

Scottish Child Abuse Inquiry

Witness Statement of

Catherine Ann White

Support person present: No

1. My name is Catherine White. My date of birth is [REDACTED] 1964. My contact details are known to the Inquiry.

Personal background and experience

2. I am a Principal Depute with The Crown Office and Procurator Fiscal's Service currently working in the summary department in the Fiscal's Offices in Ayrshire. I first started as a trainee solicitor in Crown Office in Edinburgh in 1986.
3. I then worked as a trainee and Fiscal Depute in Ayr for three years before moving to the office in Glasgow in 1990. I later became head of the child witness unit there. This unit had been set up by a senior fiscal called Geri Watt, when it was recognised that there was a need for special consideration to be given as to how child witnesses were dealt with when giving evidence in criminal cases.
4. When I arrived at the unit there was a cabinet full of cases, some of which did not involve children. I got permission from the Assistant Procurator Fiscal John Watt to concentrate on those cases that only involved children.
5. Thereafter I allocated these cases to myself and the HPO in the unit for precognition. I then prosecuted the Sheriff and Jury cases myself. This was to ensure that there was continuity as to who the children had to deal with. If a case had to be heard in the High Court, I would attend there with the children prior to the case calling to

familiarise them with the surroundings. I would also generally be present on the first day of the trial to assist with the start of the case and to offer the AD the chance of an introduction to the children before they gave evidence. I took all the training offered by the Department and did more in my own time. I also did a course on Child Law in my own time.

6. I immersed myself in dealing with children giving evidence in criminal cases, the idea being to make the process as friendly and easy as possible for them. Later in this statement I will explain what I feel are the particular difficulties that a child has in giving evidence as well as the problems adults have about speaking of abuse they suffered as children.
7. In the Child Witness Unit we also maintained what was called the "Moorov Book". This allowed us to keep a note of cases reported that, on their own, had insufficient evidence to take proceedings against an individual. However, if a second report was lodged making similar allegations against the same individual we were then able to link the cases and prosecute using The Moorov Doctrine.
8. I do not think other offices in COPFS had a Child Witness Unit though they did have child witness resources and, while COPFS does have a National Unit for Sexual Offences, they don't have a National Unit for Child Witnesses and I think that is a great loss.
9. I moved to the Paisley office in 1996 and worked in various units there and in addition was the child witness resource for the Argyll and Clyde Area for the next four years. I was also part of the Crown Office standing committee on children and did training inside the department and represented the department by providing training to outside agencies on child abuse cases. In 2000, I moved to the office in Greenock which was where I first got involved with the criminal cases that resulted from investigations into alleged abuse at Quarriers. Many of these allegations, in time, went on to be proved. Towards the end of my time in Greenock, I arranged for the training of child witness resources for Argyll and Clyde by myself with input from Crown Office policy division. I had been a child witness resource for nearly a decade

by this time and dealing with the Quarriers cases for nearly four years in addition to my ordinary workload. I had indicated to, and discussed with, the Regional Fiscal the strain caused by these various commitments and as a result this programme of training was set up. The plan was that I would lead on this work and the load would be spread; it would also deal with the issue of succession planning which was ideal as I then went on secondment to the Inspectorate of Prosecution in Scotland.

10. At that time it is unlikely that anybody in the Procurator Fiscal's Office at Greenock or elsewhere had been involved in the investigation and prosecution of the abuse of children in a residential setting. I would say the closest I personally had come to this was the prosecution of a man alleged to have abused two children he had fostered. This case resulted in a plea at the trial.
11. In years gone by I don't think people realised that there were such serious problems with child abuse. In my opinion it wasn't until 1986 when Esther Rantzen and her team from the BBC programme "That's Life", highlighted how serious a problem child abuse was, that people felt empowered to come forward and speak about the abuse they suffered as children. I think we owe that team a great deal of gratitude.
12. Generally, those that came forward at that time had been victims of child abuse within a family setting. I would say it is an accepted fact that the majority of child abuse happens within the family setting. Abusers tend not to be people that drag children off the street. They are your father, your uncle, your mum's boyfriend, people known to the child and as often as not people trusted by the family.
13. COPFS, by the very nature of its work, is a reactive service. People make an allegation to the police who then report the matter to us for further investigation and possible prosecution. It is my personal view that from 1986 onwards it became more socially acceptable for people to speak about the abuse that they had suffered as children.

14. It is my opinion that, in respect of children in residential care, there are additional barriers in place that make it more difficult for them to speak up against their abusers.
15. Disclosure by a child of abuse, unless it's a "drag off the street case" (which is not the norm) is delayed for a number of reasons. The child has been groomed or prepared and is convinced that nobody will believe them. That alone is a significant barrier for a child to overcome.
16. For a child in care you have the additional barriers of what happened to them prior to going into care and the fact that they might have additional mental hurdles to overcome. That's not to say that they didn't disclose the abuse earlier because we know from our investigations into Quarriers that some children did disclose the abuse at an early stage.
17. The problem was, who could these children speak to about what was happening to them? Some rarely got visitors. Also, when they saw a social worker, it could be in the presence of their abuser. How could they speak up?
18. As adults, trying to disclose something that happened to them as children is difficult. We cannot expect such people to immediately speak up and disclose everything that happened to them at once. They disclose as and when they are ready and as often as not this is done over a period of time.
19. This is one of the reasons why I would not be surprised if records from Quarriers showed that, in some instances, no complaints were made at the time. Either the child had nobody to speak to or they didn't feel able to disclose what had happened to them. But just because they told nobody at the time, doesn't mean they shouldn't be believed years later or that the matter shouldn't be properly investigated.
20. A person will disclose what they can until they feel secure enough to disclose a bit more. Then it may take another while until they feel secure enough to make further

disclosure. Full disclosure often doesn't happen for some time and will only happen when the person is fully ready to do so.

21. In the same way I feel that there are those who will never be able to speak of what happened to them as children and will go to their graves having told nobody. This and the basic fact that people find it difficult to speak of such things will always mean there is the possibility that there are others still to come forward and speak of what happened to them whilst in care.
22. If you think about it there has to be people out there who think to themselves 'Why should I put myself through this process? Why should I subject my family to it? I'm just going to be called a liar and nothing will happen to the accused anyway after all this time'?
23. It is well documented in the press that there is not a high rate of conviction for rape and other offences of a sexual nature. People read these things and seriously ask themselves why they should go through such an ordeal with little chance of a positive outcome.
24. The problem with that attitude is that such people don't seem to realise that we will take them seriously, we will investigate the matter thoroughly and, if there is a sufficiency of evidence we will prosecute. I think people aren't aware of that and have a basic mistrust of the system.
25. In the cases concerning Quarriers both myself and the police officers involved took great care with those who came forward and I genuinely believe we couldn't have taken better care of them had they been our own family. It was vital that we gained their trust to allow them the opportunity to speak fully to us.
26. In fact, not only did we give full support to the witnesses, we did all we could to give support to any that needed it to ensure the cases progressed as smoothly as possible. For instance, one of the accused was Joseph Nicolson who was an old man. He required a support person in court and I made no objection to this to help

the case progress. Common decency demands that you treat everyone with courtesy.

27. The problem is that many of these people had numerous barriers to overcome and we know that many of them had endured terrible lives as children prior to going into care. When you read the records from Quarriers it would make you weep to read of the lives these children endured prior to going into care.
28. For some children, going into residential care may have felt like a blessing as at least they would be fed, they would be clothed. From viewing such records I noted that the children also had a physical examination every year

Operation Orbona

29. The police investigations into abuse at Quarriers went as far back as the 1950's which were the dates included in the case against Mary Drummond.
30. HOLMES is a computer based tool used by the police in major investigations. It allows the police to link pieces of evidence drawn from various sources but I would not wish to comment further as it is not my area of expertise. Dougie McCracken was the officer acting as HOLMES operator. He did incredible work during that operation. What I will say is that the police found it incredibly helpful during their investigations involving Quarriers.
31. The first case they investigated concerned Samuel McBrearty which was reported by the police in 1999 and he was committed for further examination (CFE'd) in June 2000. Then it was the case against Joseph Nicolson followed by the case against Mary Drummond and thereafter various others all of which I'll discuss later in this statement.
32. My involvement with the cases emanating from Quarriers Homes was from the summer of 2000 when I arrived in Greenock until 2 April 2004 when I left. The police will be able to give the exact dates of Operation Orbona. At the time there was

Crown Office guidance in how to deal with children as both victims and accused in Chapter 16 of The Book of Regulations but I don't think there were instructions specific to children who offended in residential care.

33. In terms of those giving evidence in cases concerning abuse at Quarriers, Chapter 16 would not have been relevant due to the fact that they were no longer children. However, when dealing with children, Chapter 16 was extremely helpful. There was also what was called the precognoser's handbook and a lot of training was given to staff on the subject of children which I took part in and then later conducted myself or ran with others.
34. What all of this didn't include was training or instruction on how to deal with children in care. However, experience had given me an insight as to how to deal with charges of a sexual nature and, while those speaking about Quarriers were now adults, they were speaking of what they remembered as a child.
35. Also, I knew how perpetrators operated, I knew how witnesses related their experiences in a fragmented manner and all this assisted me in dealing with the cases concerning Quarriers. It allowed me to understand the cases and enabled me to investigate and prosecute them properly.
36. While I did have line managers that I could have discussed the Quarriers cases with, I was the Child Resource depute, I was the PD, the second in command at Greenock and ran these cases with the police and on Crown Counsel's Instructions. I was initially the only active child witness resource but later on I trained more before I moved on.
37. In addition, the police officers involved were experienced and dedicated and knew how to deal with vulnerable people. I think a lot of lessons were learned during the investigations into Quarriers and it is my hope that similar such officers would be in place in future cases dealing with victims of historical abuse. I cannot praise the officers concerned highly enough.

38. For periods during the 4 years I met with the police officers involved with the investigation about once a month or at least every six weeks. I don't think that was the normal approach in those days but I found it extremely useful and the meetings were essential in making sure matters stayed on course. My notes of these meetings have not been located but from memory we went through all of the enquiries (going by suspect or complainer) which the officers were working on. While much of what the police did would be considered operational matters for them to make decisions on, I felt that my duty was to give advice and guidance to them and try and make sure things stayed on track.
39. It was also important to remember that we had limited resources to deal with any inquiries and, to me, the resources we did have were precious and had to be used properly. For instance, the police wanted to do a trawl of Quarriers and wanted me to ask for a search warrant that gave them carte blanche to look at every record that Quarriers possessed. To me this would just have been a fishing exercise and no sheriff would have granted such a warrant. This would have been a waste of our resources. It was not, in my opinion, proportionate or justifiable. Quarriers had been open for about 100 years and I had estimated that approximately 100,000 children could have been cared for there. Such a step would have bogged down the enquiry; caused delays which could possibly make viable prosecutions fall foul of ECHR and also was intrusive to the majority of residents who had no complaint to make.
40. We were also dealing with multiple suspects and the European Convention on Human Rights (ECHR) was very much an issue, meaning that we couldn't allow things to be put on the back-burner and had to have continuous progress. It would have been dreadful to raise the expectations of those who came forward only to have a case thrown out as a result of delays.
41. During these meetings no instructions were given to the police with regards to what approach should be taken depending on whether the allegations were physical or sexual. It can be seen from the different cases we prosecuted that both types of allegations were looked at and prosecuted on their own merit. Quite simply, if our

office was presented with sufficient evidence to justify proceedings in a case then that case was prosecuted.

42. It was with some surprise therefor that I read of a note put in the HOLMES system by the police on 29 March 2004 which states 'Miss White provided the following direction – where there is an allegation of physical assault and the injury has no broken bones or other suchlike condition the matter should not be investigated. Where there's a complaint of sexual abuse and physical abuse also mentioned then these should not be separated and both should be investigated'.
43. My initial reaction when I saw this comment was that I hadn't said that. To me the comment is very peremptory especially given the cooperative manner myself and the police had been working in and just how closely we had worked together.
44. I had a file of the meetings held with the police mainly to ensure that I could make any necessary arguments against any delay issues that could be raised through ECHR about any future prosecutions from the investigations discussed at our meetings. The file was left at Greenock when I moved on and the most recent of those discussions took place more than fourteen years ago. This file has not been found.
45. For this reason I would be wary of saying with 100% certainty that I did not say such things to the police but I just cannot imagine any circumstance in which I would have said it. In addition, the police involved knew me well enough that they would have immediately questioned me if I had said such a thing.
46. I can understand why, on reading such a direction, the police would perceive that cases involving minor allegations, should not be further investigated or reported, but I don't think there were any such "minor" allegations made. I don't like using the word "minor" when speaking of child abuse
47. We all know that, at the time many of these offences were carried out, corporal punishment was commonplace in schools and not against the law. But the assaults

we heard of from Quarriers went beyond that and were prosecuted on indictment. In one prosecution, a child was beaten until she wet herself. Such things are not 'minor' and I would argue that they should be dealt with on indictment such is the seriousness with which I view them. I also made use of the provisions of the Children and Young Persons Act to cover ill treatment and neglect.

48. If for instance the police had presented me with a case where somebody alleged that they had been given the belt at Quarriers in the normal way that the belt was given in schools in those days, while I'm sure it would have been painful, I would not have been able to proceed as this wouldn't have been against the law at that time. However, the cases presented went way beyond that.
49. Another thing I would say about that is that, when you are dealing with charges that concern crimes from thirty years ago, you would be looking to deal with it on indictment. It would be hard to justify a prosecution which was only worthy of summary complaint if it were of that age.
50. Whatever the police took from the meeting where I am alleged to have given the direction as stated above, I can only say that I just cannot imagine myself having said such a thing. It would have gone against everything I believed in. This can be seen in the prosecution of Mary Drummond, my precognition in respect of **QKR** **QKR**, the charges on the original petition against Ruth Wallace dated 27 February 2004, and my minute of 9 February 2004 to Mary Penman at Crown Office, less than 2 months before the meeting.
51. In the case against Mary Drummond, the papers of which are no longer available, I have kept a copy of the indictment and the charges included offences of violence resulting in injuries which fell well below the level of broken bones, for example bruising, as well as offences of cruelty and neglect. Mary Drummond pled guilty to charges on the indictment in February 2002.
52. The charges which I recommended in the precognition of the case against **QKR** **QKR** also involved offences of violence resulting in injuries such as bruising and

marking of the skin, as well as offences of cruelty and neglect. The case against [REDACTED] QKR [REDACTED] John Porteous went to trial at the High Court in July 2002.

53. I marked the case against Ruth Wallace on 26 February 2004 and it can be seen from the petition of that date that the majority of the charges which I libelled against her involved assaults on children not resulting in severe injury such as broken bones, but rather in bruising or pain. The assaults charged against her included striking a child on the head, seizing a child by the neck, emptying a bucket of potatoes over a child, and pushing a child down stairs.
54. These are just some examples of actions which I took which are inconsistent with the direction I am supposed to have given.
55. The minute of 9 February 2004 was sent to High Court Unit at Crown Office in connection with a defence petition for recovery of documents in the case of [REDACTED] QFX [REDACTED] QFX [REDACTED]. The defence petition included criticism of the "proactive role" taken by police in seeking to identify and trace further potential complainers in the case. In that minute, I have written: "The petition is correct in that the Police here have set up a special unit at Greenock and on disclosure/allegation then the Unit proactively seek out other witnesses and complainers. The majority of child abuse cases, in my experience, prove because of the application of the Moorov Doctrine and it is good policing practice, again in my opinion, to search out the other victims after a complaint has been made rather than wait on them contacting the Police. The reasons for this are self-evident- in psychological terms victims of child abuse disclose when the time is right for them, the Police have a duty to investigate crime and would be derelict in their duty if they did not proactively investigate cases, that is their function, after all, to detect and report crime to the Fiscal". As I noted in the minute, I considered (and still consider) that it is the duty of police to proactively investigate cases and report crimes to the Fiscal. This approach is again at odds with the direction that the Holmes entry apparently records.
56. It is for these reasons that I am so surprised by what is recorded in the Holmes log.

57. When Operation Orbona eventually closed down I must say I was surprised as I felt there was still work to do but that is for the police to speak about. During the operation the police had been proactive in seeking out other witnesses named by those making the allegations. In my view this was the proper thing to do as many such people would probably not have come forward of their own volition.
58. The final thing I would say about Operation Orbona is that it didn't just deal with people employed in Quarriers. There were some cases where the accused had been residents there whom allegations had been made against. While some of these were acquitted or had no proceedings taken in respect of them, there was certainly one such case during that time which led to a successful prosecution albeit that particular case didn't involve Quarriers.
59. This was the case v [REDACTED] who abused a number of younger children, one of the locations being the Children's Unit where he was a resident. He was prosecuted at the High Court on charges that took place between 2000 and 2003. [REDACTED] had been between thirteen and sixteen at the time of the offences and was seventeen when he was sentenced to 4 years. The oldest of his victims was twelve.

Involvement in cases concerning alleged abuse at Quarriers

Samuel McBrearty

60. In 1999 a report against a man called Samuel McBrearty was reported to the Fiscal's Office in Greenock. The case included allegations against him of child abuse while working at Quarriers. A petition was eventually prepared and he was committed for further examination on 30 June 2000.
61. The case was prepared by one of my fellow deposes, Tom Smyth, who forwarded the case to Crown Office. Crown Counsel instructed that one of the witnesses, [REDACTED] [REDACTED] also known as [REDACTED], be further precognosed by a female member of staff.

62. I had joined the office in the July so given my experience I was the obvious person to be allocated this task which was my first involvement with cases concerning Quarriers. I maintained responsibility for [REDACTED] but that was my only involvement with the case and Tom Smyth continued to have overall responsibility for the preparation of the case against McBrearty.
63. [REDACTED] was a very guarded individual who had great difficulty in discussing her evidence with others, especially men. I arranged to meet her with the Reporting Officer at a place of her choosing.
64. I took her precognition over the course of a day in KASP which is an office in Kirkcaldy that deals with victims of sexual abuse. It was a difficult precognition to take and she was very hostile when I first arrived and even refused to shake my hand. However, she eventually relaxed enough to allow her to speak of the evidence she had to give.
65. Afterwards she would phone me regularly for updates on the case and how it was progressing and sometimes simply just to talk. This is not unusual in such cases, for such witnesses to look for reassurances during the time before a trial. In those days we didn't have a Victim Information and Advice (VIA) working from Greenock so it was left to me to give [REDACTED] the support she needed.
66. Thereafter I required to give a lot of support to [REDACTED]. My view was that she had had a dreadful life and I found her account of what had happened to be credible. Prior to speaking to me [REDACTED] would have given a statement to the police and had already been precognosed by my colleague. In fact, she phoned me so often at one point that she suggested we should pay her phone bill.
67. Samuel McBrearty was prosecuted at the High Court and on 28 September 2001 was sentenced to 12 years imprisonment though this was later reduced to 10 years on appeal. [REDACTED] was one of those who gave evidence against him in court. I was present for the first day of the trial.

68. The police investigation into McBrearty was triggered by [REDACTED] allegation and thereafter the police investigation was restricted to tracing females only who, as children, had resided in the cottage at Quarriers where McBrearty managed. This was in view of the fact that the initial allegation had been of sexual abuse on a female.
69. During their investigations the police uncovered the names of [REDACTED], [REDACTED], [REDACTED] and [REDACTED]. Statements were thereafter taken from those named.
70. The investigation also uncovered the names of [REDACTED], [REDACTED] and [REDACTED]. In fact the accused actually gave the name of [REDACTED] during his police interview though not her address. The police were unable to trace these women though the defence did trace [REDACTED] who gave evidence on behalf of the accused at his trial.
71. It is worth noting that, at that time, there were no police guidelines in place with regards to the investigations of such crimes. This was written in a letter of 15 March 2004 about the case by Tom Smyth and I assume he means that there were no guidelines at the time into the investigation of crimes of abuse in residential settings.

Joseph Nicolson

72. It was the case v McBrearty that started the investigations into Quarriers. This was followed by the case v Joseph Nicolson who was CFE'd on 12 March 2001 with the case having been reported to the Fiscal's Office in 2000.
73. The case v Nicolson did go to trial though was also subject to an ECHR debate which was hard fought. ECHR was being used at that time by defence agents to try and prevent the prosecution of historical sex cases and other cases based on delay and age of the allegation.

74. The papers for the Nicolson case no longer exist but it was myself who prepared and prosecuted the case at Sheriff and Jury level on Crown Counsel's instructions. My recollection is that the case v Nicolson did not come out as a result of the investigations into McBrearty. McBrearty was convicted after Nicholson was CFE'd so I don't think McBrearty's conviction led to people coming forward to speak out against Nicolson.
75. Nicolson was convicted and sentenced to two years which, on appeal, was reduced to twelve months. My recollection is that this sentence was as a result of a change in the Section 4 sentencing. The appeal did not change the conviction, just the sentence.
76. The charges against Nicolson included Shameless Indecency, Sect 4 of The Criminal Law Amendment Act and lewd and libidinous behaviour. The law at that time in respect of sexual abuse of children was a bit of a minefield and charges had to be very carefully drafted depending on the age of the child involved.
77. I felt that the cases involving Quarriers started a real sea-change in the way in which defence agents dealt with such cases. Prior to this many such cases pled rather than going to trial but when Quarriers came along pleas began to dry up.
78. Nicolson certainly went to trial. There were a number of procedural hearings involved in the prosecution of Nicolson.

Mary Drummond

79. The next case was case v Mary Drummond which involved numerous procedural hearings. There were a number of procedural hearings prior to the plea being entered then numerous procedural hearings thereafter. In that case the witnesses didn't have to testify as Drummond pled guilty either on the day of the trial or at a preliminary diet. However, although the witnesses didn't have to testify, the number

of procedural hearings and delays meant that the whole process was extremely stressful for them as they came to court for each sentencing hearing.

80. The case v Drummond included charges of physical abuse of children in the 1950's through to the early 60's. The fact that the case was heard on indictment reflected the seriousness of the charges which involved five different complainers, these being [REDACTED] between when she was between eight and fifteen years old; [REDACTED] between her being five and twelve years of age; [REDACTED] between when she was two and nine years old; [REDACTED] or [REDACTED] between when she was seven and twelve years old; and [REDACTED] between when she was five and ten years of age.

81. From a check on the system, Drummond pled guilty to 5 charges of the Children and Young Persons (Scotland) Act 1937 and, when you read the narrative of these charges, it shows the horrendous way she treated these children that had been under her care.

82. The reading of these charges perhaps gives a flavour of how at least one house mother in Quarriers was treating the children in her care during the 50's and early 60's.

John [REDACTED] Porteous

83. The case against John Porteous was triggered by the probation officer for the witness [REDACTED], Jean Atkinson, contacting the police in January 2000 after being told by [REDACTED] that he had been abused as a child by John Porteous. [REDACTED] was contacted by the police because they found a report in Quarriers which showed he had made an allegation against John Porteous in 1982.

84. Although the police could not find a police report about this allegation, [REDACTED] himself, in his statement, speaks of a mattress being taken at the time for forensic examination and of being given a forensic medical examination.

85. This does suggest a police investigation was carried out when he made his initial complaint despite the police being unable to find a police report concerning it. My recollection is that it was the only instance of the police being called into Quarriers following an allegation.
86. John Porteous appeared on petition in respect of charges concerning [REDACTED] and [REDACTED] on 20 August 2001.
87. The evidence of [REDACTED] and [REDACTED] allowed me to prepare a case v John Porteous and recommend proceedings using the Moorov Doctrine to corroborate the charges. The difficulty with the charges was that [REDACTED] allegation had been made so long ago, come to nothing, had lain fallow and the defence might win an argument to have the charges involving [REDACTED] thrown out on the basis of this on ECHR. If that happened, the case against Porteous would have fallen.
88. However, after the case had been reported to Crown Counsel, [REDACTED] [REDACTED] came forward as a result of the publicity surrounding Samuel McBrearty being convicted and the perceived effect of abuse on her sister, [REDACTED]. She made allegations against not only John Porteous but also [REDACTED]
89. [REDACTED] also brought with her, her sister [REDACTED] who was so vulnerable that her partner told me on the phone that he did not think she would be capable of testifying due to mental health problems. During the preparation and proceedings of the case she required a huge amount of support and, despite all her problems, she somehow found the courage to give evidence.
90. John [REDACTED] Porteous then appeared on petition on 11 March 2002 on charges concerning [REDACTED] [REDACTED] and [REDACTED] [REDACTED]
91. On 20 March 2002 I was then contacted by the police who informed me that a man called [REDACTED] QLG had contacted them. [REDACTED] QLG had been mentioned by [REDACTED]

██████████ in his statement as being an older child at Quarriers who had been involved with him sexually. Previous attempts to trace ██████████ QLG ██████████ had proved unsuccessful.

92. Apparently what had happened at the time was that ██████████ QKR ██████████ had found out about ██████████ and ██████████ QLG ██████████. She told John Porteous who subsequently sexually abused him, ██████████.

93. ██████████ QLG ██████████ ██████████ had been approached by ██████████ QKR ██████████ to speak on behalf of John Porteous. It was clear that ██████████ QKR ██████████ was unaware of the sexual abuse going on.

94. At first I considered going straight to a precognition of ██████████ QLG ██████████ but, given the serious nature of the case, the trauma to the witness and the provisions of section 259, I thought a police statement would be an asset. I precognosced him the day after he gave his police statement.

95. Prior to David Whelan coming forward we were presented with a case where all the witnesses were seriously damaged due to the terrible lives they had suffered. David Whelan was different. He was a successful businessman who was well presented and eloquent. I don't think he had any previous convictions and he simply came across as believable. The others were believable but flawed.

96. When the case against ██████████ John Porteous came to court the indictment included multiple charges against ██████████ concerning assault and mistreatment of children and sexual offences, an assault, a section 12 and a breach of the peace against John Porteous. In the end, ██████████ ██████████ John Porteous was convicted of charges concerning ██████████ and David Whelan only.

97. In my opinion, while the evidence of ██████████ was clearly important as the case proved using the Moorov Doctrine, it was the evidence of David Whelan that ensured the conviction of John Porteous. Without him, it did not matter how credible

or reliable they found [REDACTED], as there was no corroboration without the application of Moorov and the verdicts returned show that the jury discounted the evidence of the other witnesses.

98. I precognosced most of the witnesses involved in the case against Porteous. [REDACTED] and [REDACTED] were particularly damaged individuals but both came across as credible. [REDACTED] even spoke of how he had been convicted of sexually abusing a young girl and said he could never have abused a young boy as that was what had happened to him. He did lay a lot of the blame on his consequent behaviour on what happened to him as a child.
99. When I say that I found the witnesses credible, I fully appreciate that it is the opinion of a jury that convicts a person, not my opinion. However, I am and was very experienced in taking precognitions from such people and to me there were too many similarities in their stories for them not to be telling the truth.
100. The evidence of David Whelan was, to me, the icing on the cake. Not only was he such a presentable person but his story matched that of the others. He had come out of nowhere of his own volition and, knowing that he would probably be attacked for [REDACTED] he was still willing to stand up in a public court to speak of the abuse he had suffered as a child at the hands of John Porteous.
101. By coming forward to give evidence David Whelan had nothing to gain and everything to lose which added to his credibility.
102. Of course, when I comment on the credibility of the witnesses, I had the advantage of having an overall view of the case which helped me come to the conclusion. I also had the advantage of listening to the recording of the police interview with John Porteous during which he came across as an angry, blustery and aggressive man.

Alexander Wilson

103. Other cases stemming from Operation Orbona include the case v Alexander Wilson, who was CFE'd on 17 June 2002, went to trial at the High Court 2 Feb 2004 after numerous delays, and was sentenced on 27 April 2004. [REDACTED] His case involved a number of complainers and charges and he caused considerable psychological damage to some of his victims, [REDACTED] in particular who had also been abused by other people.
104. [REDACTED] required an incredible amount of support to get her to court and her precognition had to be taken over a number of days. She had suffered a terrible life as a result of the abuse she received. She was very damaged and I believe she ended up in a psychiatric hospital after Wilson was convicted. She was removed from the later indictments in the [REDACTED] QFX [REDACTED] case.
105. The case v Wilson was another drawn out affair with numerous court hearings taking place. One of the main problems was that during the court process Wilson had a leg amputated leading to several delays on defence motions in the proceedings. Such delays are always stressful for the witnesses, especially in cases such as that.
- [REDACTED] QFX [REDACTED]
106. [REDACTED] QFX [REDACTED] was the next case and, again, I precognosed this case but it didn't go to trial until long after I had left the Greenock office. It didn't get to trial until four years later in 2008.
107. [REDACTED] QFX [REDACTED] was CFE'd and bailed December 2002. The preliminary diet was April 2004, which was after I had left and thereafter there were numerous procedural hearings.
108. [REDACTED] QFX [REDACTED] wasn't convicted until 2008 and that was only on one charge. The problem with that was that he had been prosecuted based on the Moorov Doctrine which would have required at least two charges to have been proven against him. What it did show was that, on that charge at least, the jury were convinced beyond all

reasonable doubt that he was guilty. Due to this the Crown didn't move for sentence.

109. The indictment included a number of complainers who had been children in his care at Quarriers. [REDACTED] had also been included on this indictment but had to be removed from it due to psychological problems.

110. The complainers were [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED].

Ruth Wallace and [REDACTED] QDM

111. The next case concerned Ruth Wallace and [REDACTED] QDM who was known as [REDACTED] QDM when she had been in care. This case was CFE'd on 18 March 2004. The original case was marked by me shortly before I moved on. It was reported to Crown Counsel by another member of staff. I have checked case management systems, which show that Ruth Wallace was convicted and received probation on 8 March 2006, while [REDACTED] QDM was not prosecuted on Crown Counsel's Instructions, possibly based on the fact that all the charges bar one concerned a time when she was classified as a child. From the paperwork it would appear that five members of the same family were involved in making the allegations in that case.

Other Cases

112. I have checked case management systems to obtain information on subsequent cases.

113. The next case concerned [REDACTED] QGH who was CFE'd 11 March 2004 and acquitted at trial 24 April 2006.

114. [REDACTED] QAK, [REDACTED] QDN and [REDACTED] QGR were CFE'd in March 2004. The case against [REDACTED] QAK appears to have been initially marked by me. [REDACTED] QAK and [REDACTED] QDN were acquitted after trial while Crown Counsel Instructed No Proceedings against [REDACTED] QGR. From the system and paperwork, it appears that they were children at the time of the alleged offences.
115. The next case was against [REDACTED], a case in which Crown Counsel instructed No Proceedings in August 2004 though he had appeared on petition after I left. From the system it appears that he was a child at the time of the alleged offences.
116. On 2 April 2004 I left the Greenock Office which basically also ended my involvement in cases concerning Quarriers.
117. A case was reported against [REDACTED] QGO which was dealt with by others in the Greenock Office after I left. Crown Counsel instructed No Further Action in June 2005. From the system it appears that he was a child at the time of the alleged offences.
118. A case was reported against Euphemia Ramsey and dealt with by others in the Greenock Office after I left. She appeared on petition on 20 October 2004 and was sentenced in August 2006 when she received a community service order. Despite her being a female and receiving a community service order, these charges were of a sexual nature.
119. I think it is fair to say that the investigation launched into the abuse at children in Quarriers became a learning curve not only for the police but also for COPFS.
120. While I'm sure many people would have been shocked by the revelations that came out of Quarriers, I can't say that I was one of them. Years of experience of dealing with cases of abuse of children had shown me that such crimes could take place anywhere. To me it seemed to be just a child's bad luck to be in a place where perpetrators of such crimes had access to them.

121. Of course the thing about a place like Quarriers is that it was a haven for the best of people but also for the worst of people. Children in such places are vulnerable, needy and if you are the one in charge of them then you become the pillar of the community while they are the ones from abusive homes, maybe even having been sexually abused. All of this can be used and turned against the child by a perpetrator. It makes it more difficult for the child to be believed in later life.

Victims of abuse giving evidence in court

122. I recall being in Glasgow and being approached by a defence solicitor I hadn't seen for some time. He asked me what I was working on and when I told him I was in the Child Witness Unit, he replied "Ah, the fantasy world of children". Unfortunately, that was how some people saw these children.
123. When adults who were abused as a child come to give evidence in court they have particular difficulties. Many of them have had to live with both mental and social problems, often as a result of the abuse, and the way in which they tend to give their evidence can sometimes make them unappealing or not believable to a jury.
124. Take [REDACTED] as an example. I could see why she would not appeal to a jury. When I was in the Child Witness Unit, I took evidence from a young girl whose life meant that the way she had revealed her abuse could have been used to discredit her evidence.
125. However, I was able to call a psychologist to give evidence to explain to the jury that it was normal for a person like that to only be able to relate their story in a fragmented way. This was not the psychologist saying to the jury that the witness should be believed but, rather, she was saying that the witness should not be disbelieved simply because of the way she related what happened to her.

126. The psychologist was also able to explain to the jury that, while how the witness came over might not make them appealing to a jury, it was normal for those who have suffered abuse to act in such a way. A conviction was obtained in that case. In more general terms and not related to any particular case, a psychologist can explain how those who have been abused do run away, do self-harm, they do self-medicate, they do have a chaotic lifestyle. None of this meant that they weren't telling the truth.
127. It is a simple fact of life that juries, like people from all walks of life, find it easier to believe somebody who is presented as neat and tidy, likable and coherent. Unfortunately many of those who have suffered abuse as children don't come across like that and simply don't appeal to a jury.
128. On the opposite side of the coin the jury could be presented with an accused who, on the face of it, presented themselves as a pillar of the community, well presented, coherent and without a blemish to their character. The sort of person who could come across as believable. Of course, these would be the very things that the defence lawyers would put across saying to the jury "How could you not believe somebody as upstanding as my client over the witnesses presented by the prosecution?"
129. I recall when I was dealing with the case v Joseph Nicolson, I spoke to a lovely old lady who was speaking on behalf of the accused. She said "but such things can't be true. This is a man who dedicated his life to God". I remember thinking that the accused had not only betrayed the children and God, he had also betrayed that lovely old lady who had had so much faith in him.
130. Having a psychologist be able to say this to a jury was particularly helpful to the prosecution of a case, and very powerful evidence, but this came to a stop for a while with the case v [REDACTED] This was an Argyll and Clyde case involving the abuse of children.

131. The original case was dealt with on summary complaint but later the case was considered for High Court proceedings. I dealt with the summary case.
132. The High Court refused the prosecution permission to call a psychologist which ruled out the possibility of using such a witness in a court until this eventually changed with the introduction of The Vulnerable Witness Act in 2004.
133. In years gone by, if a child was going through the court process it was almost pot luck who they got to deal with them. I recall one particularly nasty case in the late 1980s where a twelve year old girl had been sexually assaulted involving digital penetration and I called the police to ask for an ID parade to be carried out but asked that the child be hidden by a screen.
134. An admin colleague in the room with me said she had never heard anybody make such a request. I just thought 'why wouldn't you make such a request? Why wouldn't you try and protect a vulnerable child?'
135. Then in court you would see the different way in which the sheriffs dealt with the children. In the case of that twelve year old girl the sheriff sentenced the accused to three years' probation and almost blamed the girl saying she should have been in school when the assault happened.
136. Yet in another case Sheriff Gow allowed a child to give evidence while sitting on her mother's knee. That simply wouldn't happen nowadays but these examples show the breadth of spectrum in the way children were dealt with in court.
137. With the later recognition of how children should be dealt with in court we had video links introduced allowing children to give evidence without being under the glare of the accused. This put children more at ease and enabled them to give evidence in a more comfortable situation rather than in the formal gathering of a courtroom.

General view of Quarriers

138. When I was dealing with the cases from Quarriers, reading the police statements and precognosing the witnesses I was of the view that I was hearing of dreadful things. I was hearing of different times and of things that ordinary people wouldn't have comprehended. They couldn't imagine that such things happened to children and, even worse to children under the care of those abusing them.
139. There were a lot of misconceptions about child sexual abuse in society, like the old lady I mentioned earlier who said the accused couldn't have done such things as he was a man who had dedicated his life to God. I can understand that the concept is truly too awful to contemplate for decent and honourable people.
140. In terms of physical abuse, even nowadays people struggle with the idea of chastisement of children and there is even a debate in Parliament as to whether parents should be allowed to smack their children.
141. There were people who worked at Quarriers who believed such things didn't happen. **QKR** is an example. She actually phoned David Whelan to ask him to speak on behalf of John Porteous. **[REDACTED]**
[REDACTED]
142. The very nature of sexual abuse means it is carried out away from prying eyes. The perpetrator ensures that such things are done in private without witnesses other than the victim.
143. I doubt if the jobs as house parents in Quarriers were all that attractive to most people. They were working long hours in difficult circumstances with a large number of children who could have very particular needs. I believe that many house parents would have been too busy with their own cottage to be concerned with what was going on in others. It was also very different days in child care terms.

144. That might explain why so many people working at Quarriers claim they didn't know that the abuse was happening. I think there could have been a variety of reasons as to why some people thought that way.
145. I have spoken to some of the witnesses who say that they reported what was happening at the time but I don't know if it was ever officially recorded. Of course it must also be queried whether or not the children had the appropriate language to make it clear what was happening to them.
146. Take for example the use of the word 'tickle'. A child could talk about being tickled meaning just that, but experience with such cases shows that it can also be a way for a child to explain that they were being sexually abused. It is just what the perpetrator calls the act. A child might say to their granny "I hate it when he tickles me". Granny does not realise that tickle is not tickle but something much more sinister happening and does not realise what she is being told. So the child has, in their mind, disclosed what happened and yet nothing is done.
147. With regards to how seriously Quarriers took their responsibility for the wellbeing of the children, we would have to look at the way things were at the time. During the war we lived in a world where we pinned a child's name to their coat and sent them away to be cared for fully expecting no harm would come to them.
148. In the 60's that attitude continued and people believed that children would always be looked after properly and in a safe environment because they couldn't perceive otherwise. The view was that once a child was in a place like Quarriers they were safe and I believe those who ran Quarriers were of the same opinion.
149. Quarriers was set up with the best of intentions but were clearly naïve in their belief that simply because somebody wanted to work with children meant that they were the proper type of person to do so. The position and authority of the house parents and the relative lack of power of their charges meant abusive behaviour was able to take place over long periods of time.

150. Take for instance the fact that we hear of children being abused when people have taken them out. This wasn't unique to Quarriers and happened all over but it is the lack of safeguards and vigilance by society that allowed perpetrators to carry on in this manner.
151. I believe that many of those who were later prosecuted for what they did while at Quarriers would never have anticipated the sea change that would come from people eventually being able to speak out. I think that as they perpetrated their crimes they believed that they could act with impunity as nobody would ever take the word of a child over their word. Different days but now in a good way.
152. When dealing with all these cases I did note that in some cases the accused were related. However, there was nothing that suggested to me that any of them were acting in concert.
153. Having said all of this I feel it is only fair to say that I am sure that in very many instances Quarriers will have got things right and I am sure that many children would have come through their system with only happy memories. It would seem to have come down to what cottage the children were in and what house parents they got. Of course, the same can be said throughout society and sometimes it is the case that children are abused because they have the misfortune of being born into the wrong family.
154. The whole concept of child care is that there has to be constant vigilance. We as a society can never let down our guard and must always be watchful of children and be aware of those who would abuse them.
155. If somebody was to ask me how it was that abuse was able to happen on such a scale over such a period of time I would say it came down to several factors. First of all it was a different time. Children weren't believed even if they did speak out but perpetrators of such crimes know how to keep their victims quiet. When the perpetrator is somebody who has complete responsibility of the child then it becomes even harder for the crime to be detected.

156. I have no objection to my witness statement being published as part of the evidence to the Inquiry. I believe the facts stated in this witness statement are true.

Signed..... 

Dated..... 2. 11. 18