

2.4 Deputy M.R. Higgins of the Minister for Home Affairs regarding missing witness statements made by victims of child abuse:

Will the Minister advise Members whether any written statements made by victims of child abuse that were made to and in the custody of the States of Jersey Police were subsequently lost? If so, have these statements now been recovered and if not, what are the implications for victims making claims for compensation under the Historic Abuse Redress Scheme?

Senator B.I. Le Marquand (The Minister for Home Affairs):

I am aware of one individual who says, as I understand it, that he made statements in both 1980 and 2000. That is some years prior to Operation Rectangle. I am also aware that that individual and Deputy Higgins have met fairly recently with a senior police officer who has been allocated to examine this and a related matter. The police have been unable to locate any statements made in 1980 or 2000. They did make contact. There were 2 names of police officers mentioned, one of whom has died, the other of whom has no recollection of this and they have been unable to locate these items. I simply do not know whether these have been lost or not but I am aware that this individual made a complaint as part of the Historical Abuse Inquiry and that is clear. Although this is strictly outside of my Ministerial remit, I am willing to express a view on the effect in relation to the redress scheme and that view is that because the individual made a complaint to Operation Rectangle, the Historical Abuse Inquiry in 2008, I would not expect that the failure to find these previous statements would have a material effect on whether his claim would be accepted or not. The decision on whether or not to accept the claims, of course, is being made by lawyers on behalf of the Council of Ministers.

2.4.1 Deputy M.R. Higgins:

Can I take it that the Minister is confirming that witness statements were lost... that is a fact, really, because all know that there were records showing that statements were taken but they have subsequently not been revealed. Will the Minister also confirm that other evidence relating to the child abuse scheme also went missing from the States of Jersey Police and the 2 police officers were suspected of removing evidence from the States of Jersey Police?

Senator B.I. Le Marquand:

I am not confirming whether or not the statements have got lost because we simply do not know. What we do know is that there is a gentleman who says he made such statements. I am not trying to impugn his honesty but we simply do not know the answer to that. In relation to the other matter raised by Deputy Higgins, I am completely unaware of this. I do not know whether he discussed this with the senior police officer at the meeting which took place but if he has information to that effect, it most certainly should be provided to that officer so that an investigation can take place.

2.4.2 The Connétable of St. John:

I have got some concerns here, given that we have lost statements and historically I am aware that we have lost drugs and lost cash from secure keeping at the Police Headquarters. I am also aware of firearms having gone missing after having been delivered to Police Headquarters and that is a real concern. Would the Minister please tell us how these statements and all things kept by the police, what kind of secure archives do they have and are they held on premises or away from the premises, please?

Senator B.I. Le Marquand:

It is not surprising to me that over a lengthy period of time, items might get mislaid or lost. Also there would be a weeding out process that would normally take place in relation to what was held and what was not held. That would be perfectly normal. Absolutely nothing has gone missing from the Historical Abuse Inquiry. We are talking about some statements which were allegedly made from an earlier period. I am satisfied that the police now have appropriate

processes and appropriate storage. I am not precisely sure where all that storage is. I think some of it is off site and some of it is on site in practice. The armouries in relation to guns - if that is the concern - are most definitely on site although there are 2 different sections to that.

2.4.3 Deputy T.M. Pitman:

Just for the record, I have seen a letter from another member of the public whose evidence, not to do with the Historical Abuse, was conveniently apparently destroyed by a flood at the police station. However, my question to the Minister is - and I am not a lawyer I am pleased to say - the Minister says that he cannot see any problem with the fact that statements have been lost. However, surely if something can be seen, it was done in 1980 and 2000 and it has been done again recently, then that would have added weight to what the abused victim is saying. Could the Minister just explain that to me, how he can say that is not going to be a problem, because surely that building up and that repeating of the same evidence is very valid and very important?

Senator B.I. Le Marquand:

In general, the fact that someone may say the same thing on a number of occasions does not necessarily increase the force of that. I have to say that I second a decision that has been made by the lawyers dealing with this on the basis of the inherent credibility of the allegations that are made and that the fact that a previous allegation may have been made would only be part of that. I am not aware of exactly what the conditions were going back to 1980. As I say, if the police are unable to find something, they do not know if it has got lost, they do not know if it is still with them, they do not know if the statement was ever made as a formal statement. That is why I am being cautious about the matter.

2.4.4 Deputy M.R. Higgins:

I am absolutely amazed at the final statement of the Minister because there is a record in Police Headquarters showing that a statement was made by this individual in 1980. That is why we know it is missing. I am also surprised that the Minister for Home Affairs is not aware that those police officers who were under suspicion and investigated at the time for loss of evidence and tipping off potential abusers I think took early retirement. So if he wants to talk later, I will tell him the names of the people that I am aware of. But what I would say is surely...

The Deputy Bailiff:

Can you ask the question, please, Deputy?

Deputy M.R. Higgins:

I am coming to that now, Sir. Does the Minister for Home Affairs think that it is good enough that evidence is going missing and what steps is he going to take to make sure that future evidence does not go missing on the part of statements and other things submitted to the police?

Senator B.I. Le Marquand:

I am satisfied that we now have proper systems in place in relation to all these things. If I may say so, when the Deputy met with the senior police officer, who was allocated to the matter specifically at my request, he was asked to come back with more detail. I would ask, would he please provide that detail to that officer so that he can conduct a proper investigation in relation to the matter because clearly there is detail in the possession of Deputy Higgins which is not to the knowledge of this officer who is my source of information for these answers.