

3.4 Deputy M.R. Higgins of the Minister for Home Affairs regarding the alleged failure of the States of Jersey Police to properly investigate a child protection case:

Following information given to the Minister about the alleged failure of the States of Jersey Police to properly investigate video evidence contained on a USB stick of a sexual act and the inaccurate report to the Multi-Agency Child Protection body and subsequently to the courts, will the Minister advise what he has discovered and state what steps have been taken to correct the records and notify all the parties concerned?

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

The question contains allegations of failure on behalf of the police which are not accepted. What I have discovered is this. The case which the Deputy refers was first reported to the States of Jersey Police in December 2011. As is standard practice now with all safeguarding or child protection referrals, this was formally considered and assessed on a multi-agency basis at a strategy meeting. The case was properly investigated and the evidence was then assessed by a Crown Advocate on behalf of the police in order to determine whether or not on the facts alleged there was a criminal offence shown. The advice from the Crown Advocate was that there was no criminal offence shown on the facts. Finally, the case and all the material, on information provided to me, was also assessed and dealt with through the Family Court.

3.4.1 Deputy M.R. Higgins:

Will the Minister state the information that was given to the child protection body? Did it state that there was nothing on the videotape, which is my understanding of what was put there? Is the Minister aware that the Data Protection Commissioner is also trying to ensure that the police change their records and advise the courts and everybody else that there was information on that tape which they failed to identify or recognise because they had not seen it all?

Senator B.I. Le Marquand:

That is not my understanding. My information is that the matter was properly investigated and the material contained on the tape, therefore, properly considered. That is my information.

3.4.2 Deputy M.R. Higgins:

Well, I think the Minister needs to go back and speak to the police force. This information, by the way, has been given to the Committee of Inquiry looking into child abuse and so on. Now, whether it constituted child abuse of the child, there were certainly child protection issues involved because of the proximity of the child to what was going on. I think if this is the quality of police investigations, he needs to go through and look at the records personally and see the videotape personally.

The Deputy Bailiff:

Is there a question?

Deputy M.R. Higgins:

Will the Minister go away and look at the evidence himself and see if he has been told the truth by his officers?

Senator B.I. Le Marquand:

No, of course I will not. That is not the role of a Minister. If I may say so, this is the most blatant attempt I have seen in 5 years in the States to interfere politically with a matter which

is clearly an operational police matter. In my opinion, the Deputy should not be asking such questions. This is an operational police matter. I am not going to interfere in an operational police matter. It would be totally improper for me to do so. If the facts are as alleged by the Deputy inasmuch as I understand them, then I would accept that there was a matter properly to be considered as a safeguarding issue, but that is quite a different matter as to whether or not there is a criminal matter disclosed.