from
2 that, had there been cases of this type where mistakes
3 had been made, to your memory and knowledge, so where it
4 was being suggested that several children had been
5 abused and an investigation had been launched and
6 mistakes had occurred in the conduct of that
7 investigation? Can you think what he might be referring
8 to?

9 A. Well, look, the Leslie Hughes case of course, but it
10 didn't reach the Police. It was very clear in the
11 course of that inquiry that an opportunity had come to
12 the Children's Office for earlier intervention, much
13 earlier intervention and it was not taken, but I don't
14 recall any specific failure of this nature by the Police
15 to investigate something brought to them.

16 Q. At paragraph 25 please of your first statement, if we go
17 back there {WS000655/6}, you talk of your experience in
18 working with Children's Services. You have already
19 helped the Inquiry in your observations. You say at
20 paragraph 25, second line:

21 "If the Children's Service had a matter reported to
22 them, they would pass a 'case referral' to us."

23 Would this apply both to physical as well as sexual
24 abuse?

25 A. Yes, I believe so.

1 Q. And was there, from your memory, a threshold agreed
2 between Children's Services and the Police as to when
3 an allegation would be referred on to you, or was it all
4 allegations?

5 A. All allegations.

6 Q. And was it your approach to report back to
7 Children's Services on your investigations?

8 A. Yes.

9 Q. As you have heard me read out at the beginning of your
10 evidence, Mr Bonney, the Inquiry is tasked with
11 establishing whether where abuse was suspected it was
12 reported to the SOJP. From your memory and your
13 experience, do you think that this happened in the
14 majority of cases that were reported to you, or did you
15 ever learn of cases that came to you later than they
16 should have done?

17 A. The Hughes case.

18 Q. And aside -- what you're referring to there, which we're
19 about to look at, is your view that the
20 child care officer to whom disclosure had been given
21 should have reported that, is that what that comes down
22 to?

23 A. Yes.

24 Q. At paragraph 27 {WS000655/6} you say:

25 "If the abuse said to have occurred took place in

1 the systemic fashion suggested by some, it is
2 disappointing that it was not identified earlier by the
3 Children's Service. However, in my experience the
4 Children's Service were very effective in supporting
5 police investigations."

6 What should the Inquiry understand by the phrase
7 "very effective"?

8 A. The Children's Service being very effective with
9 the Police Service? It's a general comment I think.

10 Q. But it's based on your experience of working with them,
11 I assume, so can you expand on that further? Why do you
12 come to the conclusion that it was very effective?

13 A. There was regular day-to-day contact with the
14 Children's Service. There were many good, effective
15 relationships built up with the Children's Service over
16 many years, in the main instigated by Barry Faudemer.
17 The States of Jersey Police and the successive people
18 who occupied those positions built on what Barry had
19 instigated. I never had brought to me any serious
20 concerns over the effectiveness and the energy of the
21 Children's Officers with which we were engaging.

22 MR SADD: Madam Chair, we have been going for about an hour
23 and I am about to move on to some specific cases.

24 I wonder if this would be a good opportunity to break?

25 THE CHAIR: It will. We will take our afternoon break now,

1 thank you. Mr Bonney, you will have some refreshments.

2 (3.15 pm)

3 (A short break)

4 (3.30 pm)

5 THE CHAIR: Yes, Mr Sadd.

6 MR SADD: Mr Bonney, I'm now go to ask you some questions in
7 relation to Les Chenes. It's an institution that you
8 say in your second statement you knew that it existed as
9 a secure unit but you can't remember ever having visited
10 it. We're going to look at a particular incident which
11 you do address. I'm just going to tease with you some
12 general questions and if from the word go you can't help
13 the Inquiry let me know and I'll forget the rest of
14 those questions.

15 It was just to ask you do you have any memories as
16 a police officer of the period 2001 to 2003 in relation
17 to Les Chenes and reports of disturbances there, of
18 children and staff assaults?

19 A. I do not, other than what I read in the documents that
20 were disclosed to me.

21 Q. All right. We will go to that now then. What we're
22 going to look at is a specific incident and this is in
23 relation to an alleged assault on young people at
24 Les Chenes by staff at Les Chenes. This is in 2003 and
25 you are provided with a very comprehensive memo by

1 DC Carter, which you then comment on and you write on
2 the front of the memo. We're first going to look at the
3 memo. What the allegations are -- it's alleged
4 assaults, as I say, by members of staff at Les Chenes,
5 including an incident of one member of staff,
6 witness 654, apparently using restraint by grabbing
7 a young person's testicles and the same member of
8 staff's account was that he would pull the young
9 person's arms through their legs. The staff member was
10 also alleged to have hit another child twice on the back
11 of the head. And this gives rise to the comprehensive
12 report, as I say, prepared by your colleague, DC Carter,
13 which is at 417 please {WD008662/417}, and what I'm
14 going to do is invite you to comment on particular
15 passages within that report. If we go please to 427
16 {WD008662/427} and if you have there -- I will just get
17 up the hard copy because it will be easier for you to
18 hear me then.

19 A. I can hear you fine.

20 Q. You can?

21 A. Yes.

22 Q. The first passage I wanted us to look at is under
23 the heading "Summary", do you have that?

24 A. Yes, I do.

25 Q. And DC Carter notes that children at Les Chenes

1 generally have a history of being involved in criminal
2 activities and have been known to be violent, that's in
3 that first paragraph, and he goes on to say in the
4 second paragraph:

5 "It would be fair to say that teenagers today are
6 far more aware of their rights, however that is not to
7 say they know their responsibilities. This in turn is
8 making the management of these children in care far more
9 difficult today."

10 Was that a view that at the time -- if you can put
11 yourself back to there, Mr Bonney -- that you would have
12 shared with your colleague officer?

13 A. Yes, I could share that view.

14 Q. The report goes on to note that although witness 654,
15 that is the member of staff, was an experienced teacher,
16 he hadn't been trained in restraint at that point and
17 with regard to the allegations about hitting on the back
18 of the head, witnessed by two other children,
19 Officer Carter comes to this conclusion, if we go to the
20 next page please {WD008662/428} and the very bottom
21 line:

22 "The investigating officer is of the opinion that no
23 further action should be taken in respect of [654] as
24 the offence has not been proved beyond reasonable doubt
25 and also the fact the witnesses supporting [the young

1 person], due to their previous convictions, will not
2 make ideal witnesses."

3 Was beyond reasonable doubt the right test to be
4 applying when considering charging at this stage?

5 A. No, I don't think so.

6 Q. DC Carter notes that children weren't ideal witnesses
7 because of their previous convictions and he goes on to
8 say that in relation to one of the children his
9 background and criminal record is likely to be
10 questioned in relation to his reliability as a witness
11 and he contrasts that with witness 654 who has, he
12 quotes, "nothing relevant on his disciplinary record".
13 {WD008662/429}

14 From what you understood of Les Chenes, part of the
15 population of the secure unit involved young people who
16 had convictions.

17 A. Yes.

18 Q. Do you think as a consequence of that it was appropriate
19 in these circumstances for the officer to take account
20 of doubts about the credibility of a young person who
21 was saying that they had been assaulted?

22 A. I think at some stage further down the line, perhaps at
23 the Crown, or at the police legal advisors, or at my
24 door, I would want some understanding of the quality of
25 the evidence that we were relying upon to seek to

1 achieve a conviction. So I have no difficulty with it
2 being referred to and identified, what I would say is
3 that I think the challenge is for the Police to overcome
4 the difficulties of those witnesses and I don't think we
5 are seeing it here, but I don't think dismissal at such
6 an early stage, just in consequences of character or
7 conviction, is helpful. It certainly would not be
8 swaying to me.

9 Q. Mr Bonney, that in many ways addresses one of the terms
10 of reference, which I'm about to ask you a further
11 question on. Term of reference 8 requires the Inquiry
12 to establish whether systems existed to allow children
13 and others to raise concerns and to safeguard their
14 wellbeing and whether these systems were adequate and
15 any failings they had, and perhaps you may have answered
16 this, but just to be clear: if having previous
17 convictions was a significant factor when young people
18 made complaints of abuse, because it was assumed that
19 they had less credibility, do you think that would have
20 made it practically difficult for them to complain?

21 A. Possibly.

22 Q. Can we go to page 433 {WD008662/433}. You have
23 received -- the document we have just looked at is
24 accompanied by this memo, which is sent to you by Acting
25 Detective Sergeant Beghin, is that right?

1 A. Yes.

2 Q. And you can see 3 July 2003, subject "Report by
3 DC Carter ...", "Sir, please find attached ...", and at
4 paragraph 1 he sets out what is known about the member
5 of staff and he says this in relation to the allegation
6 about the young person having their testicles grabbed,
7 or the method employed by the member of staff, he says
8 this at paragraph 2:

9 "Whilst it might be said that this action was
10 inappropriate it has to be borne in mind that [the
11 member of staff] has received no training in restraint
12 methods and that in order to prevent a potential
13 outbreak of violence he has acted as he has seen fit."

14 What relevance do you think that has to considering
15 whether or not he committed an offence? It might have
16 been a mitigating issue, but do you think it was
17 relevant to whether or not an offence had been
18 committed?

19 A. I think it's helpful to the person reading this, in this
20 case me. The weight I give it, you know, would be for
21 me to decide. I think we will go on to see that
22 I didn't give that much weight at all.

23 Q. Your colleague goes on in paragraph 3:

24 "I believe that given all the circumstances
25 described that this was a justifiable assault and that

1 only reasonable force was used."

2 Is there a confusion there? In what circumstances
3 could an assault be justified?

4 A. I don't think in the circumstances in this particular
5 case that it could be justified.

6 Q. He goes on to say:

7 "The fact that members of staff present did not take
8 any action at that time would also tend to indicate that
9 they did not view the incident seriously."

10 Was that a relevant consideration?

11 A. It's likely one the defence would probably throw up, but
12 there's a danger, isn't there? The people seeing it
13 didn't do anything, or they didn't -- you know, whatever
14 they saw they determined it didn't need to be escalated.
15 We must not compound that by reflecting that what they
16 saw and didn't think was necessary to report, then we
17 take the same course. So those are my thoughts on that
18 area.

19 Q. And then we go please to paragraph 4:

20 "This investigation has highlighted a number of
21 procedural problems within Les Chenes and I intend,
22 after the criminal investigation has been finally
23 concluded, to address these matters with
24 Mr Phil Dennett, who has overall responsibility for the
25 running of the school."

1 And indeed was the Manager of Children's Services at
2 the time. Did you understand what was meant by
3 "procedural problems"?

4 A. I'm sorry, could we go back to the first page?

5 Q. Yes, of course.

6 A. I'm on the second now. I lost my concentration.

7 Q. No, it's the first line at paragraph 4:

8 "This investigation has again highlighted a number
9 of procedural problems within Les Chenes ..."

10 Do you have any memory of what those procedural
11 problems were?

12 A. I do not.

13 Q. No. Then on the second page {WD008662/434}, the writing
14 we see there is that your writing?

15 A. Yes, it is.

16 Q. And the Laurence whose name we see there is that
17 Laurence O'Donnell?

18 A. Yes.

19 Q. At the Law Officers' Department?

20 A. Yes, that's right.

21 Q. And you set out your view saying that the staff member
22 should be prosecuted and you say at the bottom, five
23 lines up:

24 "I do not believe that act is justified and to
25 condone that sort of behaviour will be likely in my view

1 to lead to a greater potential for unrest and serious
2 violence."

3 You tell us in your second statement that you have
4 learned from Carey Olsen, the SOJP's lawyers, that in
5 fact the member of staff wasn't prosecuted. Do you know
6 the reason why not?

7 A. I do not know that reason whilst I stand here today.
8 I could not be certain it wasn't brought to me then.

9 Q. And having been invited to look at this documentation
10 and this memo and what you write here, does it jog your
11 memory in any way? Did you take it up with
12 Children's Services, or the Department of Education?

13 A. Did I specifically take what up?

14 Q. What had happened at Les Chenes at the time and
15 following up, to see for instance if there had been
16 training introduced on --

17 A. I do know that training had been introduced and some
18 time -- you know, some time earlier. I don't know what
19 turnover of staff they had there.

20 Q. We have seen in other reports prepared by the Police
21 a recommendation at the conclusion of those reports that
22 there should be internal investigation by
23 Children's Services or the Education Committee and
24 potentially disciplinary action. Do you know or can you
25 remember whether in this case that was something that

1 you followed up?

2 A. I'm sorry, sir, I can't remember.

3 Q. We will now turn to cases, Mr Bonney, in which you had
4 direct involvement and which you do remember. The first
5 is, as I have mentioned before, the 1989 Leslie Hughes
6 case, and the later one, which we have already
7 forewarned you about, is the later case of historical
8 abuse emerging from a blackmail investigation in 2003.

9 The Leslie Hughes case you deal with in your first
10 statement at paragraphs 28 to 33 {WS000655/6}, and also
11 extensively in your second statement when responding to
12 documentation.

13 At paragraph 28 of your first statement
14 {WS000655/6}, and we will stick with that, Mr Bonney,
15 you set out the steps taken in the investigation and, as
16 I say, you provide a commentary on the documents
17 relating to the investigation in the second statement.
18 Just to have up on screen and to remind the Panel, who
19 are familiar with this, but also those attending
20 the Inquiry, if we could have {WD008028} on screen
21 please. This is the first of a two-page article dated
22 Tuesday, 1 August 1989 and it relates to Clos de Sables
23 and Leslie Hughes and you are named in the article as
24 the officer and you set out what had happened.

25 As I understand it, before this case you hadn't been

1 involved in any police investigations involving sexual
2 assaults on children in care, is that right?

3 A. Not children in care, I don't believe so.

4 Q. You say at paragraph 29 {WS000655/6} that you were
5 alerted to concerns about Leslie Hughes through the
6 Children's Service:

7 "I would have been a detective constable or
8 detective sergeant at the time. I recall speaking to
9 a female victim, who had been a child ..."

10 From other information that we have, when you
11 attended the young person who had made the disclosure,
12 that was with a female colleague, is that right?

13 A. Yes.

14 Q. And at the time is it also right that
15 Children's Services attended on that interview?

16 A. Yes.

17 Q. You say -- and we don't need to go to it -- that you
18 needed the backing of DCI Le Brocq to get
19 Children's Services' confidential files. So this is
20 1989, you ask for the files of all the children who had
21 lived at Clos de Sables and our understanding is those
22 files don't come to you unless you have a senior officer
23 asking for them.

24 14 years on, so 2003, was the same protocol still in
25 place? Was it necessary for a senior officer, as

1 opposed to the investigating officer, to request
2 confidential files?

3 A. I don't know the answer to that, but I don't believe
4 there's anything to be inferred there. I understood and
5 I understand that files of children in care are of the
6 most sensitive and confidential nature and if all it
7 takes to get them is a letter from the detective chief
8 inspector, I'm happy with that.

9 Q. Yes and please don't think -- I wasn't suggesting
10 anything nefarious, I was just thinking of the machinery
11 and whether that had, as it were, become easier as more
12 sophistication into these cases evolved, but do you have
13 any observations on that?

14 A. It's likely that -- although I don't specifically
15 remember it -- in the course of this investigation
16 I would have likely turned to Marnie, Marnie Baudains,
17 or maybe somebody else, and said "Can you get me those
18 files please?", and it's likely they would have said
19 "Oh, I can get them, but we'll need a formal letter."
20 I would imagine, I don't know, that they would probably
21 likely still require a formal letter to achieve that
22 sensitive material.

23 Q. You say at paragraph 32 {WS000655/7} that
24 a children's officer:

25 "... had told Mr Hughes in advance that he was going

1 to be arrested and that a search would be conducted of
2 his home."

3 You say in this statement that you were greatly
4 concerned about that, although you have now looked at
5 documents and comment on them in your second statement
6 and indeed what we understand is that there was an
7 arrest plan between yourselves and Children's Services.
8 Do you remember that?

9 A. Yes, I do.

10 Q. And we learn from a statement that you provided at the
11 time that in fact that arrest plan was agreed with
12 Brenda Chappell, is that right?

13 A. Yes, it was.

14 Q. And that when you do go to arrest Mr Hughes,
15 Brenda Chappell had gone to the house in advance?

16 A. Yes.

17 Q. And spoken to those in the house at the time.

18 A. Yes, that's right.

19 Q. And looking back on it now, having seen that
20 information, was it intended that it should go like
21 that?

22 A. My recollection is that I remember being very irritated,
23 for want of a better expression, that the
24 child care officer who we had planned to attend shortly
25 before we did -- my recollection was that was the minute

1 or two before we walked through the door -- my
2 recollection is that there was a departure by that
3 children's officer from that arrangement and that much
4 earlier than agreed, whether it be that same morning, or
5 even the evening prior, that contact had been made
6 instead of when it was planned.

7 Q. Was it --

8 A. And --

9 Q. Sorry, forgive me, Mr Bonney. Go on.

10 A. But I did in my first statement confuse that person
11 with -- can I say the lady's name who I confused her
12 with?

13 Q. No.

14 A. Okay, I confused her with another person.

15 Q. Also employed by Children's Services?

16 A. Yes.

17 Q. But the point remains, does it not, Mr Bonney, that you
18 were not happy about who in fact did attend because your
19 memory is that they went earlier than had been agreed?

20 A. Yes, that is my memory.

21 Q. And as a consequence of that -- two things: why weren't
22 you happy, what misgivings did you have about that?

23 A. Well, the first occasion you bring something of this
24 nature to a suspect and the reaction that you get from
25 that suspect is quite capable of providing important

1 information, even admissions, but in my view by -- if
2 they have prior knowledge of your arrival on a serious
3 nature like this, there is an opportunity for them to
4 consider their response to what otherwise would have
5 been a surprise arrest and in consequence of that the
6 case could be weakened.

7 Q. And was this something that you subsequently took up
8 with the individual, that is Brenda Chappell, or with
9 Children's Services at a more senior level?

10 A. It's something that was taken up with
11 Children's Services, alongside and at the same time as
12 the earlier reports by the other person in the
13 Children's Office.

14 Q. And those earlier reports, as we will see in a letter
15 which the Inquiry is already familiar with, concerned
16 disclosure having been made to that child care officer
17 and that child care officer not having passed that
18 disclosure on and that concerned you in this
19 investigation, is that right?

20 A. Yes, sir. I was apoplectic about it.

21 Q. And what was the response of Children's Services to your
22 concern about a member of their staff, for all the
23 reasons that you have explained, having arrived earlier?

24 A. I didn't specifically carry that myself to the
25 Children's Service, that would have been carried either

1 by my line manager, or possibly even DCI Le Brocq.

2 THE CHAIR: But what were your concerns?

3 A. My concerns about?

4 THE CHAIR: About earlier than agreed notification of your
5 attendance?

6 A. Well, putting the suspect on alert of the Police arrival
7 and allowing him an opportunity to frame his responses
8 and hide evidence.

9 MR SADD: We know, as you come on to discuss, that Mr Hughes
10 made admissions, on those admissions he was sentenced to
11 prison -- we will come on to that. We also know from
12 a report after the convictions that the
13 children's officer, Anton Skinner, is reported as saying
14 that there was going to be an internal inquiry by
15 Children's Services as to how this could have occurred
16 and what lessons there were to be learned.

17 Do you remember, Mr Bonney, whether you were
18 involved subsequent to this case in any meetings about
19 "are there lessons to be learned as to how we conducted
20 the investigation, what steps could be taken for
21 the Police to be involved at an earlier stage?" -- do
22 you remember any meetings like that being organised
23 between the SOJP and the Children's Service?

24 A. Well, I was engaged in recording the statement --
25 I recorded the statement from the lady from the

1 Children's Service who had failed to bring to the Police
2 what I consider were very clear allegations of abuse
3 against -- abuse by Leslie Hughes.

4 Q. And indeed you exhibit that to your statement, it is at
5 page 2 of the second lot of exhibits {WD008662/2}.

6 A. Okay.

7 Q. So aside from that were you involved in looking at
8 procedures, looking at the ability for child care
9 officers to approach the Police?

10 A. I was made aware that there was simply no room for that
11 to happen again and there were discussions and through
12 the Crown I remember distinctly I believe -- I'm trying
13 to think who it was. Was it Cyril Whelan who wrote to
14 Anton Skinner?

15 Q. Yes.

16 A. And produced my statement to him. I remember that much,
17 and asking him to undertake an investigation and report
18 back on what happened.

19 Q. And did you get a report back -- this is to
20 Anton Skinner, I am sorry. This is Whelan writing to
21 Skinner saying "Could you report back to me on the
22 investigation into the individual."

23 A. I don't specifically remember it but by virtue of the
24 fact that there doesn't appear to have been anything
25 escalated from it, certainly no charges arising, I can

1 only -- I suspect I would have been told what had
2 happened. The reason I don't specifically remember it
3 is probably because it was nothing, in as much as the
4 account of -- I believe it was in general terms an
5 account of not appreciating, couldn't take the word of
6 a child against the house father, serious allegation,
7 and it was put down to naivety maybe by the
8 Children's Services.

9 Q. At paragraph 33 of your first statement {WS000655/7} you
10 note that initially Les Hughes denied everything but
11 that he later admitted all of the allegations against
12 him.

13 The Inquiry understands, and indeed from evidence
14 that you have been able to look at, have had provided by
15 the Inquiry, that he only admitted the offences in
16 respect of three of the complainants. Do you remember
17 that?

18 A. Yes, I do remember that. I have since seen the file at
19 Police Headquarters and I think a proper clarification
20 there would be that he admitted the offences of which he
21 was charged. Quite distinctly he didn't accept
22 everything which was alleged against him, apologies.

23 Q. Can we go then to your report into the case. This is at
24 page 6 of the second group of exhibits {WD008662/6}.
25 The report is dated 25 August, 1989, and the issue that

1 I want to address with you is why it was that the --
2 I think it's three other complainants, why their cases
3 weren't taken forward.

4 Just to be entirely fair with you, Mr Bonney, you
5 have read this document, is that right?

6 A. Yes.

7 Q. You went to the SOJP offices and you reviewed the two
8 lever arch files relating to the investigation, is that
9 right?

10 A. Yes, that's correct, sir.

11 Q. And if we -- we go to page 8 and paragraph 6 there,
12 there's reference at the bottom of paragraph 6 to one
13 individual, that's 148, who made an allegation of abuse
14 by Mr Hughes and then we go to page 14 please
15 {WD008662/14} and at the top of the page there is
16 a reference there to two individuals, 252 and 203, and
17 when you come to review the case, so I should say those
18 two individuals also made allegations of indecency, we
19 can see that at paragraph 32, and then we come to
20 page 15 please {WD008662/15} and the bottom paragraph
21 there:

22 "It can be seen that the prosecution against Hughes
23 relies heavily on the evidence of his own admissions,
24 particularly in respect of ..."

25 Then you set out the individuals:

1 "The prosecution will have to accept that neither of
2 these girls will ever make themselves available to give
3 evidence to the Court and of course, whilst the accused
4 maintains his pleas of guilty, that would never be
5 necessary. I make mention of this situation, as a close
6 study of the recorded interviews show that a number of
7 allegations made by the victims are not accepted by the
8 accused and I anticipate that defence counsel will seek
9 a meeting with the Crown Prosecutor for the purpose of
10 reaching common agreement, as to what facts are
11 presented before the sentencing court."

12 I take it that your view was that those three
13 complainants whose cases weren't taken forward, that was
14 on the basis that you were concerned about their
15 credibility? What was the rationale for not taking
16 those forward?

17 A. I can't specifically remember. I do remember seeing
18 a memo later in which I engaged Cyril Whelan in the area
19 of this discussion, that may be helpful.

20 Q. That's at page 443 {WD008662/443}, and unfortunately
21 it's a very poor copy, but you're right and this is
22 a memo from you to Advocate Whelan and it sets out -- it
23 is really paragraph 5 where you set out the background.
24 You say this at paragraph 5 at the bottom of the page:

25 "I seek your assistance and direction on the

1 question of formulation of charges to be brought and
2 against which girls. We have previously discussed the
3 question of court appearances for such young victims and
4 in light of that, I feel that no charges should be
5 brought against Hughes, in respect of ..."

6 And the individuals that we have previously
7 identified, Mr Bonney:

8 " ... not least because Hughes makes no clear
9 admissions in respect of them, and on the whole they
10 stand uncorroborated."

11 Dealing first with your use of the phrase
12 "young victims", at that time would the prospect of
13 young victims having to give evidence in court have
14 dissuaded you from wanting to proceed in relation to
15 their complaints? So assume for instance Mr Hughes had
16 not admitted those cases which he did admit and on the
17 evidence that you had, would it have been for you a case
18 that you couldn't take forward because of the age of the
19 complainants?

20 A. On the previous page there is specific mention of
21 certainly one of those numbered persons making it very
22 clear that they would not give evidence. It may well
23 have been the case in respect of some of the others.

24 I don't know what further I can add there.

25 Q. You say that --

1 THE CHAIR: Sorry, were you going to say something else?

2 A. I was just going to say, you know we had on the face of
3 it, or we were going to receive and we had received and
4 expected to have maintained, guilty pleas to a whole
5 host of offences against -- was it three, or was it five
6 children? And I say, a whole host, even though it
7 wasn't all of the people who made allegations because
8 the nature of the charges determined by the Crown
9 included a number of diverse occasions indecently
10 assaulting between a -- in a timescale. I think the
11 area I'm getting to here is that it was -- we had this
12 guilty plea. Should we have sought to press home
13 allegations that were not admitted to and on the whole
14 were uncorroborated -- and I say that because that's in
15 my memo -- we could have arrived at a situation whereby
16 we would have had a not guilty plea and a trial and put
17 the children through, or the young people through an
18 ordeal that otherwise they may not have had to suffer.
19 I think that was the area I was bringing to the Crown.
20 And it's also fair to say that wrapped up in that --
21 although it doesn't seem to be specific in that memo,
22 wrapped up in that was an admission -- one of the
23 charges we did charge was related to unlawful sexual
24 intercourse with a young girl which in her very detailed
25 statement she herself did not allege and despite efforts

1 to secure that memory it was not forthcoming, so we had
2 a situation whereby on that particular charge we had to
3 determine do we maintain the charge and convict -- which
4 has been pleaded guilty to at that time, and convict on
5 unlawful sexual intercourse on the basis that the
6 suspect remembers very clearly and admitted it in
7 interview, whilst we have a victim who does not remember
8 it, and the legal opinion was that we do and we did.

9 MR SADD: In the absence of the admissions in relation to
10 which Mr Hughes was convicted, were those cases
11 themselves in your view uncorroborated?

12 A. Well, we enter the field, don't we, of similar fact
13 evidence because we have more than one victim. I mean
14 it's something of a minefield, similar fact evidence,
15 but in this case we were helped by the admissions of
16 Hughes.

17 Q. It is something, Mr Bonney, you may have already
18 assisted the Inquiry with, but in the light of what you
19 set out here in your memo to Advocate Whelan, were any
20 changes introduced by the SOJP in their handling of such
21 cases? So you're faced, as we read it, with the issue
22 of this evidence being uncorroborated, there you are
23 referring to similar fact evidence, we have five
24 individuals in a house over a span of time, all of whom
25 individually say that they have been sexually assaulted

1 by the same person; was corroboration such a significant
2 hurdle?

3 A. Absolutely it was and it was brought to the Crown, not
4 that it needed to be brought to the Crown because
5 the Crown would have been living with it for many many
6 years.

7 Q. And your understanding at the time was that there was
8 a mandatory warning that needed to be given to the jury
9 that it would be dangerous to convict on the
10 uncorroborated evidence of the victim; is that how you
11 understood it to be?

12 A. My understanding was not necessarily that it was
13 required in law, but whether it was required in practice
14 and certainly it was my understanding that without
15 corroboration the case would likely not succeed, in the
16 absence of any other evidence.

17 Q. We're going to come on very shortly to look at the
18 historic abuse case that you were involved in 14 years
19 later where the issue of corroboration came up again and
20 indeed was one of the reasons why the prosecution wasn't
21 taken forward, but before we do that I just want to look
22 at a case that occurred in 1990 -- I say a case, at the
23 time the Police weren't made aware of it, it became
24 public knowledge to the Police in 1997/1998 and this is
25 in relation to another Family Group Home, at

1 Blanche Pierre, managed by Jane and Alan Maguire and
2 I just want to get your observation on the account
3 provided by two trainee care workers who provide an
4 account to a senior colleague who then takes it to the
5 children's officer and that account was of children
6 being mistreated, mouths washed out with soap, one child
7 seen to be thrown across a room and being hit across
8 the head, children being hit on the body, head and legs.

9 Mr Bonney, under the system that operated at the
10 time between Children's Services and the SOJP and given
11 what I have described, would you have expected that to
12 be referred to the Police?

13 A. It would be inexcusable not to.

14 Q. Can we then go to your involvement in the historical
15 abuse investigation in 2003/2004. You deal with this at
16 length in both your statements, but primarily if we go
17 to paragraph 34 please of your first statement
18 {WS000655/7}, and setting out the background, you
19 provide, as I say, your account of involvement in the
20 investigation. Briefly, the case involved the
21 blackmailing of an individual, his blackmailer,
22 witness 195, a former resident at Haut de la Garenne,
23 threatened to expose the individual, whom he alleged had
24 sexually abused him as a child when he was at the home.
25 The former resident at Haut de la Garenne admitted

1 blackmailing the individual and in the course of being
2 interviewed about the blackmail he provided an account
3 of being abused and I think it's correct that you were
4 involved -- so there were two investigations, there was
5 the blackmailing investigation at which disclosure was
6 made of the abuse --

7 A. (Nods).

8 Q. -- on the blackmailer by the person who was
9 blackmailing, and subsequent to that there was, as
10 I understand it, a separate investigation into the abuse
11 allegations per se, is that right? Have I got that
12 right?

13 A. That's right, sir.

14 Q. And you were involved in both?

15 A. Yes.

16 Q. And is it right that you were present when the
17 blackmailer, so in the first investigation, disclosed
18 the abuse that he had endured when at
19 Haut de la Garenne?

20 A. Yes.

21 Q. You say at paragraph 37 {WS000655/8} that he gave a:
22 " ... very clear and believable account of abuse ...
23 that was his account and we believed it."

24 If we could go please to {WD008662/233} and then
25 I will invite your observation.

1 THE CHAIR: Just while counsel is looking for that, when you
2 say "we believed it", who is "we"?

3 A. We, the States of Jersey Police, myself, my
4 investigating officers, anyone who read or heard that
5 account.

6 MR SADD: Here we have a report by Officer Brian Carter and
7 it is at page 239 please and it is the last paragraph
8 {WD008662/239}. At 239 what Officer Carter writes in
9 his concluding part is he says:

10 "As previously explained, it is impossible to put
11 into words the emotions portrayed by [195] during the
12 recording of his statement. To see a grown man crying
13 hysterically, and at times being unable to put into
14 words the abuse he had suffered and to see him
15 physically shaking when explaining the incident
16 [in a particular location] left the investigating
17 officer in no doubt that this was a genuine complaint."

18 What in this case, Mr Bonney, convinced you and
19 DC Carter that the account was likely to be true, by
20 contrast to other accounts of abuse that you will have
21 heard?

22 A. It was a very graphic account, very disturbing account.

23 THE CHAIR: And is it one you still remember today, by your
24 demeanour?

25 A. Yes.

1 THE CHAIR: Yes. Just take a moment.

2 A. Sorry, Madam, could we stop for a moment?

3 THE CHAIR: Yes, of course. We will rise and give you as
4 long as you need. If you want some refreshment or
5 water, do say.

6 (4.20 pm)

7 (A short break)

8 (4.30 pm)

9 THE CHAIR: Mr Bonney, are you ready to continue?

10 A. Yes, thank you.

11 THE CHAIR: Yes, Mr Sadd.

12 MR SADD: Mr Bonney, in your first statement you provide an
13 account of the investigation in relation to the case
14 that we're looking at and in the course of that
15 investigation the Inquiry has come across a document
16 that was generated in the course of that investigation
17 in relation to Haut de la Garenne and I just want to
18 invite your comments on that because it involves the
19 individual as well. This is at page 436 please
20 {WD008662/436} and it appears to be a running record of
21 allegations made by former residents at
22 Haut de la Garenne to Sarah Brace and we can see on the
23 first page, at the top of the page,
24 "Haut de la Garenne - enquiry", 27 February 2003 and
25 a name we have already mentioned, Mr Bonney, "Telephone

1 call from DS Louis Beghin ..." relating to an
2 individual:

3 " ... an ex-resident at Haut de la Garenne has
4 contacted him about making a complaint of physical
5 assaults ..."

6 That may be "by member of staff":

7 " ... whilst in care. He has also stated that he is
8 aware of sexual abuse having occurred with other
9 residents at Haut de la Garenne. Louis is to take
10 a statement next week."

11 Then under the second date of 27 February 2003,
12 further individuals come forward to provide accounts of
13 physical abuse by staff, including there we see in the
14 second paragraph a reference to Morag Jordan, and then
15 further information provided on 28 February and we see
16 almost in the penultimate paragraph:

17 "Discussed with Tony Le Sueur. He will ask
18 [a colleague] to search through the archives file for
19 any information relating to Haut de la Garenne in the
20 time period."

21 And it is signed by -- her name has been redacted,
22 but I can read through that redaction -- Sarah Brace,
23 Team Manager.

24 Then over the page please {WD008662/437},
25 "Haut de la Garenne investigation", so it has changed

1 from enquiry to investigation, the terminology,
2 18 December 2003 and this is where reference is made to
3 the individual who you interviewed giving his account of
4 the assaults on him. 18 December 2003:

5 "Telephone call from DC Brian Carter re an ongoing
6 investigation into allegations by [195] ... of abuse at
7 Haut de la Garenne. Details of investigation were not
8 given, but request for search on the following names of
9 staff employed between 1959-1970s."

10 And the names of the staff are set out there:

11 "Also requested names of children at
12 Haut de la Garenne between 1960 and 1970."

13 And 13 January, more information, but the second
14 paragraph there we can see reference to yourself,
15 Mr Bonney:

16 "Met with DI Bob Bonney, DS Pete Barney,
17 DC Brian Carter and DC Cathy Davison. [195] has made
18 serious allegations of sodomy by an ex-member of
19 staff ... above files were given to the Police.

20 "Request for files for all children at
21 Haut de la Garenne between these dates in
22 particular ..."

23 And the names of individuals. Then over the page
24 further files have been removed by the Police and it
25 lists the names of individuals who were children at

1 Haut de la Garenne, staff rotas files were also removed.

2 I have one or two questions to ask you. If we go
3 back to {WD006662/437} please, do you have any memory of
4 this meeting?

5 A. I don't specifically remember that meeting.

6 Q. Does it strike you as exceptional that so many officers
7 attended?

8 A. No. I had the whole of my team and practically half the
9 CID working on this.

10 Q. You did.

11 A. I have not actually seen this document before. It's
12 a children's officer document, is it? It's their way of
13 collating what they did?

14 Q. So we understand.

15 A. This is not a police document.

16 Q. Forgive me that you hadn't seen it. It's exhibited to
17 your statement.

18 A. I'm sorry, what I meant to say was that I have not seen
19 this in the course of my work, in the course of my
20 policing role and it appears to be a Children's
21 Department's log of certain things that we asked them to
22 do and the direction to get those files and those staff
23 rotas was my direction.

24 Q. And on the previous page {WD008662/436}, where I read
25 out extracts from "Haut de la Garenne - enquiry", can

1 you remember, Mr Bonney, if you were made aware of those
2 inquiries being carried forward, so the previous year,
3 2003, people coming forward, talking about having been
4 abused and having witnessed abuse at Haut de la Garenne;
5 was that something that was raised in your meeting, if
6 you can remember, on 13 January 2004?

7 A. It's difficult for me because I don't know the names
8 behind the redactions, but matters of this nature would
9 have generated our own log of the report and it is there
10 that I might expect -- you might expect to see our
11 engagement, my engagement, others' engagement in these
12 particular matters. There was an error in -- it doesn't
13 seem to be on this page now, but in relation to 195 the
14 Children's Department document refers to 195 making
15 an allegation of sodomy against an ex-member of staff at
16 Haut de la Garenne. That's not accurate.

17 Q. Certainly not in relation to the investigation that you
18 were carrying out. As it happens, subsequently
19 Thomas Hamon was convicted in relation to sexual
20 assaults of 195, but I don't think that's the same
21 issue.

22 Do you know, or can you remember, Mr Bonney, whether
23 your team opened a file at that stage on the
24 Haut de la Garenne accounts? So we have this headed up
25 "Haut de la Garenne investigation", I know it's an

1 internal document generated by Children's Services, not
2 one of course that you would have seen at the time
3 because it was generated for their purposes, but there
4 they are designating these complaints in a particular
5 way; did you do the same, or can you remember whether
6 the same sort of file was opened --

7 A. Yes, the same -- I don't remember, but a corresponding
8 file should be opened. This is a document reporting us
9 going to the Children's Department and asking for
10 information; we would be asking for a reason and that
11 will be to further, typically, an investigation and it
12 will have a log and it should have a file.

13 Q. My question was more directed, elliptical as it was, not
14 so much at the specific case of 195, but whether more
15 generally, if you can remember, the Police went back to
16 their headquarters and said "We've got to look into
17 Haut de la Garenne"?

18 A. Do you mean ahead of the 195 allegation arising?

19 Q. Or at the same time, running parallel with it because of
20 any information that was exchanged between yourselves
21 and Children's Services?

22 A. Well, if it was at the same time, there was a file
23 running on Haut de la Garenne. The main thrust of the
24 investigation was the recovery of almost a thousand-odd
25 files, from memory, from Haut de la Garenne and the

1 staff rotas, so in respect of that, yes. In respect of
2 anything around the time, I would have expected to have
3 seen that because it was hugely relevant to what we were
4 doing. Whether it lay in our intelligence systems, or
5 in the FPT, or in the general CID, that information
6 should be somewhere and I would be very disappointed if
7 it was not.

8 Q. In DC Carter's report, which we have looked at
9 previously and we don't need to turn to the page, he
10 makes a reference there to guidelines regarding open
11 questions to witnesses who are former residents of the
12 children's home. Do you remember setting out
13 a procedural timetable and approach to following up
14 witnesses?

15 A. I remember discussing in much detail what we needed to
16 do and how we should set about doing it and the recovery
17 of the files was the beginning of that process.

18 Q. And what success did you have in interviewing
19 individuals, former residents?

20 A. Well, I think generally we had very little success, not
21 to say that there were not elements there that we would
22 have wished to pursued. Some of the residents had
23 already died, some had committed suicide, some had gone
24 to the UK, files had gone to the UK from memory, but
25 we -- I remember we recovered something like 800 files,

1 yes.

2 Q. That suggests that given your seniority at the time
3 there appears to have been no issue this time on
4 resource?

5 A. Just about everybody in the FPT and in my department
6 were engaged in one way or another. Obviously
7 Brian Carter, Cathy Davison specifically -- and there
8 may have been others, but Brian was the officer in the
9 case and we were all pulling together I know.

10 Q. And was this the first time, 2003 -- and I know we have
11 looked at a meeting on 13 January 2004, but prior to
12 that I think you had learned of the blackmailing
13 situation. Was that the first time you had heard of
14 allegations of abuse at Haut de la Garenne?

15 A. The 195?

16 Q. Just generally?

17 A. Yes.

18 Q. At paragraph 42 {WS000655/9}, in relation to the 195
19 investigation you say that there was no evidence of
20 corroboration, but that you hoped -- forgive me. 42:

21 "Unfortunately, no one else came forward. I felt
22 that all lines of enquiry had been exhausted and made
23 the decision, in conjunction with Brian Carter, to close
24 the investigation at that time. I knew well that for
25 a successful conviction, we needed the evidence to be

1 corroborated to a material extent. It was my hope that
2 the Crown would have proceeded with a prosecution."

3 Should we understand, Mr Bonney, that despite the
4 absence of corroboration you were still hopeful that
5 there would be a case taken forward? That's how I read
6 that, or am I misinterpreting that?

7 A. No, I think I was hopeful that the Crown would take the
8 matter forward, and despite the lack of corroboration of
9 the materials of the allegation, the material fact,
10 there was an element of corroboration which was obtained
11 during the interviews with the accused but it was
12 corroboration of a propensity towards young boys rather
13 than a committing of the act which was alleged.

14 Q. But as I understand your evidence, absent that
15 evidence -- whether or not it would be admissible, but
16 absent that evidence it was still your view at the time
17 that, as you say there:

18 "I thought that the victim would have been believed
19 by a jury."

20 A. I do believe he would have been believed, yes. Most
21 certainly I believe he would have been believed.

22 THE CHAIR: And Mr Bonney, did you make that clear at the
23 time?

24 A. I have seen a memorandum which I wrote on --

25 MR SADD: Which we are about to look at.

1 A. Okay.

2 Q. Your fellow officer, Brian Carter, produced a separate
3 report, that was on 16 July 2004, and you commented on
4 that and if we can go to page 332 {WD008662/332}, this
5 is in relation to of course the same case and we can see
6 in the margin there that's your writing again, is that
7 right?

8 A. Yes, it is.

9 Q. It is addressed to Laurence O'Donnell; have I got that
10 right again?

11 A. Yes.

12 Q. And you write this:

13 "Despite our best efforts, I suspect, unless you
14 consider his admissions/evidence of interest in young
15 boys as corroboration, that you will determine there is
16 insufficient evidence to prosecute. The case has gone
17 on for some time now and I would welcome your early
18 advice."

19 In the light of the evidence you have given
20 the Inquiry this afternoon, did you consider it to be
21 relevant what your thoughts were, because they seem to
22 be absent here?

23 A. It's apparent to me that, you know, this margin note
24 doesn't go anywhere near to reflecting the engagement
25 between myself, the officer in the case,

1 Laurence O'Donnell in this particular case, and the
2 engagement that Laurence I'm sure would have had and did
3 have, because we have seen some subsequent memos, with
4 the Crown.

5 What you are seeing in my handwritten note on this
6 report is a culmination of the understanding and the
7 discussions over many weeks, months, with
8 Laurence O'Donnell about how the evidence could be --
9 what evidence could be obtained, how it could be
10 obtained, what the difficulties were to overcome and
11 whether we could overcome the requirement which
12 the Crown clearly required to progress a case of this
13 nature.

14 At the time I wrote this note on the report which
15 was going to Laurence O'Donnell, I already knew
16 the Crown had taken this view.

17 THE CHAIR: From whom? Who did you know from?

18 A. I say the Crown, perhaps I should qualify that and say
19 from my discussions with Laurence O'Donnell I knew that
20 this would be the way the Crown -- this would be the
21 evidence that the Crown would look for: corroboration.
22 If we didn't have the corroboration we likely were not
23 getting home.

24 My note to Laurence O'Donnell reflected that
25 understanding of where it would likely get to.

1 MR SADD: But, Mr Bonney, by this time you were a relatively
2 senior inspector, have I got that right? I'm treading
3 cautiously because I don't understand the position of
4 ranks, but you were in a position of authority?

5 A. Yes.

6 Q. And you have told the Inquiry -- and you set it out in
7 your statement -- that you believed this was a case that
8 could go to jury, in spite of the issues of
9 corroboration. Have I said that fairly?

10 A. Yes.

11 Q. Why is it -- or did you in fact take issue with
12 Laurence O'Donnell about this case?

13 A. I had discussions with Laurence O'Donnell about --

14 Q. And is "discussions" a euphemism for "I disagreed with
15 him"?

16 A. I think Laurence had come to believe that a case of this
17 nature would likely not be taken forward by the Crown
18 for the reasons of non-corroboration and Laurence would
19 have brought that to me in our discussions long before
20 I wrote that note. The corroborative evidence in my
21 mind which was capable of allowing a jury to believe 195
22 was the propensity to attraction to young boys and
23 everything around that and we discussed that and
24 I discussed that with Laurence, there was much
25 discussion around it. At the time I wrote this note

1 I wrote it in an understanding that this was where the
2 case would fall.

3 Q. We can see that the document is date-stamped "Legal
4 advisor to police, 29 July 2004", so presumably it was
5 received on that date with your manuscript advice or
6 views. Then if we go please to page 403 {WD008662/403}
7 we can see the reply from Laurence O'Donnell with your
8 manuscript added and I think you are returning this at
9 that point to Brian Carter, but before we read what you
10 say, we have Laurence O'Donnell's view as the legal
11 advisor to the Police. So I think it's fair, Mr Bonney,
12 that you have drawn a distinction between on the one
13 hand this is the legal advisor to the Police who is
14 relaying to you what he thinks the Crown Advocates will
15 say. Have I understood that rightly?

16 A. I think that's fair, yes.

17 Q. If we look at the body of his memo, so this is dated
18 24 September 2004 to you, copied to a Tim Allen:

19 "Thank you for the papers in this matter ... I note
20 the thorough manner in which this case has been
21 investigated. Prosecutions for offences of this nature
22 are regularly undertaken in the UK, albeit that it is
23 acknowledged that they present their own peculiar
24 difficulties due to the time lapse, absence of records
25 and very often witnesses."

1 Second paragraph:

2 "You have already noted that there is little in the
3 way of contemporaneous corroboration of the account
4 given by [195]. However, this case is a little more
5 complicated in that [195] has subsequently approached
6 [his abuser] in order to blackmail him. [195] was
7 subsequently convicted of blackmail. I am not aware of
8 the basis upon which he was sentenced and that may be
9 material which would assist the Crown should a decision
10 be made to prosecute [the suspected abuser]."

11 It is right that I should pause there, that in the
12 judgment deciding on sentence of 195, the Court passed
13 comment on whether his account was believable, because
14 they thought that was relevant to sentencing, and
15 thought it could be believed. So going on:

16 "I note that there are no other victims identified
17 as a consequence of the Police investigation and thus,
18 at present, the prosecution would proceed with only one
19 victim. The practice locally is for such prosecutions
20 not to be proceeded with and I am of the view that,
21 should the matter be charged, the Magistrate would
22 discharge [the alleged abuser] at an old style
23 committal."

24 Can I just ask you what did you understand to mean
25 by "the practice locally"?

1 A. Sorry, can you repeat that?

2 Q. What do you understand --

3 THE CHAIR: We see there the note from Mr O'Donnell where he
4 quotes, "the practice locally is for such prosecutions
5 not to be proceeded with ..." and counsel is asking
6 you --

7 MR SADD: What was the practice, what did you understand the
8 practice to be locally, as he describes it?

9 A. Where the case is essentially a single victim and no
10 corroboration.

11 Q. We have seen that you say at paragraph 42 of your
12 statement {WS000655/9} that you felt that he would be
13 believed by a jury, you have shown to the Inquiry again
14 this afternoon again how vivid your memory of his
15 account is. You have here Mr O'Donnell saying that the
16 case would be thrown out at an old style committal; did
17 you agree with that view?

18 A. Did I agree with it? I thought we were capable -- it
19 was capable of getting to trial and letting the jury
20 make their own mind up, with or without a warning,
21 corroboration warning from the Court.

22 Q. And was that a view that you again -- I know we have
23 discussed the exchange that you had in July. You
24 received this formal note from Laurence O'Donnell. Do
25 you remember, if at all, picking up the issue with

1 Mr O'Donnell?

2 A. It was the central focus of our discussions.

3 Q. Again?

4 A. Yes. It may be helpful -- may I? -- to just go on
5 a little. This memorandum from Laurence to me was
6 written on 24 September 2004 and significantly when
7 Laurence says that "the case raises some interesting
8 issues and I have, therefore, copied this memorandum to
9 Tim Allen", who is the Attorney General's clerk
10 I believe, "it may be that you would wish to take advice
11 from a senior Crown Advocate with regard to this matter"
12 {WD008662/403}. It was 9 October 2004 when I wrote the
13 note to the investigating officer on this case on
14 which -- because I did want to take senior Crown advice.

15 Q. Would you read out what your note says?

16 A. It is addressed to Brian Carter and it says:

17 "Brian, the AG has reviewed the position (as
18 discussed). This cannot presently be prosecuted without
19 further corroboration. In the event that any other
20 victim may materialise in future, this can be (will be)
21 reconsidered. Speak to CJU please ..."

22 Which is our Criminal Justice Unit:

23 " ... about 'outstanding offence' file. I believe
24 you have already advised ..."

25 Q. 195.

1 A. 195. 195 being the victim. And I date-stamped that and
2 signed it on 9 October.

3 So what I take from that is that on receipt of
4 Laurence's memorandum of 24 September I did wish to take
5 senior Crown Advocate's advice and I asked for it to go
6 to the Attorney General's Office and it was on 9 October
7 that very reluctantly I advised the officer.

8 Q. Can we go please to page 400 {WD008662/400}. This is
9 an email, Mr Bonney, dated 14 July 2009 and it is from
10 John Edmonds to William Bailhache. John Edmonds, I'm
11 sure I will be corrected if I get this wrong, was then
12 the principal legal advisor and subsequently became
13 director, criminal division, we think towards the end of
14 2009, beginning of 2010, and it is really the second
15 paragraph there. Ignoring the first paragraph,
16 Mr Edmonds writes:

17 "I cannot help feeling that the legal advisors over
18 a period of many years having effectively been applying
19 a test of mandatory corroboration rather than properly
20 evaluating whether an uncorroborated victim would
21 nonetheless be regarded as a witness of truth."

22 Does that fairly summarise your view in 2004 of
23 195's case?

24 A. I mean I don't know that the legal advisors were
25 effectively applying a test of mandatory corroboration,

1 whether rather than evaluating -- whether an
2 uncorroborated victim could be regarded as a witness of
3 truth, not least because the very discussions that I was
4 having with Laurence were in this area of belief and so
5 it would not be right that I believe that
6 Laurence O'Donnell, or the police legal advisors, were
7 applying this mandatory, when in fact it wasn't
8 mandatory, if that's what has been determined. My
9 understanding is that they knew very clearly about
10 whether it was mandatory or required in practice and our
11 discussions regularly went to that area, ahead of the
12 decision-making coming out of the AG's office.

13 Q. Mr Bonney, I would also welcome your reflection on the
14 second part of that sentence in the second paragraph
15 from Mr Edmonds where he says -- so looking at mandatory
16 corroboration:

17 " ... rather than properly evaluating whether an
18 uncorroborated victim would nonetheless be regarded as
19 a witness of truth."

20 Is that a fair summary of your position in 2004 as
21 to the basis why 195's case should have been taken
22 forward, an uncorroborated victim being nonetheless
23 regarded as a victim of truth?

24 A. That was my argument, that it should go to prosecution
25 and that was the argument that was under discussion with

1 Laurence.

2 Q. We have looked together at the internal document
3 generated by Children's Services, we looked at it
4 a moment ago, the Team Manager, Sarah Brace, 2003/2004.
5 You were involved, as your team were, in the 159
6 investigation. We know subsequently that in 2007,
7 towards the end of 2007, Operation Rectangle, as it was
8 called, was launched into the investigation of abuse in
9 Haut de la Garenne and Sea Cadets and children's homes.
10 As at 2004, having given consideration to this, do you
11 think such an investigation should have been started
12 then?

13 A. No, I do not.

14 Q. And why is that?

15 A. There was no -- there was a single allegation from
16 a single victim in relation to a visitor to
17 Haut de la Garenne and our examination of those files
18 did not find any corroborative evidence of that, of the
19 staff. I do not know what intelligence or evidence it
20 was that escalated, or took the States of Jersey Police
21 to the decision to open Operation Rectangle. I do not
22 know what that was. I suspect the catalyst was the 195
23 account of abuse, but something must have occurred
24 subsequent to that, related to Haut de la Garenne, which
25 saw it step up to Operation Rectangle. That was some --

1 was that two years after I retired? Yes.

2 Q. Finally, Mr Bonney, if you're happy to go on I've got
3 one very specific issue to ask you about, moving away
4 from the 195 case.

5 THE CHAIR: Just before we move away from the 195 case,
6 Mr Sadd, can we just note from the email you have taken
7 us to by John Edmonds, dated July 2009, where he makes
8 reference to applying a test of mandatory corroboration
9 "rather than properly evaluating whether an
10 uncorroborated victim would nonetheless be regarded as
11 a witness of truth", the email concludes:

12 "I fear that Ian Christmas' involvement both as
13 legal advisor and magistrate set the tone for much of
14 this practice."

15 Yes, if you want to take the next one.

16 MR SADD: In fairness, Mr Bonney, I ought to say to
17 complete -- I don't call it speculation, but to complete
18 the picture of the reports that were generated
19 subsequent to your retirement, the Inquiry has heard
20 evidence from an Officer Hewlett who produced a scoping
21 report in 2006 in which he includes reference to the 195
22 case, amongst others, in relation to Haut de la Garenne,
23 so that may be part of what you have described as the
24 catalyst picture.

25 A. Mr Sadd, excuse me, is there a second page to this

1 John Edmonds exchange?

2 Q. I think there is, but I don't think it's of any
3 relevance. Hold on a moment.

4 (Pause).

5 Yes, you can go to {WD008662/401}, although by this
6 time, Mr Bonney, there had been further investigation,
7 or the case had been reopened.

8 A. Okay, we're in 2009.

9 Q. So what you read at page 401 is slightly out of context
10 because what John Edmonds is writing about there --

11 A. Okay, I understand that, thank you.

12 Q. -- is additional evidence.

13 THE CHAIR: Does that make it clear?

14 A. Yes.

15 MR SADD: Thank you for pointing that out.

16 Finally I would like us to go please to page 412,
17 {WD008662/412}, which is exhibit 23, which you commented
18 on in your second statement at paragraphs 93 to 96
19 {WS000676/20}.

20 What we have on screen there is a four-page police
21 report submitted by DC Gregory in July 2004. It
22 concerns allegations of assault, allegations made by
23 a resident at La Preference, witness 749, against
24 a member of staff in Children's Services, witness 7.
25 Although the report mainly deals with allegations by

1 749, at page 415 {WD008662/415} -- we don't need to go
2 to it -- it is noted that a separate allegation was also
3 made by another resident about being assaulted by
4 witness 7.

5 There's a note we can see on 412 {WD008662/412},
6 signed by yourself, that says as follows:

7 "Laurence, [again I think Laurence O'Donnell],
8 unusually, (but for obvious reasons) investigation was
9 conducted and supervised by officers outside of my
10 responsibility."

11 Pausing there, I think you comment in the
12 statement -- you say "for obvious reasons" being the
13 fact that it is Children's Services, was that right?

14 A. Well, you know, the FPT officers are in regular contact
15 with the person who is complained against and it just
16 removes a whole raft of what could be future allegations
17 of unfairness, or conspiracy to protect or otherwise and
18 I wanted to remove that.

19 Q. And going on:

20 "The officers conclude that there is insufficient
21 evidence to prosecute and I am in tune with that. Can
22 you please advise your views."

23 You have explained why it is you have gone outside.

24 Can we go to page 415 please {WD008662/415} and we
25 have again at paragraph 27 something that you and I have

1 already discussed:

2 "It is the opinion of DC Gregory that there is
3 insufficient evidence to prove beyond reasonable doubt
4 that the force used on [an individual] was excessive and
5 thereby constituting an assault."

6 Then it explains it. At paragraph 30 DC Gregory
7 concludes as follows:

8 "With regard to the incident concerning the removal
9 of [the young person]'s leg from the furniture and to
10 a lesser degree the previous incident where it is
11 suggested he lost control of himself to some degree ..."

12 That's in relation to witness 7:

13 " ... it is thought that a case exists that
14 [witness 7] stepped outside of the guidelines set out in
15 the TCI module."

16 TCI we know is -- I'm going to have to be reminded
17 of this, Therapeutic --

18 THE CHAIR: Crisis Intervention.

19 MR SADD: Thank you. And it concludes:

20 "It is suggested that this however, is an issue that
21 requires address by his line managers within the
22 Children's Service and not within the confines of
23 a criminal court."

24 You have already made the decision that it shouldn't
25 be investigated by the FPT for obvious reasons. Here

1 an officer is saying that there ought to be an internal
2 inquiry. This is a report that goes to you. What steps
3 was the officer expecting you to take?

4 A. He was looking for a decision on which way the --
5 you know, whether to prosecute or whether not to.

6 Q. I understand that, but also he is ending his report by
7 saying this is an issue that requires address by his
8 line managers within Children's Services. Presumably
9 this is a report compiled for police eyes only, is that
10 right?

11 A. Yes, I believe so.

12 Q. So it wouldn't make it to Children's Services?

13 A. I'm sorry?

14 Q. It wouldn't make it to Children's Services?

15 A. This report in -- this is a report to me. This is not
16 a report which would necessarily go out, but I mean what
17 we clearly -- the area that's being suggested here,
18 which I appear to have followed, or the appropriate
19 action that's been suggested, to which I align myself,
20 is that this likely falls short of a criminal assault,
21 even though it may have stepped beyond the guidelines
22 and that in itself would not make it a criminal assault,
23 and that it was best dealt with, or appropriately dealt
24 with by discipline.

25 Q. Mr Bonney, that's my question to you: how would

1 Children's Services have known that that was a view
2 shared by yourself and your junior officer?

3 A. Well, I was just commenting on this report. This report
4 is not the end of it, this is a report to me and my note
5 sent it to Laurence O'Donnell. I'm not sure what
6 happened after that.

7 THE CHAIR: Were number 7's line managers told about this?

8 A. Almost certainly.

9 MR SADD: How would they have come to know about it?

10 A. Because I would imagine -- I would imagine, and if
11 I didn't get it I needed to go in search of it, but this
12 left my desk to the legal advisor's, did it not, asking
13 him to take a view and advise? I have a recollection of
14 seeing something provided to me ahead of today which
15 shows what happened. Have I got that wrong, or am
16 I mixing it up with another victim?

17 Q. I can't remember. I think you are mixing it up with
18 another victim.

19 A. I have a specific memory that I have read something
20 where Phil Dennett was required to institute discipline.
21 Was that on another --

22 Q. That was on another issue we have already looked at
23 today.

24 A. Okay, so can I safely assume that there is nothing after
25 that?

1 Q. Not that the Inquiry has seen.

2 A. Okay. Well, I'm quite certain that I would have been
3 looking for a reply before I could finalise firstly that
4 it was something for discipline, that firstly it was not
5 ready and could not be or should not, was determined not
6 to prosecute, and on receipt of either an aligned view
7 from the legal advisor or an alternative view, it would
8 have determined what we did and what we would have done
9 would have been to -- not this report, but another
10 report, maybe a discussion, but a communication with
11 them to instigate -- firstly to tell them.

12 Q. "Them" being Children's Services?

13 A. Yes, to tell them that it's not being proceeded with, if
14 that's what was determined, but "You need to look at
15 discipline and it's a matter for you where you take it
16 and how you deal with that", that would have been --

17 Q. And would it have been at your level of seniority that
18 that note would have gone to Children's Services, rather
19 than DC Gregory?

20 A. Yes. May I just see the date of that report? If it was
21 close to my actual leaving, or was it some time before?

22 Q. This is a report dated 26 July 2004, we can see from
23 page 412 {WD008662/412}.

24 A. Okay, I retired in April 2005. I would like to have
25 thought we would have got a response before then. But

1 maybe we did not, or maybe there was a response but it
2 has not been secured.

3 Q. Can I invite you finally to think of this: would you
4 have considered alerting Children's Services in parallel
5 with waiting for a reply from the Law Officers'
6 Department, given that they were totally separate
7 issues?

8 A. Certainly. Certainly. I'm quite sure that would have
9 been done and they would have wanted to know the
10 progress of the investigation, and if there had been no
11 decision by the time I left, then there's no way in the
12 world that Children's Services or the person complained
13 about, or the victim would have allowed that to wait so
14 long, so my best suggestion is that this was determined
15 and determined properly and that the person was advised.

16 Q. But you have no memory of this specifically?

17 A. I do not.

18 Q. Do you have any memory of other cases in which this was
19 being suggested, that is that there be an internal
20 inquiry, or internal disciplinary action, and you
21 following that through?

22 A. Yes. Somewhere in all the documents that I have been
23 provided with there is a similar route which appears to
24 have gone the full distance and that document refers to
25 Phil Dennett being advised. I think it was

1 Sergeant Underwood. Was that the case? I think it was.

2 Q. I think that's right, but I will have to find it while
3 I stop asking you questions, which is what I'm about to
4 do, and thank you, Mr Bonney, and the Panel may have
5 questions for you.

6 THE CHAIR: Yes, Mr Bonney, the Panel do have a few
7 questions, so if you are content to continue I'm going
8 to ask Professor Cameron for his questions.

9 Questions from THE PANEL

10 PROFESSOR CAMERON: Can I just stick with the investigation
11 we have just been talking about. Would that
12 investigation have been something that was discussed at
13 the outset with Children's Services?

14 A. Did Children's Services bring this to us? I think if
15 they did then yes.

16 PROFESSOR CAMERON: If they hadn't, given it was
17 an investigation into an alleged incident or incidents
18 in one of their establishments by one of their staff,
19 would it nonetheless be something that you would have
20 discussed with them at the outset?

21 A. Certainly.

22 PROFESSOR CAMERON: At what level of the Children's Service
23 organisation would you have discussed that? Who would
24 you have spoken to?

25 A. We were 2000 -- what were we, 2004?

1 PROFESSOR CAMERON: 2004.

2 A. 2004. I'm sorry, I can't recall.

3 PROFESSOR CAMERON: If not the individual, what level of the
4 organisation would you as the detective inspector
5 dealing with a matter of this seriousness have raised it
6 within Children's Services?

7 A. Well, if it was Phil Dennett that would make sense, that
8 would have been reasonable.

9 PROFESSOR CAMERON: And in terms then of the conclusion,
10 once a decision had been taken, or confirmed by
11 Laurence O'Donnell as to whether there was to be
12 a prosecution or not and if the decision was no, which
13 is what it appears to have been, then would it have been
14 your responsibility, again as the detective inspector,
15 to take that matter to the Children's Services
16 Department?

17 A. It would have been my responsibility to ensure it was
18 taken -- there's a good possibility I even took it
19 myself, but not necessarily.

20 PROFESSOR CAMERON: In terms of ensuring it was taken, who
21 would you have ensured took it?

22 A. Well, most likely the officer in the case.

23 PROFESSOR CAMERON: Would that be the normal practice, or
24 would something of this seriousness, involving actually
25 a member of staff who was in a relatively senior

1 position by that time, not be a matter that would have
2 been taken up with a very senior official in the
3 Department?

4 A. Yes, it may well have been, I'm afraid I don't
5 specifically recall.

6 PROFESSOR CAMERON: But was there that kind of linkage that
7 you could have in terms of who you needed to talk to?

8 A. Yes, there was.

9 THE CHAIR: I think counsel may assist on the questions
10 raised earlier.

11 MR SADD: I'm so sorry to interrupt you, Professor Cameron.
12 This is a document on which privilege has only very
13 recently been waived, 12 November 2015, and it has been
14 uploaded. It is {WD008410} and this is exactly the
15 issue that Mr Bonney is talking about. Apologies again
16 for interrupting you, Professor Cameron, but this may
17 assist both yourself and the witness.

18 What we see here is a document dated 25 August 2004,
19 it's from Laurence O'Donnell, it's addressed to you,
20 Mr Bonney, and we're looking at it for the first time
21 and to give you the opportunity to think about it I'm
22 going to read it out. It refers to witness 7:

23 "Thank you for the papers in this matter which
24 I have had the opportunity to consider. I have also had
25 the advantage of discussing matters with

1 Sergeant Underwood.

2 "It is my view that there is no realistic prospect
3 of conviction for any criminal offence against
4 [witness 7] ..."

5 It says in the third paragraph:

6 "It may well be, however, that [witness 7] should be
7 subject to an internal enquiry; I have not been asked to
8 advise regarding that."

9 Then it sets out more about witness number 7's role.
10 We see the fifth paragraph I think it is:

11 "There is a background of inconsistent management at
12 La Preference with regular changes of personnel which
13 was likely to cause disruption to the children placed
14 there."

15 And he concludes:

16 "I am quite content that a criminal court would not
17 support the allegations of assault made by [the young
18 person] in this matter and note that there are
19 inconsistencies with [another witness]. However, it is
20 clear from [witness 7]'s interview and the observations
21 of [a member of staff] that the guidance offered in the
22 therapeutic crisis intervention manual was not being
23 followed. It cannot be said that operating outside
24 these guidelines would amount to a criminal offence,
25 nevertheless it would cause the Department concern that

1 one of their trainers in this area appears to have
2 breached the guidelines.

3 "The file does not contain the previous convictions
4 of [the young people] or any of the other participants,
5 however I am aware of their criminal history and have
6 taken that into consideration in my conclusion that
7 there should be no further action taken against
8 [witness 7] in relation to criminal assault, and this
9 applies to all of the allegations contained within the
10 file."

11 And then you write, Mr Bonney, to Terry:

12 "May I leave it to you please to carry to
13 Phil Dennett the identified breaches, in order that he
14 may address some in any way he sees fit."

15 So your memory serves you right, Mr Bonney.

16 A. I also note that -- sorry, may I?

17 THE CHAIR: Yes, please.

18 A. I also note that the memorandum was copied to
19 Superintendent J Pearson, who was superintendent of
20 Crime, and that's a reflection on the nature of the
21 serious ongoing potential issue that was there and it's
22 very likely that I would have also copied my note into
23 Superintendent Pearson as well.

24 PROFESSOR CAMERON: Can I ask you who Terry is?

25 A. Sergeant Underwood. He was then a sergeant in the

1 Family Protection Team, albeit for a short period of
2 time.

3 PROFESSOR CAMERON: And how would you have expected him to
4 have undertaken carrying this to Phil Dennett, would
5 that be by word of mouth, or would you have expected
6 a report to have been given?

7 A. We may have even discussed how it should have happened
8 and he may well have gone to see Phil Dennett
9 personally.

10 There will be a log, I'm sure there will be --

11 PROFESSOR CAMERON: What I'm trying to get at is how, on
12 a serious matter of this kind, even if it falls short of
13 prosecution, a concern that is reflected in all of these
14 documents would be formally communicated to the
15 Children's Department in order that they can then
16 consider what action they need to take. Is that just
17 a word of mouth, somebody having a word with somebody,
18 or will it be a formal report saying "This is what we
19 investigated, this is what we found, this is what you
20 need to know"?

21 A. It may not have been a formal report.

22 PROFESSOR CAMERON: And again would that have been the usual
23 approach on such matters?

24 A. Not unusual.

25 PROFESSOR CAMERON: Just seeing this document just now, are

1 you able to advise as to what the relevance of the
2 criminal history was of the two alleged victims, as to
3 whether there should be a prosecution or not?

4 A. I can only think that Laurence O'Donnell was going to
5 the potential for challenge that could have occurred by
6 defence.

7 PROFESSOR CAMERON: So would it be the usual kind of
8 expectation that young people in care, who had a history
9 of offending, somehow or other would find it harder to
10 have someone charged who he accused of abusing them?

11 A. I don't think it should be. I think it should be
12 independently determined of that.

13 PROFESSOR CAMERON: But was that generally the practice?

14 A. I couldn't say it was generally the practice.

15 PROFESSOR CAMERON: Thank you.

16 Going back to the case of Leslie Hughes, was there,
17 on the part of the Police, any investigation as to the
18 role, if any, that [77] may have played, because
19 [REDACTED] she was also the person who was formally
20 employed and responsible for the home in which the abuse
21 happened; was that any part of the investigation?

22 A. There was a consideration in the investigation, but
23 there was specifically no allegation -- quite to the
24 contrary -- of impropriety against [77].

25 PROFESSOR CAMERON: There may be no allegations of

1 impropriety, but was there any investigation as to
2 whether she might reasonably have known what was
3 happening and not acted on it?

4 A. No.

5 PROFESSOR CAMERON: Why would that not be looked at?

6 A. Les Hughes was very careful, very clear on his abuse and
7 when he committed it and how he committed it, how he
8 carried it out, how he was secretive in what he did and
9 why he did it, and alongside the no complaints against
10 [77], in fact the glowing reports by the children, the
11 investigation satisfied itself that [77] was not
12 complacent.

13 PROFESSOR CAMERON: In satisfying itself, did it do that on
14 the basis of interviewing [77]?

15 A. There was no interview of [77].

16 PROFESSOR CAMERON: So how could it satisfy itself if it
17 hadn't asked her the question?

18 A. On the information that I have just given.

19 PROFESSOR CAMERON: Okay, thank you. I've got no other
20 questions.

21 THE CHAIR: Was there anything consequent on that? I saw
22 you looking at more documents, Mr Sadd.

23 MR SADD: There is. Madam Chair, I owe Mr Bonney and
24 the Panel an apology, I had thought that I had seen the
25 document, but then lost sight of it. In fact exhibited

1 to Mr Bonney's statement is the very document -- it's at
2 page 440 {WD008662/440} -- the very document we just
3 looked at and indeed there is a comment in Mr Bonney's
4 second statement, which we don't need to go to, where he
5 addresses this document at paragraphs 108 and 109
6 {WS000676/23} and he says this:

7 "The Inquiry will note my endorsement to the
8 memorandum which says 'May I leave it to you please to
9 carry to Phil Dennett the identified breaches in order
10 that he may remedy the same in any way he sees fit'.
11 This endorsement was addressed to Detective Sergeant
12 Terry Underwood who was Sergeant FPT at the time.
13 I don't know why the addresses of the endorsement is
14 redacted. As to the substance, just because the
15 prosecutors had decided not to take any further action
16 against [witness 7], it did not mean that disciplinary
17 action was not merited as a remedy."

18 Then, Mr Bonney, you conclude:

19 "I do not know what action Mr Dennett in fact took
20 upon receipt of information."

21 So that's for the entire picture, so --

22 THE CHAIR: So that puts it all in context, thank you.

23 MR SADD: Nothing else.

24 THE CHAIR: Thank you, Mr Sadd.

25 Ms Leslie.

1 MS LESLIE: Mr Bonney, just staying with the Les Hughes
2 investigation, you explained to us that the original
3 plan for his arrest was that Mrs Chappell would arrive
4 ahead of the Police. Why? What was the intention of
5 her arriving ahead of the Police?

6 A. My recollection was that there was property belonging to
7 the victim at the house and they wanted to recover that.
8 I know the victim was very keen to recover that.
9 I believe that was the main reason.

10 MS LESLIE: What was your expectation of what she would do
11 and say, or what instructions was she given, if any,
12 about how to conduct herself when she arrived at the
13 house ahead of the arrival of the Police?

14 A. Well, there really was no -- the arrangement that
15 I remember was that there would be almost no time
16 between her arrival and our arrival. It just meant she
17 would be the first through the door.

18 MS LESLIE: Do you know what she did or said when she
19 arrived in advance of that arrangement to Les Hughes and
20 [77]; do you know what she communicated, if anything, to
21 them about what was about to happen?

22 A. My recollection is that she did tell them that the
23 victim had made a complaint to the Police and that
24 the Police would be here shortly.

25 MS LESLIE: Do you know if she told them the nature of the

1 complaint?

2 A. Not the detail, I don't believe.

3 MS LESLIE: At any time subsequently when you expressed
4 concern about what had happened, were you given any
5 explanation as to why she did this?

6 A. I have a recollection that it revolved around many years
7 of service given by Les Hughes and [77] to the children
8 and her feeling that she owed it to them.

9 MS LESLIE: Were you aware whether this was something she
10 had done off her own initiative, or whether there was
11 any instruction to her from any other member of the
12 Department to alert Les Hughes to what was about to
13 happen?

14 A. I believe her own.

15 MS LESLIE: The other area I want to ask you about is while
16 you were a serving officer, presumably you were there
17 when PACE came in?

18 A. Yes.

19 MS LESLIE: Thinking about the requirements and the
20 consciousness of officers, because of the requirements
21 of PACE, of the sort of ticking clock, the necessity to
22 try to get hold of a centenier and secure their
23 attendance and brief them, did that ever cause any
24 difficulties in working within the time constraints you
25 had?

1 A. Not that I specifically remember, no. I mean over the
2 years I have heard all kinds of reasons why a centenier
3 could not charge and even "I'm sorry, I forgot my
4 glasses, send him to a Parish Hall Enquiry."

5 MS LESLIE: Was there a system of centeniers being on duty,
6 so to speak, so that you would know who to call on
7 a particular day, or did you have to just phone around
8 and find someone who was available?

9 A. No, we had a duty list of the centenier for every
10 parish.

11 MS LESLIE: The last thing I want to ask you about is just
12 a point of clarification. You have very helpfully
13 explained in relation to the issue of corroboration that
14 obviously the position in law is that where a jury is
15 properly instructed by a judge, they may convict without
16 sort of corroboration, but you have also identified
17 that, as you said, it was clear that in practice this
18 would never happen in Jersey. Where did that practice
19 come from?

20 A. I think over the course of the years and the
21 continued -- not the continued, the -- it was -- I don't
22 know where it came from -- it settled on me that
23 corroboration was huge and it needed to be obtained, it
24 needed to be looked for, it was a significant hurdle and
25 in practice you weren't getting home without it,

1 whatever that corroboration may be.

2 MS LESLIE: Was it ever articulated specifically by anyone
3 to you, either a more senior officer or a member of the
4 Law Officers' Department, that: this is the practice
5 that we have adopted?

6 A. Well, I mean at the time I will have had a much deeper
7 knowledge of the corroboration rules and the laws around
8 them and how they were being dealt with in practice.

9 I do -- may I just --

10 MS LESLIE: Yes.

11 A. I acquired this morning the Jersey Law Commission
12 "Corroboration of evidence in criminal trials" and it
13 was -- it's a local document, it's a consultation paper
14 written about corroboration of evidence in criminal
15 trials and it is dated -- it is produced by the Jersey
16 Law Commission as a consultation paper. You may have
17 it, in which case this will be superfluous, but that was
18 produced in 2008 and that set out what my understanding
19 of corroboration was when I was serving in the
20 Police Force and in 2009 the findings of that
21 consultation were reported upon and that was to remove
22 the stringent corroboration requirement that
23 I understand has been done and I have these here.

24 MS LESLIE: Thank you. Those are my questions.

25 PROFESSOR CAMERON: Could I ..?

1 THE CHAIR: Yes, by all means, Professor Cameron.

2 PROFESSOR CAMERON: ... follow through a bit further in
3 relation to the arrest of Leslie Hughes. In the
4 planning for that arrest, whereby there was this plan
5 that Brenda Chappell would go, you're telling us that
6 was because the victim had clothing or items that she
7 wanted back?

8 A. That was certainly one of the reasons, yes, perhaps the
9 most pertinent reason.

10 PROFESSOR CAMERON: Was part of that planning that because
11 you were about to go into a children's unit, arrest the
12 husband of the person who was responsible for it, that
13 there may be an immediate need for some support in that
14 unit following the arrest?

15 A. Maybe.

16 PROFESSOR CAMERON: How did the planning take place? Was
17 there a meeting to plan the arrest?

18 A. I mean the detail that I have given you I'm only able to
19 give you because I went to the police station and looked
20 in the box of the evidence that relates to the Hughes
21 file and found a copy of my notebook and I read that
22 I had gone to the Children's Office and had discussion
23 and we had agreed this plan. I had no memory otherwise
24 of that.

25 PROFESSOR CAMERON: Okay. The plan not in effect having

1 been followed through in the way that it was designed,
2 and you clearly felt from what you have said that it was
3 inappropriate what happened, was there any point at
4 which that was then formally raised with the Director of
5 Children's Services at the time?

6 A. Yes, it was raised through my line manager and probably
7 through his line manager, so my detective inspector,
8 then the detective chief inspector. It was raised
9 alongside the equally if not more disturbing concerns
10 over the failure to take forward the allegations much
11 earlier.

12 PROFESSOR CAMERON: Okay, thank you.

13 THE CHAIR: So you refreshed your memory from your notebook
14 at the time?

15 A. Yes.

16 THE CHAIR: So that's still available?

17 A. Yes, it is in a box at Police Headquarters.

18 THE CHAIR: Perhaps, counsel, we can pursue sight of that.

19 My second point in relation to that is you were
20 asked the question in relation to Brenda Chappell
21 attending and alerting Mr Hughes to the arrest in
22 advance of your arrival, which caused you to be
23 apoplectic when you realised, you said that you believed
24 it was on her own initiative, rather than on
25 an instruction from someone within her department.

1 A. Yes.

2 THE CHAIR: Why did you say that? Why did you believe it
3 was her initiative? Did you ask her?

4 A. I don't remember asking her. I do remember agreeing
5 with her and others in consequence of finding -- looking
6 at my notebook, that there were other officers there
7 too -- I'm not sure who, I can't remember. I wasn't
8 alone, I was with another police officer.

9 THE CHAIR: And your notebook will record who attended with
10 you?

11 A. I believe it did.

12 THE CHAIR: Thank you.

13 A completely different and final question: I think
14 you were present in the hearing room when Mr Faudemer
15 gave evidence yesterday.

16 A. Yes.

17 THE CHAIR: Were you here throughout?

18 A. Yes, I was.

19 THE CHAIR: You will recall him saying in his
20 recommendations, if I can term them so, or his
21 suggestions for moving forward, that centeniers should
22 not prosecute cases, full stop. Do you share that
23 opinion?

24 A. I very much share that opinion. I see no reason why
25 they need to be in that loop at all.

1 THE CHAIR: Thank you, Mr Bonney.

2 Mr Sadd, are there any questions arising from
3 the Panel's questions?

4 MR SADD: No, Madam Chair.

5 THE CHAIR: Now, at 20 to 6, that completes your evidence,
6 Mr Bonney. On behalf of the Panel can I thank you for
7 your attendance today and your contribution to the work
8 of this Independent Inquiry.

9 A. You are welcome, thank you.

10 THE CHAIR: Mr Sadd, clearly that finishes the hearings for
11 today, so we will rise.

12 (5.40 pm)

13 (The Inquiry adjourned until Monday, 7 December 2015)

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