

THE INDEPENDENT JERSEY CARE INQUIRY

Witness Statement of Robert Le Brocq

I, Robert Le Brocq, will say as follows:-

1. I was born on 27 September 1937 on the island of Jersey. I am 76 years old. My family can date their roots in Jersey back to 1090 and ours is one of the first recorded names in Jersey. I am a former member of the Honorary Police of St Helier and was Connétable of the Parish of St Helier between 1992 and 2001. I am currently retired but am involved in, and own shares in, two property holding companies on the island of Jersey. My previous employment includes time working as a building contractor and a telephone engineer. I am married with two children, and have four grandchildren.
2. This witness statement describes my former role as an Honorary Policeman in the Parish of St Helier and, in particular, the events which arose regarding Mr Roger Holland, who was elected to the Honorary Police in 1992 despite having a conviction for indecent assault.

Introduction to the Honorary Police of St Helier

3. The States of Jersey Police are the professional police force in Jersey. The Honorary Police are a voluntary organisation. Nevertheless, the Honorary Police play a very important role on the island. The Honorary Police have many significant powers. These include the power to search a suspect, to preside over Parish Hall Enquiries, to present cases before the Magistrates Court and to charge a suspect and grant him or her bail.

4. In general my experience of the relationship between the States Police and the Honorary Police was a positive one. We had the odd difference of opinion, as uniformed police didn't always embrace the idea of liaising with the Honorary Police and establishing a good working relationship, but we generally got on well. Police Chiefs from the UK in particular sometimes didn't understand the Jersey system. Personally I mainly dealt with the duty sergeants and inspectors in the St Helier States of Jersey Police.

5. I started off in the Honorary Police as a Constable's Officer. Constable's Officers are the lowest rank of the Honorary Police and are elected to serve one of the twelve Parishes of Jersey. Constable's Officers report to a Vingtenier, an officer who is elected by his Parish Assembly to cover a particular vingtaine in that Parish and is responsible for general policing duties within the Parish.

6. The next rank of the Honorary Police is that of Centenier. Above all of these officers is the Connétable of the Parish. The Connétable has wide ranging responsibilities for local matters, including, but by no means limited to, policing. The Connétable is represented in policing matters by the Chef of Police, a position granted to the longest serving Centenier. I do not agree with this system for selecting the Chef of Police. All of these positions are voluntary, although the Chef de Police receives £500 per annum as a honorarium.

7. I describe below my own experiences of entry into and promotion within the Honorary Police. In doing so, I deliberately set out the processes involved in some detail. I consider these matters relevant to the Inquiry both in general terms, because they show the checks and measures in place to control who enters the Honorary Police, and because they are of specific relevance to the matter of Roger Holland.

My election and role as a Constable's Officer

8. My twin brother joined the Honorary Police in the late 1970s. I became interested in the force through his involvement and joined in the mid to late 1980s. There were three factors behind my decision to join the Honorary Police. Firstly I have always believed that you only get out of the community what you put in. Secondly, I enjoyed the challenge of being an Honorary Policeman and the opportunity to meet new people through my work. Finally, I also had a number of friends in the States of Jersey Police and their experiences also encouraged me to believe that I was suited to policing work.
9. Before I could be considered for the role of Constable's Officer a background check would have been carried out on me, including a search for criminal records. I provided references which were also checked.
10. The next stage of the process was a 30 minute interview, performed as far as I can recall by two Centeniers, one Vingtenier and a Constable's Officer. During this interview I was asked about my background and reasons for wanting to join the Honorary Police. There was always a concern that people might want to join the force for the wrong reasons and the Honorary Police wanted to avoid taking on, for example, overly-bossy or officious people. Tact and diplomacy are prized assets for the Honorary Police Officer.
11. The purpose of the interview was to decide if I was a fit and proper person to join the Honorary Police. On passing my interview I was assigned to a more senior officer, Gordon Cabo, to show me the ropes for a three month probationary period. Gordon was a 6 year Constable's Officer at this point.
12. After the three month probationary period, a successful applicant for the role of Constable's Officer would receive a letter from his probation supervisor instructing him to go before the relevant Parish Assembly to be elected. The election meeting of the Parish Assembly was not always very well attended, although sometimes the election preceded a licensing meeting and thus the numbers were occasionally boosted. Around 30 to 40 people attended the

meeting at which I was elected as a Constable's Officer. A Constable's Officer is elected at district level only and requires a nomination form identifying six to ten people prepared to support them. These would often include Honorary Police officers who they had worked with during the probationary period.

13. Probationary periods could be avoided by an applicant going directly before the Parish Assembly and seeking election. However, in practice an applicant taking such a step would often lack the necessary support.
14. The election by the Parish Assembly would normally happen on a Wednesday. If the applicant was successful, he would need to take an oath before the Royal Court on the Friday of the same week at 10:00am, committing to do his duty as an Honorary Police Officer and to respect the office. There are different oaths for the different ranks within the Honorary Police.
15. At the Royal Court the applicant is proposed by the Attorney General, with the Bailiff in the chair. This appearance before the Royal Court is not merely a rubber stamping procedure, and the Royal Court have refused applicants in the past. The Royal Court is free to make the decision as to whether to accept or refuse an applicant.
16. A background check of sorts was done for the Royal Court in respect of applicants for positions in the Honorary Police. When I was involved Pam Webb, the Attorney General's secretary, would provide any criminal records for the case file of the person taking the oath to the Royal Court. Ms. Webb has stated in the past that it was standard procedure for the Attorney General to provide these records.
17. One of my responsibilities as a Constable's Officer was to help with paperwork, the running of Parish Hall Enquiries and to assist in policing all manner of public events. Constable's Officers were often needed at major events or accidents. For instance, I remember that there was a threat that

the power station had leaked so the Constable's Officers were needed to prevent access to the station. We would also be called out if there was a major storm. Constables' have the power of arrest, although the decision as to whether or not someone should be detained is one for the Centenier.

18. As a Constable's Officer I was on duty one week out of four. This was not a full time responsibility. I and the other officers could be called out from work to perform our duties, although the Honorary Police generally try to avoid calling officers out on duty when they are at work. We also worked in the evenings, particularly at Parish Hall Enquiries.
19. I had quite a heavy workflow as a Centenier. I remember one morning I had 34 cases before the Magistrates Court. This was a Monday morning and they were charge and bail hearings relating to incidents over the weekend. They had to be dealt with quickly as many would relate to individuals from outside the island, who might be on holiday, or may have had no ties to the island.

My election and role as a Centenier

20. I moved straight from being a Constable's Officer to being a Centenier without ever becoming a Vingtenier. I achieved this because I had become well known with the other officers and had a good reputation.
21. To become a Centenier I had to be elected by the whole Parish via the Parish Assembly and sworn in before the Royal Court and the Attorney General. It was not a position that a lot of people wanted to do. There was no probation period before I became a Centenier.
22. I had a very extensive workload as a Centenier. I remember one week in which I worked on 139 cases. The roster system we employed was meant to ensure that I worked one week in eight but I often worked more than this. There were eight Centeniers in St Helier at this time but I was still definitely overstretched. The Centeniers in the countryside do not have the same level

of responsibility as those in St Helier. Things have improved since: I understand that one third of my old workload would no longer be done by Centeniers.

23. I was very enthusiastic about my role as a Centenier and I wanted to learn on the job by doing as much as I could. I took my responsibilities very seriously. I could often be called in to Police Headquarters four, five or even six times a night.
24. I didn't always accept paperwork from the States Police unless I was sure that it was all in order. I was particularly concerned to ensure due process where a person's liberty was at stake as I firmly believe that a person's liberty is very important and should not be taken away lightly. In retrospect I think perhaps I took too much on. I did much of the work myself as I did not have a lot of administrative support.
25. My predecessor as Connétable, Connétable Clarke, was very mean with money. He did not like to employ too many staff. In later years we were provided with more administrative assistance, but as Centeniers we still had an awful lot of work.
26. As Centeniers we dealt with a wide range of cases. Some were very minor, such as traffic offences, some were more serious, such as assault and robbery. A Constable's Officer can make arrests but only a Centenier can charge a suspect.
27. A Centenier must decide on the evidence before him how a particular incident should be dealt with, for instance whether a written caution would suffice or the incident was so serious that it must be taken before the Magistrates Court. As I said before, a person's liberty is a very important thing, so I would refuse to charge people unless the paperwork was clear and there was enough evidence to do so.

28. If I was ever unsure whether or not to charge a person I would deal with the relevant Crown Officer or the relevant officer of the States of Jersey Police. Alternatively I would get advice from another Centenier.
29. Centeniers also have responsibility for presenting the case in Court and calling witnesses. It was through this Court role that I developed a working relationship with the Crown Officers of the Royal Court of Jersey.
30. Some more serious cases went directly to the Royal Court, for example serious fraud and murder. In a very complicated case a Centenier could always call the investigating officer of the States of Jersey Police to give evidence.
31. Where more serious offences arose I often spoke with the Attorney General, Sir Philip Bailhache, before deciding whether to charge. I had a good rapport with the Attorney General, although it was sometimes difficult to get an appointment with him. Where I could not get an appointment I could speak to one of the Crown Officers who provided me with legal advice.
32. We often dealt with juveniles as well. Tuesday night was the evening in which juvenile cases were dealt with at Parish Hall by the Courts. We worked hand in hand with the Probation Service. A Centenier could take a juvenile aside and try and emphasise to him that he was on the first step of the ladder of crime. You could also say to a juvenile that you were going to wait for the probation officer's report on him or her and wait to see what that says before making a decision on whether or not to charge. I was always very conscious that I did not want to ruin a child's life.

Parish Hall Enquiries

33. As a Centenier one of my responsibilities was to preside over Parish Hall Enquiries. Parish Hall Enquiries were used to deal with a wide variety of offences, including theft, violent crimes and driving without a licence. The less serious offences I dealt with myself as a Centenier presiding over the

Parish Hall Enquiry, while the more serious offences I would refer to the Magistrates Court.

34. At Parish Hall Enquiries the decision making power rested with the Centenier, who could decide the forum for dealing with an offender. I always informed the accused that they had the right to go before the Court rather than be dealt with at a Parish Hall Enquiry. From memory I would say that one third of my cases went to the Magistrates Courts and two thirds were dealt with at Parish Hall Enquiries.
35. If I was in doubt as to whether or not I should deal with the matter myself I would speak to one of the Crown Officers. As a Centenier I had discretion to decide whether or not to take cases before the Magistrates Court or deal with them personally.
36. If a child was before the Parish Hall Enquiry he or she would attend with their parents or guardian and a Constable's Officer or Vingtenier would also be present. I would try hard to get the parents or guardian of the child on my side.
37. We used to have cells near the building where we held the Parish Hall Enquiries. We could send tougher kids down to the cells. The cells dated from the 1850's. Putting the child there very briefly was a very effective method for focusing minds.
38. I do not recall dealing with any child abuse cases during my time as an Honorary Policeman, except one case that came before the Parish Hall Enquiry where a person had approached a girl in an inappropriate manner. I dealt with that in conjunction with the Probation Services. I am sure child abuse did go on during this period but it was never reported to me. At that time child abuse was not as high profile as it is now. As time moved on child abuse became more high profile as attitudes towards it changed.

Dealing with Personal Conflicts

39. If I knew someone personally who was involved in a case or an incident which came before me I would always disclose this information and offer to

have someone else deal with it. I considered my role as Centenier to be about serving the needs of justice and I showed no one any favouritism. Although this could have been difficult in situations where I had a friend involved in an incident, this was the policy I adopted.

40. I think the thing that prevented favouritism from occurring within the Honorary Police was the small size of the island. I knew that my judgement would be subject to the scrutiny of my peers and the people who lived around me. People did ask me for favours every now and again, such as the cancellation of traffic offences, but I always refused. My integrity was very important to me.
41. One of the changes I made when I became Connétable was to introduce the use of statistics to the Honorary Police. Statistics had not been used before and they allowed us to analyse and compare Officers' decisions as to whether to charge. There was however no formal mechanism for preventing favouritism other than the ability of the Centenier or the Connétable to check the statistics. The system really did rely on the integrity of the people involved for it to work. Most of the time it worked fine, because most of the Centeniers I knew were men of integrity.

My election and role as a Connétable

42. In 1992 I stood for the role of Connétable in a Parish-wide election.
43. I had three competitors for the role of Connétable. A Procurer, another Centenier and a local businessman were also standing. In the election, which I won, four to five thousand people voted. My manifesto focused on the unfairness of rates in St Helier at the time. I was elected as Connétable on 31 July 1992.
44. As a Connétable I could vote and bring forward propositions to the States of Jersey. I was also a Member of the States Defence and Public Services Committees.

45. The workload of a Connétable is extremely large. My duties were varied and included activities such as being on the committees for the church, for public gardens and for cemeteries, as well as responsibility for the roads and for meeting visiting dignitaries. I was there to support the people in my districts and to attend any public meetings where my presence was required. I refer now to the document which I exhibit as my **Exhibit RLB1**, which is a list of all my appointments from May to September 1999. It provides an idea of how extremely busy I was. In a sense the role was not unlike being Mayor of St Helier.
46. As Connétable I was also responsible for policing in St Helier and for the Parish Centeniers. There were 10 Centeniers under my supervision and we used to meet once a month. However much of this responsibility was delegated to the Chef de Police. This was a necessary part of the delegation of responsibilities required in order to fulfil my role. It also followed advice received from my predecessor, Connétable Clarke, that I should rely as much as I could on my Chef de Police in respect of matters involving the Honorary Police.
47. The financial turnover of the area for which I was responsible at that time was £32 million, which was run through the town hall. I had 300 staff. However I always felt like my staff were under resourced and did not receive proper training. For instance my secretary at one point received a new computer but I discovered she had never been trained how to use it so ignored it. I made sure that she received the training she needed to use the computer.
48. I wanted to serve my community. Unlike many of my predecessors, I did not remove my phone number from the phone book on becoming a Connétable. I felt that if someone wanted to call me at 3.00am with a problem I should be there to serve them.
49. I refer now to the document which I attach as my **Exhibit RLB2**. This is an extract from the Comité de Connétables on 9 October 1996. In paragraph 10 to that document it is noted that the Comité discussed whether or not to issue a press statement confirming that the Connétables had decided to relinquish

their policing powers. In the end this press statement was not issued but this demonstrates the change in emphasis away from the policing responsibilities for Connétables. There was a general feeling at this meeting that the Honorary Police should not be lawmakers and law enforcers, as this can cause a conflict of interest.

50. In 2002 a Committee of Enquiry was held into Honorary Police Election Procedures, following the case of Roger Holland which I will detail below. The Committee's report was presented to the States of Jersey on 3 December 2002. I exhibit a copy as my Exhibit **RLB3**. I refer to paragraph 5.2.1 of RLB3. In that paragraph it is recorded that Mr Clarke said the following to me when I became Connétable:

"Nobody can actually tell you what responsibility a Connétable has, you actually have to sit in the chair to find out what it's like. If there should be any enquiries or any complaints reference the Honorary Police you give it to the Chief to deal with."

51. It is very difficult to explain the role: the Connétable must deal with the issues which arise, as and when they arrive and in their own way.
52. I tried to delegate as much as possible but some things are the responsibility of the Connétable alone. I turned down the presidency of a number of public service committees as I already had so much on my plate, but in retrospect I still think perhaps I took on too much.

My impressions of Mr Roger Holland

53. As explained above, part of the purpose of this statement is to explain my perspective on the matter of Roger Holland, and to deal with some of the criticisms which have been levelled at me in relation to that case.
54. As a general point, Mr Roger Holland had a reputation for being a very enthusiastic Honorary Policeman. Being a member of the Honorary Police was very important to him. I also know that he wanted to be a member of the States of Jersey Police but was not allowed to do so, probably because of his

criminal record for indecent assault dating from 1986, when he had touched a disabled child inside her jumper.

Election of Mr Holland

55. Mr Holland was elected as Constable's Officer on 7 July 1992, about three weeks before I became Connétable. Mr Holland did not go through the probation period which is normally required to become a Constable's Officer, he wasn't accepted for that. However, as I have described, at that time nothing could stop a candidate from going in front of the Parish Assembly directly and seeking election, which is what he did successfully.

56. I refer now to paragraph 7.7 of **Exhibit RLB3**. At paragraph 7.7 the report criticises the election process for officers to the Honorary Police. The paragraph reads as follows:

"A major weakness in the system was and remains the election process itself. Normally a person elected to any public office gains their authority from the fact that they have attained the office by the will of the people. However for Honorary Police officers in St Helier, this was largely an illusion. None of the elections in which Mr Holland stood were contested and the Parish Assembly meetings were poorly attended. The nomination process was also unsatisfactory."

57. I would agree completely with the above extract. The Parish Assembly meetings were often poorly attended and the nomination procedure was also unsatisfactory. As I understood it we could not divulge a person's criminal record at the Parish Assembly. The most I could do in practice was to warn a candidate that we had their criminal record and that it might be embarrassing if the matter went before the Royal Court and they were refused the role for which they applied. The period between nomination by the Parish Assembly and approval and swearing in by the Royal Court was also too short.

58. I knew nothing about Mr Holland's background when I became Connétable and was not aware of his conviction in 1986. My predecessor did not mention him to me once in our handover briefing meeting.

59. With regard to the monthly meeting of the Honorary Police on 9 June 1992 in which Mr Holland's recruitment to the Honorary Police was apparently discussed, I have no recollection of this meeting. I realise that I am recorded as having been present but it is possible that I was not present for that part of the meeting as I could have been out of the room and simply been marked as present.
60. It was not widely known at the time of Mr Holland's election what kind of character he was, even among the officers who later complained to me about Mr Holland. Vingtenier Rousseau had proposed Mr Holland be promoted to Vingtenier. I always enquired with the Officers about the other Officers to keep a good idea of the men I had working with me. I had always heard that Mr Holland was a fine Officer, if a bit overzealous at times. On a few occasions I was made aware that Mr Holland was behaving in an overzealous manner with regard to his responsibilities as an Honorary Policeman. In such instances I would try and calm him down by asking him to come to see me and discussing the issue with him.
61. However, I would say that Mr Holland was something of a Jekyll and Hyde character and he would go to any extremes to be in the Honorary Police, or so it seemed to me.
62. It was undoubtedly a mistake permitting Mr Holland to join the Honorary Police. Although he did his criminal probation in eight months in relation to his offence in 1986, this does not demonstrate him to be someone fit to join the Honorary Police. He was a convicted paedophile at the time of his election in June 1992. It has come to my attention that he was alleged to have committed other offences just prior to and after he was sworn in. The Royal Court obviously did not take his conviction seriously enough in 1992 when they swore him in. As a matter of fact I did not become aware of the other allegations (save for the 1994 Pomme D'Or incident described below) until I was informed of them in 1999 by three officers in circumstances I describe at paragraph 82 below. I believe that my predecessor Fred Clarke tried to deter Holland from proceeding with his application, given the 1986 conviction, but the application went through anyway.

Availability of Mr Holland's criminal record

63. A key issue which has been raised in relation to the election of Mr Holland was the fact that he was sworn in without reference to his criminal record. The States of Jersey Police at the time were not giving criminal records to the Honorary Police so we had to go to Ms. Pam Webb, the Attorney General's Secretary, for any records we required.
64. Ms. Pam Webb has stated that she always had a check done by the Criminal Records Office on a prospective Honorary Policeman on the behalf of the office of the Attorney General before that person went before the Royal Court to be sworn in as a member of the Honorary Police. I reject the claim that the Connétable at the time of Mr Holland's election, my predecessor, should have provided Mr Holland's records to the Attorney General. The Honorary Police could not have obtained those records at that time from any source other than the Attorney General's office.
65. Mr William Bailhache, the former Attorney General and Jersey's current Deputy Bailiff, has denied that he was provided criminal records through Ms. Webb. However I always found Ms. Webb to be totally honest and I do not think she would state something to be the case unless she was absolutely certain.
66. It is my belief that the Attorney General at the time of Mr Holland's election to the Honorary Police, Sir Philip Bailhache, failed to read the criminal record for Mr Holland which Ms. Webb had provided to him. He was probably later alerted by the anonymous letter to the Law Officer's department dated 8 July 1992, which gave details of Mr Holland's criminal record. At this point Sir Philip Bailhache should have just admitted that he got it wrong. Sir Philip Bailhache could easily have brought Mr Holland back to the Royal Court and said that new information shows him not to be fit and proper person for the Honorary Police. He should have apologised and admitted that he had allowed a convicted criminal to be sworn in as an Honorary Policeman.
67. Mr William Bailhache asked me subsequently how such a man as Mr Holland was sworn in as a member of the Honorary Police. I say that the records of

the Attorney General's office must show that Sir Philip Bailhache and his successors were provided with Mr Holland's criminal record on numerous occasions.

Specific incidents involving Roger Holland

68. Whatever the cause of it, by the time I took up my post as Connétable, Roger Holland had begun working as Constable's Officer. During my tenure as Connétable a number of incidents occurred involving Mr Holland which gave rise to concerns.
69. On one occasion, Mr Holland, in his private capacity as a taxi driver, was asked to collect a drunk man. Mr Holland proceeded to the passenger's daughter's house. He entered the house and put the man in the recovery position on the sofa. Mr Holland was a qualified ambulance officer with the St John's Ambulance. An allegation later followed from the son-in-law of the drunk man that Mr Holland had upset the dog in the house and that the drunk man had vomited in the sitting room. I asked my Chef de Police at the time, Mike Patton, to look into the incident.
70. Mr Patton came to the conclusion that as Mr Holland had been working in his private capacity as a taxi driver, there was no case to answer and no need to report the incident to the Attorney General. I agreed with Mr Patton and having spoken to Mr Holland and satisfied myself of what he had done, I also did not feel the incident should be reported. It was of particular importance to me that Mr Holland was a qualified instructor with the St John's Ambulance and had put the drunk man into a recovery position, which seemed a sensible action to take.
71. A number of years later I was criticised by the Royal Court for failure to report this incident to the Attorney General. There was clearly a difference of opinion between the Attorney General and myself as to what should and should not be reported, but I felt the criticism was unfair.
72. This incident reflected a problem in the system of reporting between the Attorney General and the Honorary Police. In order for the Honorary Police

to do their jobs the Officers must have the authority to make certain decisions and take responsibility for those decisions. I don't think it is correct that every complaint should go directly to the Attorney General. Throughout my career I received a number of unsubstantiated allegations and I do not think that all of those should have been reported.

The Pomme d'Or Hotel incident

73. A more serious incident involving Mr Holland occurred on 11 September 1994 and involved an altercation outside the Pomme d'Or Hotel in St Helier. A visitor to the island, a [REDACTED] had parked his car in front of the Hotel. Mr Holland said that he would "book him" as a result of this action. A confrontation ensued and an alleged assault occurred. [REDACTED] made a complaint.
74. I followed the normal procedure, as had been laid down to me by my predecessor, and handed the investigation over to my Chef de Police at the time, Mr Peter Davies. Mr Davies prepared a 150 page report into the incident. The report included an "Antecedents" section which made reference to the criminal record of Mr Holland. I exhibit this "Antecedents" section as my **Exhibit RLB4**.
75. At the time of this incident and the investigation I was extremely busy and had a very heavy workload. I did not read the entirety of the 150 page report. I only read the preface and discussed the report with my Chef de Police. In this discussion my Chef de Police never mentioned Mr Holland's criminal record to me, a record of which I was not aware at this time. My door was always open and anyone or any officer could have informed me if they had concerns at any time.
76. The Chef de Police, who ran the investigation, had a good rapport with the Attorney General, so I made the decision to allow the Chef of Police to proceed with the investigation in accordance with the instructions given to me by my predecessor. I cannot remember however whether or not I told the Attorney General that I had not read the full report.

77. As a result of this investigation Mr Holland was suspended. The Attorney General asked me about Mr Holland at a meeting on 4 August 1995, which the Town Greffier, Mr Freeley, also attended. I informed him that I had heard from many sources that Mr Holland was a very good officer but was a bit over enthusiastic. I felt at this time that Mr Holland would have learned his lesson from the suspension, i.e. that he could not take something which he prized very highly, his membership of the Honorary Police, for granted. It was on this basis that I made a recommendation to the Attorney General not to exclude him from the Honorary Police. It should also be noted that [REDACTED] did not wish to continue with his complaint, which made me think the incident was less serious.

78. The report at **Exhibit RLB3**, Paragraph 5.2.2, states:

"During the period of 1992 to 1998 Mr Holland was involved in several incidents in which his conduct could be considered inappropriate for a serving officer. All but one of these incidents was resolved informally. There was the alleged assault at the Pomme d'Or Hotel which the then Attorney General decided should be investigated as a disciplinary, and not criminal, offence. After investigation Mr Holland was suspended from office for three-months."

79. As this paragraph suggests the incident outside the Pomme D'Or Hotel was dealt with as a disciplinary matter and not a criminal offence. The Attorney General was the one with the responsibility for deciding how the incident would be dealt with. The Attorney General could have opted for a criminal prosecution but when the complainant was approached he did not want to continue with the complaint. This probably caused the Attorney General to take the complaint less seriously, as it did me.

80. At paragraph 7.13 of the report it states:

"From the very beginning of his period as Connétable, Mr Le Brocq, acting on the advice of his predecessor delegated most Honorary Police matters to the Chef de Police."

81. I agree with this extract. I acted throughout this investigation and throughout my time as Connétable on the basis of the advice of my predecessor that I should delegate policing matters. I paid the price for this.

The complaints made by three Honorary Police Officers in 1999

82. I first became aware of the events of 1986 and the criminal record of Mr Holland when [redacted] [redacted] came into my office on [redacted] 1999, after a meeting at [redacted] house in [redacted] 1999, which Mr Holland attended, and made various allegations against Mr Holland. All three were [redacted]

83. The allegations included that Mr Holland was on Prozac and had a tendency to go berserk. [redacted] also alleged that Holland had abused or interfered with [redacted]. In the case of [redacted] [redacted] the alleged incident was said to have taken place before Holland was sworn into office in 1992. I was dumbfounded that they had sat on this information instead of telling me immediately.

84. When our meeting started I thought they were referring to the incident outside the Pomme d'Or Hotel. I knew absolutely nothing about the criminal record of Mr Holland or about any allegations that he was a paedophile or had behaved in the manner they were alleging.

85. I knew at this time that [redacted] [redacted] I refer now to the document which I exhibit as my **Exhibit RLB5**, a report dated 23 April 1999 from Mr Holland to me complaining about [redacted] and requesting [redacted] [redacted]

86. I didn't fully believe or trust the word of [redacted] [redacted] I found to be very officious person. [redacted] was very lazy. [redacted] was unable to substantiate the allegations he made to me. I asked [redacted] for written statements setting out their allegations. [redacted] wrote his statement over that weekend,

although I did not receive it until Tuesday as I did not work over the bank holiday. [REDACTED] did not give me his report for a further three weeks. I exhibit [REDACTED] report as my **Exhibit RLB6**. [REDACTED] never provided me with a written report of his allegations.

87. I attach as my **Exhibit RLB7** a manuscript statement. I have recently found this document in my own files. I am not sure how I came to be in possession of it. It may be that I received it as part of the prosecution disclosure in the subsequent case against me. It is possible that it is the enclose referred to in [REDACTED] report at Exhibit RLB6. Either way, I am confident that I had not seen it prior to [REDACTED] when [REDACTED] came to see me.

88. The statement describes in some detail an episode eight years prior to the date of writing in which the author was groped by Roger Holland at his property. The statement concludes: "About a year later I finally told the lady who was looking after me at the time, and then she told my dad, and after that I don't know what happened...". Although the name of the writer is not given on the document, and it is not dated, it is readily apparent to me from the facts described that this statement has been produced by [REDACTED]. It corresponds very closely with the account given to me by [REDACTED] on [REDACTED]. I believe that the statement will have been referred to the police to investigate at some stage, although I do not know the details or outcome of any investigation. What appals me is that the statement suggests [REDACTED] knew [REDACTED] had been molested by Holland several years before he raised any concerns with me. Indeed, I believe that [REDACTED] may even have [REDACTED].

The investigation of the complaints

89. It will be seen from Paragraph of 6.1.12 of Exhibit **RLB3** that I have been criticised for a delay in dealing with the Holland matter. Paragraph 6.1.12 states:

"During the month of May the Connétable received the written statements that he had requested from [REDACTED] but, despite the seriousness of the allegations he chose not to report the matter to the Attorney General until the Chef de Police had returned from holiday. (This decision was later criticised in the Royal Court. The Court found that the Connétable had acted in a matter that was inconsistent with his statutory duties but in doing so had not acted dishonestly or with any intention of obstructing the course of justice)."

90. I consider this criticism unfounded. I will explain the process I adopted below.
91. After [REDACTED] had made their complaints and left my office I talked to my Chef de Police, Edward "Ted" Gallichan, and told him I had requested written statements from [REDACTED]. We took the view that we couldn't yet make any allegations in respect of these complaints as they were unsubstantiated and to make an allegation at this stage would expose the Honorary Police to a charge of slander.
92. I instructed the Chef de Police to formally investigate these complaints. At the time I instructed my Chef de Police to make his investigation I was unaware that he was going on holiday and to Wimbledon and he would not be around for approximately 5 weeks. He came back for one week in the middle of his holiday then went off again to Wimbledon. Upon his return I had a meeting with him on 30 June 1999. I gave him the letters received from [REDACTED] and instructed him to commence his investigation.
93. On the advice of my colleague Peter Pearce, I told my Chef to Police keep a diary of all the steps he made during his investigation.
94. By 14 July 1999 the Chef de Police had completed his investigation and it was ready to be sent to the Attorney General. We discussed the report and I told him to send it to the Attorney General, marked 'urgent'. The Chef de Police is not sure if he did in fact mark his report urgent when he sent to the office of the Attorney General. However, the Crown Officers sat on the report for a substantial period of time.

95. On 30 July 1999, 16 days after the Chef de Police completed his investigation, the Chef de Police and I went to see the Attorney General in relation to another issue. We asked the Attorney General how he was progressing in his investigation of Mr Holland. The Attorney General said he had not read the Chef de Police's report. We asked him to do so. He then went on holiday on 5 August 1999 and gave the report to the Solicitor General. She took no action until 11 August 1999, when the decision was finally taken to suspend Mr Holland from the Honorary Police.

My role in the investigation of Mr Holland

96. With regard to my own actions in dealing with the matter, I believe I did everything by the book and acted through my Chef de Police as I had been instructed to do by my predecessor, Connétable Clarke.

97. I consider that any criticism alleging a delay on my part is unfair as I had a duty as an Honorary Policeman to carry out an investigation before making any allegations. I could not be sure of the truth of the allegations made by [REDACTED] without an investigation. A mistake I made was not going to the States of Jersey Police, but I felt I needed to investigate the matter.

98. I also reject the suggestion that I misunderstood my statutory obligations to report certain incidents to the Attorney General. In my view it was proper for me to seek to substantiate all allegations before making such a report.

99. Paragraph 5.2.5 of the report at **RLB3** states:

"All the members of the St Helier Honorary Police who gave oral evidence to the committee stated that they were jointly responsible with their colleagues for maintaining high standards of conduct within the Police but in practice they did not discharge this responsibility".

I do not believe this paragraph refers to me. I believe it refers to other officers, including [REDACTED]. In that sense it supports the view I took that the matters needed to be investigated properly before they were referred to the Attorney General. There was too

much tension in the department and I had to pick my way through a lot of information to find out the truth about the allegations.

100. Paragraph 7.11 of the Report at **RLB3** criticises elements of the Honorary Police. Part of this paragraph reads as follows:

"Undoubtedly the motivation of individual Honorary Police officers is genuine. However, the evidence received by this Committee strongly indicates that in practice only lip service is paid to some important elements of discipline."

101. I would agree with this statement. Some officers are very good and some are very bad at their jobs. Some just did not focus on their jobs enough. It can be very hard to make people dedicated in what is a voluntary organisation after all. Retaining the support of the public and the allegiance and commitment of officers is a challenge.

102. Paragraph 5.2.6 of **RLB3** states:

"Within this unstructured organisation there was no effective complaints procedures. Apart from a brief period when a Centenier was appointed as a Discipline Officer, no one was formally responsible for assessing officers' performance and none of the Vingteniers or Centeniers who gave evidence to this Committee regarded it as part of the direct responsibility to be concerned with discipline. Connétable Le Brocq told this Committee that he had adopted an open door policy so that any officer could approach him directly with any concern. The risk of such an approach was that he would be either be bothered by trivial complaints or matters would only come to his attention when they had developed to damaging levels."

103. Although I agree with the comments made in the above quotation with regard to my open door policy, I still feel that a complaint could have been made to me at an earlier time with regard to Mr Holland. If I had known of his record or the allegations against Mr Holland I could have told my Chef de Police to commence an investigation at an earlier stage. I also feel that if the Chef de Police had been stricter about Officers carrying out their duties, a more disciplined environment would have prevailed in the Honorary Police.

104. Paragraph 5.2.8 of **RLB3** states:

“Under the same Regulations, a Connétable could also suspend from office a member of the Honorary Police in the parish, on the same grounds as the Attorney General and after consultation with him.”

105. In relation to the above I would say that although the Connétable does have the power to suspend an Officer, this can only be done in consultation with the Attorney General. I could never have suspended Mr Holland on my own authority. It would always have to be in cooperation with the Attorney General. In one case, my Chef de Police and I wished to suspend a Centenier for irrational behaviour but the Attorney General overruled us.

The Wiltshire Constabulary investigation

106. Subsequent to Mr Holland’s suspension, officers from the Wiltshire Constabulary were instructed by the Attorney General’s Office to investigate the Holland affair. Three officers from the Wiltshire Constabulary came to my office on Friday 18 August 2000, made various allegations about me and asked about Mr Holland’s record and how he had managed to become a member of the Honorary Police.

107. Superintendent Howlett of the Wiltshire Constabulary was leading the investigation. He seemed annoyed by the fact that when he came to our offices in St Helier, he was only allowed to take copies of documents away rather than originals. My lawyer Tony Olsen, was recommended to me by the Procurer Chris Lakeman, who was at my office at this time. He saw how the officers behaved like bulls in a china shop. My lawyer was treated like dirt by the Constabulary. I can distinctly remember one officer saying to my Chef de Police *“shut up or we can lock you up for three days.”*

108. I was asked to go to the States of Jersey Police headquarters with my lawyers. I went in good faith as I wanted to help with the investigation. Myself, my Chef de Police and our lawyers received written assurances from the Wiltshire Constabulary that we would not be detained upon arriving at the States of Jersey Police headquarters. I exhibit a letter dated 21 August 2000

from Superintendent Howlett to my Chef de Police which contains these assurances as my **Exhibit RLB8**.

109. When we arrived at the States of Jersey Police headquarters the press had already been invited and were waiting for us. I went there on the understanding that I would not be detained and, as I said, I was happy to help the investigation. I arrived at approximately 9am and 25 minutes later I was strip-searched and then held in the cells until 6:00 pm. The Chef de Police was also detained. They questioned us repeatedly. During the time that I was imprisoned a doctor had to be called and I was taken in and out of the cell four times as I felt so ill.
110. I believe that the investigating officers from the Wiltshire Constabulary knew that Mr Holland had been sworn in by Sir Philip Bailhache, the brother of Mr William Bailhache, the current Deputy Bailiff, who had appointed them to conduct the investigation. Although I cannot prove it, I suspect that the officers from the Wiltshire Constabulary wanted to help Sir Philip Bailhache avoid blame for the Holland situation by placing the blame on me and my Chef de Police. I believe that their efforts to uncover other issues of concern were an attempt to distract attention from the decision to appoint Holland in the first place.
111. I made an official complaint against the Wiltshire Constabulary on 19 September 2000. The investigation of, and written response to, my complaint was a whitewash and no action was taken. I exhibit the written response from the Police Complaints authority dated 10 February 2003 as my **Exhibit RLB9**.

The Royal Court Case

112. Events culminated in Court proceedings brought against me alleging I was not a fit and proper person to be a Connétable. Before the case was brought I received a letter dated 13 July 2000 from Mr William Bailhache, the Attorney General at the time. It listed a number of areas of embarrassment regarding the election of Mr Holland to the Honorary Police and asked several

questions about how this occurred. I exhibit this document as **Exhibit RLB10**.

113. The case against me failed and it was also found that there was not enough evidence to bring a charge against me for perjury or attempting to pervert the course of justice. In reality, I suspect there was no evidence. However, my name was smeared, and I lost the next Connétable election in 2001. I believe this was a direct result of the smear campaign against me which was designed to deflect from the mistake the Crown Officers made in electing Holland in the first place.
114. My Chef de Police at the time of the investigation into Mr Holland, Mr Ted Gallichan, received a reprimand from the Court for not submitting the report into his investigation of [REDACTED] allegations quickly enough to the Attorney General. I also received a similar reprimand.
115. Before the trial began, I was given the choice as to whether to be tried by Philip Bailhache, the Bailiff, with the Solicitor General prosecuting, or by a Judge from outside, with William Bailhache prosecuting. I chose the former option. On reflection I now feel I should have opted for an external Judge. The very fact that I was given a choice seems peculiar. Regardless of the decision I made, it remains a matter of great concern to me that Philip Bailhache sat as a Judge in my case despite his mistake in allowing Holland to be sworn in being the original cause of the whole saga. In my view he had a clear conflict of interest. I have tried to ascertain whether he informed the Jurats of the Royal Court of this conflict but have never received an answer. Looking back at this episode, I cannot help but draw the conclusion that the system in Jersey allows Crown Officers to make mistakes, avoid taking any blame themselves, and arrange matters so that any blame is directed towards ordinary members of the public who are in some way involved. In my case,
116. I am told the legal fees for this case in front of the Royal Court amounted to nearly £150,000. I think the Crown Officers were hoping that I would give up when faced with the court action but I did not.

Subsequent Events

117. This statement has discussed in some detail the findings of the Committee of Inquiry which in 2002 produced the report attached as Exhibit RLB3. Although that Inquiry was carried out by people that I would regard as establishment figures, such as Marie-Louise Backhurst and Geoffrey Henry Charles Coppock, I nevertheless cooperated fully with it.

The public statement of Sir Philip Bailhache

118. It was not until 17 April 2008, subsequent to the publication of **RLB3**, that Sir Phillip Bailhache made a public statement to the BBC admitting that he had been made aware of Mr Holland's criminal record in 1992. He claimed that he only became aware after swearing Mr Holland in as an Honorary Police Officer, but accepted that he had failed to refer Mr Holland back to the Royal Court for reconsideration. I exhibit a copy of Mr Bailhache's statement as **Exhibit RLB11**. Sir Phillip Bailhache's failure to make this admission public before 2008 and the efforts of the Crown Officers to divert blame away from him resulted in my being dragged over the coals and being unable to gain re-election as Connétable in 2001.

119. I had received a lot of negative press in relation to the Holland situation and this, along with Sir Phillip Bailhache's statement to the BBC, prompted me to make a statement to the media in June 2008 setting out my position in relation to the Holland situation. I attach a copy as **Exhibit RLB12**. I drafted the statement myself.

A Subsequent Incident

120. At some point after I ceased to be Connétable (I cannot recall when) I received a telephone call from [REDACTED]. She made an allegation that [REDACTED] was committing incest with [REDACTED]. She stated that [REDACTED] had confided in her and that she had tried to report it to Police headquarters but had been ignored.

121. I took notes down, went to Police headquarters and reported what I had been told. I was interviewed for an hour by a woman police officer, who may have been a sergeant. I am not sure what happened to the case, but I understand that [REDACTED] may have ultimately refused to give evidence against [REDACTED]

122. I confirm that I am willing to give oral evidence to this Inquiry if required to do so.

Statement of Truth

I believe the facts stated in this witness statement are true.

Signed [REDACTED]

Robert Le Brocq

Dated ... 27. 8. 14