

DRAFT

Agreed

DPA

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DIRECTOR

RT. REV. PETER JOHN BALL
BISHOP OF GLOUCESTER

Following our discussion of this case with you on 24 February 1993, Ricky Rhoda and Brandon Longden held a conference with the Gloucestershire Constabulary on 26 February 1993 when the totality of the evidence was reviewed and views were expressed as to disposal.

This investigation was launched as a result of a complaint by one complainant, Neil Todd (aged 19 years), concerning two offences of indecent assault/gross indecency which allegedly occurred in September and October 1992. In the course of the investigation Police were directed to other "victims", who have made statements which disclose earlier examples of the type of allegations which Todd makes. Under Police interview Ball admitted a limited degree of intimacy with Todd but denied any indecent contact or other activity.

On analysis of the various statements, it was accepted by Police that there was no prospect of successfully prosecuting Ball in respect of any earlier allegations than those advanced by Todd for the following reasons:-

(i) time bar or age bar in respect of gross indecency.

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(ii) consent of victims in respect of indecent assault.

So far as Todd is concerned, he makes two allegations (at the lower end of the scale of indecency) which could be the subject of prosecution:

- (a) On or about 22 September 1992 Ball and Todd got undressed in Todd's bedroom and Ball stroked and caressed Todd on his body, kissed his shoulder and briefly held Todd's penis.
- (b) On or about 22 October 1992 Ball and Todd got undressed in Ball's study and Ball stroked and caressed Todd on his body, kissed his neck and invited Todd "to do anything to me". Todd thereupon stroked Ball on the side of his body and Todd's elbow knocked Ball's penis causing Ball to ejaculate.

In any prosecution of Ball based on Todd's allegations, it would be proposed to adduce the evidence of the other "victims" as evidence of system and to rebut Ball's denials of indecency. The admissibility of this similar fact evidence would doubtless be a strongly contested issue.

There was a consensus of view at the conference that the options boiled down to prosecution or caution. The route of a caution was agreed to have the following attractions:-

- (1) Any trial would be at the Crown Court with strongly contested issues of credibility and admissibility.

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Acquittal by a jury could by no means be ruled out (with potentially disastrous consequences).

- (2) Many of the prosecution witnesses are DPA, fragile and sensitive. Todd has already attempted suicide. Any public appearance in a witness box would be a traumatic and harrowing experience for them.
- (3) This is at the lower end of the scale of indecency and any sentence would be limited to the Todd allegations.
- (4) The main objective is to prevent any further abuse and breach of trust by Ball and to make him resign his position.
- (5) Acceptance of a caution would be the end of Ball's career. His solicitor has already indicated that Ball would accept a caution and resign.

Had it been possible to bring charges against Ball in respect of more than one complainant, our unanimous view would have been in favour of prosecution on the basis of systematic breach of trust. In the circumstances as they are, however, we share the Police view that a caution would be a proper disposal and be in the best interests of all concerned.

If you are content with a caution, it would be our intention to write to Ball's solicitors to the effect that we would be ~~prepared to authorise a caution for one offence of gross~~

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