

JERSEY / JUDGMENT

AG -v- Whitehouse [2015]

JRC 224 (06 November 2015)

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JUDGMENT

THE BAILIFF: 1. You are here to be sentenced on an Indictment which contains seven counts of making indecent images of children. The total number of images was 498 still images, 1,059 movies and of those 570 images were at category 4, that is 160 still and 464 movies and 30 images at category 5, 1 still and 29 movies. You had been conducting that making of images over a period of some ten years during which you were a serving police officer and after you left the police in 2009, you were a charity worker for Prison Me No Way (PMNW), a charity working with the Island's schoolchildren. 2. For the avoidance of doubt there is no evidence of any contact offences and it is not alleged by the Crown and I want to make that absolutely plain, we are looking only at offences involving making indecent photographs of children and equally, for the avoidance of doubt, as has been said by your counsel and I think accepted, that by you in your interviews these offences are serious offences where there are real victims, children are real victims of these offences, and that is what makes them serious. 3. The Court's policy for sentence is well settled by the Superior Number decision of AG-v-Godson and Crowley

[2013] JRC 074 . There is no dispute that the offending in this case falls within category 4 as set out in the Godson case and we have to decide what the initial figure should be. Having looked at a figure of 3 years we then increase it according to the aggravating features of the offending before applying appropriate mitigation. Here there is a large number of images at levels 4 and 5 and a very large number of images overall. In addition the making of images took place over a significant period of time and we think there are seriously aggravating features in that you were a serving police officer and also subsequently worked for PMNW; because your conduct brings, as you have acknowledged, shame on both the police force and upon that charity which is a charity which has as its object the keeping of children out of custody. So we think that the appropriate initial figure is actually 6 years' imprisonment rather than the figure 5½ taken by the Crown in that respect. 4. Having said that, it is important to recognise that sentencing is not a mechanical or an arithmetic exercise and we entirely accept what Advocate Gollop has said to us in a very full and appropriate mitigation speech that you have credit for all the good things you have done as well and there is a balancing exercise to be conducted and we have conducted that exercise in discussion of the facts of this case. 5. It is clear from al

the references that have been put before us that as a serving police officer you have achieved a lot of good for the community. It is clear that in PMNW you have helped, no doubt, a number of children and generally speaking, we have looked at those references and what you have done in a positive fashion and it is important that because of the shame and the remorse that you have shown and, rightly shown, it is important that you recognise there are those good things in your past that are taken into account as well. 6. You are sentenced for what you do but people do make sometimes quite serious mistakes, as here, and in doing so you should appreciate the Court looks at the matter in the round. Having taken a starting point of 6 years' imprisonment we give you full credit for a guilty plea and we take into account that you have not tried to blame anyone else, in particular you have immediately taken the opportunity in ensuring that your family could not have been criticised for these images. We have taken into account the cooperative approach you took with the police; we have taken into account good character and, as I say, the very appropriate remorse that you show for these serious offences and in the circumstances we have reached the conclusion that an overall sentence of 3 years' imprisonment would be appropriate for the offending which you have committed. 7. Accordingly, taking the Indictment you are sentenced to 3 years' imprisonment on each Count except Count 5. On Count 5 you are sentenced to 2 years' imprisonment. Each of those sentences will run concurrently, making a total of 3 years' imprisonment. 8. We also order the forfeiture and destruction of the computer equipment and other equipment which is referred to in the Indictment on which the images have been stored. 9. Finally we turn to the restraining orders. We are not satisfied that it is appropriate or proportionate to make the third restraining order which the Crown has requested, namely that you should not undertake potential employment or voluntary work without first informing the police. Having looked at the background reports it is not clear that it would be proportionate to make that order given the threat of serious sexual harm to children that would arise from your conduct and so we do not apply the third of those restraining orders. We do impose the first two restraining orders which are not opposed today though we add that it would have been helpful we think if the Crown had included some of the other precedents in relation to the imposition of restraining orders because they go further than the statement which the Crown has made in its summary that the first two orders are "invariably applied to offenders who have made indecent images through downloading them." It is not a question of invariably applying restraining orders of this kind, given the imposition of a restraining order is a serious matter and the statutory test must be met. 10. We also note that you have the notification requirements already applied to you from the date on which you entered a guilty plea and we order that a period of 5 years from that date of your entry of guilty plea before this Court should expire before you can apply to have the notification requirements disapplied to you. 11. You are sentenced accordingly. Authorities Sex Offenders (Jersey) Law 2010. AG-v-Godson and Crowley

[2013] JRC 074 . AG v Young

[2013] JRC 212 . AG v Videgrain

[2014] JRC 040 . Page Last Updated: 27 Sep 2016 BAILII: [Copyright Policy](#) | [Disclaimers](#) | [Privacy Policy](#) | [Feedback](#) | [Donate to BAILII](#)

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