

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 2nd JULY 2019**

Question

Will H.M. Attorney General advise members of the number of sexual offences that have been referred to the Law Officers' Department for consideration for prosecution by the States of Jersey Police each year since 2014, indicating the type of offence in each case; will he advise how many of these referrals indeed resulted in a prosecution and what the outcome was in each instance; and in those instances where a prosecution was not pursued, will he give the reasons why those cases were not pursued?

Answer

The number of offences referred to the Law Officers' Department (Criminal Division) from 2014 to 2018 is set out in the tables below.

In summary, there were 403 alleged offences referred from the States of Jersey Police (SOJP) during the relevant period. Of these, 252 offences resulted in conviction. There were 141 offences where there was 'no further action' taken, 'no evidence offered – post charge', or the defendant was 'acquitted'. Nine cases are currently on-going; and there was one offence where 'words of advice' were given.

It should be emphasised that the question has been asked, and the answer has been given, by reference to the number of offences referred to the Law Officers' Department. Many offenders face more than one offence. Accordingly, the number of offenders is significantly lower than the number of offences.

THE CODE ON THE DECISION TO PROSECUTE

Each case referred to the Law Officers' Department for advice is reviewed by a Legal Adviser in accordance with the 'Code on the Decision to Prosecute ('the Code')'. This involves a two-stage test:

The first-stage is the **evidential test**. If a case does not pass the evidential test it cannot proceed no matter how important or serious it may be. If the case does pass the evidential test a decision has to be made if a prosecution is warranted in the public interest.

The second stage is the **public interest test**. A decision to commence or continue a prosecution will occur when the case has passed both tests.

Where a case is not prosecuted, it will be because it did not meet the test under 'the Code'.

A link to 'the Code' is found below:

<https://www.gov.je/SiteCollectionDocuments/Government%20and%20administration/ID%20Code%20on%20the%20Decision%20to%20Prosecute%20March%202016.pdf>

ALL CASES AND OUTCOMES REFERRED TO LOD – CRIMINAL DIVISION

SEXUAL OFFENCES - 2014-2019
(Advice Files – Green / Magistrates Court – Blue / Royal Court – Red)

2014

OFFENCE	NO.	NO FURTHER ACTION / NO EVIDENCE OFFERED / ACQUITTED	CONVICTIONS	OUTCOMES
Outraging Public Decency	2	1	1	<ul style="list-style-type: none"> No evidence offered – insufficient evidence 1 year bind over order
Indecent Exposure	4 1	1 0	3 1	<ul style="list-style-type: none"> 50 hours' community service 4 months' imprisonment + 10 year notification order 6 months' probation No evidence offered – insufficient evidence 2 weeks' imprisonment
Possession of Indecent Images	1 10	1 0	0 10	<ul style="list-style-type: none"> No further action – insufficient evidence 3 years' imprisonment (concurrent x6) 1 ½ years' imprisonment*² 6 months' imprisonment*² 2 years' imprisonment + 10 year notification order 1 year imprisonment, 5 year notification + restraining orders*⁶
Making of Indecent Images	3	0	3	<ul style="list-style-type: none"> 2 years' imprisonment (x3)*²
Inciting the Making of Indecent Images	2	1	1	<ul style="list-style-type: none"> Acquitted*² 1 ½ years' probation, 5 year notification + restraining orders*⁴
Indecent Assault	2 2 32	2 0 27	0 2 5	<ul style="list-style-type: none"> No further action – insufficient evidence No further action – insufficient evidence 3 years' probation + 180 hours' community service + 5 year restraining order

				<ul style="list-style-type: none"> • 110 hours' community service + 3 year notification order + £1,000 compensation • Acquitted • 5 years' imprisonment*1 • Acquitted (x8)*3 • 3 years' imprisonment, 5 year notification + restraining orders • Withdrawn*5 • Withdrawn (x6)*7 • 1 ½ years' probation + 180 hours' community service*7 • Withdrawn*8 • 4 years' imprisonment (x2)*9 • Acquitted (x10)*10
Procuring an Act of Gross Indecency	6	4	2	<ul style="list-style-type: none"> • 5 years' imprisonment*1 • Withdrawn*3 • 1 ½ years' probation + 312 hours' community service*8 • Acquitted (x3)*10
Inciting an Act of Gross Indecency	2	2	0	<ul style="list-style-type: none"> • Withdrawn (x2)*10
Unlawful Sexual Intercourse	1 1 8	1 1 1	0 0 7	<ul style="list-style-type: none"> • No further action – insufficient evidence • No evidence offered – insufficient evidence • 2 years' probation (concurrent x6), 5 year notification + restraining orders • Withdrawn*4 • 1 years' imprisonment, 5 year notification + restraining orders
Incest	2	0	2	<ul style="list-style-type: none"> • 1 ½ years' probation + 180 hours' community service + 2 year notification order*7 • 1 ½ years' probation + 312 hours' community service + 2 year notification order*8
Rape	10	6	4	<ul style="list-style-type: none"> • Withdrawn • Life imprisonment + 15 year notification order*1 • Withdrawn (x3)*1 • 6 years' imprisonment, 10 year notification order

				<ul style="list-style-type: none"> + 8 year restraining order • 5 years' imprisonment, 5 year notification + restraining orders*⁵ • Acquitted • 7 years' imprisonment + 5 year notification order*⁹ • Acquitted
Telecommunications Law	2	0	2	<ul style="list-style-type: none"> • 1 ½ years' probation*⁴ • 2 months' imprisonment*⁶
TOTALS	91	48	43	

*1 – Outcomes for one particular defendant for indecent assault, procuring an act of gross indecency & rape (*note; although 3 offences are recorded as withdrawn, the defendant received life imprisonment*)

*2 – Outcomes for one particular defendant for possession, making & inciting the making of indecent images

*3 – Outcomes for one particular defendant for indecent assault & procuring an act of gross indecency

*4 – Outcomes for one particular defendant for inciting the making of indecent images, telecommunications offences & unlawful sexual intercourse

*5 – Outcomes for one particular defendant for indecent assault & rape

*6 – Outcomes for one particular defendant for possession of indecent images & telecommunications offences

*7 – Outcomes for one particular defendant for indecent assault & incest (co-accused with *8)

*8 – Outcomes for one particular defendant for indecent assault & incest (co-accused with *7)

*9 – Outcomes for one particular defendant for indecent assault & rape

*10 – Outcomes for one particular defendant for indecent assault, procuring an act of gross indecency & inciting an act of gross indecency (*note; 13 offences acquitted and 2 withdrawn relate to this single defendant*)

2015

OFFENCE	NO.	NO FURTHER ACTION / NO EVIDENCE OFFERED / ACQUITTED	CONVICTIONS	OUTCOMES
Indecent Exposure	2 1	1 0	1 1	<ul style="list-style-type: none"> • 3 month bind over order • No evidence offered – not in public interest (historic + minor)*⁷ • 1 ½ years' imprisonment, 5 year notification + restraining orders
Possession of Indecent Images	10	0	10	<ul style="list-style-type: none"> • 9 months' imprisonment, 3 year notification + restraining orders, destruction of equipment (x2)*² • 3 years' imprisonment, 5 year notification + restraining orders (concurrent x8)
Making of Indecent Images	7	0	7	<ul style="list-style-type: none"> • 1 years' imprisonment • 1 ½ years' imprisonment + destruction of equipment (x2)*¹ • 1 years' imprisonment, 5 year notification + restraining orders, destruction of equipment (concurrent x2) • 1 year 3 months' imprisonment, 3 year notification + restraining orders, destruction of equipment (x2)*²
Distribution of Indecent Images	1 1	0 0	1 1	<ul style="list-style-type: none"> • 90 hours' community service ('revenge porn' case) • 1 ½ years' imprisonment + destruction of equipment*¹
Attempted Indecent Assault	1	0	1	<ul style="list-style-type: none"> • 6 months' imprisonment, 5 year notification + restraining orders*⁵
Indecent Assault	17 20	1 0	16 20	<ul style="list-style-type: none"> • 90 hours' community service + 1 year notification order

				<ul style="list-style-type: none"> • 1 year bind over order + 2 year notification order + £250 compensation • 70 hours' community service + 7 year notification order • 4 years' imprisonment, 5 year notification order + 10 year restraining order (concurrent x8) • 100 hours' community service + 2 year probation order + 5 year notification order + £500 compensation • 3 year bind over to leave the Island (plea accepted to common assault) • 100 hours' community service + 1 year probation + 5 year notification order • 1 year bind over order + 2 ½ year notification order + £1,000 compensation + £800 prosecution costs • £750 fine + 3 year notification order • No evidence offered – insufficient evidence*7 • 4 ½ years' imprisonment + 8 year notification order + 2 year exclusion order • 5 years' imprisonment, 10 year notification order + 6 year restraining order*3 • 6 years' imprisonment, 10 year notification order + 6 year restraining order*3 • 1 year probation + 5 year notification order • 1 year 9 months' imprisonment (x2)*4 • 1 year 2 months' imprisonment (x2)*4 • 300 hours' community service + 1 ½ years' probation • Acquitted (x2)
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				<ul style="list-style-type: none"> • 2 years' imprisonment, 5 year notification + restraining orders (x2)*⁵ • 2 ½ years' imprisonment, 5 year notification + restraining orders (x4)*⁵ • 240 hours' community service + 1 ½ years' probation + 2 year notification + restraining orders (x2)*⁶ • 1 ½ years' imprisonment (x2)*⁸
Attempting to Procure an Act of Gross Indecency	1	0	1	<ul style="list-style-type: none"> • 11 months' imprisonment*⁴
Procuring an Act of Gross Indecency	1 6	0 0	1 6	<ul style="list-style-type: none"> • 50 hours' community service + 1 year probation + 5 year notification order • 2 years 1 month imprisonment*⁴ • 1 year 9 months' imprisonment*⁴ • 2 years' imprisonment, 5 year notification + restraining orders*⁵ • 1 year imprisonment, 5 year notification + restraining orders*⁵ • 240 hours' community service + 1 ½ years' probation + 2 year notification + restraining orders (x2)*⁶
Meeting a Child following Sexual Grooming	1	0	1	<ul style="list-style-type: none"> • 90 hours' community service + 1 ½ years' probation + 2 year notification + restraining orders*⁶
Unlawful Sexual Intercourse	4	0	4	<ul style="list-style-type: none"> • 2 years 5 months' imprisonment*⁴ • 240 hours' community service + 1 ½ years' probation + 2 year notification + restraining orders (x3)*⁶
Incest	1	0	1	<ul style="list-style-type: none"> • 4 ½ years' imprisonment, 5 year notification + restraining orders*⁸
Sodomy	2	2	0	<ul style="list-style-type: none"> • No evidence offered – insufficient evidence (x2)

Rape	1	0	1	<ul style="list-style-type: none"> • 5 years' imprisonment + 5 year notification order
Telecommunications Law	1	0	1	<ul style="list-style-type: none"> • 90 hours' community service + 1 ½ years' probation + 2 year notification + restraining orders*⁶
TOTALS	78	4	74	

*1 – Outcomes for one particular defendant for making & distributing indecent images

*2 – Outcomes for one particular defendant for possession & making indecent images

*3 – Outcomes for one particular defendant for indecent assault

*4 – Outcomes for one particular defendant for indecent assault, attempting & procuring an act of gross indecency & unlawful sexual intercourse

*5 – Outcomes for one particular defendant for attempted indecent assault, indecent assault & procuring an act of gross indecency

*6 – Outcomes for one particular defendant for indecent assault, procuring an act of gross indecency, meeting a child following sexual grooming & telecommunications offences

*7 – Outcomes for one particular defendant for indecent exposure & indecent assault

*8 – Outcomes for one particular defendant for indecent assault & incest

2016

OFFENCE	NO.	NO FURTHER ACTION / NO EVIDENCE OFFERED / ACQUITTED	CONVICTIONS	OUTCOMES
Outraging Public Decency	1	0	1	<ul style="list-style-type: none"> 3 years' imprisonment, 5 year notification order + 6 year 9 month restraining order
Possession of Indecent Images	2 2	0 0	2 2	<ul style="list-style-type: none"> 150 hours' community service, 1 ½ years' probation, 5 year notification + restraining orders 120 hours' community service + 1 year probation 3 years' imprisonment, 5 year notification + restraining orders*1 1 year 3 months' imprisonment, 5 year notification + restraining orders
Distribution of Indecent Images	2	0	2	<ul style="list-style-type: none"> 1 ½ years' imprisonment, 5 year notification + restraining orders*1 1 ½ years' imprisonment, 5 year notification order + 6 year restraining order
Indecent Assault	4 8 72	4 0 34	0 8 38	<ul style="list-style-type: none"> No further action – insufficient evidence No further action – insufficient evidence No further action – insufficient evidence*10 No further action – insufficient evidence*12 1 year bind over order 110 hours' community service + 5 year notification order 90 hours' community service, 1 year probation + 5 year notification order 140 hours' community service + 2 years' probation + 5 year notification order 120 hours' community service + 3 year notification order 100 hours' community service 130 hours' community service + 1 ½ years' probation

				<ul style="list-style-type: none"> • 150 hours' community service, 1 ½ years' probation, 5 year notification + restraining orders • 10 years' imprisonment , 15 year notification + restraining orders (concurrent x2) • 4 years' imprisonment, 5 year notification order + 10 year restraining order (concurrent x8) • Acquitted (x8)*2 • Withdrawn (x2)*2 • 4 years' imprisonment, 5 year notification + restraining orders (concurrent x3) • Acquitted*3 • 2 years 8 months' imprisonment, 7 year notification + restraining orders • 5 years' imprisonment, 10 month notification order + indefinite restraining order*4 • 6 years' imprisonment, 10 month notification order + indefinite restraining order*4 • Acquitted*5 • Withdrawn • 6 years' imprisonment*6 • Withdrawn (x6) • 10 years' imprisonment (x7)*7 • Acquitted*8 • Acquitted (x4)*9 • Withdrawn (x10)*11 • 4 years' imprisonment*11 • 6 years' imprisonment (x3)*11 • 8 years' imprisonment*11 • 8 years' imprisonment + 10 year notification order + 13 year restraining order + £50,000 compensation*11 • 2 years' imprisonment (x6)*13 • 4 years' imprisonment (x2)*13
Procuring an Act of Gross Indecency	10	7	3	<ul style="list-style-type: none"> • 11 years' imprisonment, 10 year notification + restraining orders*6 • Withdrawn*6 • 9 years' imprisonment (x2)*7 • Withdrawn (x3)*7 • Acquitted (x2)*7 • Acquitted*8
Attempted Sexual Grooming	1	0	1	<ul style="list-style-type: none"> • 9 months' imprisonment + 2 year notification order

Unlawful Sexual Intercourse	1 1 2	0 0 1	0 1 1	<ul style="list-style-type: none"> • Recommendation to give words of advice • 90 hours' community service, 1 year probation + 3 year notification order • 1 ½ years' probation, 5 year notification + restraining orders • Acquitted*7
Rape	4 15	4 6	0 9	<ul style="list-style-type: none"> • No further action – insufficient evidence • No further action – insufficient evidence • No further action – insufficient evidence*10 • No further action – insufficient evidence*12 • Acquitted*3 • 7 ½ years' imprisonment, 10 month notification order + indefinite restraining order *4 • Acquitted*5 • Acquitted • Acquitted*7 • Acquitted*8 • Acquitted*9 • 10 years' imprisonment (x6)*13 • 12 years' imprisonment (x2)*13
Sodomy	4	0	4	<ul style="list-style-type: none"> • 8 years' imprisonment (x4)*13
TOTALS	129	56	72	(+1 advice file re USI where words of advice recommended)

*1 – Outcomes for one particular defendant for possession & distribution of indecent images

*2 – Outcomes for one particular defendant for indecent assault (*note; 8 counts acquitted & 2 withdrawn against this single defendant*)

*3 – Outcomes for one particular defendant for indecent assault & rape

*4 – Outcomes for one particular defendant for indecent assault & rape

*5 – Outcomes for one particular defendant for indecent assault & rape

*6 – Outcomes for one particular defendant for indecent assault & procuring an act of gross indecency

*7 – Outcomes for one particular defendant for indecent assault, procuring an act of gross indecency, unlawful sexual intercourse & rape (*note; although 4 offences are recorded as acquitted and 3 withdrawn, this defendant received a sentence of 10 years imprisonment*)

*8 – Outcomes for one particular defendant for indecent assault, procuring an act of gross indecency & rape (*note; 3 counts acquitted against this single defendant*)

*9 – Outcomes for one particular defendant for indecent assault, & rape (*note; 5 counts acquitted against this single defendant*)

*10 – Outcomes for one particular defendant for indecent assault & rape

*11 – Outcomes for one particular defendant for indecent assault

*12 – Outcomes for one particular defendant for indecent assault & rape

*13 – Outcomes for one particular defendant for indecent assault, rape & sodomy

2017

OFFENCE	NO.	NO FURTHER ACTION / NO EVIDENCE OFFERED / ACQUITTED	CONVICTIONS	OUTCOMES
Outraging Public Decency	1 2	1 0	0 2	<ul style="list-style-type: none"> No further action – insufficient evidence 6 weeks' imprisonment + 5 year notification order*¹ 12 weeks' imprisonment + 5 year notification order consecutive*¹ (Total 28 weeks', 5 year notification + Deportation Recommended)
Incest	1	0	1	<ul style="list-style-type: none"> 5 years' imprisonment + 8 year notification + restraining orders
Indecent Exposure	1 1	0 0	1 1	<ul style="list-style-type: none"> 1 year bind over order 1 ½ years' imprisonment + 5 year notification + restraining orders
Making Indecent Images	2	0	2	<ul style="list-style-type: none"> 16 weeks' imprisonment + 5 year notification order*¹ 8 weeks' imprisonment + 5 year notification order*¹
Possession of Indecent Images	2 1	1 0	1 1	<ul style="list-style-type: none"> 120 hours' community service + 1 ½ years' probation + 5 year notification + restraining orders No evidence offered – insufficient evidence 150 hours' community service + 1 ½ years' probation + 5 year notification + restraining orders
Indecent Assault	1 10	0 0	1 10	<ul style="list-style-type: none"> 1 year probation + 3 month exclusion order + 3 year notification order 3 years' probation (with requirement to complete course of therapy) 13 years' imprisonment + 15 year notification order +

				<ul style="list-style-type: none"> indefinite restraining order (x3)^{*2} 6 ½ years' imprisonment + 15 year notification order + indefinite restraining order (x4)^{*2} 5 years' imprisonment + 15 year notification order + indefinite restraining order^{*2} 4 years' imprisonment + 15 year notification order + indefinite restraining order^{*2}
Gross Indecency	1	0	1	<ul style="list-style-type: none"> 4 years' imprisonment + 15 year notification order + indefinite restraining order^{*2}
Inciting an Act of Gross Indecency	1	0	1	<ul style="list-style-type: none"> 6 ½ years' imprisonment + 15 year notification order + indefinite restraining order (x4)^{*2}
Procuring an Act of Gross Indecency	1	0	1	<ul style="list-style-type: none"> 6 ½ years' imprisonment + 15 year notification order + indefinite restraining order (x4)^{*2}
Sexual Grooming	1 3	1 0	0 3	<ul style="list-style-type: none"> No further action – insufficient evidence 180 hours' community service + 3 year notification + restraining orders 10 months' imprisonment + 5 year notification + restraining orders 6 months' imprisonment + 5 year notification order
Rape	1 1	1 1	0 0	<ul style="list-style-type: none"> No further action – insufficient evidence Acquitted
TOTALS	31	5	26	

*1 – Outcomes for one particular defendant for outraging public decency & making indecent images

*2 – Outcomes for one particular defendant for indecent assault, gross indecency, inciting an act of gross indecency & procuring an act of gross indecency

2018

OFFENCE	NO.	NO FURTHER ACTION / NO EVIDENCE OFFERED / ACQUITTED	CONVICTIONS	OUTCOMES
Indecent Exposure	2 2	1 0	0 2	<ul style="list-style-type: none"> No further action – insufficient evidence 'Charge' advised – accused left Island and has not returned 6 weeks' imprisonment 1 year probation
Possession of Indecent Images	8	0	7	<ul style="list-style-type: none"> 4 years' imprisonment + 5 year notification order + 8 year restraining order 1 ½ years' imprisonment 1 ½ years' imprisonment*¹ 1 year 8 months' imprisonment + 5 year notification + restraining orders 4 ½ years' imprisonment + 10 year notification + restraining orders 1 year 8 months' imprisonment + 5 year notification + restraining orders 5 years' imprisonment + 15 year notification + restraining orders Ongoing – in Royal Court 06/11/19
Indecent Assault	9 7 7	8 2 1	0 5 2	<ul style="list-style-type: none"> No further action – insufficient evidence No further action – insufficient evidence No further action – insufficient evidence No further action – insufficient evidence No further action – insufficient evidence

				<ul style="list-style-type: none"> • No further action – insufficient evidence • No further action – insufficient evidence • No further action – insufficient evidence • Ongoing • 120 hours' community service + 6 months' probation + 4 year notification order • 120 hours' community service + 6 months' probation + 2 year notification + restraining orders • 6 weeks' imprisonment + 5 year notification order • 90 hours' community service + 2 year notification order • 90 hours' community service + 3 year notification order + £250 compensation • No evidence offered – insufficient evidence • No evidence offered – insufficient evidence • Acquitted • 3 years' imprisonment*¹ • 4 years' imprisonment consecutive*¹ • Ongoing – in Royal Court 05/08/19 • Ongoing – in Royal Court 28/06/19 • Ongoing – in Royal Court 08/10/19 • Ongoing – in Royal Court 28/10/10
Gross Indecency	1	0	0	<ul style="list-style-type: none"> • Ongoing – in Royal Court 07/10/19
Attempt to Meet a Child	2	1	1	<ul style="list-style-type: none"> • Acquitted • 10 months' imprisonment + 5 year notification + restraining orders
Sexual Grooming	1 8 1	1 0 0	0 8 1	<ul style="list-style-type: none"> • No further action – insufficient evidence • 9 months' imprisonment + 5 year notification + restraining orders • 11 months' imprisonment + 5 year notification + restraining orders • 7 months' imprisonment + 5 notification + restraining orders

				<ul style="list-style-type: none"> • 9 months' imprisonment + 5 year notification + restraining orders • 10 months' imprisonment + 5 year notification + restraining orders • 9 months' imprisonment + 5 year notification + restraining orders • 7 months' imprisonment + 5 year notification + restraining orders • 10 months' imprisonment + 5 year notification + restraining orders • 1 ½ years' probation + 5 year notification order + 10 year restraining order
Unlawful Sexual Intercourse	3	3	0	<ul style="list-style-type: none"> • No further action – insufficient evidence • No further action – not in the public interest • No further action – not in the public interest
Rape	9 14	9 2	0 12	<ul style="list-style-type: none"> • No further action – insufficient evidence • No further action – insufficient evidence • No further action – insufficient evidence • No further action – insufficient evidence • No further action – insufficient evidence • No further action – insufficient evidence • No further action – insufficient evidence • No further action – insufficient evidence • No further action – insufficient evidence • No further action – insufficient evidence • No further action – insufficient evidence • 8 years' imprisonment + 15 year notification order + indefinite restraining order • 10 years' imprisonment + 12 year notification order + indefinite restraining order (x10)*2 • Acquitted • Acquitted • Ongoing – in Royal Court 20/08/19
TOTALS	74	28	38	9 Ongoing

*1 – Outcomes for one particular defendant for possession of indecent images & indecent assault

*2 – Five co-defendants all received the same sentence for 2 charges each of rape