

JERSEY / JUDGMENT

AG -v- Jordan and Jordan [2011]

JRC 003 (06 January 2011)

[2011] JRC 003

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JUDGMENT

THE commissioner: 1. All the children who came into Haut de la Garenne did so because of some troubled or potentially damaging incident or events in their lives, none of which were their fault. What they needed desperately was love and care and sympathy. What they most definitely did not need was cruelty and violence but it was for some of them, as the Jury have found by their verdict, that that they received at your hands. Our judgment of you, and of course I have seen you in the course of the trial, and the Jurats have read the papers, is that you Mrs Jordan were cold and uncaring and spiteful, and you Anthony Jordan, were a bully. This was not, in our judgment, heavy-handed discipline, this went further than that, it was cruelty and totally unnecessary violence. 2. So far as aggravating and mitigating features are concerned there is no doubt that the total experiences in childhood of these men and women, as they now are, have left most of them seriously damaged in adult life. You were part of that but we remind ourselves that it cannot all have been because of you, other terrible things happened in their lives which will have impacted seriously on their development as human beings in adulthood. We bear in mind also that apart from these offences, you are people of good character both before and more importantly since, we have read many references speaking in glowing terms of you and there is no doubt at all that since your tenure at Haut de la Garenne your character has been impeccable. 3. We are dealing with offences which took place many years ago. That is relevant in two ways; it is argued that attitudes to physical punishment were different in those days and so to some extent they were. We are talking only of 25 or 30 years ago, we are not talking about the middle of the nineteenth century. Too much can be made of this because we have seen the rules that existed in the home and they were, save for the fact that corporal punishment was in some circumstances allowed, very much what one would have expected to exist. It is fair to you to say that you did not see the rules but you do not need to see them to know that you should not do the sort of things that you had done. 4. The second relevance of the delay is that it is a matter of mitigation in your case that there has been the passage of this long period of time since the offences before you now fall to be dealt with. It is clear on all the authorities that in this sort of situation that mitigation is limited, it is not as limited as it can be in relation to sexual offences against children, but it is a limited mitigation because they were children in circumstances where it was very difficult to complain. To the limited extent that official complaints were made, it is clear that absolutely nothing was

done about them. We bear in mind also as part of what has happened since, that you undoubtedly have suffered public humiliation as a result of your arrest and prosecution. In the light of the verdicts of the Jury that was a humiliation which was deserved because they found you guilty, as we have indicated, of these serious offences against these children. It hardly needs to be said that offences against children in care by those who are charged with the care of them are of the utmost seriousness, whether they be sexual offences, which of course these were not, or whether they are offences of violence and it is absolutely essential in our judgment that anybody knows if they have care of children and mistreat them in any way at all that amounts to criminal offences, when the law catches up with them they will be treated seriously. 5. In our judgment the offences here pass the custody threshold; they would have at the time and they still do now. We have considered all the mitigation that has been set out very properly in detail by your Advocates but we have concluded that the only possible sentence in this case is one of immediate custody. Those sentences will be considerably shorter than they would have been had this been dealt with, let us say, in the mid 80's, because of the mitigation you have not only of the delay, but that of your impeccable life since, and the fact that you will be serving a prison sentence at an age when very few people have to serve a prison sentence, but it is our conclusion that no alternative to custody is possible. The length of the sentences will be slightly shorter than those proposed by the Attorney-General and structured in a slightly different way. 6. The conclusion of this Court is that these offences are so serious that only a custodial penalty is appropriate for them. In your case Mrs Jordan, the sentence will be one of 9 months' imprisonment made up as follows. Count 20 and Count 27; 3 months concurrent with one another, Count 2; 3 months' imprisonment, Count 21; 2 months' imprisonment, Count 22; 2 months' imprisonment, those concurrent with one another but consecutive to the 3 months on Counts 20 and 27. Count 16; 3 months' imprisonment, Count 23; 2 months' imprisonment, Count 24; 2 months' imprisonment, those concurrent with one another but consecutive to the 6 months, making 9 months in all. 7. In your case Anthony Jordan, the sentence will be one of 6 months' imprisonment made up as follows. Counts 36 and 39; 3 months' imprisonment, Counts 44 and 45; 1 month's imprisonment, concurrent with one another. Counts 40 and 41; 3 months' imprisonment, Count 46; 1 month's imprisonment, Count 47; 1 month's imprisonment, concurrent with one another but consecutive to the 3 months in respect of Counts 36 and 39, making a total of 6 months in all. Authorities Whelan on Aspects of Sentencing in the Superior Court of Jersey. R-v-Dodgson [2001] 1 Cr. App. R. (S) 85. R-v-Todd (1990) 12 Cr. App. R. (S) 14. AG-v-Bradley 2000/60. R-v-Durkin (1989) 11 Cr. App. R. (S) 313. R-v-Rayson [2000] 2 Cr. App. R. (S) 317. R-v-Ali [2002] 2 Cr. App. R. (S) 120. R-v-Martine G [2007] 2 Cr. App. R. (S) Attorney General's Ref No 105 of 2004 (S. H.) [2005] 2 Cr. App. R. (S). Page Last Updated: 18 Aug 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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