

**ROYAL COURT
FULL COURT**

10th January 2020

**Before: Judge J R Finch OBE, Judge of the Royal Court and:
Terry John Ferbrache,
Jonathan Grenfell Hooley, Alan Stevenson Boyle, Peter Francis Gill,
David John Robilliard, Marilyn Jasmine King, Tina Jane Le Poidevin,
Paul Martin Burnard, Jurats.**

THE LAW OFFICERS OF THE CROWN

- v -

Ian Andrew Pierre ROUSSEL

Crown Advocate J D McVeigh appeared for the Crown

Advocate S E Steel appeared for the Defendant

JUDGE OF THE ROYAL COURT:

Background

You appear here for sentence on an Indictment containing 13 counts. In short, you made 28 indecent images of children and distributed 27 indecent images of children.

The maximum penalty on each is 10 years' imprisonment. For the purposes of the legislation, downloading is equated to 'making'.

The SAP categories have been used to classify the material and they go in increasing order of seriousness from category 1 to category 5. We are fully aware of these categories. It is worth pointing out that the Court of Appeal in its guideline case of Wicks used these SAP categories and that case, of course, is binding upon us. Hence whatever new classification the Police may make use of, we must harmonize that with the leading case.

This case concerns categories 1 to 4, both stills and videos. We have heard what each count represents and need not repeat this.

In relation to making indecent images and movies the total on which you are to be sentenced is:

- 18 - category 1
- 6 - category 2
- 1 - category 3
- 2 - category 4

There is some repetition of images which has been taken into account. 27 indecent images were sent, as in counts 10 to 13 and we note the description of samples attached to the Prosecution papers.

The history of this case shows your arrest on the 7th January 2019. You were bailed and re-interviewed twice, after the exhibits had been examined. You were charged on the 10th April 2019 and the next day the Magistrate's Court declined jurisdiction. You entered pleas of 'not guilty' on the 6th June 2019, a trial date was vacated and it was re-listed. On the 13th November 2019 you changed your pleas to 'guilty'. You have been in custody since the 7th March 2019 and you are a local man, now aged 58 years with no previous convictions.

Sentencing Considerations

As stated, we are bound by Court of Appeal guidelines. On looking at the number and description of the indecent images we need to select a starting-point, before proceeding to an appropriate level of mitigation. Here we have SAP categories 1 - 4, most category 1. Although there was distribution it is not on a large scale and the number of images in total, under the guidelines is not 'large'. Hence, taking everything into account we arrive at a starting-point of 3 years.

Mitigation

We have considered the submissions of your Advocate, the letters and the Probation report. You have done yourself no favours at all in your Police interviews and the nonsense you presented to the Probation officer. Your responses to the Police necessitated further enquiries – a dissipation of scarce and much-needed resources. You seem to still be inhabiting a 'fantasy world'.

In your favour is that you have reached your present age with no previous convictions. That is a relevant mitigating factor. Hence we feel justified in giving a discount, principally on that basis and noting the eventual guilty pleas when a trial had been fixed and we make this one-third. We note the conclusions of Dr Rahman as imparted by your Advocate.

Sentence

As we have remarked before, this is manifestly not a victimless crime. The demand for this type of pornography causes young children all over the world to be exploited and their lives blighted, quite possibly we can say, for the rest of their days.

We consider the most sensible way of dealing with sentence is to impose concurrent terms of the total criminality you have committed, representing each offence.

Hence, on each count then:

- the sentence is 2 years' imprisonment, concurrent, **total 2 years with effect generously from the 7th March 2019**.
- Confiscation and Destruction Orders as requested. On the facts there could be no argument on this on what we have heard. This is clear from the examination by the Prosecution expert.

Extended Sentence

Having carefully considered the contents of the Probation report and the need to manage and monitor your behaviour, and, on the facts of this case we accept the recommendation for an Extended Sentence Order.

The Court considers that the usual period of supervision after sentence would not be adequate for the purpose of preventing the commission of further offences and securing your rehabilitation. Consequently, the Court is imposing an extended period of imprisonment. This has two elements –

the custodial term, followed by an extension period after your release, throughout which you will be subject to an Extended Sentence Licence.

- The custodial term is 2 years' imprisonment.
- The extension period shall be for 5 years.

If, upon release, you fail to comply with the conditions in the Extended Sentence Licence, or are convicted of a further imprisonable offence, the court sentencing you, or the Parole Review Committee, can revoke the licence, in which case you could be returned to custody for the remainder of the sentence. There are various standard conditions in respect of the Order and there will be a piece of paper in respect of this so I will summarise the Standard Conditions:

1. To be well behaved and not commit any offence and not to do anything which could undermine the purposes of your supervision, which are to protect the public, prevent you from reoffending and help you to resettle successfully into the community.
2. To keep in touch with your supervising officer in accordance with any instructions you may be given.
3. If required to receive visits from your supervising officer at your home.
4. Permanently to reside at an address approved by your supervising officer and notify him or her in advance of any proposed change of address or any proposed stay (even for one night) away from that approved address.
5. Undertake only such work (including voluntary work) approved by your supervising officer and notify him or her in advance of any proposed change.
6. Not to travel outside Guernsey without prior permission of your supervising officer (which will be given in exceptional circumstances only).

In addition, having carefully considered the matter, the Court is of the view that the additional requirements mentioned by the Probation officer are justified on the facts of this case. We consider them necessary and proportionate having considered all the circumstances. Those are as set out in the Probation report and those additional conditions are:

1. To comply with any requirements specified by your supervising officer for the purpose of ensuring that you address your sexual offending behaviour problems.
2. Not to possess or use any device capable of accessing the Internet without the prior approval of your Supervising Officer.
3. Not to delete the usage history on any Internet enabled device or computer and to allow such items to be inspected and removed as required by the Police or your Supervising Officer.
4. To allow the installation of monitoring software on any Internet enabled device or computer if deemed necessary by your Supervising Officer.
5. Not to have any contact, directly or indirectly, by any means with any child under the age of 18 years without the prior permission of your Supervising Officer, other than such contact that is inadvertent and not reasonably avoidable in the course of a lawful daily life.

In addition Mr Roussel, the Court also grants the application for a Registration Requirement and Notification of Requirement to register with the Police. That dates from the 13th November when you pleaded 'guilty' and extends when considering all the facts of the case, the nature of the offences and the particular risk of harm for a period of 10 years. As the Probation officer says, external risk management will be crucial in this case. There are, we agree, significant risk concerns. Again, Mr Roussel you will get a Notice, so again I will summarize what that Notice will say:

- You are now required by Law to notify the Police within 24 hours; or within 24 hours of release if you are in Prison or otherwise detained, of your name, any other names that you use, your address, your date of birth, your social security number, your passport details, your bank account details and your employment details. If asked to do so, for verification purposes, you must allow your fingerprints, photograph and/or a DNA sample to be taken.
- You must notify the Police of any change of name or home address at least 24 hours in advance of the change occurring, or within 24 hours if you had no prior knowledge of the change occurring.
- You must notify the Police of any address where you reside or stay for 7 days or longer. This means either 7 days at a time or a total of 7 days in any 12 month period.
- You must notify the Police of your details every 12 months on the anniversary of your initial notification, even if there is no change in these details.
- You must notify the Police at least 7 days in advance of any plans to travel abroad.

I repeat, you will have this in the form of a Notice which you can study so you have all those points set out and the Extended Sentence Notice as well. That is the Order of the Court.

- 2 years' imprisonment from the date given.
- 5 years' Extended Sentence and
- 10 years' Notification Requirement from the date of your pleas of guilty.

**Judge J R Finch OBE,
Judge of the Royal Court**

10th January 2020