

Witness Name : William Bailhache
Statement No : First
Exhibits: WB1 – WB71
Dated :

THE INDEPENDENT JERSEY CARE INQUIRY

EXHIBIT WB6

Privilege waived - 24 August 2015

From: ["John Edmonds"](#)

To: ["William Bailhache"](#)

Date: 14/07/2009 12:07:59

Subject: FW

Attachments: memo.pdf

William

Please see the attached. It is not clear to me from this material that you did actually review the papers but it gives the timescale for you to examine your notes to see if there was some discussion.

I cannot help feeling that the Legal Advisers over a period of many years having effectively been applying a test of mandatory corroboration rather than properly evaluating whether an uncorroborated victim would nonetheless be regarded as a witness of truth.

I fear that Ian Christmas' involvement both as Legal Adviser and Magistrate set the tone for much of this practice.

John

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

From: William Redgrave [redacted]

Sent: 14 July 2009 11:15

To: John Edmonds

Cc: Stephen Baker

Subject: [redacted]

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John

Please see attached. I think the handwritten note is by Robert Bonney.

William Redgrave
Senior Associate

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PO Box 842 St Helier Jersey Channel Islands JE4 0US
Telephone +44 (0) 1534 613775 Facsimile +44 (0) 1534 737355
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-----Original Message-----

From: John Edmonds [redacted]
Sent: 14 July 2009 10:45
To: William Redgrave
Subject: [redacted]

If this e-mail has been sent in error, please notify us immediately and delete this document. Please note the legal disclaimer which appears at the end of this message.

William

You mentioned that there is a copy of an advice or similar from Laurence O'Donnell regarding this case and an earlier advice not to proceed. Would it be possible to see a copy, please?

John

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DC Carter Bonan the A.G. has reviewed the papers (As discussed). This cannot presently be prosecuted without further corroboration.

Legal Advisers' Office

Police Headquarters

Rouge Bouillon, St. Helier, JERSEY, JE2 3ZA.

Telephone: (01534) 612590

Facsimile: (01534) 612589

Memorandum

To: DI R Bonney

From: Laurence O'Donnell

Cc: Tim Allen

Date: 24 September 2004

Your Ref:

Our Ref: LOD/KH/910/0630

In the event that any other victims may materialise in future - this can be (will be) re-considered. Speak to CTU please - about 'Outstanding offences' file. I believe you have already advised that



Thank you for the papers in this matter, which I have considered. I note the thorough manner in which this case has been investigated. Prosecutions for offences of this nature are regularly undertaken in the UK, albeit that it is acknowledged that they present their own peculiar difficulties due to the time lapse, absence of records and very often witnesses. The Criminal Cases Review Commission (CCRC) has recently set out in Archbold News the criteria which it applies. I attach a copy of the complete article for your information.

You have already noted that there is little in the way of contemporaneous corroboration of the account given by [redacted]. However, this case is a little more complicated in that [redacted] has subsequently approached [redacted] in order to blackmail him. [redacted] was subsequently convicted of blackmail. I am not aware of the basis upon which he was sentenced and that may be material which would assist the Crown should a decision be made to prosecute [redacted]

I note that there are no other victims identified as a consequence of the Police investigation and thus, at present, the Prosecution would proceed with only one victim. The practice locally is for such prosecutions not to be proceeded with and I am of the view that, should the matter be charged, the Magistrate would discharge [redacted] at an Old Style Committal.

The case raises some interesting issues and I have, therefore, copied this memorandum to Tim Allen. It may be that you would wish to take advice from a Senior Crown Advocate with regard to this matter.

Laurence O'Donnell
Legal Adviser to the Police

Enc

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