

The Laws Review

An independent review of the criminal justice system in relation to the response and management of domestic abuse, rape and other sexual assault cases.

11th February 2026

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1. INTRODUCTION & BACKGROUND

- 1.1 In 2022, the Minister for Justice and Home Affairs (Deputy Helen Miles), established an independent Taskforce on Violence Against Women and Girls in Jersey ["VAWG Taskforce"]. The VAWG Taskforce comprised members from key stakeholders in public services, specialist support services, education and community support. It undertook research with victim-survivors, children and young people, professional services, and the public in Jersey. The aim was to get a better understanding of any issues or problems.
- 1.2 In November 2023, the VAWG Taskforce produced a report entitled, *"It's a Hidden Problem – the issue of violence against women and girls in Jersey"* ["the VAWG Report"].¹ The 291-page report is comprehensive and wide-ranging. Part of the VAWG Taskforce's research included obtaining testimonies from victim-survivors which were suggestive of a general lack of trust in the criminal justice system's response to violence against women and girls and identified specific negative experiences of the system.
- 1.3 In total, the report made 77 recommendations for the Government of Jersey ["GoJ"] and other key stakeholders to *'reduce such violence in all its forms and to improve the support available for victims and survivors.'*
- 1.4 Recommendation 15 directed to the GoJ states:
- 'An independent review of the Jersey criminal justice system should be conducted in relation to domestic abuse, rape, and serious sexual offences to determine whether current arrangements deliver the best outcomes for victims, defendants, and justice.'*
- 1.5 In support of this recommendation, the VAWG Taskforce noted, *inter alia*, that numerous such reviews had been undertaken in the UK and, unlike in the UK,

¹<https://www.gov.je/SiteCollectionDocuments/Caring%20and%20support/VAWG%20Taskforce%20Report.pdf>

the Criminal Division of the Law Officers' Department (the Jersey equivalent of the Crown Prosecution Service) was not subject to regular statutory review.²

- 1.6 On 8 March 2024, Chief Minister Lyndon Farnham accepted all 58 recommendations directed to the GoJ and committed to their implementation. On 27 March 2024, Deputy Mary Le Hegarat, current Minister for Justice and Home Affairs, published the GoJ response to the VAWG Taskforce report.³ In respect of Recommendation 15, the response stated:

'It is clear from domestic experience and other jurisdictions that independent reporting is the best way to maintain oversight of any system, and I will discuss the best way forward with stakeholders to establish what would work best for Jersey in terms of scope, access to information, confidentiality arrangements etc.'

- 1.7 The Implementation Plan⁴ identified the timeline for implementation of recommendation 15 as between the third quarter of 2024 and fourth quarter of 2025.
- 1.8 I was appointed by the GoJ in autumn 2024 to conduct this Review. As King's Counsel and a Recorder (part-time judge) in England I have more than 35 years' experience specialising in prosecuting, defending and trying cases involving the full gamut of violence against women and girls.⁵

² VAWG report p.107.

³<https://www.gov.je/SiteCollectionDocuments/Caring%20and%20support/Response%20to%20the%20taskforce%20report%20from%20the%20Minister%20for%20Justice%20and%20Home%20Affairs.pdf>

⁴ Appendix 1 to the GoJ Response to the VAWG report.

⁵ <https://www.qebholliswhiteman.co.uk/site/people/profile/eleanor.laws>

2. EXECUTIVE SUMMARY

2.1 This Review provided a unique opportunity to meet and interview victim-survivors and work collaboratively with other stakeholders in the Jersey criminal justice system such as the States of Jersey Police, the Law Officers Department (Criminal Division) and victim support services in order to identify which aspects of the system work well, those which require improvement and then co-develop solutions, make recommendations and actively monitor progress.

2.2 My meetings with victim-survivors were particularly informative. Their lived experiences were invaluable when formulating my findings and recommendations. I had the benefit of active engagement from each of the stakeholders. Jersey is fortunate to have experienced professionals working in all stakeholder bodies.

2.3 There have been great improvements in the Jersey criminal justice system in the last ten years, some of which appear unique to Jersey and work extremely well. However, there are some clear areas where further improvements are required. In summary, victim-survivors expressed that they had experienced:

- Delay in connection with most aspects of the system, including the case reaching trial.
- Confusion and/or uncertainty in respect of the decisions made by prosecuting authorities, the progress of cases and their role.
- Frustration, fear and anxiety in relation to instances of unwanted contact from the accused during the investigation and over-zealous cross-examination by defence advocates.

2.4 As a result of my meetings with organisational stakeholders, I identified five areas which required improvement:

- (1) Training;
- (2) Communication between stakeholders;

- (3) Law and guidance;
- (4) Court infrastructure and capacity; and
- (5) Data collection and retention.

2.5 This Review details 18 specific recommendations and indicates the considerable level of engagement and progress made to date. In addition, I have also included a recommendation that a further Review be undertaken in 2027 to monitor progress.

3. STAKEHOLDERS & TERMS OF REFERENCE

3.1 The Terms of Reference ["ToR"] for the Review were formulated in consultation with, and agreed by, representatives from or on behalf of all relevant stakeholders. The stakeholders, in no particular order are:

- **Victim-survivors** of domestic abuse, rape and sexual assault.⁶
- **The Royal Court** including members of the Judiciary and court staff. The Royal Court is the principal and oldest court in Jersey dealing with the most serious criminal cases and has unlimited sentencing powers (within the limits of relevant legislation).
- **The Magistrate's Court** including members of the Judiciary. This is the court of "summary jurisdiction" meaning that the Magistrate determines issues of both law and fact and has maximum sentencing powers of 12 months' imprisonment and/or a maximum fine of £10,000.
- **The States of Jersey Police ["SoJP"]**. Comprising more than 200 police officers and 100 police staff, the SoJP provides a range of services, some of which would normally be delivered by other services in the UK. For example, the SoJP play an enhanced role in supporting the administrative requirements of the criminal justice process.
- **The Criminal Division of the Law Officers' Department ["LOD"]**. The independent public prosecution service which employs lawyers who provide legal advice to the SoJP, institute, litigate and present criminal prosecutions in the Royal, Magistrate's and Youth Courts.
- **External Advocates** – lawyers in private practice who may be instructed by the LOD to present cases on behalf of the prosecution as a "Crown Advocate", as well as defending in cases, or those who exclusively appear on behalf of defendants.
- **Victim support services** including:

⁶ For the purposes of this Review, I have defined victim-survivors in accordance with the definition of 'victim of crime' used by the Attorney General of Jersey when considering Victims Right to Review applications, namely: 'someone who has suffered harm including physical, mental or emotional harm or economic loss directly caused by an alleged criminal offence.'

- (a) **Jersey Domestic and Sexual Abuse Support [“JDAS”]** – an independent service developed to protect and support victims of domestic and sexual abuse. JDAS allocate Independent Domestic Violence Advisors [“IDVAs”] to victims.
- (b) **Dewberry House Sexual Offences Referral Centre or “SARC” [“Dewberry House”]** - offering professional support to victims of sexual assault including a Crisis Worker, forensic medical examination, Independent Sexual Violence Advisors [“ISVAs”] and Independent Domestic Violence Advisors [“IDVAs”].⁷
- (c) **Victims First** – a referral service offering free support and advice to anyone affected by crime in Jersey.
- (d) **FREEDA (“Free from Domestic Abuse”)** – an independent domestic abuse charity formerly the “Jersey Women’s Refuge” which provides safe accommodation and trained support for women and children escaping domestic abuse relationships.
- **Jersey Probation and Aftercare Service** - providing courts with information about defendants / offenders and supervision of offenders following their release from prison or during non-custodial community-based sentences.

3.2 The ToR states:

‘The purpose of this review is [for the Reviewer] to work with stakeholders across the criminal justice system to determine how current arrangements in relation to domestic abuse, rape and sexual assault can be improved to deliver better outcomes for victims, defendants and justice.

...

The reviewer will work with stakeholders to co-develop solutions that will improve the experience of victims without compromising the rights of suspects and potential defendants. These solutions will then be trialled throughout the review period so that their efficacy can be assessed. A final report will then

⁷ There are approximately two ISVAs and four IDVAs in Jersey so ISVAs also fulfil the role of an IDVA and vice versa.

detail the various improvements to practice that have been implemented under the review and highlight pre-existing good practice.’⁸

- 3.3 To achieve this aim, the ToR stipulated that the Reviewer be put in contact with a representative from each stakeholder and given full access to such documents, correspondence, and oral/written evidence considered necessary by the Reviewer.

⁸ ToR paras 1.1 and 1.4.

4. APPROACH TO THE REVIEW

4.1 I was given the freedom to undertake the Review as I saw appropriate (within the scope of the ToR). As the VAWG Report outlines, there have been numerous reviews of the UK criminal justice system - all of which provided useful background information. Those reviews were necessarily lengthy and detailed resulting in numerous recommendations. However, it was clear to me that the relative scale of Jersey's criminal justice system compared to that of the UK presented a unique opportunity to:

- Meet and interview individual victim-survivors to gain an understanding of their experiences of the criminal justice system. Victim-survivors were placed at the heart of the Review, and it was imperative that they felt heard by me and other stakeholders.
- Work collaboratively with the other relevant stakeholders to suggest and implement "real-time" practical improvements which provide immediate and lasting change.
- Monitor progress to ensure that the improvements are sustained thereby delivering better outcomes for victims, defendants and justice in the medium/long term.

4.2 To this end, and with the invaluable assistance of Fraser Coxhill, a barrister with experience of RASSO and domestic abuse cases,⁹ I approached my Review in five phases:¹⁰

- (1) Evidence Gathering Phase.
- (2) Collaboration Phase.
- (3) Reporting Phase.
- (4) Implementation Phase; and
- (5) Monitoring Phase.

⁹<https://www.qebholliswhiteman.co.uk/site/people/profile/eleanor.laws>

¹⁰ I have used this slightly simplistic description to easily explain my approach – there may have been some overlap.

4.3 Phase 1 – the “Evidence Gathering Phase” – involved:

- (i) Organising and undertaking a series of victim-survivor interviews with victims who had recent experience of the Jersey criminal justice system to gain a better understanding of their lived experiences.¹¹
- (ii) Organising and undertaking scoping meetings with representatives of each stakeholder to introduce myself, the purpose of the review, my terms of reference and gain an understanding of the existing system.
- (iii) Organising and undertaking a series of further detailed meetings with the stakeholders to gain a better understanding of their experiences including their views of the strengths and weaknesses of the existing system.
- (iv) Visiting relevant facilities such as Dewberry House, the Magistrates’ Court, and the Royal Court.
- (v) Observing relevant criminal justice processes including *inter alia*.¹²
 - Court observation of domestic abuse trials.
 - Court observation of trials involving allegations of rape and serious sexual assault [“RASSO”].
 - Observation of domestic abuse and RASSO training for all entities, where possible.
- (vi) Undertaking case file assessments to examine domestic abuse, rape and serious sexual offences cases as defined by the Domestic Abuse (Jersey) Law 2022 and the Sexual Offences (Jersey) Law 2018 and cases of grave and criminal assault and common assault are within scope where there is a domestic relationship. These files were to include:
 - Cases where it was decided to take no further action or cases marked as “admin finalised”.
 - Cases resulting in conviction.
 - Cases resulting in jury acquittal (i.e. a “not guilty” verdict).
 - Cases where no evidence was offered and cases where the complaint was withdrawn.

¹¹ Many of whom had experience *after* the publication of the VAWG Report.

¹² The ToR had suggested that I observe early investigative advice meetings and ‘no further action’ panels in relation to domestic abuse and RASSO cases but, unfortunately, no such meetings occurred during my visits.

- Cases involving a witness with vulnerabilities (including mental and physical impairments, mental health issues and communication difficulties), and
- Cases involving third party material.

4.4 Phase 1 commenced during the fourth quarter of 2024 and continued until the end of the second quarter of 2025. I visited Jersey on numerous occasions during this period to undertake lengthy face-to-face meetings. I am extremely grateful to all those involved for giving up their time and being so patient, open and willing to contribute to the Review.

4.5 I next moved to the second phase – the “Collaboration Phase”. This involved:

- (i) Devising and producing a series of preliminary recommendations for improvement using the information obtained from the Evidence Gathering Phase.
- (ii) Communicating my preliminary recommendations to the various stakeholders and collaborating with them to ensure that they were achievable and workable.
- (iii) Encouraging the stakeholders to collaborate with each other to ensure that the recommendations can be implemented.

4.6 The Collaboration Phase occurred during the third quarter of 2025. Again, I am grateful to the stakeholders who responded promptly to my preliminary recommendations with thoughtful and considered comments and committed to the process of collaboration.

4.7 Phase 3 – the “Reporting Phase” – is designed to explain clearly and openly in a publicly available document:

- (i) Why the Review was commissioned.
- (ii) My ToR and approach to the Review.
- (iii) My findings.

- (iv) My recommendations for improvement and why they are necessary.
- (v) My plans for monitoring and reviewing progress.

4.8 The Review report will not set out the detail of every meeting I conducted, nor specific comments or criticisms made of stakeholder organisations or individuals – to do so would not only breach the confidentiality of those involved but also disincentivise others from speaking openly in future and ultimately inhibit the implementation of recommendations.

4.9 I began drafting this report during the third quarter of 2025 with a view to providing an embargoed draft to the stakeholders for factual correction at the beginning of the fourth quarter/early 2026 aiming to publish the report shortly thereafter.

4.10 Phase 4 – the “Implementation Phase” – has already commenced at the time of writing. Stakeholders began to take steps to implement my preliminary recommendations as early as Phase 2.

4.11 The fifth and final phase of my Review is the “Monitoring Phase.” I intend to visit Jersey and meet stakeholders in Q1 of 2027 (a year after the publication of my Review) to monitor the implementation of the recommendations and evaluate their efficacy. I will also be available on an ad hoc basis to assist with resolving any issues which arise.

5. FINDINGS

Findings arising from the victim-survivor interviews

- 5.1 As mentioned above, victim-survivors were placed at the centre of this Review. Their experiences – positive and negative – were central to my findings and informed my recommendations for improvement. For that reason, I will summarise the format of the victim-survivor interviews.
- 5.2 Interviews were arranged and facilitated by Kim Coutts, a Psychotherapist who, together with JDAS, identified victim-survivors of domestic abuse, rape and/or sexual assault who had recently experienced the Jersey criminal justice system and were willing to share those lived experiences. I am immensely grateful to Ms Coutts whose knowledge and expertise I came to rely upon to ensure that the interviewees were comfortable and the interviews were conducted according to the needs of each victim-survivor. Measures were put in place to facilitate the interviews such as a specially procured venue and the arrangement of “out of hours” interviews at times convenient to the victim-survivors.
- 5.3 Prior to each interview, the victim-survivor was provided with a copy of the ToR, together with a letter explaining the purpose of the Review and what was likely to be involved in their participation. No victim-survivor was pressured to participate, and they were informed verbally and in writing that they could withdraw at any stage – no questions asked. They were further informed that:
- Their identities would remain anonymised throughout the process and that any reference to their experiences in my report would be summarised in such a way as to ensure that their anonymity was maintained.
 - The interviews would be recorded, and they would be provided with a summary or transcript (if they wanted it) to ensure complete accuracy and peace of mind.

- If I wished to refer to any specific aspect of their interview, they would be provided with the relevant part of the report in advance of publication, to ensure accuracy and that they continued to consent to participation.
- 5.4 Those who were willing to participate signed a data sharing agreement with me and my chambers and a consent form.¹³
- 5.5 The interviews themselves varied in length, structure and content. Ms Coutts and I met some participants on multiple occasions. For obvious reasons, I was extremely careful to minimise the risk of re-traumatising victim-survivors by reliving their experiences of domestic abuse, rape and/or sexual assault so where possible, I invited participants to focus on their experiences of the criminal justice system itself. The structure of the interview was participant-led and free-flowing; I invited participants to identify positive and negative aspects of their interaction with the system and to tell me as much or as little as they felt able.
- 5.6 I am extremely grateful to the participants, each of whom displayed great courage and a commitment to improving the experience of others in the future. They provided invaluable information which has assisted in the formulation of my findings and recommendations. They should know that their contributions will be instrumental in effecting real and lasting improvements to the experiences of future victim-survivors of violence against women and girls.
- 5.7 This was not a scientific study and the views expressed by participants self-evidently represented their subjective perceptions of their lived experience. I will not be setting out each victim-survivor's individual views but instead identify certain common themes which emerged from interviewing numerous participants over many hours.

¹³ It should be noted that the agreement precludes me from sharing the victim-survivor details (including the recording of the interviews and transcripts) with anyone else including the GoJ or any other stakeholder.

5.8 Participants reported positive experiences of their interactions with the stakeholders. For example:

- **The States of Jersey Police.** Participants reported that officers took swift action in response to their initial complaint(s) and were consistently supportive throughout the process.
- **Prosecution Advocates including Crown Advocates on behalf of the LOD.** Participants reported attending pre-trial meetings with sympathetic prosecution Advocates. These were valuable - particularly when combined with an explanation of the trial-process and the roles of those in the court process.
- **Courts.** Participants reported experiencing great anxiety when attending court as an observer or witness. Participants acknowledged and were grateful for careful and courteous treatment by Crown Advocates and the Judiciary.
- **JDAS.** Participants praised the support received from experienced support workers during, and in some cases, long after their cases had been completed.
- **FREEDA.** Participants who had cause to use the services of FREEDA praised the practical support provided by the charity.
- **Dewberry House.** Participants reported that Dewberry House staff were friendly, welcoming and sympathetic.

5.9 However, a significant number of participants also expressed that they had experienced:

- Delay in connection with:
 - (a) Obtaining a charging decision from the prosecuting authorities.
 - (b) the Victim Right to Review ["VRR"] process.¹⁴

¹⁴ 'Victims of Crime' are entitled to apply to the Attorney General for a review of a decision not to prosecute taken either by a Centenier (an Honorary Police officer) or a Legal Advisor from the LOD.

- (c) the case reaching trial (most frequently in the Royal Court).
 - (d) sentencing of offenders following conviction (most frequently in the Royal Court).
- Confusion and/or uncertainty in relation to:
 - (a) The rationale which lay behind charging decisions including taking No Further Action ["NFA"] or offering no evidence.¹⁵
 - (b) When and by whom they were going to be updated about the progress of the case.
 - (c) Aspects of the trial process, including the role of the Advocate, and expectations in relation to giving evidence.
 - (d) Whether their Victim Personal Statements ["VPS"] were read aloud in court and if so, by whom.¹⁶
 - (e) The nature of the sentence passed and how to obtain reliable information about their case after the procedure had ended.
 - Frustration, fear and anxiety in relation to:
 - (a) Instances of unwanted contact and harassment by/from the accused during the investigation and whilst waiting for their case to be heard in court.
 - (b) Instances of over-zealous cross-examination by defence advocates.

5.10 The overall effect of these factors led to a significant number of participants feeling unimportant and disengaged from the whole process. This is an ongoing issue. Recent statistics have revealed that the number of domestic abuse crimes reported in Jersey has steadily increased since 2020, but it would appear that the numbers who wish to support a prosecution are declining.¹⁷ More work needs to be done to ensure that victims feel properly supported and remain engaged in the process. Each of the organisational stakeholders must

¹⁵ Offering no evidence is the process by which the LOD ends a prosecution following arraignment.

¹⁶ A VPS is a statement written by a victim of crime explaining the effect the crime has had on them.

¹⁷ As recently reported - <https://www.itv.com/news/channel/2026-01-12/domestic-abuse-victims-raise-concerns-over-drop-in-jersey-conviction-rates>

work collaboratively to improve the quality of investigations, level of support for victims, and to bring a swifter resolution to proceedings.

Findings arising from my own observations of the current system

- 5.11 There is now widespread international recognition that sexual offences and offences involving violence against women and girls were historically under recognised, inadequately acknowledged, and insufficiently addressed within legal and institutional frameworks. In common with many other jurisdictions, (including England and Wales) Jersey's legal framework for sexual offences required fundamental reassessment. Since 2015, as a result of successful collaboration between the Judiciary, Attorney General and successive States Assemblies, supported by the Chief Minister and Minister for Home Affairs, substantial and successful law reform has taken place. Sexual offences and the offence of domestic abuse have been codified; providing clear definitions of offences and importantly the issue of consent. The implementation of important evidential and procedural safeguards has provided complainants with far greater protection.
- 5.12 Lawyers in the LOD (Criminal Division) have been at the forefront of working with these developments and ensuring their implementation. The SoJP has undertaken sustained and effective efforts to strengthen their response to violence against women and girls, including improving investigative practises, the adoption of victim centred approaches, and the development of specialist capability within the force. Victims Services have provided comprehensive support for victims from the start of the process until well beyond the conclusion of the case.
- 5.13 However, as a result of my extensive meetings with victim-survivors, organisational stakeholders and my own observations, I identified five areas which required improvement, namely:

- (1) Training.
- (2) Communication between stakeholders.
- (3) Law and guidance.
- (4) Court infrastructure and capacity; and
- (5) Data collection and retention.

In my view, improvements in these areas will inevitably deliver better outcomes for victim-survivors, defendants and justice.

(1) Training

- 5.14 There exists a wealth of academic research into the impact of the criminal justice system upon victim-survivors. Many victims-survivors, including those I interviewed, report feeling re-traumatised by their experiences. Such research has led to the introduction of dedicated, mandatory vulnerable witness training for advocates in England and Wales. This means that all advocates undertaking cases involving domestic violence, rape and other sexual assault should adhere to minimum standards of competency in dealing with vulnerable witnesses.
- 5.15 Whilst most stakeholders including the SoJP, LOD and Judiciary undertake their own training, I found that it was often voluntary, conducted on an ad-hoc basis and the subject-matter was not sufficiently focussed on issues relevant to my ToR.

(2) Communication between stakeholders

- 5.16 Clear and timely communication is key to all successful professional relationships. It is particularly important in the criminal justice system where there are many moving parts, and the stakes are high for complainants¹⁸ and the accused. It is required not only by individuals on a day-to-day basis but also at an organisational level. One of the advantages of the relative scale of

¹⁸ In this report, I have used the term "complainants" to refer to those who have reported allegedly criminal behaviour which is yet to result in the conviction of the accused.

the Jersey criminal justice system compared to the UK is that those individuals working in the system are often known to each other and already have strong professional relationships. This is to be commended and encouraged.

5.17 I found that the framework of organisational communication required considerable improvement. To be clear, organisational communication means communication by and between the organisational stakeholders about guidance, standards and information, to ensure that they are clearly understood by other stakeholders involved in the system, including victim-survivors. I found that improvement was required in the following areas (this is not an exhaustive list):

- Joint agreement(s) between the LOD and SoJP communicating their approach to the investigation and prosecution of domestic abuse, rape and serious sexual offences.
- Joint agreement(s) between the LOD and SoJP clearly communicating the requirements and timescales for the submission of case files, provision of advice and level of engagement.
- Updating the Victim and Witness Charter and the communication to victim-survivors about their rights.
- Updating the domestic violence and sexual offences information booklet provided to complainants.
- Allocation of a single point of contact for victim-survivors throughout the process to ensure that they received consistent information.
- The provision to the LOD before a charging decision of all information relevant to the issue of bail.
- LOD Charging Guidance communicating to all stakeholders the factors relevant to the prosecution of domestic abuse, rape and serious sexual offences.
- Communication of hearing dates by the Royal Court to the LOD (SoJP and victim support services).

(3) Law and guidance

5.18 The relevant legislation in this field has been the subject of substantial and successful reform in recent years. The principal statutes adopted by the states are the Criminal Procedure (Jersey) Law 2018, the Sexual Offences (Jersey) Law 2018 and the Domestic Abuse (Jersey) Law 2022. Collectively these laws have not only changed the landscape in relation to sexual offences and offences of domestic abuse, but (subject to what I say below at 5.19) provide a strong foundation for the investigation, prosecution and trial of these offences.

5.19 The Domestic Abuse (Jersey) Law 2022 (“DAL 2022”), which came into force in June 2023, introduced domestic abuse as a standalone offence, provided for Domestic Abuse Protection Order (or “DAPOs”) and requires offenders to provide personal information to the police.¹⁹The VAWG report identified important omissions from the DAL 2022 including:

- (i) Emergency Barring Orders (in the form of Domestic Abuse Protection Notices or “DAPNs”) used by police to remove a suspected offender from an address.
- (ii) A standalone non-fatal strangulation offence.
- (iii) A standalone stalking offence.
- (iv) Amendments to the Public Order Law to address public sexual harassment.
- (v) Amendments to the Sexual Offences Law to better address offences concerning intimate images.²⁰

5.20 In response to the VAWG Taskforce recommendations, the Home Affairs Minister, Mary Le Hegarat announced that these “gaps” would be filled by legislation which was “all due to be lodged within 2025.”²¹ I understand that the following draft laws have been lodged for debate in the States Assembly before the end of March 2026:

¹⁹ https://www.jerseylaw.je/laws/current/l_27_2022

²⁰ See p.137 onwards of the VAWG report.

²¹ <https://jerseyeveningpost.com/topstories/2025/02/10/stalking-and-non-fatal-strangulation-to-be-offences-in-own-right/>

- Harassment and Stalking (Jersey) Law 202-
- Sexual Offences (Jersey) Amendment Law 202-
- Crime (Strangulation) (Jersey) Law 202-
- Domestic Abuse (Jersey) Amendment Law 202-
- Crime (Public Order) (Jersey) Amendment No 2 Law 202-

I am further reassured by the GoJ's clear commitment as set out in the States of Jersey Proposed Budget (Government Plan) 2026-2029,

*'The intention [of the GoJ] is to meet all legislative recommendations of the Taskforce on Violence Against Women and Girls within the term of this Assembly.'*²²

5.21 The VAWG report also recommended that the LOD should clearly refer to the Code when making decisions to prosecute and publish a simplified version of the guiding principles and general rationale used to make decisions on whether to pursue a prosecution.²³ I found that the absence of Jersey-specific published charging guidance for domestic abuse, rape and other sexual assault cases meant that the SoJP, victim-survivors and other stakeholders were sometimes unsure of the basis upon which prosecutorial decisions were made. Furthermore, prosecutors were unable to rely on codified Charging Guidance to justify their decisions.

5.22 Finally, at the start of this Review, I considered that sentencing for sexual offences in Jersey had become confused and inconsistent. Advocates and the SoJP often found it difficult to provide to victim-survivors and defendants a reliable and consistent prediction of sentencing.²⁴

(4) Court infrastructure and capacity

²² P.70/2025 AMD.(24) – comments [https://statesassembly.je/publications/comments/2025/p-70-2025-amd-\(24\)-com](https://statesassembly.je/publications/comments/2025/p-70-2025-amd-(24)-com)

²³ Recommendation 20, p.123

²⁴ The Magistrate's Court publish sentencing guidelines for certain offences.

5.23 Notwithstanding the absence of reliable data (as to which, see below), many of those I met during the Evidence Gathering phase of my review reported that the number of trials and convictions at the Magistrate’s Court and Royal Court involving allegations of domestic abuse, rape and serious sexual assault has increased in recent years. Such anecdotal evidence is supported by the underlying data collected by the SoJP (suggesting a corresponding increase in the number of complaints made), and the LOD (suggesting a corresponding increase in the number of convictions for offences of rape). I found that this has led to increased pressure on the courts to:

- Fix trial dates.
- Allocate trial judges.
- Fix administrative hearings.
- Allocate court rooms with the infrastructure and technology necessary to accommodate such cases.

5.24 These challenges have been particularly acute in the Royal Court. As Jersey’s principal court, it handles all the Island’s most serious criminal (and civil) matters which means that the two full-time judges (the Bailiff and Deputy Bailiff) and the part-time judges appointed by the Bailiff (known as “Commissioners”) are extremely busy. Case listing can also depend on the availability of Jurats – members of the public elected by an Electoral College who along with the Judge, preside over certain cases/hearings. It is important that criminal cases are managed more actively by the judges of the Royal Court so as to ensure, for example, that there is full compliance with court directions and listing cases for non-compliance with directions.

5.25 The historic Royal Court building itself, situated in Royal Square, dates from circa 1380 and last received a major renovation in the late 1800s. Whilst commendable efforts have been made to update the court infrastructure to include features such as physical screens (to prevent witnesses from seeing a defendant during their evidence) and video link facilities (to enable remote evidence), the reality is that the building remains inherently unsuited to modern

criminal trials. Indeed, a recent four-week multi-defendant homicide trial was tried in a disused GoJ building to accommodate the advocates and technology and to avoid the Royal Court from being out of action for the duration of the trial. I witnessed a trial in court 2 (a small court room in the Royal Court building used to accommodate short trials) where the complainant in a domestic abuse allegation gave evidence from behind a fabric curtain just a few feet from the defendant. None of the court rooms in the building have a secure dock.

- 5.26 Conversely, the Magistrate's Court, situated on Union Street, was constructed in the early 2000s as a dedicated court building. It features multiple court rooms configured in the contemporary layout (advocates facing the judge) and one secure dock.²⁵ Given the composition of the court (the Magistrate determines issues of both law and fact) and the nature of its workload (generally shorter cases), the Magistrate takes an active role in case management by making and regularly reviewing compliance with, directions.

(5) Data collection and retention

- 5.27 The collection, retention and analysis of accurate data is essential when assessing the efficacy of the criminal justice system and outcomes for victims, defendants and justice. Without such data, there is no reliable means of recognising, understanding and adapting to emerging patterns in complaints, offending or convictions rates. Such data is also useful to organisational stakeholders in the allocation and funding of resources.

- 5.28 The VAWG report recommended that such data be collected and published, alongside information on how sentencing decisions are made.²⁶ Stakeholders retain their own statistics. However, there is no reliable data base of information collated from the Courts, the LOD and SoJP.

²⁵ Unfortunately, there is insufficient space to accommodate jury trials.

²⁶ Recommendation 23, p258.

5.29 I found that reliable data on the following matters required collation onto one database for publication:

- Decisions to charge.
- Offences charged.
- Decisions to take No Further Action ("NFA").
- Decisions to offer no evidence.
- The offences being tried by the courts (both Magistrates and Royal Court).
- The sentences handed down by offence; and
- Conviction rates for relevant offences (i.e. relating to domestic abuse, rape and serious sexual assault).

6. RECOMMENDATIONS

6.1 The following 19 recommendations are designed to address the concerns expressed by victim-survivors and the five areas I identified as requiring improvement. In accordance with my ToR, I have worked collaboratively in “real time” with stakeholders to ensure that each recommendation is workable and achievable. I am very pleased to report that the stakeholders have fully engaged in the process, and I have been greatly assisted by their interim comments and feedback. I can therefore include (where appropriate) the progress already made in meeting my recommendations.

*Recommendation 1:
Mandatory vulnerable witness training (funded by the GoJ) for professionals working within the criminal justice system, to be completed every three years.*

6.2 Whereas some victim-survivors reported positive experiences with victim support services, the SoJP, Crown Advocates and the courts, others reported negative experiences which appear to be born out of the outdated practice and perceptions of some professionals working with the criminal justice system. It is vital that professionals working in this area have the benefit of regular, up to date training in relation to vulnerable witnesses.²⁷ It is also fundamentally important that in future, each of the stakeholders receive consistent training material, which is tailored to Jersey practice and procedure, and which incorporates any developments arising from publication of this Report.

²⁷ For the purposes of this Review, I regard any witness who is eligible for special measures under Art 100 of the Criminal Procedure (Jersey) Law 2018 and/or is giving evidence in a case involving offences listed in Art 103 of the CPR 2018 as “vulnerable”.

6.3 Consequently, I recommend that professionals working within the criminal justice system undertake GoJ funded vulnerable witness training with refresher training every three years. Participants should include:

- Judges.
- Advocates (Crown, LOD and defence advocates).
- The SoJP.
- Court staff; and
- Representatives of JDAS and FREEDA who are likely to be involved with complainants in criminal proceedings.

6.4 The training may be delivered separately to each stakeholder and the course content tailored to take account of the specialisms and specific requirements of the attendees. However, I recommend that by the end of the first session(s), each participant has an understanding (commensurate with their role) of:

- The provision of special measures.
- ABEs.
- Ground Rules hearings.
- Pre-recorded cross-examination.
- Vulnerable witness handling including cross-examination.
- Myths and stereotypes associated with RASSO and domestic abuse cases.
- The law surrounding the admissibility of previous sexual behaviour and bad character.

6.5 Many, but not all, Judges and Advocates have already completed training on some or all of the above, but at present, they are not formally required to do so. It is particularly important that every Judge and Advocate who intends to work on a case involving a vulnerable witness, should complete this training and be required to attend regular updated training. I accept that this will require a period of regularly held initial training sessions. However, I am confident that all Judges (including Commissioners) and Advocates will have completed the

session²⁸ within twelve months of the publication of this report. Thereafter, I recommend that Legal Aid certificates for cases involving RASSO, domestic abuse or a vulnerable witness are only granted to those Advocates who are accredited members of the Criminal Legal Aid Panel and who have completed this training. At the new Indictment and Directions Hearing (as to which, see below), Judges should require confirmation of this. The Law Society is happy to facilitate this programme to ensure that Advocates receive appropriate training and that the choice of lawyer for defendants is not limited.

6.6 I appreciate that many of the stakeholders have traditionally organised their own training to deal with issues relating to sexual offending, domestic violence and vulnerable witnesses. None of my recommendations preclude any stakeholders from undertaking additional internal training.

6.7 I am pleased to report that all stakeholders have accepted this recommendation. I will liaise with each of them in the weeks following the publication of this Report to identify training providers, suitable dates and confirm course content.

Recommendation 2:

SoJP and LOD to -

- (i) Agree a joint Rasso Action Plan 2026;*
- (ii) Agree a joint approach to the adoption of Operation Soteria;*
- (iii) Agree a joint Service Level Agreement (“SLA”) regarding the provision of file submissions, early advice, timetable and level of engagement.*

6.8 This recommendation focuses on formalising and codifying the relationship between those investigating allegations of domestic abuse/sexual offences and the prosecuting authority. I have been greatly encouraged by the approach of the new Director of the LOD Criminal Division, Nicola Haywood and Detective

²⁸ The duration of the training need not be onerous.

Superintendent Alison Fossey MBE who share my view that a strong partnership between the SoJP and LOD and collaborative approach to the investigation and prosecution of offences are vital to ensuring just outcomes.

- 6.9 I therefore recommend that within Q2 of 2026 the SoJP and LOD agree a joint RASSO Action Plan setting out their shared guiding principles and the actions necessary to implement them. In 2021, the Crown Prosecution Service (“CPS”) and National Police Chiefs’ Council published a Joint National Action Plan (“JNAP”) with the aim of building and strengthening national and local relationships between the Police and CPS in the UK.²⁹ The JNAP is attributed with paving the way for Operation Soteria which developed the Police and CPS National Operating Models for rape cases.³⁰ SoJP have indicated their intention to implement Operation Soteria and officers have already undertaken training sessions.³¹ However, the strength of Operation Soteria is an underlying collaborative approach to a *joint* programme of activity. To this end, I further recommend that the SoJP and LOD adopt a joint approach to the implementation of aspects of Operation Soteria which are relevant to Jersey.
- 6.10 Finally, I recommend that within Q2 of 2026 the SoJP and LOD agree a joint Service Level Agreement (“SLA”), setting out, *inter alia*, requirements for the content of file submissions requesting charging advice (to include all relevant information relating to bail considerations) a timetable for the provision of advice, and the extent of collaboration over the making of prosecutorial decisions about charges, (including the withdrawal of charges and acceptability of pleas). Such an agreement will have the effect of accelerating the charging process and reducing delay by ensuring that the original file submission contains all material necessary for the LOD decision maker to provide charging advice. Furthermore, the standardisation of timetables provides an element of certainty to victim-survivors.

²⁹ <https://www.cps.gov.uk/sites/default/files/documents/publications/RASSO-JNAP-2021-v1-0.pdf>

³⁰ <https://www.cps.gov.uk/publication/police-cps-joint-national-rape-action-plan-final-report-2024>

³¹ <https://www.bbc.co.uk/news/articles/cly8x92y85xo>

6.11 I am pleased to report that the SoJP and LOD have accepted these recommendations and are already working together to:

- (i) Agree a Joint RASSO Action Plan which will be regularly updated.
- (ii) Ensure that key aspects of Operation Soteria such as the offender centric approach are embedded within all aspects of the investigation and prosecution of RASSO cases.
- (iii) Adapt the Early Engagement Protocol utilised by the CPS and police forces in the UK for use in Jersey.

Recommendation 3:

SoJP to ensure that all relevant material relating to the question of bail is provided to the LOD before a charging decision is made.

6.12 The ongoing safety of those who report crime is central to maintaining the integrity of and confidence in, the criminal justice system. The courts possess the power to remand into custody those accused of crimes pending trial or impose conditions on their bail to protect witnesses. Such decisions involve risk assessments partly based on historical information provided to Judges by the SoJP via an LOD Advocate. It is vital that such information is accurate and up to date.

6.13 The material may additionally be relevant to consideration by the LOD of whether to seek to adduce at trial evidence of the accused's previous reprehensible behaviour – referred to as "bad character". Again, accurate and up-to-date information is necessary to ensure timely and fair determinations.

6.14 I therefore recommend that the SoJP provide to the LOD as part of a submission for charging advice, all material relevant to the question of bail including, but not necessarily limited to:

- The accused’s previous convictions in or outside Jersey (including the other Channel Islands).
- Outstanding prosecutions in or outside Jersey (including the other Channel Islands).
- Previous acquittals (e.g. where the accused has been found “not guilty” of similar alleged behaviour by reason of the non-attendance of a complainant).

6.15 I am pleased to report that the SoJP and LOD have agreed to include the provision of such material within the terms of the Early Engagement Protocol (see Recommendation 2, above).

Recommendation 4:

Criminal Justice Working Group to produce and publish on the gov.je website a revised Victim and Witness Charter.

6.16 The Victim and Witness Charter was last updated in 2022³². I recommend that the Charter be updated to reflect the findings of the VAWG report and the progress subsequently made.

6.17 I understand that the Criminal Justice Working Group³³ has been working on a revised document which will be further updated to take account of my recommendations. I encourage all organisational stakeholders to signpost the document to complainants/victim-survivors.

Recommendation 5:

SoJP, LOD and JDAS to revise RASSO/domestic abuse information booklet for complainants/victim-survivors.

³² <https://www.victimsfirst.je/media/1008/victims-charter-final.pdf>

³³ The group includes representatives from JDAS, SoJP, LOD, FREEDA and the Probation Service.

6.18 Complainants/victim-survivors are likely to meet and receive information from numerous professionals working within the criminal justice system. It is not uncommon for them to feel overwhelmed by the volume of information they receive, and many have reported a lack of clarity about the process.

6.19 I therefore recommend that SoJP, JDAS and the LOD continue to work collaboratively to produce a revised RASSO/domestic abuse information booklet given to complainants. This booklet (which should also be available digitally) should include, inter alia:

- information about the people and organisations they are likely to come into contact with during an investigation/prosecution (e.g. LOD/Victims First/role of IDVA/ISVA/ JDAS/FREEDA)
- what to expect throughout the process.
- how, when and from whom they will receive information about their case.
- how to request that the person taking their statement/ABE, or FME, is of a particular sex.

6.20 I am pleased to report that the revised booklet is near to completion. In addition, I understand that in every RASSO case, the LOD intend to write to every complainant at the point of charge to explain the process and to offer to meet them in person to answer any questions they may have.

Recommendation 6: SoJP (following discussion with a complainant, JDAS and FREEDA) to identify a single point of contact for the support of complainants throughout their interaction with the criminal justice system.

- 6.21 Many of my recommendations focus on *what* information is provided to complainants/victim-survivors. However, it became clear from my interviews that *how* such information is delivered is of equal importance. It is inevitable that information received from multiple sources will contain inconsistencies (albeit unintentionally). Similarly, even identical information delivered in a slightly different way may appear inconsistent. Such inconsistency (real or apparent) may undermine confidence in the process and risk confusing complainants/victim-survivors.
- 6.22 I therefore recommend that at an early stage of an investigation, the organisational stakeholders involved liaise with the complainant to identify a single point of contact (“SPOC”) who will provide consistent information to the complainant throughout the process and if required, liaise with other stakeholders including the police (if the SPOC is not the OIC or Officer in the Case), to obtain updates and information on their behalf up to including an explanation of the outcome of the proceedings and signposting to on-going support services.
- 6.23 It is unnecessary for me to prescribe the identity of the SPOC or when and how often they communicate with the complainant/victim-survivor. This should be decided on a case-by-case basis in conjunction with the complainant/victim-survivor.
- 6.24 I am pleased to report that this recommendation has been adopted and is in the process of being implemented. FREEDA and JDAS have responded by drafting internal guidance and the SoJP have confirmed that they intend to formulate a ‘communication plan’ in every case involving domestic abuse and serious sexual offences. This plan will identify the SPOC, the extent of support provided and agree the manner and frequency of updates, and by whom. The availability of a SPOC will be signposted in the revised RASSO/domestic abuse information booklet for complainants (see Recommendation 5).

Recommendation 7: LOD (Criminal Division) to produce and publish comprehensive Charging Guidance for offences relevant to this review including domestic abuse and sexual offences.

6.25 The production and publication of comprehensive Jersey-specific Charging Guidance for relevant offences including rape, domestic abuse, sexual assault and non-fatal strangulation (when enacted) will benefit all stakeholders. In particular:

- Prosecutors will be able to use such guidance as a framework for producing well-reasoned, timeous and consistent charging decisions.
- SoJP will be aware of the factors relevant to charging decisions during the investigation and when compiling file submissions.
- Victim-survivors will be able to understand and analyse LOD charging decisions with a view to reducing the likelihood of resorting to the VRR process.

6.26 I am pleased to report that this recommendation has already been adopted. I note that the LOD has recently:

- Updated its website homepage to include quick accesses to the Code on the decision to prosecute thus clearly signposting to the relevant test.
- Reviewed its website page explaining the VRR procedure³⁴.

6.27 Furthermore, 'Supplementary guidance on the decision to prosecute domestic abuse' was published on 10 December 2025.³⁵ It clearly and comprehensively sets out for all stakeholders: relevant legal definitions, the type of evidence which may be relied upon to prove such cases, the application of the evidential

³⁴ <https://www.lawofficers.je/publications/guidance-and-directives/victims-right-to-review/>

³⁵ <https://www.lawofficers.je/publications/code-on-the-decision-to-prosecute/supplementary-guidance/prosecute-domestic-abuse/>

and public interest tests, relevant bail considerations and examples of potential offences. This is an important first step, which I understand will be followed by specific guidance on other relevant offences.

Recommendation 8:

LOD to write to and offer to meet victim-survivors to explain decisions to NFA, discontinue, offer no evidence or withdraw charges.

6.28 The LOD may only charge a suspect if the tests set out in the 'Code on the Decision to Prosecute' are satisfied. These are:

- (i) The Evidential test (i.e. whether there is sufficient evidence to provide a realistic prospect of conviction); and
- (ii) The Public Interest test (i.e. whether a prosecution is in the public interest).

6.29 Occasionally, the LOD may decide against charging a suspect or continuing proceedings if both tests are not met. Such a decision is based on a detailed assessment of the evidence and applicable law and guidance. Nevertheless, it is natural for complainants in such cases to feel distressed and want to understand the basis of the decision. A vacuum of information may result in complainants erroneously blaming themselves.

6.30 I therefore recommend that where the LOD concludes a case by taking no further action (i.e. deciding not to charge the accused), discontinuing, offering no evidence or withdrawing charges, it:

- (i) writes to the complainant, explaining in clear terms, the basis for its decision and the availability of the VRR process.
- (ii) offers to meet the complainant in person to explain the basis of the decision and answer any questions they might have.

6.31 I am pleased to report that the LOD has not only adopted this recommendation but agreed to go further by undertaking to:

- Write to a complainant when the test is met, explaining the next steps and organise a pre-trial meeting;
- Write to a complainant when the case has been concluded in the manner set out above, offer to meet and answer any questions they may have.

Recommendation 9: LOD and SoJP to convene NFA Scrutiny Panels to review cases which resulted in no further action etc. and convene structured Case Review Meetings with other stakeholders

6.32 The principal aim of this Review is to work with stakeholders to determine how current arrangements can be improved to deliver better outcomes for victims, defendants and justice. It is also important that following my departure, stakeholders have the mechanisms in place to appraise their own performance with a view to achieving the same aim.

6.33 I therefore recommend that:

- the LOD and SoJP convene regular NFA Scrutiny Panels to review cases which resulted in NFA, discontinuing, offering no evidence, withdrawing charges or successful VRR applications. The panels, comprising senior representatives from the LOD and SoJP, should consider all aspects of the case and identify future learning points – both positive and negative.
- the LOD, SoJP and other stakeholders (particularly, victim support services) convene structured Case Review Meetings following conviction or acquittal to consider all aspects of the case and identify future learning points – both positive and negative.

- 6.34 I am pleased to report that that this recommendation has been accepted. NFA Scrutiny Panels will be convened at regular intervals following the publication of this Report.
- 6.35 The LOD have committed to introducing structured de-briefs where there are recognisable lessons to be learned, irrespective of outcome. Notes of these meetings will be shared between the LOD and SoJP and used to inform future training.

Recommendation 10:

GoJ of Jersey to work with the Bailiff to increase Royal Court capacity.

- 6.36 It is apparent that the increased volume of cases tried by the Royal Court, taken together with inherent limitations to building capacity have led to delays in listing new trials. Such delays are exacerbated by the limitations of the historic Royal Court building.
- 6.37 I therefore recommend that the GoJ urgently work with the Bailiff to increase Royal Court capacity and ensure that court infrastructure is suitable to accommodate RASSO and domestic abuse trials which invariably involve vulnerable witnesses availing themselves of special measures. I understand that the construction/development of new court rooms necessarily involves considerable capital investment. However, in my view, it is unsatisfactory that Jersey's principal court cannot accommodate the most serious cases and dangerous defendants. In the interim and in any event, the Royal Court itself should be adapted so that there is a secure dock permanently installed and more comfortable seating provided for the jury.

- 6.38 I also recommend that the Royal Court make provision for a Robing Room to facilitate communication between the Advocates and ensure smooth progress of the proceedings. This works well in the Magistrate's Court.
- 6.39 All stakeholders accept that improvements must be made to court infrastructure and facilities. I understand that the discussions between the Bailiff's Chambers and the GoJ are ongoing as to how to best to achieve them. I look forward to seeing real progress on this issue when I return in 2027.

Recommendation 11: Early and effective case management of RASSO and domestic abuse cases.

- 6.40 The volume of trials involving allegations of domestic abuse, rape and sexual assault has increased in recent years. I do not underestimate the pressures on the courts to effectively case manage, and list trials and other hearings. However, the scourge of delay prolongs uncertainty and distress for victim-survivors, witnesses and defendants. It also undermines public confidence in the criminal justice system.
- 6.41 I therefore encourage that the Royal Court deploys early and effective case management mechanisms in accordance with Art 7 of the Criminal Procedure (Jersey) Law 2018 to prevent avoidable delay. In particular, I recommend the following measures are put in place for cases which are sent to the Royal Court for trial:
- (i) At the first appearance in the Magistrate's Court (following a not guilty plea), the court should:
 - (a) Make directions for service of the prosecution case papers.
 - (b) make directions for service of the defence statement; and

- (c) fix an "Indictment and Pre-trial Directions Hearing" to take place at the Royal Court a maximum of 8 weeks later. The IPDH should not take place on a Friday (known as "Samedi Court") unless there is sufficient time to deal with the matters set out below.
- (ii) At the IPDH, all parties must be in a position to deal with:
 - (a) The indictment.
 - (b) Fixing a trial date. In doing so, I recommend that the court prioritise RASSO and domestic abuse cases.
 - (c) Resolution of special measures applications.
 - (d) Identification of legal arguments (including bad character, cross-examination on previous sexual history);
 - (e) Timetabling the service of skeleton arguments and further case management hearings as required.
- (iii) Prompt listing by the Royal Court and/or parties in the event of any breach of the timetable set at the PTDH.
- (iv) A presumption that, unless exceptional circumstances apply, sentencing hearings are fixed within 8 weeks of a defendant entering a guilty plea or being convicted. This is to take account of the requirement for the preparation of pre-sentence reports by the Probation Service or medical professionals and for the police to take or update a VPS.

6.42 I estimate that my recommendations will dispense with an unnecessary hearing (known as "the indictment hearing" which currently occurs on a Friday morning "Samedi Court") and enables the court and parties to frontload the identification and resolution of legal issues.

6.43 I am pleased to report that the Bailiff has already taken the initiative and already implemented mechanisms to reduce delay and improve the listing system. I understand that such measures include:

- the establishment of a new email account monitored by two members of staff within the Bailiff's Chambers dedicated to processing and prioritising requests for listings

- seeking legislative change to the effect that the Superior Number may be constituted by a minimum of three Jurats rather than a minimum of five thereby enabling sentencing by the Superior Number to be held at the Magistrate's Court where possible.

Recommendation 12

Monitor the use of special measures and by Q2 of 2027, review whether to recommend that vulnerable witnesses be automatically entitled to special measures.

- 6.44 The use of special measures for vulnerable witnesses is now standard practice in Jersey. The full range of measures (such as the use of screens, remote link, pre-recorded examination-in-chief and cross-examination), are available and are being fully utilised. I had the benefit of observing a trial in the Royal Court where the prosecution were permitted to adduce evidence from a particularly vulnerable adult witness by way of a pre-recorded ABE interview and pre-recorded cross-examination. The considerable challenges which arose in that case were overcome thanks to the skills deployed by the police, intermediary and Advocates on both sides allied to the use of appropriate special measures and careful case management by the Court.
- 6.45 Vulnerable witnesses are not currently *automatically* entitled to special measures in Jersey. During the Evidence Gathering phase of this Review, a number of victim-survivors reported experiencing a certain amount of pre-trial anxiety about whether they would be afforded the protection of a particular special measure.
- 6.46 While it is important to note that appropriate special measures appear to have been granted in the cases mentioned in this Report, they were not always granted at an early stage of proceedings. For example, I observed the start of a trial (at the Royal Court) involving a vulnerable witness who was required to

wait at court for some time before giving evidence, in order for the advocates to make submissions and a decision to be taken about whether she would be permitted to give evidence from behind a screen. This was unacceptable.

- 6.47 The adoption of Recommendation 11 should resolve the problem of late special measures applications. I have considered whether to recommend automatic eligibility for vulnerable witnesses in these cases. However, I note that in recent judgments³⁶, the judges of the Royal Court have made repeated references to the development (in case law) of a “*presumption in favour*” of granting special measures in cases involving vulnerable witnesses. The Royal Court has also taken a pro-active role in assessing whether a particular measure applied for, would ensure that the witness is able to give their “best evidence”. I have therefore decided to monitor the situation and recommend that this issue be revisited in Q1 of 2027.

Recommendation 13: Prosecution Advocate to be given the opportunity by the court to meet complainants immediately after giving evidence.

- 6.48 The vast majority of victim-survivors I interviewed spoke positively of their interactions with prosecution advocates. They valued pre-trial meetings and sympathetic explanations of the process and roles. However, once their evidence had been completed, victim-survivors often felt in limbo and that the absence of a short follow-up meeting with the Advocate was an indication that they had done something wrong or that their evidence had been inadequate. This often contributed to them feeling unimportant, disengaged from the process and even on occasions, feeling judged whereas the prosecution Advocate had simply been required to continue presenting the evidence in the trial.

³⁶ Most recently in December 2025 :*AG v De la Haye* [2025] JRC

- 6.49 I therefore recommend that Prosecution Advocates be afforded the opportunity by the court to meet complainants immediately after their evidence to acknowledge the fact that they had given evidence, thank them and remind them of the next steps. For the sake of clarity, it is not being suggested that the Advocate expresses any view as to the nature, quality or effect of the complainant's evidence, but simply that the Advocate takes the trouble to speak to the witness and acknowledge the fact that they have given evidence.
- 6.50 I am pleased to report that this recommendation has been adopted and implemented. I understand that in RASSO, domestic abuse and cases involving vulnerable witnesses, the Bailiff is now offering a short adjournment of proceedings to enable prosecution Advocates to undertake short follow-up meetings.

Recommendation 14

Victims to be permitted to read Personal Statements at the sentencing hearing.

- 6.51 It became very clear during the Evidence Gathering phase that victim-survivors regarded Victim Personal Statements ("VPS") as an extremely important part of the process. Many observed that being given the option to read out their VPS in open court, made them feel engaged in the process and important, when previously they had felt quite the opposite. I recommended that every victim-survivor should be able to read out the relevant parts of their VPS at the Sentencing Hearing, if they wish.
- 6.52 Recently, the Royal Court in *AG v De La Haye*³⁷ issued guidance on this issue and indicated that any victim-survivor who wishes to read their VPS at the sentencing hearing may do so. In addition, a victim-survivor will be permitted

³⁷ [2025] to be published.

to read their VPS from behind a screen, or remotely, or even by way of a pre-recording, and do so “without even a theoretical risk of exposure to cross-examination”. The Court held that disputes over admissibility should take place in advance of the sentencing hearing and referred to issuing a Practice Direction on the procedure in due course.

6.53 This approach is to be commended. The requirement for any judicial ruling on the admissibility of parts (or all) of the VPS is likely to occur on a limited number of occasions. Those responsible for drafting the VPS with the victim-survivor need to take care to ensure that the statement is focused and covers only the personal impact (of the offending) upon the victim and not include any extraneous matters.

6.54 Many factual disputes about impact will not require resolution by the Judge. The courts no longer entertain submissions which seek to undermine:

- (i) the fact that there is a baseline of harm caused by all sexual offending, and
- (ii) that a vulnerable victim is more likely to suffer greater harm than a victim who is not vulnerable.

6.55 Furthermore, by seeking to challenge these basic propositions, the Defence are in danger of emphasising a continued denial of offending behaviour and/or lack of remorse.

6.56 If there is a dispute between the parties which may, or is likely to affect sentence, (such as whether the psychological or physical harm caused is severe or extreme), the sentencing court may consider evidence heard during the trial, the relevant part(s) of a VPS, and the submissions of Counsel. If either party wishes to adduce or challenge independent or expert evidence on the point, this can and should be resolved before the sentencing hearing.

6.57 Observations made by the Court of Appeal of England and Wales in the case of *R v Chall*³⁸ are of some assistance to those conducting such assessments:

“The judge must keep in mind that the intensely personal nature of a VPS may sometimes call for caution.....it is entirely understandable that the expression will sometimes be in very emotional terms..... The judge must, nonetheless, make a dispassionate assessment.”

6.58 Sentencing remarks must be clear as to (a) when VPS content is being relied on as proof of such harm, and (b) the degree to which this has affected the sentencing.

6.59 In order to ensure that these issues are resolved in advance of any sentencing hearing, my recommendation is that the prosecution should serve a VPS (or those parts of the VPS upon which it seeks to rely) on the court and defence 14 days before the sentencing hearing, and indicate whether or not the victim wishes to read the statement out themselves and if special measures are required. The Defence must respond within 7 days and indicate whether there are objections to any part of the VPS, and the basis for those objections. If a hearing is required, this should take place in advance of the sentencing hearing.

Recommendation 15:

Monitor sentencing in RASSO and domestic abuse cases and by Q2 of 2027, review whether to recommend the introduction of Jersey Sentencing Guidelines.

6.60 During the Evidence Gathering phase, victim-survivors and professionals alike reported a lack of clarity about how the courts have approached sentencing and

³⁸ *R v Chall* [2019] EWCA Crim 865, para 32.

a degree of inconsistency in sentencing outcomes. Sentencing courts must adopt a consistent approach to sentencing, and all those with an interest in the process should understand how the sentencing court has approached this task.

- 6.61 The VAWG Report recommended that *“clear and simple information on the guiding principles and general rationale used to make sentencing decisions in Jersey should be published”*.³⁹
- 6.62 On the face of it, this appears to be a recommendation for the publication of sentencing guidelines in cases involving sexual offending and domestic abuse.
- 6.63 Sentencing guidelines are already in use in Jersey. The Magistrate’s sentencing guidelines cover road traffic, public order and drugs offences. There are no corresponding guidelines in relation to domestic abuse and sexual offending.
- 6.64 During the later stage of this Review, the case of *Roberts-v- AG* was decided in the Jersey Court of Appeal⁴⁰. This important case recognised that sentences for rape in Jersey had historically been too low and did not reflect modern understanding of the psychological harm caused to victims. In addition, the Court recognised that sentencing in Jersey had become confused and inconsistent, with some cases following outdated guidelines, and others attempting to apply Sentencing Council for England and Wales Guidelines, while the Court of Appeal itself had been giving conflicting guidance⁴¹.
- 6.65 The Court endorsed the Royal Court’s adoption of a similar approach to that outlined in the Sentencing Council Guidelines, namely that the sentencing court should take into account a (non-exhaustive) list of harm and culpability factors in order to determine a starting point, which should then be adjusted according to the presence of a (non-exhaustive) list of aggravating and mitigating factors. However, the Court declined to identify starting point figures or sentence

³⁹ Recommendation 23 page 258.

⁴⁰ September 2025. *Roberts v AG* [2025] JCA 222.

⁴¹ *AG v Roberts* [2025] JRC 081

ranges for the different categories of rape offending and simply confirmed that an offence of rape could attract a broad range of sentences (from 5 to 15 years' imprisonment).

- 6.66 Whilst there remains an absence of guidance about specific category starting points and sentence ranges, it was made clear that sentencing courts will consider the "established body of (Jersey) case law", and if appropriate, the SC Guidelines. It was envisioned that the Royal Court would establish its own range of sentences and that the need to refer to the SC guidelines would diminish over time.
- 6.67 I have considered very carefully whether there is a case for the Jersey Court of Appeal issuing guidelines in respect of sexual and domestic violence offences. Recent robust judicial comments in *Roberts*, reflects a change in approach to sentencing cases involving vulnerable witnesses, by the previous and current Bailiff. In addition, on the 3rd December 2025, the Royal Court issued a new practice direction establishing a framework for the broadcast of Judges' sentencing remarks in cases that are of substantial public interest. Two sentences have already been broadcast live. This reflects a move in the direction of even greater transparency. Sentences passed in the Royal Court are published on the jerseylaw.je website and are accessible to all. These include full sentencing remarks. This was not widely known by the victim-survivors, and I recommend that this be signposted to them at the conclusion of any sentencing hearing by their SPOC.
- 6.68 By reason of the matters set out above, I have decided to monitor sentences passed in RASSO and domestic abuse for the next 12 months and recommend that the issue of Sentencing Guidelines be revisited in Q1 of 2027.

Recommendation 16

Legislators to re-consider the question of re-trials when a jury cannot reach a majority decision, or when compelling fresh evidence emerges post-conviction.

- 6.69 Currently the position in Jersey is that if a jury cannot reach a majority decision on any criminal charge or charges, the defendant will be discharged from the prosecution and will not face a re-trial.
- 6.70 In 2018, proposals to permit re-trials in such cases were debated and rejected by the States Assembly. Concerns were raised about unfairness and resource constraints.
- 6.71 The debate has continued, and during the Evidence Gathering stage of my review, several key stakeholders raised the benefits of introducing re-trials in appropriate cases. When considering the fairness of this proposal, it is of note that the law relating to sexual offences and cases of domestic violence has developed since 2018 and there is a greater understanding of the gravity and prevalence of such offending. The Jersey courts are now more familiar with addressing issues relating to the potential prejudice caused by adverse publicity or material available on social-media. The question as to how the courts can overcome the problems caused by prejudicial publicity was comprehensively dealt with in 2009 in the case of the *Attorney General v Aubin* [2009] J.R.C. 035A. Clear Judicial directions are regularly given to juries in such cases, and it is expected that they will be followed.⁴²
- 6.72 I therefore recommend that the Government of Jersey re-introduce this proposal for debate in the States Assembly.

⁴² Such directions were given to the jury in the recent high profile gross-negligence manslaughter case of Carr and Sevash-Zade.

Recommendation 17:

Criminal Justice Working Group to collate and publish data for charging, NFA and convictions for relevant offences.

- 6.73 The collection, retention and analysis of accurate data is essential when assessing the efficacy of the criminal justice system and the progress made following the implementation of the recommendations of the VAWG report and this Review.
- 6.74 I recommend that the Criminal Justice Working Group collate data from the relevant stakeholders (likely to be the Courts, LOD and SoJP), produce and publish a reliable database setting out annual statistics in respect of the following (per relevant offence):
- (i) Complaints made to the SoJP.
 - (ii) Decisions to charge.
 - (iii) Decisions to take NFA/offer no evidence/withdraw charges.
 - (iv) Where the allegation is tried (i.e Magistrates/Youth or Royal Court).
 - (v) The sentences handed down.
 - (vi) Conviction/acquittal rates; and
 - (vii) Hung juries.
- 6.75 I am pleased to report that the data is available and simply requires collation. The LOD and the SoJP are currently working together to produce a joint dashboard that tracks data through the system.

Recommendation 18:

Independent Review of the Compensation Injuries Scheme.

6.76 During the Evidence Gathering phase, I was made aware by victim-survivors and stakeholders of some of the difficulties encountered by victim-survivors claiming compensation under the Criminal Injuries Compensation Scheme.

6.77 Complaints were made about:

- The Board's inflexible approach to the 3-year time limit for claims, which it was claimed had caused unfairness to victims in cases involving domestic abuse and sexual violence.
- The unfairness caused to domestic abuse victims by requests for medical evidence in support of their claim, since the Board would refuse to provide the necessary funding for victims to be able to do this.
- The tone of letters sent to victims, which had caused some of them considerable distress.

6.78 Such matters fell outside the scope of my ToR. However, I recommend that an independent review of this Scheme should take place to ensure that the Scheme is being administered fairly and without unfair prejudice to Victims.

Recommendation 19

Monitor progress and report by Q2 2027

6.79 The final phase of my Review is the "Monitoring Phase." For ease of reference, I have drafted a table of Recommendations (see Annex 1, below). I will also be available on an ad hoc basis to assist with resolving any issues which arise. I

recommend that a year after the publication of my Report, I return to Jersey and meet stakeholders, monitor the implementation of the recommendations and update the Schedule of Recommendations. This should be published by Q2 of 2027.

7. CONCLUSION

- 7.1 Over two years have passed since the VAWG Taskforce published their report and wide-ranging recommendations including an independent review of the criminal justice system.
- 7.2 This Review has built on the VAWG Taskforce's work and recommends a series of measures with the aim of improving outcomes for victim-survivors, defendants and justice. The implementation of the Recommendations has required the organisational stakeholders to undertake a significant amount of work. This remains on-going. However, each of the stakeholders appreciates the need for change and have engaged with this process. They have engaged with each other, reviewed practices, re-drafted existing policies, and embarked on drafting completely new guidance, whilst at the same time continuing to work in one of the most challenging and important sectors. I am grateful to all the stakeholders and look forward to returning to Jersey in 2027 to monitor, review and report on positive developments.

ANNEX 1 - TABLE OF RECOMMENDATIONS

No.	Recommendation
1	Mandatory vulnerable witness training (funded by the GoJ) for professionals working within the criminal justice system, to be completed every three years.
2	SoJP and LOD to – <ul style="list-style-type: none"> - Agree a joint Rasso Action Plan 2026 - Agree a joint approach to the adoption of Operation Soteria - Agree a joint Service Level Agreement (“SLA”) regarding the provision of file submissions, early advice, timetable and level of engagement.
3	SoJP to ensure that all relevant material relating to the question of bail is provided to the LOD before a charging decision is made.
4	Criminal Justice Working Group to produce and publish on the gov.je website a revised Victim and Witness Charter.
5	SoJP, LOD and JDAS to revise RASSO/domestic abuse information booklet for complainants/victim-survivors.
6	SoJP (following discussion with a complainant, JDAS and FREEDA) to identify a single point of contact for the complainant throughout their interaction with the criminal justice system.
7	LOD (Criminal Division) to produce and publish comprehensive Charging Guidance for offences relevant to this review including domestic abuse and sexual offences.
8	LOD to write to and offer to meet victim-survivors to explain decisions to NFA, discontinue, offer no evidence or withdraw charges.

9	LOD and SoJP to convene NFA Scrutiny Panels to review cases which resulted in no further action etc. and convene structured Case Review Meetings with other stakeholders
10	GoJ of Jersey to work with the Bailiff to increase Royal Court capacity.
11	Early and effective case management of RASSO and domestic abuse cases.
12	Monitor the use of special measures and by Q2 of 2027, review whether to recommend that vulnerable witnesses be automatically entitled to special measures.
13	Prosecution Advocate to be given the opportunity by the court to meet complainants immediately after giving evidence.
14	Victims to be permitted to read Personal Statements at the sentencing hearing.
15	Monitor sentencing in RASSO and domestic abuse cases and by Q2 of 2027, review whether to recommend the introduction of Jersey Sentencing Guidelines
16	States Assembly to re-consider the question of re-trials when a jury cannot reach a majority decision, or when compelling fresh evidence emerges post-conviction.
17	Criminal Justice Working Group to collate and publish data for charging, NFA and convictions for relevant offences.
18	Independent Review of the Compensation Injuries Scheme.
19	Monitor progress and report by Q2 2027.

ACRONYMS AND ABBREVIATIONS

ABE	Achieving Best Evidence recorded account of a witness.
DAPN	Domestic Abuse Protection Notices
DAPO	Domestic Abuse Protection Order
Dewberry House	Dewberry House Sexual Offences Referral Centre or "SARC"
FME	Forensic Medical Examiner
FREEDA	Free from Domestic Abuse
GoJ	Government of Jersey
IDPH	Indictment and Pre-Trial Directions hearing
IDVA	Independent Domestic Violence Advisor
ISVA	Independent Sexual Violence Advisor
JDAS	Jersey Domestic and Sexual Abuse Support
LOD	Law Officers Department (Criminal Division)
NFA	A decision to take no further action i.e. not charge a suspect.
OIC	Officer in the Case
RASSO	Rape and serious sexual assault
SoJP	The States of Jersey Police
ToR	Terms of Reference for this Review
VAWG	Violence Against Women and Girls
VAWG Report	VAWG Taskforce report - <i>"It's a Hidden Problem – the issue of violence against women and girls in Jersey"</i>
VAWG Taskforce	The Taskforce on Violence Against Women and Girls in Jersey
VPS	Victim Person Statements
VRR	Victim Right to Review process